

Norwich Selectboard

Special Meeting: Wednesday, June 3, 2026 – 6:00 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. Response to Katucki Public Records Request Lawsuit – Possible Executive Session
4. Response(s) to Katucki OML complaint(s) of 9 April 2026
5. Consider adjustment to item 2.15 of the Town Manager Job Description on the Norwich Town website “Is the case manager for litigation except for litigation related to the performance or retention of the manager” to one more clearly aligned with Vermont statute and the needs of the Town.
6. Adjournment – Motion

Items for Selectboard Packet, Special Meeting June 3 2026, Tracy Hall Multipurpose Room

I am attaching a number of records from past selectboard packets so that the information may be accessed easily by selectboard members and others for the meeting.

Items include the Katucki OML complaint of 9 April 2026, the Katucki lawsuit of May 4 2026 related to a request for public records, and two letters to the Selectboard from Mr. Katucki on May 21 and May 24 2026.

Kimo Griggs June 3 2026



Kimo Griggs <kimogriggsnorwichselect@gmail.com>

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

24 messages

Chris Katucki <ckatucki@outlook.com>

Thu, Apr 9, 2026 at 10:01 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".

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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

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.

Plaintiff has amyotrophic lateral sclerosis (ALS) and has substantial mobility and communication impairments.

5. Defendant Town of Norwich (“Town” or “Defendant”) is a Vermont municipality located in Windsor County. The Town operates under the Town Manager form of government.

6. The Town is a “public agency” within the meaning of 1 V.S.A. § 317(a)(2), and its records are subject to the Vermont Public Records Act.

JURISDICTION AND VENUE

7. The Superior Court has subject matter jurisdiction over this action pursuant to 1 V.S.A. § 319 and the Court’s general jurisdiction.

8. Venue is proper in the Windsor Unit of the Superior Court because both parties are located in Windsor County.

9. Plaintiff has exhausted all administrative remedies available to him and has filed this case within 30 days of the Town Manager’s final administrative determination on April 6, 2026.

FACTUAL ALLEGATIONS

A. Transparency Concerns

10. Plaintiff’s public records requests arose in part from his concerns about transparency in the conduct of meetings by the Town’s Selectboard.

11. On January 28, 2026, the Norwich Selectboard held its regularly scheduled monthly meeting at Tracy Hall in Norwich, Vermont.

12. During that meeting, the Selectboard entered executive session twice, spending approximately two hours — roughly two-thirds of the meeting — in closed session.

13. The first executive session arose from agenda item 6, which was described as “Fire District Tax Exemption Agreement — Discussion/Possible Motion, Possible Executive Session.”

14. When the item came up, the Selectboard voted to enter executive session under 1 V.S.A. § 313(a)(1)(E), with the motion citing “potential litigation.” Before entering executive session, the Board did not make the finding required by section 313(a)(1) that premature general public knowledge would clearly place the Town at a substantial disadvantage.
15. The second executive session arose from agenda item 8, which was described as “Draft Audit Process Question — Discussion/Possible Motion, Possible Executive Session.”
16. When the item came up, the Selectboard immediately voted to enter executive session under 1 V.S.A. § 313(a)(4), the provision applicable to disciplinary or dismissal action against a public officer or employee.
17. The agenda description gave no indication that the Board was considering disciplinary or dismissal action against any person. Before entering executive session, the Board did not explain the nature of the business of the executive session as required by section 313(a).
18. Plaintiff followed the January 28, 2026 meeting. The agenda descriptions for items 6 and 8 did not fairly inform Plaintiff or the public of the nature of the business the Selectboard conducted in executive session.
19. Concerns about the frequency and circumstances of the Selectboard’s executive sessions had been raised publicly by other Norwich residents.
20. At the Selectboard’s request, Norwich resident John Carroll made a 30-minute presentation on Open Meeting Law and executive sessions at the Selectboard’s March 25, 2026 regular meeting.
21. According to the approved minutes of that meeting, Mr. Carroll reported that the Selectboard held 33 executive sessions from March 2022 to February 2023 (averaging roughly one per meeting), 35 from March 2023 to February 2024, four from March 2024 to February 2025, and 12 from March 2025 to February 2026.
22. Mr. Carroll emphasized that “Norwich citizens who care enough to attend a Selectboard meeting are left in an empty room during an executive session.”

