

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Peter Sevetz,

Complainant

against

Docket #FIC 2021-0408

Board of Selectmen,  
Town of Hartland; and  
Town of Hartland,

Respondents

July 13, 2022

The above-captioned matter was heard as a contested case on May 25, 2022, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. Due to the COVID-19 pandemic and the state's response to it, the hearing was conducted through the use of electronic equipment (remotely) pursuant to §149 of Public Act 21-2 (June Spec. Sess.), as amended by §1 of Public Act 22-3.

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 email dated July 23, 2021, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act in the following ways:
  - a. by failing to include in the minutes of a regular meeting the names of the individuals who attended an executive session and the reason for such session;
  - b. by conducting an emergency meeting with regard to the hiring of a temporary summer worker and failing to create minutes for such meeting;
  - c. by failing to post minutes of a meeting on their internet website within seven days.
3. Section 1-225(a), G.S., provides, in relevant part, that:

[t]he 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. . . . (Emphasis added.)

4. Section 1-200(6), G.S., provides that:

“[e]xecutive 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; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; 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 1-225(f), G.S., provides that:

[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. (Emphasis supplied).

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

[a]t 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 the 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 for job applicants who attend for the purpose of being interviewed by the agency. (Emphasis supplied).

7. Section 1-225(d), G.S., provides, in relevant part, that:

[n]otice of each special meeting of every public agency. . . shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof. . . in the office of the clerk of such subdivision for any public agency of a political subdivision of the state and in the office of the clerk of each municipal member for any multitown district or agency. The secretary or clerk shall cause any notice received under this section to be posted in his office. Such notice shall be given not less than twenty-four hours prior to the time of the special meeting; provided, in case of emergency, . . . any such special meeting may be held without complying with the foregoing requirement for the filing of notice but a copy of the minutes of every such emergency special meeting adequately setting forth the nature of the emergency and the proceedings occurring at such meeting shall be filed with. . . the clerk of such political subdivision, or the clerk of each municipal member of such multitown district or agency, as the case may be, not later than seventy-two hours following the holding of such meeting. . . .

8. With regard to the allegations in paragraph 2.a, above, it is found that, on June 14, 2021, the Board of Selectmen held a regular meeting. It is found that one of the action items on the June 14 agenda indicated that there might be an executive session concerning "Employee Matters."

9. It is found that the minutes of the June 14 meeting indicated that a motion was made to move the meeting into executive session and that an executive session took place between 8:40 pm and 8:59 pm. It is found, however, that the minutes do not reflect the reason for the

vote that occurred regarding the decision to hold an executive session, in accordance with the requirements of §1-225(a), G.S.<sup>1</sup>, or who attended the executive session, in accordance with §1-231(a), G.S.

10. It is therefore concluded that the respondents violated §§1-225(a) and 1-231(a), G.S.<sup>2</sup>

11. With regard to the allegations in paragraph 2.b, above, it is found that the respondents did not hold any meeting to discuss the hiring of a temporary worker. Rather, it is found that the First Selectwoman reviewed three or four applications that were on file and selected a candidate to serve as a temporary employee in the Highway Department.

12. Accordingly, it is concluded that the respondents did not violate the FOI Act, as alleged in paragraph 2.b, above.

13. With regard to the allegations in paragraph 2.c, above, it is found that on July 12, 2021, the Board of Selectman held a special meeting.

14. It is found that the respondent board did not post the minutes of its regular meeting on its website.

15. However, pursuant to §1-225(a), G.S., the respondent board was not required to post the meeting minutes on its internet website.

16. Accordingly, it is concluded that the respondents did not violate the FOI Act, as alleged in paragraph 2.c, above.

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

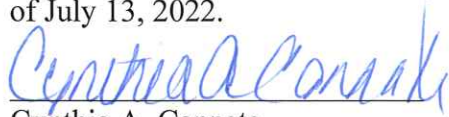
1. Henceforth, the respondents shall strictly comply with the requirements of §§1-225(a) and 1-231(a), G.S.

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<sup>1</sup> The Commission notes that, because §1-225(f), G.S., requires a public agency to “vote” and “state the reason” for an executive session in order to move a public meeting into executive session, these requirements trigger the provisions of §1-225(a), G.S., which section requires any vote that occurs during a public meeting to be recorded in the meeting minutes. See ¶¶ 3 and 5, above.

<sup>2</sup> It is found that, after the minutes for the June 14 meeting were made available, the complainant informed the respondents that he believed that the minutes were deficient in the ways described in paragraph 9, above. It is found that, at the Board of Selectmen’s regular meeting on August 9, 2021, the First Selectwoman made a motion to amend the June 14 meeting minutes by listing all of the individuals who attended the executive session at said meeting. It is found that such motion was seconded and passed unanimously. The Commission commends the respondents for taking this corrective action.

Approved by Order of the Freedom of Information Commission at its regular meeting of July 13, 2022.



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:

**PETER SEVETZ**, 154 Walnut Hill Road, East Hartland, CT 06027

**BOARD OF SELECTMEN, TOWN OF HARTLAND**, c/o Attorney Nicholas P. Vegliante, Cohn Birnbaum & Shea P.C., 100 Pearl Street, 12th Floor, Hartford, CT 06103;  
**AND TOWN OF HARTLAND**, 22 South Road, East Hartland, CT 06027



Cynthia A. Cannata  
Acting Clerk of the Commission