

Open Meeting Law Complaint and Separate § 314(b)(1) Cure Requests — Joint Special Meeting of the Canaan Selectboard and Canaan Board of Listers, May 8, 2026

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Chairman Begin and Members of the Canaan Board of Listers,

This document is a written notice under 1 V.S.A. § 314(b)(1) that alleges specific violations of the Open Meeting Law, 1 V.S.A. §§ 312–314, arising from the joint special meeting of May 8, 2026, and requests a specific cure of those violations consistent with 1 V.S.A. § 314(b). It is directed to, and constitutes a separate § 314(b)(1) notice to, **two public bodies**: (1) the Canaan Selectboard, as to the warning and executive-session defects identified in Paragraphs A, B, D, and E below; and (2) the Canaan Board of Listers, a separately-elected public body, as to its independent failure to warn, open, and minute its own May 8, 2026 meeting, identified in Paragraph C below. Each public body is independently obligated to respond under § 314(b)(2) and, if it acknowledges, to cure under § 314(b)(4) the violations attributable to it; a response or cure by one body does not satisfy the obligations of the other.

1. Facts

According to the Selectboard's own published minutes for the May 8, 2026 meeting, the meeting opened at 5:00 P.M. The board entered executive session at 5:01 P.M. under 1 V.S.A. § 313(a)(1)(E) on a motion by Selectboard member Leigh, seconded by Chairman Begin, and exited executive session at 6:08 P.M. The board then adjourned the meeting at 6:09 P.M. without taking further action. Sixty-seven (67) of the meeting's sixty-nine (69) total minutes were conducted in executive session.

The May 8, 2026 meeting was noticed as a special meeting of the Selectboard. Complainant observed the Town's official website (canaan-vt.org) on May 8, 2026. As of the morning of May 8, the Town website's notices page displayed only unrelated prior notices and contained no notice of a May 8 special meeting. The special-meeting notice first appeared on the Town website on the morning of May 8, 2026 — less than eight hours before the 5:00 P.M. meeting — and read in its entirety: "Notice – Special Selectboard Meeting – May 8, 2026. The Selectboard, along with the Listers, will meet on May 08, 2026 at 5:00 P.M. to conduct an executive session under 1 V.S.A. § 313(a)(1)(E). This meeting will be held via Zoom and in person at the Canaan Town Office." The agenda document published for the meeting reflects a creation time of 2:01 P.M. on May 8, 2026 — under three hours before the meeting.

The published minutes record that Tom Trammell, Tana Trammell, Noreen Labrecque, Town Clerk Zachary Brown, and Attorney Tom Nuovo (by phone, joining at 5:05 P.M.) were "asked to join" the executive session. No public comment was taken; no new business was placed on the agenda; no public action was taken.

The Selectboard has adopted formal Rules of Procedure for Meetings, signed by then-Selectboard Chairman Michael Daley, Dillon Begin, and Alfred Buckley, and effective April 25, 2025 (the "Town Rules"). The Town Rules expressly state at Section I that the Selectboard "is required by law to conduct its meetings following the Vermont Open Meeting Law. 1 V.S.A. §§ 310-314," and that "Meetings of the Selectboard of Canaan, VT must always be open to the public, except as provided in 1 V.S.A. § 313 for an executive session." Section VII of the Town Rules sets forth the procedural requirements applicable to executive sessions, several of which track the requirements of 1 V.S.A. § 313 and are referenced in the violation analysis below.

For the avoidance of doubt: the May 8, 2026 meeting was a noticed special meeting — a joint convening of the Selectboard and, as set forth in Paragraph C, the Board of Listers — governed by 1 V.S.A. §§ 312–313, and was not a quasi-judicial proceeding under 1 V.S.A. § 310(8). The procedural requirements for warning the meeting and for entering and conducting the executive session are therefore governed by 1 V.S.A. §§ 312–313, and the deliberation-in-connection-with-a-quasi-judicial-proceeding carve-out at 1 V.S.A. § 312(e) does not apply.