23. The Selectboard subsequently agreed that violations of the Open Meeting Law occurred in connection with the January 28, 2026 meeting. See Section E below.

24. Plaintiff could only bring those Open Meeting Law allegations after reviewing the redacted records at issue here.

B. The Public Records Request

25. On February 2, 2026, Plaintiff submitted a public records request by email to the Town.

26. The request sought, *inter alia*:

(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.

27. All of the communications constitute “public records” under the Public Records Act and are also subject to inspection and copying under the common law, to the extent related to the Town’s business.

28. On February 20, 2026, Town Manager Brennan Duffy (“Town Manager”) responded to the request by email. The Town Manager is the Town official responsible for responding to all public records requests on behalf of the Town.

29. For purposes of this matter, he has possession and control of the records at issue.

30. The February 20, 2026 response offered to make redacted records available and cited only 1 V.S.A. § 317(c)(7) and § 317(c)(17) as the bases for the redactions.

31. The response withheld draft agendas and draft motions in their entirety, citing section 317(c)(17).

32. The February 20, 2026 response did not assert the deliberative process privilege, the legislative privilege, or 1 V.S.A. § 317(c)(4) as a basis for any redaction or withholding.

33. Plaintiff was unaware that the Town intended to assert any exemption ground beyond sections 317(c)(7) and 317(c)(17). Plaintiff believed that the Town's asserted exemption grounds were limited to those two provisions. He prepared and submitted his March 30, 2026 administrative appeal in reliance on the Town's February 20, 2026 response.

34. The response conditioned delivery of copies on payment of \$545.40 in staff-time charges.

35. The response directed Plaintiff to appeal to the Town Manager under 1 V.S.A. § 318(c).

C. Accommodation Request and Cost Objection

36. On February 21, 2026, Plaintiff requested a reasonable accommodation under 1 V.S.A. § 318(f) and the Americans with Disabilities Act.

37. In his accommodation request, Plaintiff stated:

As you may know, I have amyotrophic lateral sclerosis (ALS), also known as Lou Gehrig's disease. I am essentially homebound, cannot communicate in real time, and am confined to a power wheelchair. I have extremely limited use of my right hand and no functional use of my left hand. My access to a computer is with a mouse and onscreen keyboard. It would be difficult for me to travel to Tracy Hall, which would require the assistance of a caregiver. I would not be able to handle or read paper documents, and it seems unlikely that I could access any public computers at Tracy Hall.

38. After Defendant proposed online access, Plaintiff, in a March 2, 2026 email to Town counsel, stated:

Copying/pasting and taking screenshots is how I typically take notes due to my disability and is part of the accommodation requested.

39. Plaintiff also objected to the staff-time charges as exceeding the scope of 1 V.S.A. § 316(c).

40. The Town acknowledged that no charge may be imposed for inspection of public records, as distinguished from copies.

41. On March 13, 2026, the Town Manager issued his final decision on the accommodation request under 1 V.S.A. § 318(f). The decision provided Plaintiff with a view-only Sharefile link to inspect the redacted records for 48 hours and permitted screenshots for personal notes only.

42. The decision imposed three conditions: (1) the accommodation would not be used to make records requests on behalf of others; (2) screenshots could not be published unless Plaintiff paid the \$545.40 staff-time charges; and (3) screenshots could not be transferred to others unless Plaintiff paid the \$545.40 staff-time charges. The Town stated that conditions (2) and (3) were authorized by 1 V.S.A. § 316(g). Plaintiff accepted condition (1) and objected to conditions (2) and (3).

43. Plaintiff inspected the records via the Sharefile link starting on or about March 18, 2026.

44. Over 300 pages of documents were produced, reflecting previously undisclosed communications between the Town Manager and Selectboard members or among the Board, during the month of January 2026.

