

Town of Norwich, Vermont
Minutes of the Special Selectboard Meeting
Wednesday, May 27th, 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), Priscilla Vincent (Town member), Cheryl Lindberg (Town member)

Active Participants on Zoom: Brennan Duffy (Town Manager), Beriah C. Smith (Town Counsel)

Key: *Motions noted in italics.* [Public comment noted in blue.](#)

The meeting was called to order by Chair Kimo Griggs at 5:33 pm.

[YouTube](#) Timestamp: 3:45

Griggs explained that the special meeting was planned specifically to discuss a lawsuit brought by Chris Katuki against Norwich and could include an executive session. Griggs referenced supporting materials included in the Selectboard packet and read from a prepared statement.

1. Agenda

Timestamp: 6:42

Layton asked if there could be a discussion as to whether or not to enter executive session to propose the cures and highlighted a need for clarity on item E, quoting the item, “Acknowledge, and adopt a policy acknowledging that legislative privilege, deliberative process privilege, and 1 V.S.A § 317(17) do not shield written communications sent to a quorum of the Selectboard from disclosure under the Public Records Act.” Layton shared that she lacked clarity on the opposing views by Katucki and Town Counsel, which she suggested could be the logic for entering executive session.

Griggs responded that he believed the “normal way of doing this” was that if an item on the agenda could be moved then it would be moved, whereas if it could not be moved, then they would consider other options.

Layton stated that in the agenda, the option to enter executive session was listed after the items for taking action and that she was not sure if the actions should be discussed first.

Swett suggested approving the agenda.

John Carroll asked if Griggs was suggesting that the Selectboard include for discussion Katucki’s email that related to the second notice on the request for further relief. Carroll clarified that there were two actions by Katucki, one being the notice of violations and the other being about his lawsuit in court, and that that night’s meeting was about his lawsuit in court regarding the denial of access to public documents. Carroll highlighted that the agenda item was listed as “Consider Response to Katucki Suit,” and that the request for further response to the notice of violation was a separate matter.

Griggs explained that he had thought the item satisfied both.

Swett asked if it would be possible to add the second part of the Katucki matter to the agenda; Layton responded that it could not be added without providing public notice.

Priscilla Vincent urged the Selectboard to refrain from entering executive sessions, highlighted the ongoing curing of open meeting violations, recounted previous executive sessions that she had been involved with and found unnecessary, emphasized community support of Selectboard openness, and pointed out the option to talk with Counsel in an open setting.

Layton cautioned against moving too far in the direction of openness.

Classon stated that statute advocates for erring on the side of open conversations and not entering executive session.

Layton reflected that she was not always clear on when the Selectboard should or should not enter executive session and that she did not think “beating the drum of just saying, ‘Oh, we should be more open,’” was enough.

Classon highlighted his memo in the packet and encouraged the Selectboard to share information through memos to help prepare for conversations; Layton agreed that memos were a good way of sharing one’s thoughts.

Classon pointed out each Selectboard member’s professional background and their charge from townspeople to take ownership of the matter. Classon voiced concerns about Stitzel, Page & Fletcher.

Layton encouraged being judicious in requesting advice, and possibly doing so more in a public session, but cautioned against disengaging from the town’s law firm.

I move to approve the agenda as presented. – Layton moved (2nd Swett) Vote: yes (unanimous)

Griggs stated that the Selectboard would table the proposed solutions and that he had made a mistake in proposing solutions.

2. Public Comments for Items not on the Agenda

Timestamp: 22:32

Resident Cheryl Lindberg highlighted the letter in the packet from the Selectboard Chair, including the quote, “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.” Lindberg pointed out that that sounded like a decision made in executive session and that the Selectboard did not come back into the public session during that meeting and state any decision, to her recollection. Lindberg expressed disappointment, as the Selectboard was supposed to state any decisions made in executive session.

Griggs shared that he would not have an answer for Lindberg until he reviewed the notes, but that he thought it was “well established that we may not have acted correctly during those sessions, not because we didn't want to, we just did.”

John Carroll emphasized that state law favors public access and stated that the previous and current Selectboards had failed to develop appropriate rules to guide the Town Manager as the Custodian of Public Records. Carroll reflected on the Town Manager's references to his job description and role as the "case manager for legal affairs," which Carroll stated had no basis in state law and did not align with the Town Manager's appropriate role of facilitating communications between the Selectboard and Town Counsel.

