

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

CORRECTED FINAL DECISION

Nancy Griswold,

Complainant

against

Docket #FIC 2025-0316

Ralph Celone, Chairman,
Planning and Zoning Commission,
Town of Thomaston; Planning and
Zoning Commission, Town of Thomaston;
and Town of Thomaston,

Respondents

April 22, 2026

The above-captioned matter was heard as a contested case on January 29, 2026, 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 letter of complaint filed April 30, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by doing the following:
 - a. failing to fairly apprise the public of the purpose of the executive session convened at their April 2, 2025 regular meeting;
 - b. entering such executive session for an impermissible purpose;
 - c. improperly permitting certain persons to attend such executive session; and
 - d. failing to accurately describe the purpose of such executive session in the minutes of the April 2, 2025 regular meeting.

In her complaint, the complainant requested that the Commission impose a civil penalty against the respondents in this case.

3. Section 1-225, G.S., provides, in relevant part, as follows:

- (a) The meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, 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. 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 web site. Each public agency shall make, keep and maintain a record of the proceedings of its meetings.

....

- (c) The agenda of the regular meeting of every public agency...shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer....

....

- (f) A public agency may hold an executive session as defined in subdivision (6) of section 1-200, upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in section 1-200.

4. Section 1-200(6), G.S., provides, in relevant part, as follows:

“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; (B) 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;...[and] (E) discussion of any matter which would result in the disclosure of public records or the information contained therein described in subsection (b) of section 1-210.

5. Section 1-231(a), G.S., provides that:

At an executive session of a public agency, attendance shall be limited to members of said body and persons invited by said body to present testimony or opinion pertinent to matters before said body provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion and, provided further, that the minutes of such executive session shall disclose all persons who are in attendance except job applicants who attend for the purpose of being interviewed by such agency.

(Emphasis supplied).

6. With regard to the complainant's contention in paragraph 2.a, above, it is found that the respondent Planning and Zoning Commission issued an agenda for an April 2, 2025 regular meeting, which indicated that it intended, during such meeting, to convene in an executive session for "a. Discussion of Pending Litigation – Enforcement – 1 Waterbury Road and 172 South Main Street".

7. With regard to the executive session, it is found that the minutes of the April 2, 2025 meeting provide, in relevant part, that:

MOTION made by B. Davis, Seconded by J. Hartz to ENTER Executive Session for Discussion of Pending Litigation and Enforcement 1 Waterbury Road and 172 South Main Street at 7:24 PM, inviting T. Adili. Motion passed unanimously.

MOTION made by Mike Clarizio, seconded by T. Mueller to EXIT Executive Session at 7:42 PM. Motion passed unanimously.

(Punctuation in original).

8. At the hearing on this matter, the respondents conceded, and therefore it is found, that the agenda of the April 2 meeting did not fairly apprise the public of the purpose of the April 2 executive session.

9. It is therefore concluded that the respondents violated the notice requirements of §1-225(c), G.S., as alleged in paragraph 2.a, above, with respect to such matters.

10. With regard to the complainant's allegation regarding the purpose of the April 2, 2025 executive session described in paragraph 2.b, above, § 1-200(6), G.S., provides that the public may be excluded from an executive session held for the following purpose, among others:

(B) strategy and negotiations with respect to pending claims or pending litigation to which the public agency or 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 [...].

11. The phrase "pending claim," as defined in §1-200(8), G.S., means "a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action in an appropriate forum if such relief is not granted."

12. The phrase "pending litigation," as defined in §1-200(9), G.S., means:

(A) a written notice to an agency which sets forth a demand for legal relief or which asserts a legal right stating the intention to institute an action before a court if such relief or right is not granted by the agency; (B) the service of a complaint against an agency returnable to a court which seeks to enforce or implement legal relief or a legal right; or (C) the agency's consideration of action to enforce or implement legal relief or a legal right.

13. Our Supreme Court has held that, "in order for §1-200(6)(B)[, G.S.,] to apply, the public agency either must be bringing or defending a prospective or pending lawsuit in court or in some other legal action in an adjudicatory forum." Planning and Zoning Comm'n of the Town of Monroe, et al. v. Freedom of Info. Comm'n, 316 Conn 1, 13 (2015) ("Monroe"). " 'Pending' claim or litigation includes claim or litigation 'already in existence and in progress,' as well as imminent, threatened litigation not yet filed." Id., citing Bd. of Educ. v. Freedom of Info. Comm'n, 217 Conn. 153, 161 (1991).

