

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Maryanne Hornish,

Complainant

against

Docket # FIC 2024-0503

Chair, Board of Fire Commissioners, Town  
of Suffield; Board of Fire Commissioners,  
Town of Suffield; and Town of Suffield,

Respondents

August 13, 2025

The above-captioned matter was heard as a contested case on January 27, 2025, at which time the complainant and the respondents appeared; stipulated to certain facts; and presented testimony, exhibits, and argument on the complaint.

On the morning of the hearing, immediately prior to its commencement, the respondents filed a motion requesting that a new hearing officer be assigned. The respondents alleged in such motion that the undersigned hearing officer would be unable to distinguish between evidence offered by related parties on a similar issue, at a hearing over which she presided three days earlier, and the evidence offered at the hearing in the instant matter. The hearing officer denied such motion.

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, received and filed with the Commission on August 22, 2024, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to properly notice the purpose of the executive session listed on their August 20, 2024 special meeting agenda.
3. Section 1-200, G.S., provides the following in relevant part:
  - (2) "Meeting" means any 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....

- (6) “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....

4. Section 1-225, G.S., provides the following in relevant part:

- (d) [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....The notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by such public agency. (Emphasis added.)

5. It is found that on August 20, 2024, the respondent Board of Fire Commissioners convened for a special meeting. It is found that the agenda for the August 20, 2024, special meeting described the following two items of business to be conducted:

**Executive Session: Personnel Matters**  
**Possible action after executive session to be taken [...]**

6. It is well settled, with respect to the notice requirements in §1-225, G.S., that one purpose of a meeting agenda is to allow “the public and interested parties to be apprised of matters to be taken up at the meeting in order to properly prepare and be present to express their views.” Zoning Board of Appeals of the Town of Plainfield v. Freedom of Info. Comm’n, Docket No. CV 99-047917-S, 2000 WL 765186 at \*4 (Superior Court, Judicial District of New Britain, May 3, 2000), reversed on other grounds, Zoning Board of Appeals of the Town of Plainfield v. Freedom of Info. Comm’n, 66 Conn. App. 279 (2001) (“Zoning Board of Appeals”). “A notice is proper only if it fairly and sufficiently apprises the public of the action proposed, making possible intelligent preparation for participating in the meeting.” Id. at \*3. In Durham Middlefield Interlocal Agreement Advisory Board v. Freedom of Info. Comm’n, et al., Superior Court, Docket No. CV 96 0080435, Judicial District of Middletown, Memorandum of Decision dated August 12, 1997 (McWeeny, J.), the court concluded that it was reasonable for the Commission to require something more detailed than “Executive Session Re: Possible Litigation.”

7. This Commission determined long ago, in contested case Docket #FIC 1990-048, Trenton Wright, Jr. v. First Selectman, Town of Windham, that the phrase “executive session – personnel matters” was too vague to communicate to the public the business to be transacted. In the intervening years, the Commission has repeatedly stated that for the public to be fairly apprised of the reason for an executive session, the public agency must give some indication of the specific topic to be addressed, prior to convening such session. Therefore, descriptions such as “personnel”, “personnel matters”, “legal” or even “the appointment, employment, performance, evaluation, health, dismissal of a public officer or employee” are

inadequate. See, e.g., Smith v. Peck, Board of Education, Windsor Public Schools, Docket #FIC 2007-003 (August 22, 2007) (agenda item “employee personnel matters,” did not fairly apprise the public of the matter to be discussed in executive session); Richard L. Stone v. Board of Selectmen, Town of Cromwell, Docket #FIC 2010-738 (August 24, 2011) (agenda item “[e]xecutive session: [p]ersonnel,” did not fairly apprise the public of proposed matter to be discussed); and Smith v. Craig Cook, Superintendent of Schools, Windsor Public Schools, et al., Docket #FIC 2014-833 (September 24, 2015) (agenda item “Potential Executive Session to Review Attorney/Client Privileged Communication Regarding Personnel Matter” did not fairly apprise the public).

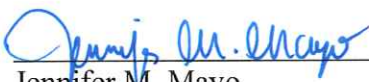
8. Based on the foregoing, it is found that the agenda items described in paragraph 5, above, do not include sufficient information to fairly apprise the public of the reason for the executive session and the matters to be considered and acted upon at the August 20, 2024 special meeting of the respondent board. It is found that, under the facts and circumstances of this case, the respondents should have more specifically identified on the agenda the nature of the “personnel matter” to be discussed.

9. It is concluded, therefore, that the respondents violated §1-225(d), G.S.

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 requirements in §1-225(d), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of August 13, 2025.

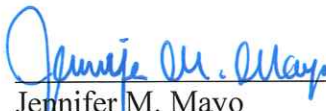
  
\_\_\_\_\_  
Jennifer M. Mayo  
Acting Clerk of the Commission

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:

**MARYANNE HORNISH**, 864 Thrall Avenue, Suffield, CT 06078

**CHAIR, BOARD OF FIRE COMMISSIONERS, TOWN OF SUFFIELD; BOARD OF FIRE COMMISSIONERS, TOWN OF SUFFIELD; AND TOWN OF SUFFIELD**, c/o Attorney Derek E. Donnelly, Blackburn & Donnelly, LLC, 2 Concorde Way, Suite 3C, P.O. Box 608, Windsor Locks, CT 06096



Jennifer M. Mayo  
Acting Clerk of the Commission