Carroll pointed out redactions by the Town Manager in connection with a conversation in January in which three of the five Selectboard members expressed reservations about entering an executive session. Carroll stated that "That's tipping the scale. That's not responding to some concern about public protection or the protection of a reputation of some individual." Carroll highlighted common law privileges claimed by the Town Manager and Town Counsel that Carroll stated did not apply to the Town Manager or to the activities in the chain quorum discussion in January. Carroll questioned how the Town Counsel could objectively advise the Selectboard on the matters being discussed due to his heavy involvement in the redactions.

3. Consider Response to Katucki Suit **Timestamp: 33:28**

Griggs asked Beriah C. Smith to explain to the town "how we got here." Griggs stated that he did not understand how the town reached this point.

Smith shared that Katucki made a PRA request, the Town Manager provided the Selectboard with the request, the Selectboard gathered records and provided them to the Town Manager, the Town Manager asked Smith to look for any applicable exemptions in the records, Smith applied redactions according to the applicable exemptions in the PRA and provided them to the Town Manager for review, they "had some back and forth on them" and provided the records to Katucki, Katucki appealed the redaction of the records, and the Town Manager denied that appeal and provided a written response.

Smith noted that the original request was for copies but changed to a request for inspection upon notice that there would be charges for gathering and preparing the copies. Smith explained that they had tried to work out an accommodation for Katucki since he could not come into the town hall and that they set up a share file for view but said Katucki could not take screenshots because that would be taking copies of the records without paying for the time for gathering the records. Smith stated that "we" met with the Selectboard to discuss possible accommodations and noted that it was not a Selectboard decision, but that the Selectboard gave feedback and the Town Manager made the decision about the accommodation.

Smith stated that the Town Manager provided Katucki with an email explaining the link for remote view of records, Katucki responded that he needed to take screenshots for his notes in order to accommodate his request, and that "we" said that he could take screenshots for his notes but could not share them with third parties or publish them. Following Katucki's administrative appeal to the Town Manager, Smith stated that Katucki filed the suit.

Griggs asked if he was correct in saying that the Selectboard had not been advising him or the Town Manager on the issue as it proceeded.

Smith stated that the Town Manager sought advice of the Selectboard regarding how to accommodate Katucki but the Selectboard did not review the redactions before they went out. Smith noted that the Selectboard could review the redactions and decide whether to allow the redactions.

Griggs asked why redactions were being made at all.

Smith stated that he thought there were over 30 exemptions under the PRA that allowed for redactions or withholding of records and that he was asked to “apply any exemptions that could be applied.”

Griggs explained that he was “trying to establish how much culpability the Selectboard has in this thing.” Griggs voiced exasperation at the escalation of the matter.

Swett clarified that the Town Manager collected all of the documents being requested and that extra provisions were made to make the documents more accessible to Katucki. Swett shared that he thought it was “a small part of what was asked of him that he wasn't agreeable to,” and that he did not want to go down a tangent where it seemed like the town was not trying to provide the requested items. Swett stated that they were now trying to figure out whether the screenshots used as notes could also be distributed by him to other people, which would be effectively giving away the things for which he did not pay.

Classon highlighted Smith's comment about the back and forth for executing the redactions and asked Smith whether he was “instructed by the Town Manager to redact that exculpatory evidence, specifically their concerns about going into executive session and their cautionary guidance to each other, albeit outside the open meeting law guidelines.”

Smith stated yes, he was asked to apply redactions that were applicable and that the Town Manager reviewed the redactions, but he did not understand why the term “exculpatory evidence” was being used, as no one had done anything criminal.

Classon emphasized that they were discussing an open meeting law violation and that it was exculpatory evidence that the three Selectboard members were reluctant and disapproving of embarking on a “witch hunt.” Classon stated that he did not understand why that evidence was redacted and that he needed an explanation.

Duffy stated that the lawsuit was regarding a public record act request, not an open meeting law violation. Duffy explained that they followed the same process as followed for other public record act requests, in which Duffy as Custodian of the Public Records gathered the records. Duffy emphasized that he never requested that the matter become an executive session, but that that was solely the decision of the Selectboard, which played out in an email thread that had previously been acknowledged was probably improper for violating open meeting law.

