

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Benjamin Koziol, Complainant ) Report of Hearing Officer  
 )  
against ) Docket #FIC76-198  
 )  
Borough of Jewett City and the ) December 16, 1976  
Board of Burgesses of Jewett )  
City, Respondents )  
 )

The above captioned matter was heard as a contested case on December 7, 1976, at which time the complainant and respondents appeared, stipulated to certain facts and presented argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined in §1(a) of P.A. 75-342.

2. On or about October 28, 1976, four members of the respondent board conferred with each other, at its regular office, concerning the hiring of a named individual as a sewer plant employee.

3. Those members of the respondent board present at the aforesaid conference constituted a quorum.

4. By letter of complaint filed with this Commission on November 10, 1976, the complainant alleged that such meeting was held in violation of P.A. 75-342.

5. The parties agreed that hiring a sewer plant employee is a matter over which the respondent board has supervision, control and jurisdiction.

6. The parties further agreed that the provisions of P.A. 75-342 regarding notice, minutes and record of votes were not followed.

7. The respondents contend that this convening of the board members was not a meeting of the board as defined in §1(b) of P.A. 75-342, and was thus not subject to the requirements of that Act, because it was a chance meeting neither planned nor intended for the purpose of discussing matters relating to official business, particularly the

aforesaid hiring.

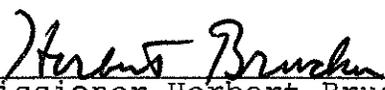
8. Whenever a quorum of a public agency gathers and a matter relating to official business is discussed, the notice and other requirements of P.A. 75-342 remain in effect.

9. It is found that the gathering on or about October 28, 1976 constituted a special meeting of a public agency, and was therefore subject to the provisions of P.A. 75-342.

The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

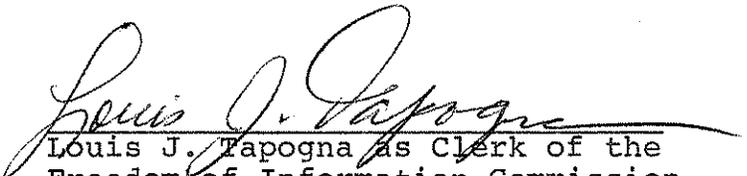
1. The respondent board shall forthwith make available for public inspection minutes of its meeting held on or about October 28, 1976, and said minutes shall contain the consensus reached concerning the aforesaid discussion.

2. Henceforth the respondent board shall strictly comply with §6 of P.A. 75-342, namely; (1) that notice of each of its special meetings shall be given not less than twenty-four hours prior to the time of such meeting by posting a notice of the time and place thereof in the office of the clerk of the respondent town; (2) that the aforesaid notice shall specify the business to be transacted and no other business shall be considered at such meetings; (3) that the votes of each member of the respondent board upon any issue before such board shall be reduced to writing and made available for public inspection within forty-eight hours, and shall also be recorded in the minutes of the session at which taken, which minutes shall be available for public inspection at all reasonable times.

  
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Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
January 12, 1977.

  
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Louis J. Papogna as Clerk of the  
Freedom of Information Commission