

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Thomas Harbinson,

Complainant

against

Docket # FIC 2024-0832

Chairman, Planning and Zoning
Commission, City of Shelton; Planning and
Zoning Commission, City of Shelton; and
City of Shelton,

Respondents

October 8, 2025

The above-captioned matter was heard as a contested case on May 20, 2025, at which time the complainant and the 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 December 16, 2024, the complainant appealed to the Commission, alleging that the respondent Planning and Zoning Commission (“PZC”) violated the Freedom of Information (“FOI”) Act when, during a December 11, 2024 regular meeting, its members voted in executive session.
3. Section 1-225(a), G.S., provides, in relevant part, that “[t]he meetings of all public agencies, except executive sessions ... 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”
4. Section 1-200(6)(B), G.S., provides that “Executive session” means “a meeting of a public agency at which the public is excluded for ... 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”
5. This Commission has consistently ruled that action beyond discussion pursuant to §1-200(6), G.S., such as a vote, is not permissible in an executive session. *See, e.g., Wesley Lube v. Housing Authority, Town of Wallingford*, Docket #FIC 2011-681 (Oct. 10, 2012) and *Linda*

Czaplinski v. Chair, Board of Education, Oxford Public Schools, et al., Docket #FIC 2021-0611 (July 6, 2022).

6. At the hearing, the complainant contended that members of the respondent PZC voted during executive session at the December 11, 2024 regular meeting because, shortly after such meeting, a motion was filed with the Superior Court in a pending legal matter involving the respondents, and such motion implied that action had been taken in executive session.

7. It is found that the pending legal matter referenced in paragraph 6, above, concerned an appeal from a denial of an application for a zone change. *See Ismaili v. Planning and Zoning Commission of the City of Shelton*, Docket No. HHD-CV24-6183336-S (“*Ismaili*”). It is found that, on October 28, 2024, the parties to the aforementioned appeal engaged in a court-facilitated mediation. It is found that less than a quorum of the members of the PZC attended the mediation with counsel to the PZC, Francis Teodosio.

8. It is found that, during the course of the mediation, Attorney Teodosio separately telephoned a fourth member of the PZC about the discussions taking place at the mediation. It is found that, at the conclusion of mediation, proposed settlement terms had been reached by the three members of the PZC physically present, and the plaintiffs. It is found, however, that such terms needed to be discussed by the full PZC.

9. It is found that, following the October 28, 2024 mediation session, the respondent PZC convened several meetings, during which they discussed the proposed settlement terms in executive session.

10. It is found that on December 11, 2024, the respondent PZC convened for a regular meeting. It is found that the minutes for such meeting provide that members of the PZC voted unanimously to enter into executive session for an “update on pending legal matters.”¹ It is found that the PZC invited Attorney Teodosio into executive session. It is also found that the minutes provide that no votes were taken during the executive session.

11. At the hearing on this matter, Attorney Teodosio appeared and testified for the respondents. Attorney Teodosio testified, and it is so found, that during the executive session, members of the PZC engaged in protracted discussion of the proposed settlement terms, and at no time did the members reach a consensus on the terms or cast any votes.

12. Based upon the foregoing, it is found that the respondent PZC did not vote during the executive session at the December 11, 2024 regular meeting.

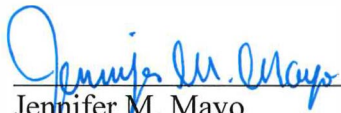
¹ In the complaint, the complainant noted that the agenda for the December 11, 2024 regular meeting included the following item: “[u]pdate on pending legal matters.” Although not raised at the hearing, the Commission notes that it has found that the phrase “pending legal matters” fails to identify with sufficient particularity the reason for the executive session. *See, e.g., Kate King and the Stamford Advocate v. Water Pollution Control Authority, City of Stamford; and City of Stamford*, Docket #FIC 2012-502 (May 8, 2013) and *Patrick Egan v. Chairman, Board of Fire Commissioners, City of New Haven; Board of Fire Commissioners, City of New Haven; and City of New Haven*, Docket #FIC 2014-660 (Sept. 9, 2015).

13. Accordingly, it is concluded that the respondents did not violate §1-225(a), G.S., as alleged in the complaint.

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.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 8, 2025.



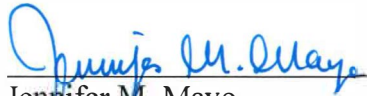
Jennifer M. Mayo
Acting Clerk of the Commission

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:

THOMAS HARBINSON, 15 Soundcrest Drive, Shelton, CT 06484

**CHAIRMAN, PLANNING AND ZONING COMMISSION, CITY OF SHELTON;
PLANNING AND ZONING COMMISSION, CITY OF SHELTON; AND CITY OF
SHELTON**, c/o Attorney Francis A. Teodosio, Teodosio Stanek, LLC, 375 Bridgeport Avenue,
Shelton, CT 06484 and Attorney Thomas G. Cotter, The Cotter Law Firm LLC, 80 Ferry
Boulevard, Suite 216, Stratford, CT 06615



Jennifer M. Mayo
Acting Clerk of the Commission