2. Alleged violations

Complainant identifies the following procedural defects in the warning and conduct of the May 8, 2026 special meeting and its executive session as alleged violations of 1 V.S.A. §§ 312 and 313:

A. No "specific finding" of substantial disadvantage

1 V.S.A. § 313(a)(1) permits an executive session to discuss pending or probable civil litigation only "after making a specific finding that premature general public knowledge would clearly place the public body or a person involved at a substantial disadvantage." The published minutes of the May 8, 2026 meeting do not record any such specific finding by the Selectboard before the motion to enter executive session. The minutes record only that "Alan made a motion to enter an executive session at 5:01 P.M. under 1 V.S.A. § 313(a)(1)(E)" and that the motion passed unanimously. The required specific finding does not appear in the published minutes. The absence is both substantive evidence that the finding was not made and an independent defect under 1 V.S.A. § 312(b)(1)'s requirement that minutes give a true indication of the business of the meeting, and under the Selectboard's own Town Rules Section XI.2 (adopting the same "true indication" standard).

The Town Rules adopted by the Selectboard on April 25, 2025 expressly restate this requirement at Section VII.5: "An executive Session is permissible to discuss the following topics but only after a finding that 'premature general public knowledge would clearly place the public body, or a person involved, at a substantial disadvantage.'" The Selectboard adopted, in its own published policy, the precise procedural requirement it failed to follow on May 8, 2026.

B. "Nature of the business" not indicated in the agenda or in the motion

1 V.S.A. § 313(a) requires that "[a] motion to go into executive session shall indicate the nature of the business of the executive session, and no other matter may be considered in the executive session." The published May 8, 2026 minutes record only the bare statutory cite — "1 V.S.A. § 313(a)(1)(E)" — without further specification of the nature of the business the Selectboard was about to consider. A bare statutory cite, in Complainant's view, does not satisfy the "nature of the business" requirement; the motion should have indicated, on the record, what pending or probable civil litigation the Selectboard intended to consider and discuss.

Although § 313(a)'s nature-of-business requirement attaches to the motion itself, the Town-published agenda for the May 8, 2026 special meeting confirms the depth of the public-notice failure: it listed the executive-session item as "EXECUTIVE SESSION – 1 V.S.A. § 313(a)(1)(E)" with no further specification, and a member of the public reading the agenda in advance of the meeting would not have known what the Selectboard intended to discuss in closed session. The motion at the meeting did not cure the gap. This was also an independent agenda violation under 1 V.S.A. § 312(d)(3), which requires that a meeting agenda "contain sufficient details concerning the specific matters to be discussed by the public body" and that, "[w]henever a public body includes an executive session as an item on a posted meeting agenda, the public body shall list the agenda item as 'proposed executive session' and indicate the nature of the business of the executive session." The May 8 agenda did neither: it listed a concluded "EXECUTIVE SESSION" with only a bare statutory citation, not a "proposed executive session" item indicating the nature of the business. The absence of any nature-of-business indication is also an independent defect under 1 V.S.A. § 312(b)(1) and Town Rules Section XI.2 (minutes must give a "true indication of the business of the meeting").

The Town Rules adopted by the Selectboard on April 25, 2025 expressly restate this requirement at Section VII.2: "A motion to enter an executive session must be made during an open meeting of a public body and must indicate the nature of the business to be discussed." The Selectboard adopted, in its own published policy, the precise procedural requirement it failed to follow on May 8, 2026.

C. Pre-arranged joint meeting of two separately-elected public bodies, convened solely for executive session, without separate warning by the Board of Listers

The Town's own published notice for the May 8, 2026 meeting stated that "The Selectboard, along with the Listers, will meet on May 08, 2026 at 5:00 P.M. to conduct an executive session under 1 V.S.A. § 313(a)(1)(E)." That notice is the Town's own contemporaneous admission that the May 8 meeting was a deliberately pre-arranged joint convening of two separately-elected public bodies — the Canaan Selectboard and the Canaan Board of Listers — and not an incidental attendance by individual Listers. The Canaan Board of Listers is a separately-elected public body of the Town of Canaan — its members elected by ballot at the annual town meeting under 17 V.S.A. § 2646(5) — and falls within the definition of "public body" under 1 V.S.A. § 310(6). All three — and the only — members of the separately-elected Canaan Board of Listers (Tom Trammell, Tana Trammell, and Noreen Labrecque) were present and joined the executive session, as the Selectboard's published minutes record by name. That those three persons constitute the entire elected Board of Listers, and that Dillon Begin and Alan Leigh are two of the three members of the Canaan Selectboard (the third member, Alfred Buckley, being absent on May 8), is undisputed, is within the Selectboard's and the Board of Listers' own knowledge and the Town's records of its elected officers. A quorum of the Canaan Selectboard (two of its three members) and the entire elected membership of the Canaan Board of Listers (all three members — a fortiori a quorum) were therefore present and joined the closed session. The Listers' business reasonably to have been considered at a § 313(a)(1)(E) executive session includes pending or probable litigation to which the Board of Listers, as a separately-elected public body and the Town's assessing authority, is or may be a party — governmental business of the Board of Listers, not the daily work of viewing properties or running cost valuation.

