

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by M. Peter Kreps, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC76-203
)	
Town of Griswold and the Planning and Zoning Commission of the Town of Griswold, Respondents)	December ²⁰ 15 , 1976
)	

The above captioned matter was heard as a contested case on December 9, 1976, at which time the complainant and the respondents appeared and presented testimony, exhibits and 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 November 8, 1976, the respondent commission held a public hearing and regular meeting.
3. Such regular meeting was adjourned, however, before the respondent commission undertook the business enumerated in its agenda for that meeting.
4. Thereafter, the chairman of the respondent commission called a special meeting for 8:00 p.m. on November 15, 1976.
5. Timely notice of the time and place of such special meeting was given in accordance with §6 of P.A. 75-342.
6. The notice of such special meeting, however, failed to state the business to be transacted thereat in violation of §6 of P.A. 75-342.
7. All of the items on the agenda for the respondent commission's November 8, 1976 regular meeting, plus one additional matter, were undertaken at such special meeting.
8. This defect in notice was brought to the attention of the chairman of the respondent board at the beginning of the special meeting by the complainant, who was in attendance at such meeting.
9. Having been put on notice of the aforesaid violation,

the respondent commission voted to continue with its special meeting.

10. The complainant thereupon filed the present appeal with this Commission on November 23, 1976, alleging that the special meeting was held in violation of P.A. 75-342 and requesting that the same be declared null and void.

11. The respondent commission contends that the notice of the special meeting was in substantial compliance with P.A. 75-342 and that said meeting should not be declared null and void.

12. The requirement for stating the business to be transacted in the notice of a special meeting is essential to compliance with §6 of P.A. 75-342.

13. Consequently, it is found that the respondent commission was not in substantial compliance with the notice of special meeting provisions of §6 of P.A. 75-342.

14. While the complainant requests that the November 15, 1976 meeting be declared null and void, §14(b) of P.A. 75-342 provides that this Commission may, in its sound discretion, declare null and void any or all actions taken at a meeting to which a complaining person was denied the right to attend.

15. Since the complainant was in attendance at the November 15, 1976 meeting, it is found that he was not denied any right for which this Commission may declare null and void the actions taken at such meeting.

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

1. The respondent commission shall henceforth strictly comply with the notice of special meeting requirements of §6 of P.A. 75-342, including the provision that such notice shall specify the business to be transacted thereat.

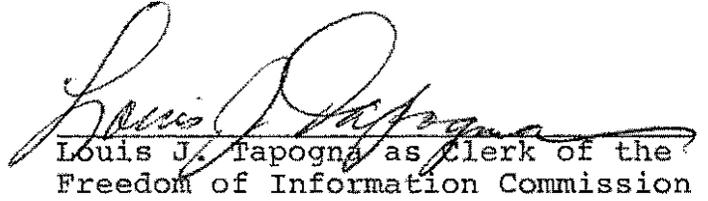
2. While this Commission is constrained by the language of §14(b) of P.A. 75-342 not to grant the relief requested herein, this decision should not be construed as limiting the remedies available to this Commission where a complainant was denied the right to attend a special meeting of a public agency due to such public agency's failure to strictly adhere to the notice requirements of §6 of that Act.

Judith A. Lahey

Commissioner Judith A. Lahey

as Hearing Officer

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



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