

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Joe Quaranta,

Complainant

against

Docket #FIC 2023-0209

Chairman, Board of Finance, Town of
Roxbury; Board of Finance, Town of
Roxbury; and Town of Roxbury,

Respondents

March 13, 2024

The above-captioned matter was heard as a contested case on November 30, 2023, at which time the complainant and the respondents appeared 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 email dated April 28, 2023, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act during an April 24, 2023 special meeting ("special meeting") of the respondent Board of Finance. Specifically, the complainant alleged that, without specifying such action on the agenda for the special meeting, the Board of Finance improperly:
 - (a) voted to approve a proposed town budget; and
 - (b) scheduled "a town meeting/referendum" to vote on such proposed town budget.

The complainant also requested that the actions taken at the special meeting "be nullified and the budget process [be] completely redone."

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

Notice 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 *The notice shall specify the time and place of the special meeting and the business to be transacted.* (Emphasis added).

4. It is found that the notice for the special meeting, described in paragraph 2, above, was timely filed and posted by the respondent Board of Finance on the respondents' Internet web site.

5. It is found that under the "Business" section of the agenda for the special meeting, the business "Proposed Budget for the Town of Roxbury Fiscal Year 2023/2024 - Discussion following Public Hearing" was listed.

6. At the hearing on this matter, the complainant argued that the agenda was not sufficiently specific to properly apprise the public of the business to be transacted. The complainant argued that the agenda for the special meeting should have (a) listed discussion and "action" or "possible action"; and (b) included the specific budget number to be approved by the Board of Finance. The complainant also stated that he was not challenging the budget process undertaken by the Board of Finance.

7. It is found that immediately preceding the special meeting on April 24, 2023, the Board of Finance held a public hearing to discuss the proposed budget for the Town of Roxbury and any potential changes to such proposed budget. It is also found that, on April 13, 2023, the respondent Board of Finance provided legal notice of the public hearing and stated on such legal notice that a copy of the proposed budget would be available for review on the Town of Roxbury's Internet web site.

8. The respondents testified, and it is found, that the specific budget number was not included on the agenda for the special meeting because that number was subject to change, based on what may have transpired at the public hearing described in paragraph 7, above.

9. The Commission has previously considered whether a public agency may vote during a special meeting despite the agenda for such meeting not specifying that a vote would be taken. In Docket #FIC 2015-534; Patricia Mechare v. Andrea Downs, Chairman, Board of Education, Regional School District 1, et al. (May 11, 2016), the complainant alleged that the respondents violated the FOI Act "by failing to specify on the agendas that action would be taken on any of the agenda items." The Commission determined that the respondents did not violate the FOI Act when voting on a matter listed on the agenda as "Anticipated Executive Session for Purpose of Superintendent Evaluation and Contract." The Commission concluded that "it is inherent in the meeting agenda that the business included therein might be considered *and* acted upon, including by way of vote, at the meeting." (Emphasis in original).

10. Similarly, in Docket #FIC 2007-249; Jay Kronfeld v. Board of Education Regional School District #12 (Nov. 28, 2007) the Commission determined that a special meeting agenda item providing "Discussion of Building Project Strategies" was "specific enough to fairly apprise the public that the respondent would discuss and possibly vote to put forth a referendum concerning the construction of a new school" See also Docket #FIC 1994-201; Lisa

Wlodarski et al. v. Ridgefield Board of Police Commissioners (Mar. 22, 1995) (finding that an agenda item to “interview” candidates “was not so restrictive so as to preclude the respondent from voting to select one of the candidates for the vacant position.”)

11. Based upon the foregoing, and the facts and circumstances of this case, it is found that the agenda for the April 24, 2023 special meeting was specific enough to fairly apprise the public that the respondents would discuss and possibly vote to approve the proposed budget for the Town of Roxbury and that a specific budget number was not required to be listed on such agenda. It is therefore concluded that the respondents did not violate the FOI Act as alleged in the complaint and described in paragraph 2(a), above.

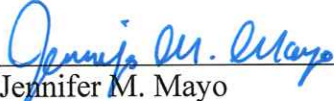
12. With regard to the complainant’s allegation that the respondent Board of Finance improperly scheduled a town meeting or referendum to vote on the proposed town budget, as described in paragraph 2(b), above, the respondents testified, and it is found, that the respondent Board of Finance took no such action at the special meeting. The respondents also testified, and it is found, that the date of such town meeting was set by the Board of Selectmen for the Town of Roxbury.

13. It is therefore concluded that the respondents did not violate the FOI Act as alleged in the complaint and described in paragraph 2(b), above.

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 March 13, 2024.



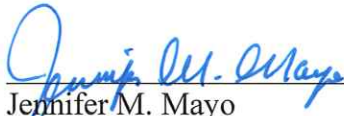
Jennifer M. Mayo
Acting Clerk of the Commission

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:

JOE QUARANTA, 1 Judds Bridge Road, Roxbury, CT 06783

FIRST SELECTMAN, BOARD OF SELECTMEN, TOWN OF ROXBURY; BOARD OF SELECTMEN, TOWN OF ROXBURY; AND TOWN OF ROXBURY, c/o Attorney Gail E. McTaggart, Secor, Cassidy & McPartland, P.C., 41 Church Street, Waterbury, CT 06702



Jennifer M. Mayo
Acting Clerk of the Commission