

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

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

Complainant

against

Wolcott Town Council and
the Town of Wolcott

Respondents

Report of Hearing Officer

Docket #FIC85-128

November 13, 1985

The above captioned matter was heard as a contested case on September 13, 1985 at which time the complainant and the respondent council appeared and presented testimony, exhibits and argument on the complaint.

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

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

2. At a meeting held on May 7, 1985 the respondent council convened in executive session to discuss the possible purchase of lake and reservoir property from Scovill Manufacturing Company [hereinafter "Scovill"].

3. By letter of complaint filed with the Commission on May 31, 1985 the complainant alleged that the respondent's May 7, 1985 executive session was not held for a proper purpose within the meaning of §1-18a(e), G.S.

4. It is found that prior to May 7, 1985 Scovill publicized the fact that it intended to sell certain property owned by it, valued at \$3,269,00.00.

5. The respondent council claims that the executive session was held for a proper purpose within the meaning of §1-18a(e)(4), G.S.

6. While convened in executive session on May 7, 1985 the respondent council discussed the potential costs of necessary dam repair work, questions regarding title to the property, the issue of whether the town would be interested in all or just a portion of the property and other topics related to the town's bargaining position.

7. As of the date of hearing there had been no formal offer to buy or sell the property. The respondent council claims that the figure placed on the property is only a preliminary figure which might be reduced through negotiations or increased at the option of Scovill and that making public the degree of the town's interest in the property would cause a likelihood of increased price.

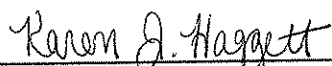
8. It is found that the May 7, 1985 executive session was convened for a proper purpose within the meaning of §1-18a(e)(4), G.S.

9. Although not raised in the complaint, the Commission notes that at hearing the respondent council raised the possibility that no minutes for its May 7, 1985 meeting were prepared, based upon a policy of not preparing minutes for executive sessions. §1-21(a), G.S. requires the preparation of minutes for every meeting of a public agency. The respondent's attitude indicates a distressing ignorance regarding the minutes requirements of the Act and the Commission therefore suggests that the respondent make an effort to instruct its members and staff more fully regarding such requirements.

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 November 13, 1985.



Karen J. Haggett
Acting Clerk of the Commission