

STATE OF CONNECTICUT
FREEDOM OF INFORMATION COMMISSION

In the Matter of a Complaint by

FINAL DECISION

Richard Leighton,

Complainant

against

Docket # FIC 2025-0240

Chairperson, Planning & Zoning
Commission, Town of Deep River;
Planning & Zoning Commission, Town of
Deep River; Town of Deep River,

Respondents

October 22, 2025

The above-captioned matter was heard as a contested case on September 3, 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 April 10, 2025, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information (“FOI”) Act. Specifically, the complainant alleged that the respondents failed to make available the minutes of their March 20, 2025 regular meeting (the “March 20 Meeting”) at the Town Clerk’s Office, as of April 10, 2025.
3. Section 1-225(a), G.S., provides, in relevant part, that:

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 website. (Emphasis added)

4. At the hearing on this matter, the respondents conceded, and therefore it is found, that they failed to make available the minutes of the March 20 Meeting at the Town Clerk's Office within seven days of such meeting.¹

5. The complainant submitted into evidence a copy of the March 20 Meeting minutes, without objection from the respondents, and the respondents' attorney acknowledged them as being the minutes that were subsequently made available for public inspection at some point after the seven-day requirement.

6. Accordingly, it is concluded that the respondents violated §1-225(a), G.S., as alleged in the complaint in this matter.

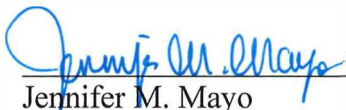
7. Notwithstanding, the respondent Chairperson appeared and testified regarding the respondents' efforts to investigate why the minutes of the March 20 Meeting were not made available for public inspection at the Town Clerk's Office within seven days of said meeting and the steps taken to ensure that the public is not precluded from inspecting the minutes of all future respondent Commission meetings as and when prescribed by the FOI Act.

8. It is found that subsequent to the respondents' notice of the complaint at issue in this case, the respondents' Chairperson met with their staff to discuss the timely creation and filing of minutes at the Town Clerk's Office, and thereafter adopted a new policy regarding the creation, filing and availability of minutes.

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 §1-225(a), G.S., of the FOI Act.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 22, 2025.


Jennifer M. Mayo
Acting Clerk of the Commission

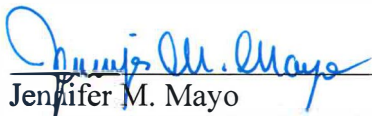
¹ See, Kelle Giachello v. Board of Selectmen, Town of Somers, et al., Docket #FIC 2014-827 (July 22, 2015), "[A] public agency that maintains a regular office or place of business is required to make the...minutes of its meetings available at such office or place of business within the specified time frames, and that the law does not require such public agency to make such...minutes available in the office of the town clerk." Here, the respondents conceded that the Town Clerk's Office is the place where the respondents' minutes are made available for public inspection.

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:

RICHARD LEIGHTON, 174 Main Street, Deep River, CT 06417

CHAIRPERSON, PLANNING & ZONING COMMISSION, TOWN OF DEEP RIVER; PLANNING & ZONING COMMISSION, TOWN OF DEEP RIVER; AND TOWN OF DEEP RIVER, c/o Attorney Kenneth R. Slater Jr., Halloran & Sage LLP, 225 Asylum Street, Hartford, CT 06103



Jennifer M. Mayo
Acting Clerk of the Commission