45. The records produced for inspection contained extensive redactions.

46. According to the Town Manager, the redactions were made with the assistance of counsel.

47. There was a partially redacted email of January 22 from the Town Manager to all Selectboard members and the Finance Director having the subject line of “Concerning behavior yesterday of TON elected officials.” Not redacted were the names of the officials. The email described the behavior as the “latest iteration of ongoing inappropriate and concerning behavior by elected officials.”

48. A group of partially redacted emails exchanged among all Selectboard members discussed the merits of holding an executive session on January 28, regarding this concerning behavior.

49. The readable portions of those January 23–26, 2026 emails include statements such as:

(a) I do not support this at this time. [2 lines redacted].

(b) I am comfortable taking an executive session if necessary. [3 lines redacted].

- (c) I want [1 line redacted].
- (d) I would like an executive session so that [2 paragraphs redacted].
- (e) 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.
- (f) I am assuming a statement afterwards, and a possible action.
- (g) Could this matter be discussed in public in a civilized manner?
- (h) It is not clear [1 line redacted].
- (i) If an executive session is deemed necessary, I would [2 lines redacted].

50. Another set of redacted emails with a quorum of Selectboard members and the Town Manager discussed an upcoming special meeting of the Selectboard on January 21.

51. There was a partially redacted email from the Town Clerk to the Town Manager, with a copy to the Selectboard Chair, dated January 6, discussing the Town Clerk's posting the Town Meeting and Informational Hearing warnings.

52. As noted, draft agendas and draft motions were withheld in their entirety, without the certification required by section 318(b)(2).

53. The decision to withhold the draft agendas and draft motions was made with the assistance of counsel.

54. On information and belief, many motions are generic in nature, such as "I move to approve the minutes of the [date] meeting."

D. Administrative Appeal to the Town Manager

55. On March 30, 2026, Plaintiff filed an administrative appeal with the Town Manager under 1 V.S.A. § 318(c).

56. The appeal objected to the Town Manager's dual role as both the initial decisionmaker and the appellate decisionmaker.

57. Plaintiff also detailed objections concerning: (1) the staff-time charges; (2) the adequacy of the redaction explanations under sections 318(b)(2)(B) and 318(e); (3) the application of 1 V.S.A. § 317(c)(7) to the redaction of the name of an apparent Town official; (4) the application of the exemption in section 317(c)(17) to communications that were not intra or inter departmental, noting the Selectboard is not a “department” within the meaning of the exemption; (5) the application of the subsection (c)(17) exemption to communications that were not both pre-decisional and deliberative; (6) the wholesale withholding of draft agendas and motions; and (7) the restrictions on the sharing of screenshots without paying a charge.

58. By email on April 6, 2026, the Town Manager denied the appeal, except that the Town Manager removed the single redaction under section 317(c)(7) of the name of the Town’s Finance Director.

59. In the response, the Town Manager did not address his dual role as both the initial and the appellate decisionmaker, which denied Plaintiff of meaningful appellate review.

60. The April 6 denial also declined to address the staff-time charges on the merits, stating that Plaintiff had “not incurred any staff-time charges, and therefore, this is not an appealable issue.”

61. The April 6 denial rejected Plaintiff’s objection to the adequacy of the redaction explanations on the ground that “the surrounding context of the redactions was provided on the face of the documents.”

62. According to the Town Manager, textual fragments visible near the redactions — such as “I think ...,” “I believe ...,” and “my suggestion ...” — provided sufficient supporting facts.

63. With respect to the redactions of “Selectboard Communications,” the April 6 denial did not address Plaintiff’s objection to the subsection (c)(17) exemption.

64. Instead, for the first time, Defendant asserted the deliberative process privilege and the legislative privilege as additional grounds, citing several Vermont Superior Court decisions in support. Defendant provided no document-by-document or category-by-category explanation regarding the application of these privileges.

65. On April 8, 2026, Plaintiff replied to the Town Manager’s position that staff-time charges were not ripe for administrative appeal. Plaintiff wrote that he sought copies of the public records and the right to publish and share screenshots, and renewed his demand that the Town “eliminate the staff-time charges, or at minimum reduce them to any charges actually authorized by 1 V.S.A. § 316(c).”

