

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Paul Harrington,

FINAL DECISION

Complainant

Docket #FIC84-49

against

June 27, 1984

Board of Tax Review of the
Town of Cromwell,

Respondent

The above captioned matter was heard as a contested case on May 16, 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. On February 28, 1984 the three members of the respondent met with the town assessor to discuss requests for reductions in assessments.
3. At such February 28, 1984 meeting signed by two members of the respondent indicate that at such meeting the respondent decided to reduce the assessment of the Edgewood Golf Club in the amount of \$608,000.
4. Minutes of the February 28, 1984 meeting signed by two members of the respondent indicate that at such meeting the respondent decided to reduce the assessment of the Edgewood Golf Club in the amount of \$608,000.
5. By letter of complaint filed with the Commission on March 26, 1984 the complainant alleged that the respondent failed to post notice of the February 28, 1984 meeting, that the respondent held a meeting on February 29, 1984 for which no notice had been posted, that the minutes of the meetings did not indicate the votes of the members of the respondent on each decision, that it was unclear whether the "Edgewood" decision was reached on February 28, 1984 or February 29, 1984 and that one member of the respondent never voted on the Edgewood matter and was never

informed of any meeting or took part in any vote on that date or anytime thereafter.

6. The respondent claims that the February 28, 1984 gathering with the assessor was an informal gathering for which no notice was necessary, especially since the public was not entitled to offer input into the deliberations.

7. It is found, however, that the gathering on February 28, 1984 was a meeting within the meaning of §1-18a(b), G.S. and that the failure of the respondent to post notice of such meeting violated §1-21, G.S.

8. At the February 28, 1984 meeting a disagreement arose among the members of the respondent with respect to the assessment of the Edgewood Golf Club, one member believing that a new appraisal of the club was necessary prior to any decision on the assessment. The other two members of the respondent believed that obtaining a new assessment was neither necessary nor feasible.

9. Notes left on the desk of the clerk of the respondent at the close of the February 28, 1984 meeting did not indicate a decision on the issue of the assessment of the Edgewood Golf Club. However, on February 29, 1984 the chairman of the respondent telephoned the clerk and told her that a decision had been reached at the previous day's meeting on Edgewood and asked her to enter the decision on the grand list.

10. It is found that the minutes of the February 28, 1984 meeting indicate that decisions were made, but do not indicate the votes of the members of the respondent on the issues before them.

11. By the respondent's admission, no formal votes were taken at the February 28, 1984 meeting. Rather, decisions were made by consensus. It is found, however, that such consensus decisions constituted votes within the meaning of §1-21, G.S.

12. It is therefore found that the respondent violated §1-21, G.S. when it failed to record the votes of each member of the respondent upon the issues before it on February 28, 1984.

13. The chairman and one other member of the respondent claim that a decision was reached on February 28, 1984 on the Edgewood issue. A third member claims that no decision was made.

14. The complainant claims that the minutes of the February 28, 1984 meeting are inaccurate because they reflect a decision which the complainant claims was not reached.

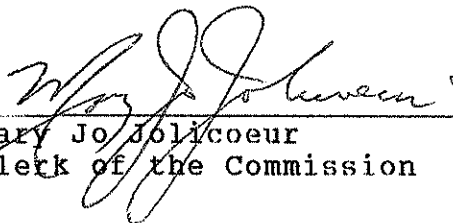
15. It is found that the respondent did not hold a meeting of any kind on February 29, 1984.

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 the requirements of §1-21, G.S. regarding the posting of notice of special meetings and the recording of votes.

2. The respondent shall, within one week of the final decision in the above matter, prepare minutes which reflect the votes of each member of the respondent on each issue before it at the respondent's February 28, 1984 meeting.

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



Mary Jo Jolicoeur
Clerk of the Commission