

Norwich Selectboard

Special Meeting: Wednesday, May 27, 2026 – 5:30 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. Public Comments for Items not on the Agenda – Discussion
3. Consider Response to Katucki Suit – Proposed Executive Session
4. Adjournment – Motion

Note from Selectboard Chair:

This special meeting was planned specifically to discuss a lawsuit brought by Mr. Katucki against the Town of Norwich and may include an executive session. The plaintiff has appealed the denial of a request for public records. Supporting documents have been made available to the Selectboard and the Public in a packet produced for this meeting, including the Complaint, two letters to the Selectboard from Mr. Katucki and notes written by me regarding the complaint.

On February 2, 2026 the plaintiff requested emails and other communications from the January 2026 time-frame, between selectboard members and between selectboard members and town staff, including the Town Manager. A similar request for February communications was later made. Because the requests were made to the Town Manager as the assumed Custodian of Public Records, the follow-on complaint was also handled by the Town Manager.

The plaintiff has disabilities that do not allow them to inspect documents at the Town Hall. Vermont Statute is not clear as to how to provide alternative access for those requiring special accommodation or what digital alternatives might be considered equal, and Norwich has no policy regarding these things. The Town Manager engaged counsel to determine three different ways that might satisfy the needs of the plaintiff. During an executive session the Selectboard considered the three options and asked the Town Manager and counsel to propose one of them to Mr. Katucki. The Selectboard has not weighed in on the complaint since that executive session.

The option chosen by the Selectboard as a proposed solution may have been treated as a final offer by the Town Manager, and Mr. Katucki has now sued the town to gain access to the public records he requested.

I hope that we might consult with counsel to determine the best way forward for the Town and to satisfy the interests of Mr. Katucki. I do not personally believe there was nefarious or dishonest behavior behind this suit, but rather a misunderstanding regarding how to supply public records in an efficient way to a citizen who requests them, in the absence of a policy regarding how to do so for a citizen who is not able to visit Town Hall in person. My hope is that the Selectboard will find a way to settle the suit amicably and quickly.

Kimo Griggs
Norwich Selectboard Chair



Kimo Griggs <kimogrignorwichselect@gmail.com>

Second Notice Under 1 V.S.A. § 314 — Open Meeting Law — Request for Further Relief

1 message

Chris Katucki <ckatucki@outlook.com>

Thu, May 21, 2026 at 11:55 AM

To: Select Board <selectboard@norwich.vt.us>, Kimo Griggs <kimogrignorwichselect@gmail.com>, Brendan Classon <bjclasson.norwichsb@gmail.com>, Matt Swett <mswettselectboard@gmail.com>, Mary Layton <marydlayton@gmail.com>, "robert.gere.norwich@zohomail.com" <robert.gere.norwich@zohomail.com>

Cc: Brennan Duffy <bduffy@norwich.vt.us>, Miranda Bergmeier <MBergmeier@norwich.vt.us>, "Beriah C. Smith" <bsmith@firmspf.com>

May 21, 2026

Second Notice Under 1 V.S.A. § 314 — Open Meeting Law — Request for Further Relief

Dear Chair Griggs and Selectboard Members:

At the outset, I want to express my appreciation for your hard work in addressing my Notice of Open Meeting Law violations. The Selectboard deserves credit for its engagement on these issues. Acknowledging the violations, adopting three corrective policies, and publishing the email chain were meaningful steps.

Nonetheless, this second notice flags an unfilled statutory obligation of the Selectboard and requests additional relief to secure the public's full remedy under section 314 of the Open Meeting Law. I am asking the Selectboard to complete the task it has already shown it is willing to do.

As explained more fully below, section 314(b)(4) requires the public body to ratify or void the actions taken in violation of the Open Meeting Law. By necessity, that requires additional disclosures in the circumstances here. In addition, further information has come to light indicating that certain relief I should have explicitly requested initially is also warranted.