66. On April 13, 2026, the Town Manager replied. He confirmed that the April 6 email was the Town’s final decision on the matter and that the Town did not agree with Plaintiff’s reading of section 316. He further stated: “If you decide to publish or share the screenshots with third persons, you are obligated to pay for the staff time costs it took to comply with your request pursuant to the PRA and the conditions on the accommodation granted by the Town.”

E. Open Meeting Law Violations

67. Based on the redacted public records he inspected, Plaintiff filed a Notice of Open Meeting Law Violations with the Selectboard on April 9, 2026, regarding agenda items 6 and 8 at the January 28, 2026 Selectboard meeting and a January 23–26, 2026 email exchange among Selectboard members.

68. The Open Meeting Law defines a “meeting” of a public body as “a gathering of a quorum of the members of a public body for the purpose of discussing the business of the public body or for the purpose of taking action.” 1 V.S.A. § 310(5)(A).

69. Plaintiff asserted, *inter alia*, that the January 23–26, 2026 email exchange among Selectboard members constituted a meeting of the Selectboard held in violation of the Open Meeting Law.

70. On April 22, 2026, the Selectboard unanimously passed motions acknowledging each of the five Open Meeting Law violations identified in Plaintiff’s notice. The Board acknowledged, among other things, that: (a) the agenda descriptions for items 6 and 8 at the January 28, 2026 meeting did not satisfy 1 V.S.A. § 312(d)(3); (b) the Board’s explanations and motions to enter executive session on items 6 and 8 did not comply with 1 V.S.A. § 313(a); and (c) the January 23–26, 2026 quorum email exchange among Selectboard members “appeared to have exceeded the limited exception in 1 V.S.A. § 310(5)(B).”

F. The Vermont Public Records Act

71. The Town is a public agency subject to the Vermont Public Records Act, 1 V.S.A. §§ 315–320. The Act requires public agencies to make non-exempt public records available for inspection and copying. The Town bears the burden of demonstrating that any claimed exemption applies. 1 V.S.A. §§ 315(a), 319(a).

72. The Legislature has determined that public records “document the legal responsibilities of government, help protect the rights of citizens, and provide citizens a means of monitoring government programs and measuring the performance of public officials.” 1 V.S.A. § 315(b).

CLAIMS FOR RELIEF

COUNT I

IMPROPER REDACTIONS: COMMUNICATIONS AMONG A QUORUM OF SELECTBOARD MEMBERS

73. Plaintiff incorporates by reference all preceding allegations.

74. Among the records responsive to Plaintiff’s request are email exchanges among a quorum of the Selectboard.

75. The exemption in section 317(c)(17) is not applicable to those communications, as it applies only to “interdepartmental and intradepartmental” communications. The Selectboard is the Town’s elected governing body. It is not a ‘department’ of the Town of Norwich.

76. The Vermont Legislature deliberately used the word “department” rather than the broader terms “board” or “agency.” Section 317(a)(2) acknowledges this distinction defining “public agency” to mean “any agency, board, committee, department, branch, instrumentality, commission, or authority of any political subdivision of the State.”

77. Communications among a quorum of the Selectboard concerning Selectboard business are governed by the Open Meeting Law, 1 V.S.A. §§ 310–314, which provides the exclusive framework for when such deliberation may occur outside public view.

78. Under the Open Meeting Law, a meeting of the Selectboard is a gathering of a quorum of its members “for the purpose of discussing the business of the public body or for the purpose of taking action.” 1 V.S.A. § 310(5)(A).

79. Communications among a quorum are not a “meeting” under section 310(5)(B) if they occur “for the purpose of scheduling a meeting, organizing an agenda, or distributing materials to discuss at a meeting,” provided no other business is discussed. That section nonetheless expressly requires the communications to be available under the Public Records Act.

