

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by     )  
Lois H. Jones,            Complainant     )     Report of Hearing Officer  
   )     Docket #FIC 76-76  
Town of Groton and Town Council     )  
of the Town of Groton,                )     June     3 , 1976  
   )     Respondents     )

The above captioned matter was heard as a contested case on May 25, 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.
2. On April 19, 1976, the respondent council met in executive session in the town manager's office prior to its regular meeting scheduled for 8:00 p.m. in the council chambers.
3. Notice of the executive session was published on April 15, 1976 by the Mayor of the Town of Groton.
4. The vote to convene in executive session was conducted at such session and unanimously passed.
5. The purpose of the executive session was to review with certain town officials the budget surplus in light of labor contract negotiations.
6. At the executive session, the town manager expressed projected settlement figures in the pending contract negotiations.
7. Based upon this discussion, the respondent council voted in executive session to establish a tentative mill rate.
8. Upon adjournment of the executive session, the respondent council convened its regular meeting in the council chambers at approximately 8:15 p.m.
9. Minutes of the executive session and the resolution adopting the tentative mill rate have been published.

10. It is found that the respondent council convened in executive session on April 19, 1976 for a purpose permitted under § 1(e) of P.A. 75-342.

11. It is also found, however, that the respondent council violated §6 of P.A. 75-342 in that it did not vote to convene in executive session at a public meeting.

12. Furthermore, it is found that the vote establishing a tentative mill rate was improperly taken at the executive session since such a purpose is not permitted under § 1(e) 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. Henceforth, the respondent council shall strictly comply with the provisions of P.A. 75-342 regarding the convening and conduct of executive sessions.

  
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Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on June 9, 1976.

  
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Louis J. Tapogna  
Clerk of the Commission