

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Noma Beaumont,

Complainant

against

Town of Wallingford; Public Utilities
Commission of the Town of Wallingford;
Planning and Zoning Commission of the
Town of Wallingford,

Respondents

Report of Hearing Officer

Docket #FIC81-144

April 15, 1982

The above captioned matter was heard as a contested case on March 4, 1982, at which time the complainant and the respondent commissions appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent commissions are public agencies as defined by §1-18a(a), G.S.
2. It is found that at 7:30 a.m. on Monday, August 3, 1981, there was a combined special meeting of the two respondent commissions.
3. It is found that notice of the respondent commissions' August 3, 1981 meeting was posted at the town clerk's office on Friday, July 31, 1981, at 4:10 p.m.
4. The complainant filed her complaint with this Commission on August 10, 1981, alleging that the manner of posting notice of the respondent commissions' August 3, 1981 meeting violated at least the spirit, if not the letter of §1-21, G.S.
5. It is found that the town clerk's office closes at 5:00 p.m. on Fridays and does not reopen prior to 7:30 a.m. on Mondays.
6. The complainant contends that because the town clerk's office was closed for all but 50 minutes of the time between the posting of notice and the special meeting itself, the respondent commissions failed to post such notice twenty-four hours in advance of the meeting, as required by §1-21, G.S.
7. The respondent commissions claim that the special meeting language of §1-21, G.S. requires only the posting of scheduling information, public access to which is irrelevant.

8. It is found that the legislature in drafting the twenty-four hour posting requirement for special meetings in §1-21, G.S., contemplated that the offices of town clerks would be open for business during only a portion of the twenty-four hours preceding special meetings.


9. It is found, however, that §1-21, G.S., contemplates that the public notice for special meetings be provided at a meaningful time and in a meaningful manner.

10. It is found that the complainant failed to prove that notice of the August 3, 1981 meeting was not posted at a meaningful time and in a meaningful manner.

11. It is concluded, absent a showing that the notice in question was not provided at a meaningful time and in a meaningful manner, that the respondent commissions did not violate §1-21, G.S. in the posting of the notice of their August 3, 1981 meeting.


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

1. The complaint is hereby dismissed.
2. The Commission suggests that in order to avoid similar complaints in the future, the respondent commissions cause a second notice of their special meetings to be posted in some place that is accessible to the public during the hours when the town clerk's office is closed.



Commissioner Curtis Cofield
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of May 12, 1982.



Mary Jo Jolicœur
Clerk of the Commission