

Norwich Selectboard

Special Meeting: Thursday, April 16, 2026 – 6:30 p.m.

Tracy Hall Multi-Purpose Room

This meeting is being held in-person and via ZOOM

ZOOM access information: <https://us02web.zoom.us/j/89116638939> Meeting ID: 891 1663 8939
US Toll-free: 888-475-4499 (Press *9 to raise hand; Press *6 to unmute after being recognized by Chair)

NOTE: To be admitted to Zoom, you must display a First and Last Name

Welcome & Introductions

1. Agenda – Discussion/Motion
2. Chair’s Report
3. Public Comments for Items not on the Agenda – Discussion
4. Consider Response to Alleged Open Meeting Law Violations by Christopher Katucki – Potential Proposed Executive Session
5. Adjournment – Motion

Notice of Open Meeting Law Violation under 1 V.S.A. § 314 by the Norwich Selectboard

From Chris Katucki <ckatucki@outlook.com>

Date Thu 4/9/2026 10:02 PM

To Select Board <selectboard@norwich.vt.us>; Brennan Duffy <BDuffy@norwich.vt.us>

Cc Miranda Bergmeier <MBergmeier@norwich.vt.us>; Kimo Griggs <kimogriggsnorwichselect@gmail.com>

April 9, 2026

Subject: Notice of Open Meeting Law Violation under 1 V.S.A. § 314 by the Norwich Selectboard

To: Norwich Selectboard and Town Manager Duffy

Please treat this email as written notice under 1 V.S.A. § 314 of alleged violations of Vermont's Open Meeting Law by the Norwich Selectboard as described below and to request that the Selectboard cure the violations as set forth below.

Date and time of occurrence

January 23–26, 2026, in a quorum email exchange, and in connection with the January 28, 2026, Selectboard's regular meeting.

Name of public body

Norwich Selectboard.

Specific violations alleged

1. The agenda description for item 6 did not satisfy 1 V.S.A. § 312(d)(3).

The posted agenda described item 6 as: "Fire District Tax Exemption Agreement – Discussion/Possible Motion, Possible Executive Session (30 mins)." At the meeting, the Board entered executive session under 1 V.S.A. § 313(a)(1)(E), with the motion referencing "potential litigation."

Section 312(d)(3) requires that a meeting agenda contain sufficient detail concerning the specific matters to be discussed. It further provides that whenever a public body includes an executive session on a posted agenda, the item shall be listed as "proposed executive session" and shall indicate the nature of the business of the executive session.

Item 6 did not identify the matter as a "proposed" executive session and did not adequately indicate the nature of the business for which the Board would invoke § 313(a)(1)(E). As posted, the agenda did not fairly inform the public that the Board would consider entering executive session to discuss litigation matters. It is likely that I would have attended the meeting had notice been proper.

2. The agenda description for item 8 did not satisfy 1 V.S.A. § 312(d)(3).

The posted agenda described item 8 as: "Draft Audit Process Question – Discussion/Possible Motion, Possible Executive Session." At the meeting, the Board immediately entered executive session under 1

V.S.A. § 313(a)(4).

Section 312(d)(3) requires that a meeting agenda contain sufficient detail concerning the specific matters to be discussed. It further provides that whenever a public body includes an executive session on a posted agenda, the item shall be listed as “proposed executive session” and shall indicate the nature of the business of the executive session.

Item 8 did not identify the matter as a “proposed” executive session and did not adequately indicate the nature of the business for which the Board would invoke § 313(a)(4). As posted, the agenda did not fairly inform the public that the Board would consider entering executive session under the disciplinary/dismissal subsection. It is likely that I would have attended the meeting had notice been proper.

3. The Board’s public explanation and motion to enter executive session during the discussion of agenda item 6 did not adequately indicate the nature of the business as required by 1 V.S.A. § 313(a). Nor did it satisfy the requirements of section 313(a)(1) that the Board make a “specific finding” or of Trombley v. Bellows Falls Union H.S. that the Board make a “careful analysis”.

According to the approved minutes, the Chair stated that she would welcome the chance to discuss the letter [in the packet] in executive session due to legal questions. There followed a reference to the historic relationship between the Town and the Fire District, as well as comments by member Calloway about actions by the Listers. The nature of any dispute involving the Fire District or a tax exemption was not mentioned.

Member Calloway then moved to enter executive session citing potential litigation and disclosure of confidential information. The second motion referenced 1 V.S.A. § 313(a)(1)(E).

