

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Joseph A. Zdonczyk,

Report of Hearing Officer

Complainant

Docket #FIC81-197

against

April 20, 1981

Town of Wolcott; Town Council of
the Town of Wolcott,

Respondents

The above captioned matter was heard as a contested case on March 30, 1982, at which time the complainant and the respondent town council 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 town council is a public agency as defined by §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on December 4, 1981, the complainant alleged that the respondent town council failed to post notice twenty four hours in advance of a meeting held on November 4, 1981.

3. It is found that the respondent town council was elected on Tuesday, November 3, 1981 and that the town charter specifies that the respondent town council shall meet on the first Wednesday following its election.

4. It is found that the respondent town council held a meeting on Wednesday, November 4, notice for which was posted the same day.

5. Because the November 4, 1981 meeting of the respondent town council was not listed in its schedule of regular meetings, it is concluded that said meeting was a special meeting, as contemplated by §1-21, G.S.

6. The respondent town council claims that its November 4, 1981 meeting was an emergency meeting in that due to the language of the town charter the respondent town council could not postpone the meeting and post notice twenty four hours in advance.


7. The respondent town council failed to prove that the circumstances constituted an emergency, that it treated the meeting as an emergency meeting by fulfilling the requirements of §1-21, G.S. regarding the filing of minutes within seventy two hours following the holding of such meeting.

8. It is found that the town charter's requirement of a meeting on November 4, 1981 was known more than twenty four hours prior to such meeting, and that a notice of special meeting could have been posted twenty four hours in advance, as required by §1-21, G.S.

9. It is therefore concluded that the respondent town council violated §1-21, G.S., in that the meeting which it held on November 4, 1981 was not an emergency meeting.

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 act in strict compliance with the requirements of §1-21, G.S., regarding the posting of notices of special meetings.



Commissioner Judith A. Lahey
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of May 26, 1982.



Mary Jo Jolicœur
Clerk of the Commission