

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
William Rood and Ethel Standish

FINAL DECISION

Complainants

Docket #FIC 84-166

against

March 13, 1985

Board of Selectmen of the
Town of Windham

Respondent

The above captioned matter was heard as a contested case on January 11, 1985 at which time the complainants 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. By letter filed with the Commission on August 21, 1984, the complainants alleged that members of the respondent discussed and acted on a matter between their public meetings of July 26, 1984 and August 7, 1984.

3. It is found that at a special meeting held on July 26, 1984, the respondent passed a motion to seek a second attorney's opinion in regard to the proper procedure for acting on a garbage collection contract.

4. On July 30, 1984, the First Selectman, Louise Guarnaccia, asked Selectman Virginia Darrow to contact a law firm for the second opinion.

5. Selectman Darrow then contacted Selectman Rita Cantor to discuss the purpose for seeking a second attorney's opinion.

6. Selectman Cantor then discussed the question of a second attorney's opinion, individually, with Selectmen N. Nahas, N. Mesick and L. McDevitt.

7. Selectman Cantor reported back to Selectman Darrow that in her opinion and in the opinion of the three selectmen she talked with, it was no longer necessary to get a second attorney's opinion because at the end of the meeting on July 26, 1984, the respondent had followed the town attorney's original opinion.

8. At the August 7, 1984 meeting, Selectman Darrow informed the respondent that she had not obtained a second attorney's opinion because, after the discussion with Selectman Cantor, she believed that a second opinion was no longer necessary.

9. The respondent is composed of 11 members and the Windham Town Charter provides that 7 members constitute a quorum.

10. It is concluded that the discussion among the five selectmen set forth in paragraphs 5 and 6 above, along with the initial communication from the First Selectman, did not constitute an ad hoc committee of the respondent and did not constitute a communication among a quorum of the respondent, within the meaning of §1-18(a) and (b), G.S.

11. It is therefore concluded that the respondent did not conduct a meeting in violation of §1-21, G.S.

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.

Approved by order of the Freedom of Information Commission at its regular meeting of March 13, 1985.



Mary Jo Jolicoeur
Clerk of the Commission