80. The redacted communications among a quorum of the Selectboard therefore either constituted meetings required to be conducted in public under section 310(5)(A), or fell within section 310(5)(B) and must be disclosed. Under either characterization, the redactions are improper. Additionally, on April 22, 2026, the Selectboard itself acknowledged that the January 23–26, 2026 email exchange appeared to have exceeded the limited exception in 1 V.S.A. § 310(5)(B).

81. Any statutory or common law exemption asserted under the Public Records Act must be read consistently with the Open Meeting Law. Otherwise, the Open Meeting Law would be rendered a nullity.

82. Further, Defendant bears the burden of proving the applicability of any statutory or common law exemption.

83. The scope of any deliberative process privilege must be read in the context of the subsection (c)(17) exemption. Otherwise, the Legislature’s express grant of limited deliberative process protection to municipalities is mere surplusage. Moreover, municipalities in Vermont have only the powers expressly granted to them by the Legislature and section 317(c)(17) is the extent of the privilege available to them.

84. If the legislative privilege extends to Vermont municipalities, it is personal to the legislator and must be asserted by the individual. Defendant must also establish the privilege applies to each specific redaction.

85. Defendant has not established as a matter of law or fact the applicability of the legislative or deliberative process privilege or subsection (c)(4) or (17) exemption.

86. Both privileges are qualified. The substantial public interest in disclosure — including the public’s interest in the concerning conduct of elected officials alleged by the Town Manager — outweighs any interest in confidentiality.

87. In addition, the Public Records Act places obligations on the custodian and on the head of the agency in connection with the withholding or redaction of information contained in a public record. Compliance with those obligations defines the administrative process to which a requester is entitled and from which the right of judicial review under 1 V.S.A. § 319 proceeds.

88. Defendant’s February 20, 2026 response did not invoke the deliberative process privilege or legislative privilege and did not provide the statutorily required explanation of the basis for the redactions. The administrative appeal was decided by the Town Manager, the same person who made the initial determination, foreclosing independent review of the asserted deficiencies. In the circumstances of this case, Defendant waived, and is estopped and otherwise precluded from asserting, the deliberative process privilege, the legislative privilege, and 1 V.S.A. § 317(c)(4) as bases for the redactions and withholdings at issue.

89. Plaintiff is entitled to (a) a declaration that section 317(c)(17) does not exempt from disclosure the redacted portions of the Selectboard communications; (b) a declaration that Defendant has not demonstrated that any other exemption applies; (c) an order compelling production of those portions in unredacted form; and (d) such other and further relief as requested below.

COUNT II

IMPROPER REDACTIONS: TOWN MANAGER COMMUNICATIONS WITH A QUORUM OF THE SELECTBOARD

90. Plaintiff incorporates by reference all preceding allegations.

91. Among the records responsive to Plaintiff’s request are partially redacted email communications between the Town Manager and a quorum of the Selectboard, as well as the

withheld draft agendas and motions sent from the Town Manager's office to all Selectboard members.

92. Under 24 V.S.A. § 1235, the Town Manager is the administrative head of all departments of the Town.

93. The Selectboard is the Town's elected governing body.

94. As noted in Count I, the Selectboard is not a 'department' of Defendant within the meaning of the exemption in section 317(c)(17). That exemption does not apply to communications between the Town Manager and the Selectboard.

95. Defendant also asserts the legislative and deliberative process privileges, but has not explained why either would apply to a particular communication.

96. Assertion of either privilege is dependent on the governance function (e.g., executive, legislative) being exercised by the Town Manager and by the Selectboard.

97. The scope of the deliberative process privilege must be read in the context of the subsection (c)(17) exemption for the reasons stated in Count I.

98. Communications between the Town Manager and a quorum of the Selectboard concerning Selectboard business are governed by the Open Meeting Law.

99. Any statutory or common law exemption asserted under the Public Records Act must be read consistently with the Open Meeting Law. Otherwise, the Open Meeting Law would be rendered a nullity.

100. Defendant bears the burden of proving the applicability of any statutory or common law exemption.

101. Defendant withheld in their entirety draft agendas and draft motions prepared by or circulated through the Town Manager's office, without the certification required by 1 V.S.A. § 318(b)(2). Categorical withholding without individualized review fails to satisfy Defendant's burden.

