

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

Joyce Bloom,

Complainant

against

Docket #FIC 2017-0647

President, Bogus Hill Tax District
Board of Directors; and Bogus Hill
Tax District Board of Directors,

Respondents

June 27, 2018

The above-captioned matter was heard as a contested case on January 16, 2018, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter dated October 23, 2017 and filed October 27, 2017, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act ("FOI Act") by holding an illegal meeting concerning the removal of fallen or dead trees.

3. Section 1-200(2)(A), G.S., defines "meeting" as:

[A]ny hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. "Meeting" does not include: Any meeting of a personnel search committee for executive level employment candidates; any chance meeting, or a social meeting neither planned nor intended for the purpose of discussing matters relating to official

business; strategy or negotiations with respect to collective bargaining; a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency; an administrative or staff meeting of a single-member public agency; and communication limited to notice of meetings of any public agency or the agendas thereof.

4. Section 1-225(a), G.S., provides, in relevant part that “[t]he meetings of all public agencies . . . shall be open to the public.”

5. The complainant contended that the respondents engaged in a secret meeting, during which it was decided that Carol Flynn, President of the Bogus Hill Tax District, should issue a letter to property owners in the district, representing the following: "The Board of Directors of the Tax District are (sic) requesting that all property owners review their trees adjacent to the road and remove dead or sick trees.”

6. President Flynn and board member Meri Schaumann appeared and testified at the contested case hearing.

7. It is found that the respondent board is comprised of President Flynn and seven other board members.

8. It is found that, every morning, President Flynn and Ms. Schaumann take a morning walk together.

9. It is found that, on or about, September 16, 2017, while President Flynn and Ms. Schaumann were taking their morning walk, a neighbor approached them and said that many dead trees had fallen and had caused road closures, obstructions and, at times, downed wires, and it would be good if President Flynn could do something about this problem. It is found that President Flynn and Ms. Schaumann stopped to listen to the neighbor and then proceeded on their walk. It is found that President Flynn and Ms. Schaumann did not continue speaking about the fallen tree issue; rather, they resumed the conversation they were engaged in before the neighbor approached them.

10. It is found that the short interaction described in paragraph 9, above, constituted a “chance meeting or social meeting neither planned nor intended for the purpose of discussing matters relating to official business.” Accordingly, it is concluded that such interaction did not constitute a meeting with the meaning of §1-200(2), G.S.

11. It is found that, by letter dated September 26, 2017, President Flynn issued a letter to property owners reminding them to check the trees on their property and to remove dead or sick trees. It is found that the letter contained the statement quoted in paragraph 5, above.

12. However, it is found that the respondents did not engage in a secret or unnoticed meeting concerning whether President Flynn should issue the letter. It is found that, President Flynn, after considering the matter, saw fit to compose and issue the letter pursuant to her

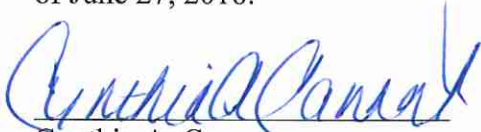
authority as board president.

13. Accordingly, it is concluded that the respondents did not violate §1-225(a), G.S., by conducting a secret meeting, as alleged in the complaint.

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

1. The complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of June 27, 2018.



Cynthia A. Cannata
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

JOYCE BLOOM, 17 Bogus Hill Road, New Fairfield, CT 06812

**PRESIDENT, BOGUS HILL TAX DISTRICT BOARD OF DIRECTORS; AND
BOGUS HILL TAX DISTRICT BOARD OF DIRECTORS**, c/o Attorney Ted D. Backer,
Cramer & Anderson LLP, 51 Main Street, New Milford, CT 06776



Cynthia A. Cannata
Acting Clerk of the Commission