

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Shelagh P. McClure (East Windsor
IBPO Local #540)

FINAL DECISION

Complainant

Docket #FIC83-248

against

June 13, 1984

East Windsor Police Commission
of the Town of East Windsor

Respondent

The above captioned matter was heard as a contested case on March 30, 1984 at which time the complainant and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.

2. At a November 15, 1983 meeting of the respondent a motion was made to appoint acting Lieutenant Carl Weymouth to the permanent rank of Lieutenant. Chief of police Thomas Laufer objected to the appointment, stating that he felt that Mr. Weymouth was not qualified for the position and that all the staff should have been given a chance at the appointment. Voting in favor of the motion to appoint Weymouth was Commissioner Arcari. Commissioners Richard and Lamb were opposed, Commissioner Szymanski abstained and Commissioner Dallaire was not present. The motion was not carried.

3. The respondent held a special meeting on November 21, 1983, notice for which stated that the purpose of the meeting was "[t]o discuss and take action, if any, on . . . (1) Staffing (2) Executive Session - Personnel Matter. Weymouth. Laufer."

4. At the November 21, 1983 meeting, after consolidation of the two agenda items, Commissioner Arcari moved immediately to convene in executive session, which motion was subsequently withdrawn. Commissioner Lamb moved successfully "to reconsider action previously taken at an earlier meeting." Commissioner

Arcari again moved to convene in executive session, and the respondent so convened, excluding Chief Laufer.

5. Upon reconvening in public session, Commissioner Arcari moved to make acting lieutenant Carl Weymouth a permanent lieutenant. Voting in favor of the motion were Commissioners Arcari and Lamb. Commissioner Szymanski abstained and Commissioner Dallaire was opposed.

6. By letter of complaint filed with the Commission on December 20, 1983 the complainant alleged that prior to the November 21, 1983 meeting members of the respondent met, without notice, in violation of §1-21, G.S., that the notice of the meeting did not adequately notify the public of the business to be discussed at the meeting, and that the respondent considered business other than that listed on the notice for the special meeting, in violation of §1-21, G.S. The complainant requested that the actions taken at such special meeting be declared null and void.

7. At hearing, Carl Weymouth requested intervenor status and was granted permission to participate at the hearing level only.

8. The November 21, 1983 meeting of the respondent was the last meeting of the respondent prior to a change in membership.

9. Immediately prior to the November 21, 1983 meeting a member-elect, Stanley Grabowski, spoke to Commissioner Arcari regarding the proposed promotion of Mr. Weymouth. Commissioner Arcari is presently a member of the respondent.

10. It is found that the discussion between Commissioner-elect Grabowski and Commissioner Arcari did not constitute a meeting within the meaning of §1-18a(b), G.S.

11. At some time prior to the November 21, 1983 meeting Commissioner Arcari discussed the Weymouth matter with Commissioner Lamb, asking him why he hadn't voted to promote Weymouth on November 15, 1983. Commissioner Arcari also raised the issue of Weymouth's promotion with Commissioner Szymanski, who declined to discuss the issue because Weymouth is his brother in law.

12. It is found that under the circumstances, the discussions described above constituted a meeting as defined by §1-18a(b), G.S. It is concluded that Commissioners Arcari and Lamb violated §1-21, G.S. when they discussed the Weymouth matter without notice.

13. It is also found that although the names "Weymouth" and "Laufer" appeared in the notice of the special meeting, the notice was not sufficiently specific to provide meaningful notice to the

public of the business to be transacted. Testimony from persons familiar with the Weymouth matter indicated that such persons knew what to expect upon seeing the meeting notice. However, persons unfamiliar with the respondent's activities on November 15, 1983, including one member of the respondent, had no way of knowing what was to transpire.

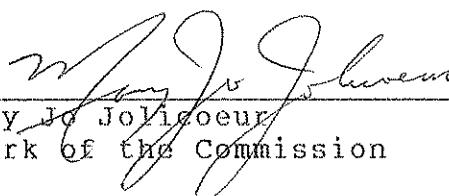
14. It is concluded that the respondent violated §1-21, G.S. when it failed to post a notice specifying the business to be transacted at its November 21, 1983 meeting.

15. The Commission finds the complainant's claim that the respondent considered business other than listed on the notice of the November 21, 1983 meeting to be without merit.

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

1. The Commission hereby declares null and void the actions of the respondent taken at its November 21, 1983 meeting.

Approved by order of the Freedom of Information Commission at its regular meeting of June 13, 1984.



Mary Jo Jolicoeur
Clerk of the Commission