102. The redaction explanations provided are insufficient to permit Plaintiff or this Court to evaluate the asserted privilege and exemption claims.

103. Both privileges are qualified. The substantial public interest in disclosure — including the public’s interest in the concerning conduct of elected officials alleged by the Town Manager — outweighs any interest in confidentiality.

104. In addition, the Public Records Act places obligations on the custodian and on the head of the agency in connection with the withholding or redaction of information contained in a public record. Compliance with those obligations defines the administrative process to which a requester is entitled and from which the right of judicial review under 1 V.S.A. § 319 proceeds.

105. Defendant’s February 20, 2026 response did not invoke the deliberative process privilege or legislative privilege and did not provide the statutorily required explanation of the basis for the redactions. The administrative appeal was decided by the Town Manager, the same person who made the initial determination, foreclosing independent review of the asserted deficiencies. In the circumstances of this case, Defendant waived, and is estopped and otherwise precluded from asserting, the deliberative process privilege, the legislative privilege, and 1 V.S.A. § 317(c)(4) as bases for the redactions and withholdings at issue.

106. Plaintiff is entitled to (a) a declaration that § 317(c)(17) does not exempt from disclosure the redacted Town Manager communications with the Selectboard, including the withheld draft agendas and motions; (b) a declaration that Defendant has not demonstrated that any other exemption applies; (c) an order compelling production of those communications in unredacted form, including production of the withheld draft agendas and motions; and (d) such other and further relief as requested below.

COUNT III

IMPROPER REDACTIONS: TOWN CLERK COMMUNICATION INVOLVING THE SELECTBOARD

107. Plaintiff incorporates by reference all preceding allegations.

108. Among the records responsive to Plaintiff's request is a partially redacted email of January 6, 2026 from Town Clerk Lily Trajman to the Town Manager, with a copy to Selectboard Chair Mary Layton, concerning the Town Clerk's posting of the Town Meeting and Informational Hearing warnings.

109. The Town Clerk is an independent elected official under Vermont law. The Town Clerk is not a 'department' of the Town with respect to the Town Manager or the Selectboard, within the meaning of the exemption in section 317(c)(17).

110. The Selectboard is the Town's elected governing body. As noted in Count I, the Selectboard is not a 'department' of Defendant.

111. The exemption in section 317(c)(17) does not apply to the Trajman communication.

112. Defendant also asserts the legislative and deliberative process privileges, but has not explained why either would apply to this communication.

113. Defendant bears the burden of proving the applicability of any statutory or common law exemption.

114. The redaction explanations provided are insufficient to permit Plaintiff or this Court to evaluate the asserted privilege and exemption claims.

115. Both privileges are qualified. The substantial public interest in disclosure outweighs any interest in confidentiality.

116. In addition, the Public Records Act places obligations on the custodian and on the head of the agency in connection with the withholding or redaction of information contained in a public record. Compliance with those obligations defines the administrative process to which a requester is entitled and from which the right of judicial review under 1 V.S.A. § 319 proceeds.

117. Defendant's February 20, 2026 response did not invoke the deliberative process privilege or legislative privilege and did not provide the statutorily required explanation of the basis for the redactions. The administrative appeal was decided by the Town Manager, the same person who made the initial determination, foreclosing independent review of the asserted deficiencies.

In the circumstances of this case, Defendant waived, and is estopped and otherwise precluded from asserting, the deliberative process privilege, the legislative privilege, and 1 V.S.A. § 317(c)(4) as bases for the redactions and withholdings at issue.

118. Plaintiff is entitled to (a) a declaration that § 317(c)(17) does not exempt from disclosure the redacted portions of the Trajman communication; (b) a declaration that Defendant has not demonstrated that any other exemption applies; (c) an order compelling production of that communication in unredacted form; and (d) such other and further relief as requested below.

