

CENTRAL VERMONT REGIONAL PLANNING COMMISSION
BOARD OF COMMISSIONERS
Special Meeting
Minutes

September 18, 2025

Commissioners:

<input checked="" type="checkbox"/> Barre City	Janet Shatney, Sec/Treas	<input type="checkbox"/> Moretown	David Stapleton
<input type="checkbox"/>	Vacant	<input type="checkbox"/>	Joyce Manchester, Alt
<input type="checkbox"/> Barre Town	Alice Farrell	<input checked="" type="checkbox"/> Northfield	Royal DeLegge
<input checked="" type="checkbox"/>	Phil Cecchini	<input type="checkbox"/>	Jeff Schulz, Alt
<input checked="" type="checkbox"/> Berlin	Robert Wernecke	<input type="checkbox"/> Orange	Lee Cattaneo, Vice Chair
<input type="checkbox"/>	Karla Nuisssl, Alt.	<input type="checkbox"/> Plainfield	Paula Emery
<input checked="" type="checkbox"/> Cabot	Brittany Butler	<input type="checkbox"/>	Bob Atchinson, Alt.
<input checked="" type="checkbox"/> Calais	John Brabant	<input checked="" type="checkbox"/> Roxbury	Jerry D'Amico
<input type="checkbox"/>	Melanie Kehne, Alt.	<input checked="" type="checkbox"/> Waitsfield	Alice Peal
<input checked="" type="checkbox"/> Duxbury	David Wendt	<input type="checkbox"/>	Don La Haye, Alt.
<input type="checkbox"/>	Vacant	<input type="checkbox"/> Warren	Jim Crafts
<input type="checkbox"/> E. Montpelier	Zoe Christiansen	<input type="checkbox"/>	Adam Zawistowski, Alt.
<input checked="" type="checkbox"/>	Clarice Cutler, Alt.	<input checked="" type="checkbox"/> Washington	Peter Carbee, Chair
<input checked="" type="checkbox"/> Fayston	Andrew McNealus	<input checked="" type="checkbox"/> Waterbury	Doug Greason
<input type="checkbox"/> Marshfield	Vacant	<input checked="" type="checkbox"/> Williamstown	Richard Turner
<input checked="" type="checkbox"/> Middlesex	Ron Krauth	<input type="checkbox"/>	Jacqueline Higgins, Alt.
<input checked="" type="checkbox"/>	Mitch Osiecki, Alt.	<input checked="" type="checkbox"/> Woodbury	Michael Gray
<input checked="" type="checkbox"/> Montpelier	Mike Miller	<input checked="" type="checkbox"/> Worcester	Bill Arrand

Staff: Christian Meyer

Guests: Attorney Suzanne Armor, Woolmington, Campbell, Bent & Stasny, P.C.; Stephen Whitaker, Montpelier

Call to Order: Chair Carbee called the meeting to order at 6:32 pm, a roll call was completed, and a quorum was present.

Adjustments to the Agenda: None.

Public Comments: Stephen Whitaker of Montpelier noted that only legal strategy belongs in executive session. The discussion of the review of the Montpelier plan or the appeal of the decision should be part of a public meeting. Whitaker further commented on how he interprets the roll of courts in forming a review panel.

Executive Session – 1 V.S.A. § 313(a)(1) Pending or Probable Civil Litigation:

John Brabant ***moved*** that per 1 V.S.A. § 313(a)(1) premature general public knowledge of pending or probable civil litigation and of confidential attorney-client communications made for the purpose of providing professional legal services to CVRPC would clearly place the public body at a substantial disadvantage. The motion was ***seconded*** by Alice Peal.

Discussion – John Brabant asked what exact litigation would be discussed. Attorney Armor responded that on September 8th, Mr. Whitaker filed a petition in the Superior Court of Washington County against ACCD, Lindsay Kurrle in her official capacity as the Secretary of ACCD, Central Vermont Regional Planning

Commission, and Christian Meyer in his official capacity as the Executive Director of the CVRPC and naming said parties as respondents in this litigation and lawsuit. CVRPC will need to take actions to meet certain court deadlines associated with that filing. The petition is seeking a declaratory judgment on a point of law. During executive session the Board of Commissioners will not be discussing the formation of the regional review panel.

Chair Carbee called the motion. ***The motion passed unanimously.***

John Brabant ***moved*** to enter executive session to discuss potential or pending litigation and attorney-client communication related thereto, included in the session will be executive director, Christian Meyer, and Attorney Suzanne Armor. Mr. Meyer's and Ms. Armor's attendance in executive session is appropriate because they have information that is needed by the Board to consider the matter. The motion was ***seconded*** by Robert Wernecke.

Discussion - John Brabant asked if it was appropriate for Montpelier to be included in the executive session given, they could be end up on conflicting sides of this litigation at some point and they would be able to hear to CVRPC legal strategy and that they could intervene and their legal goals may differ from the RPC. Attorney Armor responded that Montpelier has not been named in the current litigation, nor does the litigation currently implicate Montpelier or the content of the Montpelier plan. The current litigation is a very narrow review of what steps are necessary for CVRPC to take under 24 VSA 2276.

Alice Peal asked if including Montpelier in the executive session would set precedent. Peter Carbee stated that if we come into conflict with Montpelier, we will be voting on new motions, and Montpelier could be excluded at that time. Attorney Armor stated that today will not get into the merits of the petition's content but just discuss the legal process.

David Wendt added that this could implicate any municipality in the future, so he didn't feel it made sense to exclude Montpelier at this time.

Chair Carbee called the vote. ***The motion passed unanimously.*** The Board of Commissioner entered executive session at 6:55PM.

The Board of Commissioners exited executive session at 7:43PM with no action being taken.

Pending or Probable Civil Litigation

Jerry D'Amico ***moved*** to authorize the law firm of Woolmington, Campbell, Bent & Stasny, P.C. ("WCBS") to execute Waiver of Service of Summons on behalf of CVRPC and the executive director. The motion was ***seconded*** by John Brabant. **No Discussion. *The motion passed unanimously.***

Jerry D'Amico ***moved*** to authorize WCBS to execute and file with the Vermont Superior Court, Washington Unit, a Notice of Appearance on behalf of CVRPC and the executive director. The motion was ***seconded*** by William Arrand. **No Discussion. *The motion passed unanimously.***

Jerry D'Amico ***moved*** to authorize WCBS to draft and file with the court any and all pleadings, motions, replies, discovery requests, or other legal pleadings necessary in furtherance of CVRPC's and the executive's director's interest. The motion was ***seconded*** by Michael Gray.

Discussion - John Brabant confirmed that no policy action would be taken under this motion without further discussion with the CVRPC Board of Commissioners. Christian Meyer and Peter Carbee confirmed that this was their understanding, and the issue is expected to be discussed at the next board meeting, October 14.

Chair Carbee called the vote. ***The motion passed unanimously***

Jerry D'Amico ***moved*** to authorize WCBS to engage in any other activities on behalf of CVRPC in furtherance of the representation, including engaging in discussions with parties to the matter as warranted and appropriate to resolve the matter. The motion was ***seconded*** by William Arrand.

Discussion - John Brabant confirmed that no policy action would be taken under this motion without further discussion with the CVRPC board of commissioners. Christian Meyer and Peter Carbee confirmed that this was their understanding, and the issue is expected to be discussed at the next board meeting, October 14.

Chair Carbee called the vote. ***The motion passed unanimously.***

Rich Turner ***moved*** to adjourn; the motion was ***seconded*** by Alice Peal. ***The motion passed unanimously.***

Chair Carbee closed the meeting at 7:55PM

Respectfully submitted by Christian Meyer