As a separately-elected public body, the Board of Listers was independently subject to the warning-and-posting requirements of 1 V.S.A. § 312 for any meeting of the body not falling within a statutory exception (e.g., site inspections and routine day-to-day administrative matters under 1 V.S.A. § 312(g), or a quasi-judicial proceeding under 1 V.S.A. § 310(8) — neither of which applies to a § 313(a)(1)(E) pending-litigation executive session). The Board of Listers issued no separate warning or posting of a May 8 meeting of the Board. The single notice published was a Selectboard notice that named the Listers as joining; the Listers as a body did not separately warn or post. Nor was the absence of a separate Listers warning for lack of any mechanism: the Town's official notices page is organized by body and maintains a dedicated "Canaan Listers & Assessor" notices category, separate from its "Selectboard" category. The May 8 meeting was published on that page only under the "Selectboard" category, as a "Notice - Special Selectboard Meeting," even though the Town's own notice text states that the Selectboard, "along with the Listers, will meet." No notice warning a May 8 meeting of the Board of Listers as such appears on the page. The Town thus possessed the very mechanism by which a meeting of the Board of Listers would be separately warned and did not use it: the May 8 meeting was warned only as a Selectboard special meeting, and the Board of Listers — a separately-elected public body that the Town's own notice said would "meet" — was never separately warned.

The Board of Listers' obligation to warn, open, and minute its meetings is not a matter of inference. The Vermont Department of Taxes, Division of Property Valuation and Review, in its current *Lister and Assessor Handbook* (GB-1143, May 2026 edition) — the State's official guidance on which Vermont listers are trained — states: "The Open Meeting Law in 1 V.S.A, Chapter 5 states that the public must be warned of all lister meetings, that meetings must be open to the public, and that listers must take minutes. This includes grievance hearings and any meetings where the board of listers takes official action, such as the lodging of the abstract of the grand list. ... These requirements do not apply to the daily work of a lister (viewing properties, running cost valuation, etc.), as these activities are not considered 'meetings.'" The same handbook states that "The listers are elected by the voters and operate independently of the selectboard." The Board of Listers' participation as a quorum in a closed executive session concerning pending or probable litigation to which the Board of Listers is or may be a party is not "daily work" such as viewing properties or running cost valuation; it is precisely a "meeting" of the Board of Listers that the State's own handbook required the Board to warn, hold open, and minute. The Board did none of those things.

This requirement is not theoretical. Other Vermont towns warn and post their Board of Listers meetings as a matter of ordinary practice — for example, the Town of Rutland posted a warned Board of Listers meeting agenda for its March 4, 2026 organizational meeting, and the Town of Norwich maintains a Board of Listers page with posted agendas and minutes for Listers' meetings and grievance hearings. Canaan's maintenance of no warned-agenda or minutes mechanism for its Board of Listers as a separately-elected public body is the anomaly, not the norm, and is itself evidence that the Board of Listers does not warn or minute its meetings as the Open Meeting Law and the State's handbook require.

The single Selectboard notice did not identify what business of the Board of Listers as a public body would be considered, nor did it warn the public that a quorum of a second separately-elected body would deliberate. A member of the public reading the notice would understand only that the Selectboard, with the Listers present, would convene and immediately enter a closed session. The notice's sole stated purpose — "to conduct an executive session" — independently confirms that two separately-elected public bodies were convened with no warned public business at all. An executive session is a limited exception that occurs within an open meeting under 1 V.S.A. § 313; it is not a lawful purpose for which to convene, jointly and on the public record, two elected bodies for essentially the entire duration of the proceeding.

To the extent the Town contends the Board of Listers merely attended a meeting of another public body, 1 V.S.A. § 310(5)(D) provides only that "'Meeting' shall not mean a gathering of a quorum of a public body at a duly warned meeting of another public body, provided that the attending public body does not take action on its business." That exception does not resolve the violation at the notice stage, for three independent reasons: the Selectboard meeting itself was not duly warned, as alleged in Paragraph E; the Town's own notice stated that the Selectboard, "along with the Listers, will meet," describing a convening of the Listers rather than incidental attendance; and the matter for which the executive session was warned —

pending or probable litigation under § 313(a)(1)(E) — is litigation to which the Board of Listers is or may be a party, i.e., business of the Board of Listers. At minimum, the Board of Listers should state on the open-meeting record whether it claims the § 310(5)(D) exception, whether any business of the Board of Listers was discussed, and whether any action, direction, consensus, or litigation position was reached or given.