Duffy shared that the compiled records were sent as part of the standard process to Stitzel, Page & Fletcher, who went through them and redacted what was not appropriate to be shared with the public. Duffy emphasized that he never instructed Smith to review specifically certain records, that Classon seemed to be alleging that Duffy had asked Smith to make it look “better or worse for members of this Selectboard,” and that that was “completely untrue.” Duffy emphasized that Smith was not instructed to make redactions specific to one

conversation or one record, but that he was asked to go through and redact appropriately, as done with other public record act requests.

Layton asked if Smith could narrow the criteria for redactions to help the Selectboard understand the basis for the redactions.

Smith recounted that he cited 317 and the deliberative process privilege for most of the redactions, as they provide opinion, speculation, or advice, with the redaction purpose being to allow for frank conversation among legal officers. Smith noted some conflation between the open meeting law and the PRA action, highlighted that the open meeting law specifically incorporates all of the exemptions that are in the PRA, and pointed out that the PRA for cure says that the Selectboard shall either ratify or declare void any action taken outside of an open meeting. The PRA does not say that the records then need to be disclosed, Smith continued, but that the Selectboard had decided to do that for some of its records.

Griggs recounted that the meetings did not have anything that he would personally redact and asked if it was okay to ask Counsel to not redact communications from the Selectboard if they feel okay doing so.

Smith stated that the Selectboard could pass a policy saying that any communications from a Selectboard member shall not be redacted, but that they might want to retain the ability to redact communications regarding a contract or negotiation.

Griggs asked if there was an easy way to not fight the matter but to satisfy Katucki in a way that would not put the town at risk.

Swett shared that he did not find this to be “a gigantic deal” and that they were trying to continue through the matter in a way satisfying everyone that would not set a precedent for constraining the Selectboard more than legally required in the future. Swett stated that there seemed to have been some confusion between the PRA suit and the open meeting law violation and cures. Swett highlighted that he had some questions that he would like to get legal counsel on in executive session and reiterated Mary’s comments about using executive session judiciously but still occasionally.

Classon asked the other Selectboard members if they had reviewed all the 537 pages of redacted emails and stated that there were 153 redactions in total, covering 12 “separate unrelated topics.” Classon highlighted a heavily redacted set of eight emails on an undisclosed matter from February 2026 involving Marcia Calloway, Layton, a lawyer, and a VLCT representative; Classon noted that it was not a quorum and therefore precluded a quorum vote, and reflected excessive secrecy.

Gere stated that he was he was not aware of the legal basis for specific redactions and that it would be useful to hear, as well as the legal basis of the redactions of that specific set of emails. With that information, Gere stated that he would be able to clearly say whether to release the emails unredacted or if there were valid reasons for the redactions that should be maintained. Gere highlighted the possibility that emails could include claims against individuals, which could then be acted upon if found and discovered to be unfounded.

Griggs asked Smith if he had enough information to provide the Selectboard with answers to some of the concerns and propose next steps.

Smith asked if the Selectboard could accept service of the lawsuit without making Katucki serve the town. Smith explained that Katucki had sent the lawsuit with a request to waive service, and that if the town waived service, they would get 60 days from the date of receipt to respond. If the town did not waive service, Smith explained that Katucki would have to pay the sheriff to serve it, and the town would then be responsible for that cost.

Selectboard members voiced agreement to accepting service.

Carroll thanked the Selectboard for having the conversation in public and emphasized that no explanation had been given by Duffy or Taylor about the reason for redacting reservations about the executive session. Carroll noted that Duffy was responsible to respond as Custodian of Public Records regarding the redactions. Carroll pointed out that V.S.A § 317(17) was an exemption about departments and interdepartmental communication, which did not apply to the legislative body of the Selectboard, and stated that in the absence of a uniform schedule of charges, the charges of a political subdivision must be the uniform schedule of charges established by the Secretary of State until the local legislative body establishes a schedule.

Classon reminded the Selectboard that Katucki asked for an explanation of the content of the January 28th executive session, which had not been addressed.

Swett clarified that that was in a cure for the open meeting law violation and was a different topic that was not part of this meeting.

4. Adjournment

Timestamp: 1:04:53

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

Meeting adjourned at 6:34 pm.

Minutes taken by Jenny Tolman.