Section 313(a) requires that a motion to go into executive session indicate the nature of the business of the executive session, and no other matter may be considered there. In addition, an executive session under 1 V.S.A. § 313(a)(1)(A)-(F) requires that the Board make a “specific finding” regarding premature general public knowledge and substantial disadvantage. That finding involves a “careful analysis” and “case-by-case determination” prior to entering executive session according to the decision in Trombley v. Bellows Falls Union H.S.

Here, none of that occurred. In 2025, the Selectboard Chair was contacted by the Attorney General's Office regarding the failure to make the necessary specific finding.

4. The Board’s public explanation and motion to enter executive session during the discussion of agenda item 8 did not adequately indicate the nature of the business as required by 1 V.S.A. § 313(a).

According to the approved minutes and transcript, the Chair stated under item 8 that there was: “a question about confidentiality in the draft audit review process” and member Calloway then moved to enter executive session under 1 V.S.A. § 313(a)(4).

Section 313(a) requires that a motion to go into executive session indicate the nature of the business of the executive session, and no other matter may be considered there.

Here, the public explanation referred to confidentiality in the draft audit review process, while the motion invoked § 313(a)(4), which applies to “a disciplinary or dismissal action against a public officer

or employee.” On the face of the public record, the explanation given in open session did not clearly identify the nature of the business and did not clearly align with the subsection invoked.

The statement after executive session similarly described the matter as concerns the Town Manager had “with the process of releasing the draft audit to officials” and stated that no action was being considered at that time. That public description further suggests a mismatch between the explanation given and the statutory basis cited.

5. The Jan. 23–26, 2026 email exchange appears to have exceeded the limited exception in 1 V.S.A. § 310(5)(B).

Section 310(5)(A) defines a meeting as a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body. Section 310(5)(B) excludes certain communications, including those by email, only when they are for the purpose of scheduling a meeting, organizing an agenda, or distributing materials, provided that no other business of the public body is discussed.

Records produced by the Town in response to a public records request show a quorum-inclusive email chain among Selectboard members from approximately January 23 through January 26, 2026 regarding whether to add item 8 to the agenda and whether to include an executive session. The readable portions of those records include statements such as:

- I do not support this at this time. [2 lines redacted].
- I am comfortable taking an executive session if necessary. [3 lines redacted].
- As I was not contacted by Pam Smith, I want [1 line redacted].
- I would like an executive session so that [2 paragraphs redacted].
- I am assuming the SB and TM, not others who might be the subject of or will be invited to be part of the discussion.
I am assuming a statement afterwards, and a possible action.
Could this matter be discussed in public in a civilized manner?
- It is not clear [1 line redacted].
- If an executive session is deemed necessary, I would [2 lines redacted].

These statements appear to go beyond merely scheduling a meeting, organizing an agenda, or distributing materials. They appear to reflect discussion among a quorum regarding whether and how the Board should handle public business, including whether the matter should be taken up in executive session and who should and should not participate.

The Town has redacted portions of this exchange asserting deliberative and legislative type privileges. Those PRA exemptions, however, do not resolve the Open Meeting Law issue. To the contrary, the readable portions already suggest substantive discussion beyond the narrow exception in § 310(5)(B).

Even if the redacted portions would properly occur in executive session, that discussion must take place in the context of a duly warned public meeting, not by email. It also seems likely that parts of the redactions go to the merits of holding an executive session, which should occur in public.

Specific cure requested

I request that the Selectboard:

1. **Acknowledge** that the description in the meeting agenda for items 6 and 8 did not satisfy 1 V.S.A. § 312(d)(3).

2. **Acknowledge** that the Selectboard's explanation of the reason for going into executive session with respect to agenda items 6 and 8 did not comply with 1 V.S.A. § 313(a).
3. **Disclose** the nature of the legal dispute regarding agenda item 6.
4. **Acknowledge** that the Jan. 23–26, 2026 quorum email exchange constituted a meeting of the Selectboard that did not occur in compliance with the Open Meeting Law.
5. **Release** to the public the Jan. 23–26, 2026 emails without the redactions referencing 1 V.S.A § 317(c) (17).
6. **Take** reasonable steps to avoid similar violations in the future, including disclosing the nature of executive session in meeting agendas and developing instructions to accompany draft motions to assure Trombley is followed.

Thank you for your consideration of this matter.

Sincerely,
Christopher Katucki