

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Carl F. Negro,

FINAL DECISION

Complainant

Docket #FIC 85-90

against

August 14, 1985

Stratford Planning and Zoning
Commission,

Respondent

The above captioned matter was heard as a contested case on June 18, 1985 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 section 1-18a(a), G.S.

2. By letter dated February 5, 1985 the complainant requested that he be notified of any meeting held by the respondent commission concerning zoning changes on Randolph Street.

3. At a meeting held February 26, 1985 the respondent commission decided it would not give the complainant the requested notices.

4. On March 2, 1985 the complainant received a letter from the respondent stating that his request had been denied.

5. On March 29, 1985 the complainant mailed his complaint to the Commission.

6. On Monday March 4th, 1985 the respondent met and acted upon a proposed zoning change which affected Randolph Road.

7. The respondent moved to dismiss the complaint on the ground that it had not been filed within thirty days of the meeting at which the respondent denied the complainant's request.

8. §1-21(b), G.S. provides that a notice of appeal shall be filed within thirty days after denial of any right under §1-21 to 1-21k, G.S.

9. It is found that the complainant's request for notice was denied on March 2, 1985 on which day the complainant received the letter from the respondent stating that his request had been denied and on March 4, 1985, when the respondent acted on the proposed zoning change on Randolph Road; accordingly, the motion to dismiss is denied.

10. §1-21c provides in relevant part:

The public agency shall, where practicable, give notice by mail of each regular meeting, and of any special meeting which is called, at least one week prior to the date set for the meeting, to any person who has filed a written request for such notice with such body, except that such body may give such notice as it deems practical of special meetings called less than seven days prior to the date set for the meeting.

11. It is found that the failure of the respondent to provide notice to the complainant of the meeting concerning the Randolph Street zone change violated §1-21c, G.S.


12. The complainant's primary interest in attending the meeting is in knowing what the vote of each member of the respondent was with respect to the Randolph Street zone change and the reasons for the vote.

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

1. The respondent shall henceforth comply with the requirements of §1-21c, G.S.

2. The respondent shall supply the complainant with a written statement which sets forth (1) how each member of the respondent voted on the Randolph Street zone change and (2) any reasons stated at the March 4, 1985 meeting for the action taken on the Randolph Street zone change.

Approved by order of the Freedom of Information Commission at its special meeting of August 14, 1985.


Mary Jo Jolicoeur
Clerk of the Commission