

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Timothy Herbst, and 9-15 Albany
Turnpike, LLC,

Complainants

against

Docket #FIC 2022-0073

First Selectman, Town of Canton;
Town Manager, Town of Canton;
Town Planner, Town of Canton; and
Town of Canton,

Respondents

October 12, 2022

The above-captioned matter was scheduled to be heard as a remote contested case on August 23, 2022, at 2:00 PM, at which time the respondents appeared, but the complainants did not appear to prosecute the case.

The hearing officer notes that Attorney Kenneth R. Slater, Jr., counsel for the respondents, appeared at the hearing with two witnesses. Specifically, it is noted that Attorney Slater appeared with Town Administrator Robert Skinner and Town Planner Neil Pade. Attorney Slater represented that both the Town Administrator and the Town Planner were prepared to testify at the scheduled hearing, and that he had spent approximately 4.5 hours reviewing the case file and meeting with his witnesses in preparation for the hearing.

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.
2. The complainants are admonished for their failure to appear at the hearing in this matter, which failure resulted in a waste of scarce state and local resources.

Approved by Order of the Freedom of Information Commission at its regular meeting
of October 12, 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:

TIMOTHY HERBST AND 9-15 ALBANY TURNPIKE, LLC. c/o Marino, Zabel & Schellenberg, PLLC, 657 Orange Center Road, Orange, CT 06477

FIRST SELECTMAN, TOWN OF CANTON; TOWN MANAGER, TOWN OF CANTON; TOWN PLANNER, TOWN OF CANTON; AND TOWN OF CANTON, c/o Attorney Kenneth R. Slater, Jr., Halloran Sage LLP, 225 Asylum Street, Hartford, CT 06103



Cynthia A. Cannata
Acting Clerk of the Commission