The Obligation to Ratify or Void

Section 314(b)(4) of the Open Meeting Law provides that when a public body acknowledges an OML violation, it "shall" take corrective action. Subsection (A) requires the body to "vote to ratify or void any action taken at or resulting from" the OML violation. That obligation is not discretionary and does not depend on a complainant's request. Moreover, it is in addition to subsection (B), which requires the body to adopt specific measures to prevent future violations.

Ratify or Void Requires Disclosure

Ratification or voiding is meaningful only if the public body discloses what action "taken at or resulting from" is being ratified or voided. The Selectboard has acknowledged that both executive sessions on January 28 were improper. The public was excluded from approximately two-thirds of that meeting and still does not know what their elected officials discussed behind closed doors.

The public is entitled to know what Town business a quorum of the Selectboard discussed with the Town Manager regarding agenda items 6 and 8. Such disclosure is not reckless — it is what the Open Meeting Law requires. There is no executive session privilege against disclosure. Even if there were, it would not attach to an executive session that was itself improper.

Three members of the current Selectboard and the Town Manager were present during both executive sessions on January 28 and are in a position to provide a full account. Following each session, the Chair offered only brief public statements that fall far short of what ratification or voiding requires. The public is entitled to know what was discussed, whether any materials were distributed, and what rationale supports the public statements.

Further, an email from the Town Manager prompted the executive session on agenda item 8. An unredacted version of the email should be made public. The Town's redacted version discloses that the Town Manager believes there is "ongoing inappropriate and concerning behavior by elected officials of the Town." The names of the officials are not redacted but the allegations are blocked out — the opposite of what one would expect. In newly revealed information, one Selectboard member's email characterized the request for the executive session as a "witch hunt." The public is entitled to know the full context of what was discussed about these elected officials behind closed doors to draw its own conclusions.

Further Cure Needed

The recently released emails reveal a gap in the relief I originally requested. The Selectboard has conceded that emails sent to a quorum of its members should not be redacted, yet it has not released all emails related to agenda items 6 and 8. Those communications represent discussions the Open Meeting Law required to occur in a public forum. I am requesting those emails now as part of the full corrective relief section 314 requires.

Also, as you know, I have filed suit against the Town under the Public Records Act. Counts I and II allege PRA violations for improperly redacting emails involving a quorum of the Selectboard — the same category of communications at issue here.

The Town has invoked legislative privilege, deliberative process privilege, and 1 V.S.A. § 317(c)(17) to justify those redactions. If the Town continues to shield those kinds of communications from disclosure on such grounds, the Town has not taken the “specific measures that actually prevent future violations” that section 314 requires.

Relief

I ask the Selectboard to provide the following relief:

1. Disclose the substance of both executive sessions held on January 28 on agenda items 6 and 8, including what was discussed, whether any materials were distributed, and what rationale supports the public statements issued. Materials distributed should be made public.
2. Release an unredacted version of the Town Manager’s email that precipitated the executive session on agenda item 8.
3. Release all emails related to agenda items 6 and 8 that have not yet been made public, including written communications sent to a quorum of the Selectboard.
4. Vote to ratify or void the actions taken at or resulting from the two executive sessions held on January 28, as required by 1 V.S.A. § 314(b)(4)(A).
5. Adopt a policy acknowledgment that legislative privilege, deliberative process privilege, and 1 V.S.A. § 317(c)(17) do not shield written communications sent to a quorum of the Selectboard from disclosure under the Public Records Act. Such an acknowledgment may resolve several outstanding issues in Counts I and II of the PRA suit.

Thank you for your consideration of this matter.

Sincerely,
Christopher Katucki
Norwich, Vermont



Kimo Griggs <kimogrignorwichselect@gmail.com>

Selectboard Special Meeting on May 27: "Consider Response to Katucki Suit – Proposed Executive Session."

4 messages

Chris Katucki <ckatucki@outlook.com>

Sun, May 24, 2026 at 1:31 PM

To: Select Board <selectboard@norwich.vt.us>

Cc: Kimo Griggs <kimogrignorwichselect@gmail.com>, Brendan Classon <bjclasson@gmail.com>, Mary Layton <marydlayton@gmail.com>, Matt Swett <mswettselectboard@gmail.com>, "robert.gere.norwich@zohomail.com" <robert.gere.norwich@zohomail.com>, Miranda Bergmeier <MBergmeier@norwich.vt.us>

May 24, 2026

Selectboard Special Meeting on May 27: "Consider Response to Katucki Suit – Proposed Executive Session."