Accordingly, the violations identified in this Paragraph C are violations of the Open Meeting Law by the Canaan Board of Listers as a separate public body, independent of the Selectboard's violations identified in the other Paragraphs. This document constitutes a written notice to the Canaan Board of Listers under 1 V.S.A. § 314(b)(1) of those violations and a request for the Board of Listers' specific cure of them. The Board of Listers must independently respond under § 314(b)(2) and, if it acknowledges, cure under § 314(b)(4) at its own open meeting, as set forth in Section 3 below; a response or cure by the Selectboard does not discharge the Board of Listers' independent obligation.

D. The minutes do not document the basis, timing, or body decision authorizing non-member participation in the executive session

The published minutes record two distinct timestamps relevant to Attorney Tom Nuovo's participation in the May 8, 2026 executive session. First, the Selectboard's motion to enter executive session was made and carried at 5:01 P.M., and the board entered executive session at 5:01 P.M. Second, the minutes record that Attorney Nuovo "joined the meeting via phone at 5:05 P.M." — four minutes after the board had already entered closed session. The minutes' generic statement that "Tom, Tana, Noreen, Zach, and Attorney Nuovo were asked to join" is undated, is not framed as its own motion, and does not record a separate vote on counsel's admission.

By contrast, the same minutes record the substantive motions to enter and exit executive session with the full motion-second-discussion-vote ritual — identifying the mover ("Alan made a motion"), the seconder ("Dillon seconded the motion"), the chair's call for further discussion ("Chairman Begin asked if there was further discussion; seeing none"), and the vote tally ("The motion passed unanimously in the affirmative"). The Town Clerk drafting the minutes plainly knew how to document a body motion when one occurred. The absence of any equivalent motion-second-discussion-vote text for the admission of the three Listers, the Town Clerk, and Attorney Nuovo to the executive session is itself documentary evidence on the face of the public record that no such motion took place in open session before the body entered closed session.

The procedural sequence reflected in the minutes is not adequately documented under 1 V.S.A. § 313(b) (governing invitees to executive sessions) and 1 V.S.A. § 312(b)(1) (minutes-content requirements). Section 313(b) provides that "[a]ttendance in executive session shall be limited to members of the public body, and, in the discretion of the public body, its staff, clerical assistants and legal counsel, and persons who are subjects of the discussion or whose

information is needed." That the admission of counsel is committed to "the discretion of the public body" presumes a deliberate decision by the body, recorded so that the public minutes give a true indication of it; and the four-minute interval between the Selectboard's entry into executive session at 5:01 P.M. and counsel's joining of the call at 5:05 P.M. creates ambiguity that the public minutes do not resolve. Whether counsel was admitted by a body decision made at 5:01 P.M. (and merely physically joined at 5:05 P.M.) or admitted by some communication made after the body had already closed the doors, the published minutes are silent on the procedural sequence — which is itself a § 312(b)(1) "true indication" defect.

The Town Rules adopted by the Selectboard on April 25, 2025 contemplate this requirement at Section VII.7: "A public body may choose to invite into an executive session any of the following: legal counsel; staff; clerical assistants; and persons who are subjects of the discussion or whose information is needed." Read together with Town Rules Section VII.3 ("Motions to enter an executive session or exit an executive session are governed by section VI 'MOTIONS AND VOTING.'") and the motion-and-vote requirements of Section VI, the "may choose to invite" language at Section VII.7 contemplates a deliberate decision by the body, documented as a motion and vote in open session before the body convenes the closed portion. The May 8 minutes do not document any such deliberate choice by the Selectboard with respect to Attorney Nuovo's admission, which occurred — by the minutes' own timestamps — four minutes after the body had already entered closed session.

E. The special meeting was not warned at least 24 hours in advance (1 V.S.A. § 312(c)(2))

Although listed after the executive-session defects above, this defect is logically antecedent: it concerns whether the May 8, 2026 special meeting was lawfully warned at all.