COUNT IV

UNLAWFUL RESTRICTION ON REQUESTER-MADE SCREENSHOTS

119. Plaintiff incorporates by reference all preceding allegations.

120. As described in the Factual Allegations, the March 13, 2026 accommodation decision permitted Plaintiff to take screenshots of records displayed during remote inspection of public records. Defendant, however, imposed conditions on the use of the screenshots. Plaintiff could not publish or share the screenshots with others without paying the \$545.40 in staff-time charges. The Town based that condition on 1 V.S.A. § 316(g).

121. Plaintiff challenged the condition in his March 30, 2026 administrative appeal. The April 6, 2026 denial upheld the condition.

122. On April 8, 2026, Plaintiff reiterated that he was seeking copies of the records and the right to publish and share screenshots, and renewed his objection to the staff-time charges.

123. The Town Manager responded on April 13, 2026. He confirmed that the April 6 denial was the Town's final decision and that publication or transfer of screenshots would require payment of the \$545.40 staff-time charges.

124. Section 316(j) of the Public Records Act provides that "[a] public agency may make reasonable rules to prevent disruption of operations, to preserve the security of public records or documents, and to protect them from damage."

125. The Town has not issued any rules under section 316(j).

126. The Town has identified no operational-disruption, record-security, or record-damage rationale for the conditions, and none exists. The screenshots of redacted records already exist on Plaintiff's computer.

127. Section 316(g) does not supply the authority the Town lacks under § 316(j). Section 316(g) addresses a public agency's obligation to make a copy, if asked, when it has such equipment. It does not address whether a requester may use a personal device, such as a smartphone, to photograph records during inspection, and it does not address the conditions under which a requester may use screenshots once made.

128. No other provision of Vermont law authorizes the Town to condition the publication or transfer of requester-made screenshots on payment of staff-time charges.

129. Plaintiff is entitled to a declaration that the condition imposed in the March 13, 2026 accommodation decision and reaffirmed on April 6 and April 13, 2026 — conditioning the publication or transfer of requester-made screenshots on payment of \$545.40 in staff-time charges — is not authorized by 1 V.S.A. §§ 316(j), 316(g), or any other provision of Vermont law, and to an order enjoining the Town from imposing or enforcing that condition.

COUNT V

UNLAWFUL STAFF-TIME COST CHARGES

130. Plaintiff incorporates by reference all preceding allegations.

131. The February 20, 2026 response conditioned Plaintiff's receipt of copies of the responsive records and the use of screenshots on the payment of \$545.40 in staff-time charges.

132. The Town's itemization of those charges, provided in the February 20, 2026 response, is as follows:

The itemized breakdown of my time (at the senior level staff rate of \$34.20 per hour) and other staff's time (at the rate of \$27.00 per hour) is as follows:

2/2 – TM: total of 1.25 hrs, reviewing request with counsel and copying documents

2/5 – TM: total of 1.5 hrs, discussion with counsel, document search and instructing SB members on response

2/9 – TM: total of 3 hrs, discussion with counsel, records search and review

2/10 – TM: total of 1 hr, reviewing legal bills and second response review

2/11 – TM: total of 2.75 hrs, reviewing SB member responses and organizing files for submission to counsel

2/12 – TM: total of 1.5 hrs, reviewing files and submission to counsel

2/18 – TM: total of 1.25 hrs, reviewing files, discussion with counsel;

- TM Office Staff: 0.5 hr staff time searching for responsive attachments

2/19 – TM: 1.5 hrs, reviewing documents files and discussion with counsel

2/20 – TM: 2.5 hrs, reviewing SPF reviewed documents, discussion with counsel.

Total Town Manager Time: 16.25; less 30 minutes = 15.75 hrs.; 15.75 hrs x \$34.20 = \$538.65

Total TM Office Staff Time: 0.25 hrs; 0.25 hrs x \$27.00 = \$6.75

Total Staff Time Costs: 545.40.

133. Plaintiff challenged the charges in his March 30, 2026 administrative appeal. The April 6, 2026 denial declined to address the merits, asserting that no charges had been incurred by Plaintiff. However, forcing Plaintiff to pay unlawful charges to obtain copies or to make full use of the screenshots is itself a violation of the Public Records Act constituting injury.

