



FREEDOM OF INFORMATION

Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
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Nancy Griswold

Complainant(s)

Notice of Meeting

against

Docket #FIC 2025-0570

Ralph Celone, Chairman, Planning & Zoning Commission,
Town of Thomaston; Planning & Zoning Commission,
Town of Thomaston; and Town of Thomaston

Respondent(s)

June 9, 2026

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held **in person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, June 24, 2026.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE June 22, 2026.** Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE June 22, 2026.** **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE June 22, 2026** and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

Jennifer M. Mayo

Jennifer M. Mayo

Acting Clerk of the Commission

Notice to: Nancy Griswold
Attorney Steven E. Byrne
Attorney Nicole L. Byrne

FIC# 2025-0570/ITRA/PVA/CMM/RB/JMM/2026-06-9

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Nancy Griswold,

Complainant

against

Docket #FIC 2025-0570

Ralph Celone, Chairman,
Planning & Zoning Commission,
Town of Thomaston; Planning &
Zoning Commission, Town of
Thomaston; and Town of Thomaston,

Respondents

June 4, 2026

The above-captioned matter was heard as a contested case on January 5, 2026, at which time the complainant and 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 complaint filed July 2, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by:
 - a. failing to fairly apprise the public of the purpose of the executive session convened at their June 4, 2025 regular meeting;
 - b. entering such executive session for an impermissible purpose;
 - c. improperly permitting certain persons to attend such executive session; and
 - d. failing to accurately describe the purpose of such executive session in the minutes of the June 4, 2025 regular meeting.

In her complaint, the complainant requested that the Commission impose a civil penalty against the respondents in this case.

3. Section 1-225, G.S., provides, in relevant part, as follows:

- (a) The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public. The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection within forty-eight hours and shall also be recorded in the minutes of the session at which taken. Not later than seven days after the date of the session to which such minutes refer, such minutes shall be available for public inspection and posted on such public agency's Internet web site, if available, except that no public agency of a political subdivision of the state shall be required to post such minutes on an Internet web site. Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

....

- (c) The agenda of the regular meeting of every public agency...shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer.

....

- (f) A public agency may hold an executive session as defined in subdivision (6) of section 1-200, upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in section 1-200.

4. Section 1-200(6), G.S., provides, in relevant part, as follows:

“Executive sessions” means a meeting of a public agency at which the public is excluded for one or more of the following purposes: (A) Discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require that discussion be held at an open meeting; (B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or a member thereof, because of the member's conduct as a member of such agency, is a party until such litigation or claim has been finally adjudicated or otherwise settled;...[and] (E) discussion of any matter which would result in the disclosure of public records or

the information contained therein described in subsection (b) of section 1-210.

5. Section 1-231(a), G.S., provides that:

At an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body to present testimony or opinion pertinent to matters before said body provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion and, provided further, that the minutes of such executive session shall disclose all persons who are in attendance except job applicants who attend for the purpose of being interviewed by such agency.

(Emphasis supplied).

6. With regard to the complainant's allegation in paragraph 2.a, above, it is found that the respondent Planning and Zoning Commission issued an agenda for its June 4, 2025 regular meeting, which indicated that it intended, during such meeting, to convene in an executive session for "a. Discussion of Pending Litigation – Enforcement – 1 Waterbury Road and 172 South Main Street".

7. With regard to the executive session, it is found that the minutes of the June 4, 2025 regular meeting provide, in relevant part, that:

MOTION made by T. Mueller, Seconded by M. Clarizio to go into EXECUTIVE SESSION at 8:43PM inviting Tony Adili and Dismissing Sara Walker. Motion passed unanimously.

MOTION made by M. Clarizio, Seconded by T. Mueller to exit EXECUTIVE SESSION at 9:01 pm. Motion passed unanimously.

(Punctuation and capitalization in original).

8. At the hearing on this matter, the respondents conceded, and therefore it is found, that the agenda of the June 4, 2025 regular meeting did not fairly apprise the public of the purpose of the June 4, 2025 regular executive session.

9. It is therefore concluded that the respondents violated the notice requirements of §1-225(c), G.S., as alleged in paragraph 2.a, above, with respect to such matter.

10. With regard to the complainant's allegation regarding the purpose of the June 4, 2025 executive session, described in paragraph 2.b, above, the respondents contended that they held

the June 4, 2025 executive session for a proper purpose – discussion of pending litigation as to the two listed properties – under §1-200(6)(B), G.S.

11. The phrase “pending claim,” as defined in §1-200(8), G.S., means “a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief is not granted.”

12. The phrase “pending litigation,” as defined in §1-200(9), G.S., means:

(A) a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency; (B) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or (C) the agency’s consideration of action to enforce or implement legal relief or a legal right.

13. Our Supreme Court has held that, “in order for §1-200(6)(B)[, G.S.,] to apply, the public agency either must be bringing or defending a prospective or pending lawsuit in court or in some other legal action in an adjudicatory forum.” Planning and Zoning Comm’n of the Town of Monroe, et al. v. Freedom of Info. Comm’n, 570 Conn 1, 13 (2015) (“Monroe”). “ ‘Pending’ claim or litigation includes claim or litigation ‘already in existence and in progress,’ as well as imminent, threatened litigation not yet filed.” Id., citing Bd. of Educ. v. Freedom of Info. Comm’n, 217 Conn. 153, 161 (1991).