The May 8, 2026 meeting was a special meeting of the Selectboard, so titled in both the Town's published notice and the published agenda. 1 V.S.A. § 312(c)(2) provides: "The time, place, and purpose of a special meeting subject to this section shall be publicly announced at least 24 hours before the meeting. Municipal public bodies shall post notices of special meetings in or near the municipal clerk's office and in at least two other designated public places in the municipality or a neighboring municipality, at least 24 hours before the meeting. In addition, notice shall be given, either orally or in writing, to each member of the public body at least 24 hours before the meeting, except that a member may waive notice of a special meeting." The subdivision therefore imposes three distinct 24-hour requirements: (i) public announcement of the time, place, and purpose; (ii) physical posting in or near the municipal clerk's office and in at least two other designated public places; and (iii) notice to each member of the public body.

Complainant's contemporaneous observation of the Town's own records indicates that the special meeting was not warned 24 hours in advance. The Town of Canaan maintains an official website at canaan-vt.org. As of the morning of May 8, 2026, the Town website's

notices page still displayed only unrelated prior notices and contained no notice of the May 8 special meeting; the special-meeting notice first appeared on the Town website on the morning of May 8 — less than eight hours before the 5:00 P.M. meeting. The published agenda's own creation time of 2:01 P.M. on May 8, 2026 — under three hours before the meeting — independently establishes that the warning and agenda were prepared the same day. A special-meeting notice and agenda generated on the day of the meeting cannot have been publicly announced, or physically posted in or near the clerk's office and in two other designated public places, 24 hours before the meeting as § 312(c)(2) requires. The Town website timing and the agenda's creation metadata are circumstantial evidence that the § 312(c)(2) requirements were not satisfied through any channel; Complainant is not aware of any public announcement or posting of this special meeting 24 hours in advance, and the cure requested below asks the Selectboard to confirm on the record whether, where, and when the § 312(c)(2) announcement and postings were in fact made.

The defect is not merely one of timing. Section 312(c)(2) requires that the *purpose* of the special meeting be publicly announced. The only purpose stated in the Town's notice was "to conduct an executive session under 1 V.S.A. § 313(a)(1)(E)" — a bare statutory cite that, for the reasons given in Paragraph B above, does not adequately indicate the nature of the business, and that announces a meeting convened for no open public purpose at all. Because the meeting was warned exclusively to enter executive session and to convene the Selectboard jointly with a quorum of the Board of Listers, the public was given less than a single day's notice that two separately-elected bodies would convene and immediately exclude the public for essentially the entire proceeding.

The Town Rules adopted by the Selectboard on April 25, 2025 do not merely restate the statutory minimum — they impose a more specific and more demanding requirement that the Selectboard failed to meet. Town Rules Section IV.2 provides: "At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda must be posted in or near the municipal office and at the following designated public places in the municipality: Canaan and Beecher Falls Post Offices. At least 48 hours prior to a regular meeting, and at least 24 hours prior to a special meeting, a meeting agenda must be posted on <https://canaan-vt.org/agendasmeetingminutes/selectboard.html>. The agenda must also be made available to any person who requests it prior to the meeting." The Selectboard thus adopted, in its own published policy, an affirmative obligation to post the special-meeting agenda to a specific Town website URL at least 24 hours before the meeting — an obligation the Vermont Open Meeting Law itself does not impose. As set forth in the Facts and above, the special-meeting notice did not appear on the Town website until the morning of May 8, 2026, and the agenda document was not created until 2:01 P.M. that day. The Selectboard did not post the May 8 special-meeting agenda to the Section IV.2 website 24 hours before the meeting, 12 hours before, or at any time until the same day. Town Rules Section V.2 separately restates the § 312(c)(2) requirement, specifying that special meetings "must be publicly announced at least 24 hours in advance" with notice to all members of the body, to news media serving the area, and to any person who has requested notice, and with notices posted

"in the municipal clerk's office and at ... Canaan and Beecher Falls Post Offices." And Town Rules Section VII.1 provides that "There can be no executive session without first warning and opening a public meeting." Under the Selectboard's own policy, the warning defects identified in this Paragraph E are therefore not merely independent violations; they vitiate the predicate for the executive session itself, because the May 8 executive session could not lawfully occur without a properly warned public meeting first.

3. Cure requested

This notice alleges specific violations and requests a specific cure under 1 V.S.A. § 314(b)(1) from **each** of two public bodies. Each must independently follow the § 314(b) procedure as to the violations attributable to it. A response or cure by one body does not discharge the obligation of the other.

