

Town of Norwich, Vermont
Minutes of the Special Meeting Selectboard Meeting
Wednesday, April 22, 2026

Active Participants at Tracy Hall: Kimo Griggs (SB Chair), Brendan Classon (SB Vice Chair), Matt Swett (SB member), Mary Layton (SB member), Rob Gere (SB member), John Carroll (Town member), Pam Smith (Lister)

Active Participants on Zoom: Brennan Duffy (Town Manager), Beriah Smith (SP&F Attorneys)

Key: *Motions noted in italics.*
Public comment noted in blue.

The meeting was called to order by Chair Kimo Griggs at 5:32 pm.

YouTube Timestamp: 6:40

1. Agenda

Timestamp: 7:45

Griggs asked to remove the Chair's Report, as it would be covered during the regular meeting.

I move to approve the agenda as amended to remove the chair's report. – Layton moved (2nd Swett) Vote: yes (unanimous)

2. Public Comments

Timestamp: 8:30

No public comments.

3. Consider Response to “Notice of Open Meeting Law Violation under 1 V.S.A. § 314” sent by Christopher Katucki to the Norwich Selectboard on April 9, 2026.

Discussion/Possible Motions; Proposed Executive Session under 1 V.S.A. § 313(a)(1)(E) regarding probable litigation, and 1 V.S.A. § 313(a)(1)(F) regarding confidential attorney-client communications made for the purpose of providing professional legal services to the body.

Timestamp: 8:45

Layton explained that the Selectboard was still somewhat struggling to know how much information to include with their entrance to executive session. Layton reflected that they had thoroughly exhausted what was known in the last session and that they had not gotten to the point of receiving counsel during that meeting.

Swett shared a motion that was later withdrawn.

Attorney Beriah Smith explained that to meet the exceptions that the Selectboard was trying to enter executive session under, they needed to first make a motion finding substantial disadvantage and provide an accompanying explanation, followed by a motion to enter into executive session for the purposes of receiving legal services relating to the matter.

Duffy suggested using the motions prepared by the town staff for the prior meeting.

Swett shared a motion that was later withdrawn.

Selectboard members discussed the language around disadvantage referenced in the related statute.

John Carroll shared that the term “finding” is based on information presented that makes clear that there is the hazard described, but that there is no specific evidence referenced in this case to support the finding.

Layton stated that she wanted to know the basis for redaction for the Public Records Act and whether the email chain was covered under the basis of agenda creation.

Classon shared a request from Pam Smith for a more cadenced order of discussion to facilitate minute taking. Classon suggested an order of discussion of the violations in a public setting.

Layton explained that she considered her questions to be findings and that she did not want to waste time discussing this again after the previous three-hour meeting.

Classon spoke in favor of continuing the discussion and shared concern about entering executive session and “perpetuating the doom loop of what we’re trying to solve.”

Beriah Smith explained that the finding could be that they intend to have confidential communications with the attorney in executive session, as holding those conversations in public would risk waiving attorney client privilege and could result in litigation.

Classon reflected on the difficulty of the charge of the Selectboard, the town's checkered history with the open meeting law, and the drawbacks of executive sessions.

Swett countered that there was a three-hour discussion at the last meeting in a public session and that this constituted an appropriate time to get privileged counsel due to the ongoing litigation. Swett emphasized that the Selectboard is still learning the appropriate language to use in a motion.

I move to find that premature public knowledge of attorney-client communications concerning Open Meeting Law violation allegations would place the Selectboard at a substantial disadvantage, including by potentially waiving attorney-client privilege and disclosing confidential information. – Swett moved (2nd Layton) Vote: Yes (Layton, Swett, Gere), no (Griggs, Classon)

Selectboard members debated the possible rescission of the vote and the use of the term “finding.”

Beriah Smith clarified that there needed to be a finding that premature public knowledge of what would be discussed would put the board at a substantial disadvantage.

Selectboard members and Duffy debated motion language.

Under 1 VSA § 313(a)(1)(F), I move to enter executive session for attorney-client communications for the purpose of receiving legal advice regarding Mr. Katucki's allegations of Open Meeting Law violations, and to invite legal counsel and the Town Manager. – Swett moved (2nd Layton) Vote: yes (Layton, Swett, Gere), no (Griggs, Classon)

Time entered executive session: 5:58 pm

I move to enter public session. – Swett moved (2nd Layton) Vote: yes (unanimous)

Time entered public session: 6:26 pm

Griggs shared that during the executive session, the Selectboard asked questions of counsel and received advice on how to respond to the Katucki complaint so that they would be prepared to vote at the regular meeting.

4. Adjournment

Timestamp: Not included in recording.

I move to adjourn the meeting. – Layton moved (2nd Swett) Vote: yes (unanimous)

Meeting adjourned at 6:26 pm.

Minutes taken by Jenny Tolman.