14. Additionally, §8-3(e)(1), G.S., provides that:

(1) The zoning commission shall provide for the manner in which the zoning regulations shall be enforced, except that any person newly appointed as a zoning enforcement officer [“ZEO”] on or after January 1, 2024, shall be certified in accordance with the provisions of subdivision (2) of this subsection.

15. The Commission takes administrative notice of Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2025-0181 (March 11, 2026)(hereinafter “Docket #FIC 2025-0181”), decided by the Commission March 11, 2026. Docket #FIC 2025-0181 involved a similar meeting of the respondent Commission that occurred approximately ten weeks prior to the meeting at question herein, on March 25, 2025, wherein the Commission determined that the respondents were not a party to “pending litigation” pertaining to either 1 Waterbury Road or 172 South Main Street, or that they had discussed “strategy” or “negotiation” concerning an action to enforce or implement legal relief or a legal right, within the meaning of §§1-200(6)(B) and 1-200(9)(C), G.S.

16. Moreover, at the hearing on this matter, pertaining to the June 4, 2025 executive session, the respondents’ ZEO testified, and it is found, that during such executive session the respondents again discussed enforcement of ongoing violations of zoning regulations at both the 1 Waterbury Road and 172 South Main Street properties and that such violations pertained to an

excessive amount of unregistered motor vehicles stored on the properties. This finding is identical to the finding in Docket #FIC 2025-0181 (see paragraph 17, thereof) relative to the meeting that occurred on March 25, 2025.

17. The respondents' ZEO testified that, during the June 4, 2025 executive session, he "reported [] to the respondent Commission that [the] 172 South Main Street property continue[d] to be in violation...and [he] had done a site visit around that time to confirm that" and further, as to 1 Waterbury Road, he informed them that "from his predecessor's account, such property] was in violation and it was never confirmed not to be in violation by site visit."

18. Additionally, the respondents' ZEO testified that the two listed properties were in violation of the Town's zoning regulations and the respondent Commission did not decide nor vote to take any action during the June 4, 2025 executive session, but did not provide testimony regarding whether the respondents discussed bringing an action in court relating to the violations on the two listed properties.

19. It is found, based upon the findings and conclusions in Docket #FIC 2025-0181, coupled with the lack of evidence proffered at the hearing in this matter, that the respondents again failed to prove that, at the time of their June 4, 2025 executive session, they were a party to "pending litigation" pertaining to either 1 Waterbury Road or 172 South Main Street, or that they discussed "strategy" or "negotiation" concerning action to enforce or implement legal relief or a legal right, within the meaning of §§1-200(6)(B) and 1-200(9)(C), G.S.

20. Accordingly, it is concluded that the respondents violated the open meeting requirements of §1-225(a), G.S., as alleged in paragraph 2.b, above, with respect to the June 4, 2025 executive session discussion of 1 Waterbury Road and 172 South Main Street, since such executive session was convened for an impermissible purpose.

21. With regard to the complainant's allegation in paragraph 2.c, above, it is found that the respondent Commission invited the respondent Land Use Administrator¹ into the June 4, 2025 executive session. It is further found that the Land Use Administrator attended the entire June 4, 2025 executive session.

22. At the hearing on this matter, the respondents' ZEO testified, and it is found, that he is the only staff for the respondent Commission and was the only person who could have provided the reports that he presented to the respondent Commission at the June 4, 2025 executive session. It is found, as described in paragraph 7, above, that Sara Walker was dismissed at the commencement of the June 4, 2025 executive session and only the Land Use Administrator was present with the respondent Commission throughout such executive session.

23. It is found that the Land Use Administrator provided testimony and opinion during such executive session and that his attendance was limited to the period for which his presence was necessary, both within the meaning of §1-231(a), G.S.

¹ The Commission notes for clarity that the ZEO is the same person as the Land Use Administrator.

24. It is therefore concluded that the respondents did not violate the provisions of §1-231(a), G.S., with regard to the attendance of the Land Use Administrator at the June 4, 2025 executive session, as alleged in paragraph 2.c, above.

25. With regard to the complainant's allegation in paragraph 2.d, above, at the hearing on this matter, the respondents conceded, and therefore it is found, that the minutes of the June 4 meeting do not accurately describe the purpose of the June 4, 2025 executive session.

26. Accordingly, it is concluded that the respondents violated the provisions of §1-225(a), G.S., as alleged in paragraph 2.d, above.

27. Under the facts and circumstances of this case, the Commission declines to consider the imposition of a civil penalty.

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

1. Henceforth, the respondents shall strictly comply with the notice and meetings provisions of §§1-225(a) and 1-225(c), G.S.

2. The respondents are strongly cautioned that similar future violations of the FOI Act, as set forth in paragraph 1 of the Order above, may result in the imposition of civil penalties, given the recurrent nature of such violations as determined in prior Final Decisions of the Commission: Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2025-0316 (April 22, 2026); Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2025-0181 (March 11, 2026); Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2024-0706 (October 8, 2025); and Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2024- 0652 (October 22, 2025).

/s/ Paul V. Arce

Paul V. Arce
as Hearing Officer