3.1 — The Canaan Selectboard

Complainant requests that the Selectboard follow the statutory cure procedure as to the violations identified in Paragraphs A, B, D, and E:

Response — § 314(b)(2). Within 10 calendar days of receipt of this notice, the Selectboard must respond publicly, either (A) acknowledging the violations and stating an intent to cure within 14 calendar days, or (B) stating that it has determined no violation occurred and no cure is necessary. Under § 314(b)(3), failure to respond within 10 calendar days is treated as a denial.

Cure — § 314(b)(4). If the Selectboard acknowledges under § 314(b)(2)(A), then within 14 calendar days after that acknowledgment it must cure the violations **at an open meeting** by doing **both** of the following:

(A) Ratifying or declaring void the affected action. The May 8, 2026 meeting was not noticed in accordance with 1 V.S.A. § 312(c) (Paragraph E above), bringing it within § 314(b)(4)(A)(i); and the executive session was not authorized under 1 V.S.A. § 313(a)(1)–(10), because the § 313(a)(1) specific-finding requirement and the § 313(a) nature-of-business requirement were not satisfied (Paragraphs A and B above), bringing it within § 314(b)(4)(A)(iii). (Paragraph D concerns the related failure to document, under § 313(b) and § 312(b)(1), the admission of counsel and others to that executive session.) Section 314(b)(4)(A) therefore requires the Selectboard, at an open meeting, to either ratify or declare void any action taken at or resulting from the May 8, 2026 meeting and its executive session, including any decision, direction, instruction, or consensus reached during the executive session. To the extent the Selectboard's position is that no action of any kind was taken at or resulted from the May 8 meeting or its executive session, Complainant requests that the Selectboard state that fact expressly and unambiguously on the open-meeting record, so that the public record no

longer rests in its present condition — minutes reciting "No action was taken" while the Selectboard met jointly with a quorum of the Board of Listers and counsel in closed session for 67 of the meeting's 69 minutes.

(B) Adopting specific measures that actually prevent future violations. Section 314(b)(4)(B) requires the Selectboard to adopt specific measures that actually prevent future violations. Complainant requests that the Selectboard adopt, by vote at an open meeting, written procedures sufficient to ensure that (i) the substantial-disadvantage finding is recorded on the public record before each executive session under § 313(a)(1); (ii) the nature of the business is indicated in each motion to enter executive session under § 313(a); (iii) any admission of non-board-members or counsel to an executive session is the subject of a separate, documented motion and vote made in open session before the body convenes the closed portion; and (iv) for every special meeting, the time, place, and purpose are publicly announced, notices are posted in or near the municipal clerk's office and at the Canaan and Beecher Falls Post Offices, notice is given to each member of the public body, and the special-meeting agenda is posted to <https://canaan-vt.org/agendasmeetingminutes/selectboard.html>, all at least 24 hours before the meeting, as required by 1 V.S.A. § 312(c)(2) and the Selectboard's own Town Rules Sections IV.2 and V.2.

In further support of the § 314(b)(4) cure, and so that the public record gives a true indication of the May 8, 2026 meeting, Complainant requests that the Selectboard, at the same open meeting:

Acknowledge on the open-meeting record and in that meeting's minutes the specific procedural defects identified in Paragraphs A through E above;

Issue revised May 8, 2026 minutes that document — to the extent applicable and supportable on the record — (i) the specific finding of substantial disadvantage that supported the executive session, (ii) the nature of the business considered in executive session, separately for each topic the Selectboard considered, and (iii) the procedural sequence and authority for Attorney Nuovo's admission to the active executive session at 5:05 P.M., including any motion or vote that authorized his admission. Any revised minutes issued pursuant to this paragraph must be (a) adopted by majority vote of the total membership of the Selectboard at a noticed public meeting, consistent with Town Rules Section XI.5; (b) posted to the Town's official website (<https://canaan-vt.org/agendasmeetingminutes/selectboard.html>) at the same URL or location as the original May 8, 2026 minutes; and (c) accompanied by the original May 8, 2026 minutes as posted on May 11, 2026, retained as a separate document so that the public record reflects both the original and any revision; and

Confirm on the open-meeting record (i) whether a quorum of the Board of Listers was present at the May 8, 2026 meeting and, if so, what business of the Listers as a public body was conducted; (ii) the Selectboard's intended go-forward procedure when a quorum of another public body is invited to attend or to join a Selectboard executive session; and (iii) whether,

where, and when the time, place, and purpose of the May 8, 2026 special meeting were publicly announced, posted in or near the municipal clerk's office and at the Canaan and Beecher Falls Post Offices, and noticed to each Selectboard member, at least 24 hours before the meeting, as required by 1 V.S.A. § 312(c)(2) and Town Rules Section V.2, and whether and when the May 8, 2026 special-meeting agenda was posted to <https://canaan-vt.org/agendasmeetingminutes/selectboard.html>, as required by Town Rules Section IV.2.