Dear Selectboard members:

The Selectboard has scheduled a special meeting for May 27. The principal agenda item is "Consider Response to Katucki Suit – Proposed Executive Session." No packet materials have been provided to the public. In the interest of transparency, I am attaching a copy of the Complaint. Since it is a long document, a short summary follows.

On February 2, I asked for:

- (a) all written communications among or between Selectboard members from January 1 through January 31, 2026, and
- (b) all written communications from the Town Manager to any Selectboard member during the same period.

The Town Manager produced 317 pages of emails for that month. Many contained redactions. Draft agendas and motions were withheld in their entirety. After inspecting the documents through a ShareFile link, I filed an administrative appeal. The Town Manager — the same person who decided the initial request — essentially denied the appeal. Thereafter, I filed a complaint in the Superior Court.

The Complaint sets forth five legal claims, or counts. Below is a brief summary of each. These summaries are intended to describe each claim plainly and do not limit the legal arguments set forth in the Complaint.

Count I (¶73). Whether written communications among a quorum of Selectboard members concerning Board business must be disclosed under the Public Records Act. The Town claims the deliberative process and legislative privileges shield them from disclosure, even though those communications should have been made at a public meeting under the Open Meeting Law. This Count does not seek emails involving less than a quorum of Selectboard members.

Count II (¶90). Whether written communications between the Town Manager and a quorum of the Selectboard concerning Board business, including draft agendas and motions withheld in their entirety, must be disclosed under the Public Records Act. The Town claims the deliberative process and legislative privileges shield them from disclosure, even though those communications concerned Selectboard business that should have been conducted in public under the Open Meeting Law. Count II does not seek emails involving less than a quorum of Selectboard members.

Count III (¶107). Whether a written communication from the Town Clerk to the Town Manager with a copy to the Selectboard Chair concerning Town meeting must be disclosed under the Public Records Act. The Town claims the deliberative process and legislative privileges shield it from disclosure, even though the Town Clerk is an independent elected official, not subject to Town Manager or Selectboard control.

Count IV (¶119) Whether the Town may prohibit Plaintiff from publishing or sharing photographs (screenshots) he took of public records during a records inspection without first paying \$545.40 in staff-time charges to produce the records. The Town acknowledges that it cannot charge a requester to inspect public records but claims it can charge the full amount if the requester uses, for example, a cell phone to photograph at least one document.

Count V (¶130). Whether the Town may charge Plaintiff \$545.40 in staff-time costs as a condition of receiving copies of public records. The Town claims the full amount is authorized by the Public Records Act, even though much of the itemized time was spent consulting with outside counsel. See Complaint at ¶132 for the itemization. In Vermont, a party

may inspect public records without charge. If the requester wants a copy thereafter, the PRA allows a Town to charge for staff time "directly involved" in complying with a request for a copy when that time exceeds 30 minutes. Other state statutes are more specific, expressly allowing for time spent in search, retrieval, and redaction.

I encourage the Selectboard to meet with counsel regarding the Complaint. When you meet with counsel, you may want to ask for a merits assessment of each count — that is, counsel's view of the Town's likelihood of success on each claim — as well as a realistic estimate of the cost of litigation through trial. A general statement that the Town will "vigorously defend" all claims is not a merits assessment; you are entitled to counsel's candid professional judgment, count by count.

You may also want to be aware that, to the extent Town counsel advised the Town Manager on these issues, counsel is effectively being asked to assess the merits of their own prior advice.

Finally, Vermont law allows a court to award the plaintiff's attorney's fees if the Town does not prevail. The Town's cost exposure is therefore not limited to its own legal fees.

The Selectboard will be asked on May 27 to decide how to respond to this suit. I hope this summary helps ensure the Board is fully informed about what is at stake before that decision is made. Thank you for your time and consideration.