134. On April 8, 2026, Plaintiff wrote that he wanted copies of the public records and to publish and share the screenshots. He repeated his demand that the Town “eliminate the staff-time charges, or at minimum reduce them to any charges actually authorized by 1 V.S.A. § 316(c).”

135. The Town Manager’s April 13, 2026 reply confirmed that the April 6 email was the “Town’s final decision on this matter” and that “[t]he Town does not agree with your reading of Section 316 and has found no support for it.” The April 13 reply further stated: “If you decide to publish or share the screenshots with third persons, you are obligated to pay for the staff time costs it took to comply with your request pursuant to the PRA and the conditions on the accommodation granted by the Town.”

136. 1 V.S.A. § 316(c) provides in part: “Unless otherwise provided by law, in the following instances an agency may also charge and collect the cost of staff time associated with complying with a request for a copy of a public record: (1) the time directly involved in complying with the request exceeds 30 minutes” Subsections 316(c)(2) and (c)(3) are not applicable.

137. The \$545.40 charge is not authorized by § 316(c). Subsection (c)(1) is limited to time “directly involved” with “complying with a request for a copy of a public record.” Following Plaintiff’s inspection, the costs of search, retrieval, redaction, review, and production are not “directly involved” in a request for copies.

138. The itemized entries include time spent in discussion with outside counsel, reviewing outside counsel’s legal bills, instructing Selectboard members on how to respond to the request, and organizing files for submission to counsel. None of those tasks is associated with complying with a request for a copy of a public record.

139. Every entry in the itemization combines those tasks with other work without segregating them. Copy time is charged at Town Manager rates. The lumping of time entries makes it impossible to determine from the itemization what amount, if any, are lawfully chargeable or fair and reasonable.

140. Plaintiff is entitled to a declaration that the \$545.40 staff-time charge is not authorized by 1 V.S.A. § 316(c), and to an order enjoining the Town from conditioning Plaintiff’s receipt of copies, or his publication or transfer of requester-made screenshots, on payment of that charge.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

141. Declare that 1 V.S.A. § 317(c)(17) does not exempt from disclosure the redacted portions of the communications among Selectboard members, the redacted Town Manager communications with the Selectboard, the withheld draft agendas and draft motions, or the redacted Town Clerk communication of January 6, 2026; declare that Defendant has not demonstrated that any other statutory or common law exemption applies; and order Defendant to produce all such records in unredacted form;

142. Declare that Defendant waived, and is estopped and otherwise precluded from asserting, the deliberative process privilege, the legislative privilege, and 1 V.S.A. § 317(c)(4) as bases for the redactions and withholdings at issue;

143. Declare that the conditions imposed in the March 13, 2026 accommodation decision and reaffirmed on April 6 and April 13, 2026 — conditioning the publication or transfer of requester-made screenshots on payment of \$545.40 in staff-time charges — are not authorized by 1 V.S.A. § 316(j), § 316(g), or any other provision of Vermont law, and enjoin Defendant from imposing or enforcing those conditions;

144. Declare that the \$545.40 staff-time charge is not authorized by 1 V.S.A. § 316(c), and enjoin Defendant from conditioning Plaintiff's receipt of copies, or his publication or transfer of requester-made screenshots, on payment of that charge;

145. Award Plaintiff reasonable attorney's fees and other litigation costs reasonably incurred under 1 V.S.A. § 320;

146. To the extent that 1 V.S.A. § 320 does not authorize an award of attorney's fees to a pro se plaintiff, award Plaintiff the value of the time he reasonably devoted to the litigation, together with all other litigation costs reasonably incurred, as necessary to effectuate the purpose of the Public Records Act and as fair compensation for vindicating the public's right of access; and

147. Grant such other and further relief as this Court deems just.

Dated: May 4th, 2026

Respectfully submitted,

/s/ Christopher Katucki

Christopher Katucki
Pro Se Plaintiff
47 Old Coach Road
Norwich, VT 05055
802-649-7224
ckatucki@outlook.com



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

28 of 30

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]