3.2 — The Canaan Board of Listers

Complainant requests that the Board of Listers follow the statutory cure procedure as to the violations identified in Paragraph C. This obligation is independent of the Selectboard's; a Selectboard response or cure does not satisfy it.

Response — § 314(b)(2). Within 10 calendar days of the Board of Listers' receipt of this notice, the Board of Listers must respond publicly, either (A) acknowledging the violations identified in Paragraph C and stating an intent to cure within 14 calendar days, or (B) stating that it has determined no violation occurred and no cure is necessary. Under § 314(b)(3), failure to respond within 10 calendar days is treated as a denial.

Cure — § 314(b)(4). If the Board of Listers acknowledges under § 314(b)(2)(A), then within 14 calendar days after that acknowledgment it must cure the violations **at its own open meeting** — a meeting of the Board of Listers warned, opened, and minuted in accordance with 1 V.S.A. §§ 312–313 and the State's *Lister and Assessor Handbook* — by doing **both** of the following:

(A) Ratifying or declaring void the affected action. The May 8, 2026 meeting was a meeting of the Board of Listers that was not noticed in accordance with 1 V.S.A. § 312 (Paragraph C above), bringing it within § 314(b)(4)(A)(i). Section 314(b)(4)(A) therefore requires the Board of Listers, at its own open meeting, to either ratify or declare void any action taken at or resulting from the Board of Listers' participation in the May 8, 2026 meeting and its executive session, including any decision, direction, instruction, or consensus reached. To the extent the Board of Listers' position is that no action of any kind was taken at or resulted from its participation, Complainant requests that the Board of Listers state that fact expressly and unambiguously on its open-meeting record.

(B) Adopting specific measures that actually prevent future violations. Section 314(b)(4)(B) requires the Board of Listers to adopt specific measures that actually prevent future violations. Complainant requests that the Board of Listers adopt, by vote at its own open meeting, written procedures sufficient to ensure that every meeting of the Board of Listers — other than the daily work expressly excluded by the State's *Lister and Assessor Handbook* (viewing properties, running cost valuation, and the like) — is (i) warned by public notice in accordance with 1 V.S.A. § 312(c); (ii) held open to the public except for an executive session or quasi-judicial deliberation expressly authorized by 1 V.S.A. §§ 312(e), 313; and (iii) minuted, with the

Board of Listers' agendas and minutes posted and maintained for the Board as a separately-elected public body in the manner ordinarily maintained by other Vermont towns' Boards of Listers, and not merged into or treated as subsumed within the Selectboard's notices.

For the avoidance of doubt, and as to each public body independently: under § 314(b)(3) a response asserting that no violation occurred, or no response within 10 calendar days, is treated as a denial; and a purported cure that does not accomplish both subdivision (A) and subdivision (B) of § 314(b)(4), at that body's own open meeting, within 14 calendar days of that body's acknowledgment, does not constitute a cure within the meaning of the statute. A response or cure by one public body does not discharge the independent obligation of the other. Complainant reserves the right to proceed under § 314(c) against either or both public bodies accordingly.

4. Statutory reservation of rights

Complainant preserves all rights under 1 V.S.A. § 314, including the right to file a civil action under § 314(c) against the Selectboard, the Board of Listers, or both — which must be brought no later than one year after the May 8, 2026 meeting — seeking declaratory and injunctive relief and, to the extent available, costs and fees under § 314(d), subject only to the defenses available under § 314(d).

This notice is given pursuant to 1 V.S.A. § 314(b) and is independent of the related Public Records Act and Rule 75 proceedings between Complainant and the Town. Nothing in this notice or in any cure response by the Selectboard or the Board of Listers is intended to or shall be construed to limit Complainant's rights or remedies in those proceedings.

Thank you for your attention to this matter.

Sincerely,

Jonathan Benoit