

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John C. Hinchliffe,

Report of Hearing Officer

Complainant

Docket #FIC84-39

against

Stafford Board of Selectmen
of the Town of Stafford,

May 23, 1984

Respondent

The above captioned matter was heard as a contested case on April 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. The respondent held a regular meeting on March 7, 1984, the agenda for which stated that it would commence at 10:00 a.m. in the selectmen's conference room of the Warren Memorial Town Hall. The agenda included under the heading of "Old Business," the item "b. Conservation Commission." At such meeting the respondent voted to appoint 7 persons to the conservation commission.
3. The complainant is a member of the respondent.
4. By letter of complaint filed with the Commission on March 12, 1984 the complainant alleged that he had been unable to participate in the discussion of an important matter at the March 7, 1984 meeting as a result of the meeting having been convened prior to 10:00. The complainant also alleged that "conservation commission," as it appeared on the agenda for the March 7, 1984 meeting, did not give adequate notice that the respondent would be making appointments to the conservation commission on March 7, 1984.
5. At approximately 9:50 on March 7, 1984 all three members of the respondent were gathered in the Warren Memorial Town Hall. Some time thereafter two members of the respondent convened a meeting, without the complainant, in the

selectmen's conference room. The complainant claims that the meeting was improperly begun prior to 10:00 a.m., thereby denying the complainant access to the discussion of the issue of well pollution in Stafford. The other two members of the respondent claim that the meeting was begun at 10:05.

6. It is impossible, from the testimony given, to determine whether two members of the respondent excluded a third member of the respondent from a meeting by deliberately convening a meeting prior to the time scheduled. It is clear, however, that the failure of two members of the respondent to make the slightest effort to notify their colleague of the commencement of a meeting violated the spirit of the Freedom of Information Act and did a disservice to residents of Stafford.

7. It is found that a town resolution adopted on January 27, 1969 provides for the establishment of a town conservation commission of 7 members "to be appointed by the First Selectman." The resolution also provides that "vacancies in the commission shall be filled by the First Selectman." The respondent claims that because the power to appoint belongs to the first selectman alone, the respondent was not required by §1-21, G.S. to provide notice of such appointments. In the alternative the respondent claims that the notice provided met the requirements of §1-21, G.S.

8. This Commission is without jurisdiction to determine what effect the above-cited ordinance might have on the respondent's March 7, 1984 appointments to the conservation commission. On March 7, 1984 the respondent took action on a matter over which it, as an agency, was asserting supervision, control, jurisdiction or advisory power.

9. It is found that the agenda item "conservation commission" was not sufficiently specific to provide meaningful notice to the public that appointments to the conservation commission would be made on March 7, 1984.

10. It is concluded that the respondent violated §1-21, G.S. when on March 7, 1984 it voted to make certain appointments to the conservation commission.

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

1. Henceforth the respondent shall act in strict compliance with §1-21, G.S. regarding notice of the business to be conducted at meetings of public agencies.



Commissioner Donald W. Friedman
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of June 27, 1984.



Mary Jo Jolicœur
Clerk of the Commission