Respectfully,

Christopher Katucki

 **katucki v norwich_PRAcomplaint_2026-05-04.pdf**
312K

Kimo Griggs <kimogriggsnorwichselect@gmail.com>
To: Chris Katucki <ckatucki@outlook.com>
Bcc: Kimo Griggs <kimogriggsnorwichselect@gmail.com>

Mon, May 25, 2026 at 11:45 AM

Thank you Chris.

I expected the warning for the special meeting to go out Tuesday morning of this week, immediately following the holiday. When I received feedback from other selectboard members earlier than anticipated I asked that it be warned immediately, subject to the addition of packet items from me on Tuesday morning. I'm still working on what to include but you should see something in the morning. I will make sure your letter sent to selectboard@norwich.vt.us is included in the packet as well.

I look forward to our Selectboard meetings on Wednesday and hope for useful, productive discussions.

Thank you again, Kimo Griggs

[Quoted text hidden]

Chris Katucki <ckatucki@outlook.com>
To: Kimo Griggs <kimogriggsnorwichselect@gmail.com>

Mon, May 25, 2026 at 5:48 PM

Thanks for the update.

[Quoted text hidden]

Chris Katucki <ckatucki@outlook.com>
To: Kimo Griggs <kimogriggsnorwichselect@gmail.com>

Mon, May 25, 2026 at 5:48 PM

Thanks for the update.

On May 25, 2026, at 11:45 AM, Kimo Griggs <kimogriggsnorwichselect@gmail.com> wrote:

[Quoted text hidden]

STATE OF VERMONT

**SUPERIOR COURT
WINDSOR UNIT**

**CIVIL DIVISION
DOCKET No. _____**

CHRISTOPHER KATUCKI,)
Plaintiff,)
)
v.)
)
TOWN OF NORWICH, VERMONT,)
Defendant.)

COMPLAINT

INTRODUCTION

1. This is an appeal under 1 V.S.A. § 319 from the Town of Norwich’s denial of Plaintiff’s February 2, 2026 request for public records. Defendant redacted some documents and withheld others. Plaintiff primarily contends that the Town’s asserted exemptions from disclosure cannot be construed to shield communications that the Open Meeting Law requires to be public, and that the Town’s conditions on inspection and its staff-time charges are not authorized by the Public Records Act.

2. Plaintiff seeks *inter alia* declaratory and injunctive relief, including: an order compelling production of unredacted records and those improperly withheld; an order enjoining the Town from conditioning the publication or transfer of requester-made screenshots on payment of staff-time charges; and an order enjoining the \$545.40 staff-time charge as not authorized by 1 V.S.A. § 316(c).

PARTIES

3. *Pro se* plaintiff Christopher Katucki (“Plaintiff”) is a resident and taxpayer of the Town of Norwich, Vermont.

4. Plaintiff has lived in Norwich for over twenty years. He regularly corresponds with Town officials and maintains a blog, the Norwich Observer, that follows Norwich town government.

MEMO

Date: Tuesday May 26th, 2026, 04:30pm

To: The Town of Norwich Selectboard

From: Brendan Classon, Vice Chair, The Town of Norwich Selectboard

Subject: Services provided by Stitzel, Page & Fletcher to the Town of Norwich

Dear Selectboard Members—

Since joining the Selectboard on March 4th, I have become acquainted with the law firm Stitzel, Page & Fletcher (SP&F) as we have deliberated ongoing matters with them about legal issues of concern to our Town.

I respectfully draw your attention to several instances of our Town's interactions with SP&F which, collectively have given me pause regarding their continuing representation of the legal interests of the Town. My concerns are restricted exclusively to representation by SP&F in cases concerning Vermont Open Meeting Law (OML).

1. SP&F represented the Town of Norwich as defendant in a protracted legal case that culminated in an adverse ruling against the Town in 2023. The Honorable Justice Samuel Hoar of the Windsor County Superior Court handed down his ruling in the case with his conclusion that The Town of Norwich has made a “mockery” of the OML. To be clear, this in no way constitutes a criticism of SP&F's legal credentials, but the role played by SP&F as the Town's law firm leading up to this ruling is pertinent, and is relevant to continuing representation by SP&F in cases and instances that directly concern OML, as outlined in the following points.
2. At the April 8th, 2026 meeting of the Town of Norwich Selectboard, while deliberating our response to the Notice of Violation of Vermont Open Meeting Law (OML) by Plaintiff Chris Katucki (filed April 9th, 2026), an attorney from SP&F (Beriah Smith) declared his stance (in public session) concerning Vermont Open Meeting Law when he stated: “You don't want to hear about my opinion of ‘Trombley’”. I was surprised that an attorney, charged with representing the best interests of the Town in a Notice of OML Violation, offered an unsolicited contribution, disclosing his adverse opinion, and in public session about the Trombley v. Bellows Falls HS case ruling. This presents us with a difficulty, since ‘Trombley’ constitutes definitive case-law that enshrines the OML which, as members of the Selectboard, we are compelled to follow by virtue of our statutory duty and our Oath to uphold the Office of Selectboard.

3. At the March 11th, 2026 meeting of the Town of Norwich Selectboard, the minutes record discussion of “Item 6: Review pending litigation with legal counsel” in executive session. Since this was the first meeting I attended as a freshman Selectboard member, I have a clear and personal recollection of the subject matter of this discussion: the Trussel v Town of Norwich wrongful dismissal lawsuit filed with the Windsor County Superior Court on Dec 23rd, 2025. In the agenda for this meeting, not only was this agenda item inadequately warned, but there was also insufficient justification given to support the need to enter executive session for discussion (a dual violation of OML). Attorney Beriah Smith of SP & F was present during this executive session, which lasted for 45 minutes. At no time prior to the meeting nor during the executive session, was the Selectboard alerted to the fact that the subject matter of this case had been in the public domain since 23rd December, 2025 (approximately two and a half months prior to the March 11th meeting at which the executive session was called). Ideally, the Selectboard would have been informed by counsel that the subject was already in the public domain, thereby permitting the Selectboard to appropriately warn an agenda item and issue a statement of rationale for entering executive session, thereby avoiding OML violation. The calling of an executive session to discuss an appropriately warned agenda item and justified executive session would never, in and of itself have ever presented a problem.

4. During recent deliberations by the Selectboard regarding our response to the Notice of Violation of Vermont Open Meeting Law (OML) by Plaintiff Chris Katucki, 537 pages of email and cell phone communications have been provided for our review and consideration, albeit with a total of 153 redactions (performed by SP&F). Recent release of a small tranche of the un-redacted counterpart emails (see Selectboard Meeting Draft Minutes from May 13th, pages 8-10) have provided an opportunity to inspect both documents to reveal the exact text which was initially redacted. Comparison of the documents shows that the specific concerns offered by current Selectboard members Griggs and Swett & former Selectboard member Vincent and their stated objections to entering executive session to discuss “concerns about the premature release of the Town draft financial audit” were redacted. I find it puzzling that the cautionary and considered positions adopted by Griggs, Swett and Vincent (and clearly stated in their emails) were deliberately redacted in the initial cohort of Responsive Records that were released to comply with the PRA request. I find it difficult to understand why a law firm, purportedly acting in the best interests of their client, would deliberately redact what essentially appears to be exculpatory evidence supporting their client’s position with respect to this alleged OML violation.

In summary, there seems to be substantial disconnect between SP&F’s position on OML and the statutory obligation of the Selectboard to adhere strictly to this law. More broadly, in these proceedings, the Selectboard is rarely presented with an opportunity to discuss an assessment of the merits of individual counts (i.e. counsel’s view of the Town’s likelihood of success on each claim) other than a general position “we have to fight this lawsuit”. In

addition, advance estimates of costs of discovery, litigation and trial have never been presented. As history shows us, the cost of fighting these suits can be high.

In conclusion, I would prefer to see the vital legal affairs of our Town in the hands of a law firm that I better understand and therefore, one that I trust more, specifically in those matters that uniquely invoke OML.

I look forward to your ideas and a productive discussion at the Special Selectboard meeting on Wednesday 27th at 5:30pm.

Thanks,

Brendan