14. Additionally, §8-3(e)(1), G.S., provides that:

(1) The zoning commission shall provide for the manner in which the zoning regulations shall be enforced, except that any person newly appointed as a zoning enforcement officer ["ZEO"] on or after January 1, 2024, shall be certified in accordance with the provisions of subdivision (2) of this subsection.

15. The Commission takes administrative notice of Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2025-0181 (March 11, 2026)(hereinafter "Docket #FIC 2025-0181"), decided by the Commission March 11, 2026. Docket #FIC 2025-0181 involved a similar meeting of the respondent Commission that occurred

approximately one month prior to the meeting at question herein, on March 25, 2025, wherein the Commission determined that the respondents were not a party to “pending litigation” pertaining to either 1 Waterbury Road or 172 South Main Street, or that they had discussed “strategy” or “negotiation” concerning an action to enforce or implement legal relief or a legal right, within the meaning of §§1-200(6)(B) and 1-200(9)(C), G.S.

16. Moreover, at the hearing in this matter, pertaining to the April 2, 2025 executive session, the respondents’ ZEO, it is found that, during such executive session the respondents again discussed ongoing violations of zoning regulations at both the 1 Waterbury Road and 172 South Main Street properties and that such violations pertained to an excessive amount of unregistered motor vehicles stored on and moved between the properties. This finding is identical to the finding in Docket #FIC 2025-0181 (see paragraph 17, thereof) relative to the meeting that occurred on March 25, 2025.

17. The respondents’ ZEO testified he “could not recall” whether, during the April 2, 2025 executive session, the respondents discussed bringing an action in court relating to the violations and excessive amount of unregistered motor vehicles on the two listed properties.

18. It is found that the executive session line item described in paragraph 6, above, was a long-standing “placeholder” on the respondent Commission’s agenda. It is further found that the ZEO testified that mistakes had been made in the past with respect to convening in executive session for the purpose described in paragraph 6, above.

19. It is found that the minutes of the April 2, 2025 meeting, list the “Action Regarding Items Discussed In Executive Session” under heading number 10, as follows:

MOTION made by Mike Clarizio, seconded by T. Mueller to reaffirm our policy that no apparent Zoning Violations can be deemed compliant with the Town of Thomaston Zoning Regulation unless an inspection is done on the property by the Zoning Enforcement Officer. Motion passed unanimously.

(Punctuation in original).

20. It is found that such motion, referenced in paragraph 19, above, that was issued under the respondent Commission’s authority, was a municipal administrative action, rather than an adjudicatory action, used to enforce the respondent Town’s zoning regulations.

21. It is found, based upon the findings and conclusions in Docket #FIC 2025-0181, coupled with the lack of evidence proffered at the hearing in this matter, that the respondents again failed to prove that, at the time of their April 2, 2025 executive session, they were a party to “pending litigation” pertaining to either 1 Waterbury Road or 172 South Main Street, or that they discussed “strategy” or “negotiation” concerning action to enforce or implement legal relief or a legal right, within the meaning of §§1-200(6)(B) and 1-200(9)(C), G.S.

22. Accordingly, it is concluded that the respondents violated the open meeting requirements of §1-225(a), G.S., as alleged in paragraph 2.b, above, with respect to the April 2,

2025 executive session discussion of 1 Waterbury Road and 172 South Main Street, since such executive session was convened for an impermissible purpose.

23. With regard to the complainant's allegation in paragraph 2.c, above, it is found that the respondent Commission invited the respondent Land Use Administrator¹ (the "invitee") into the April 2 executive session. It is further found that the invitee attended the entire April 2 executive session.

24. At the hearing on this matter, the respondents' witness testified, and it is found, that he, alone, was invited to join the April 2 executive session and throughout the entirety of such executive session he provided testimony relating to both properties described in paragraph 6, above. He testified further, and it is found, that his presence was necessary to present testimony at the April 2 executive session because "he has the knowledge that [one] gains from the job" and that it is solely his obligation to conduct zoning inspections on the subject properties that were the topic of the April 2 executive session.

25. It is found that the invitee entered the April 2 executive session individually, and that he provided testimony and opinion during such executive session as well as that his attendance during such executive session was limited to the period for which his presence was necessary to present testimony or opinion within the meaning of §1-231(a), G.S. ("attendance [at an executive session] shall be limited to members of said body and persons invited by said body to present testimony or opinion...provided that such persons' attendance shall be limited to the period for which their presence is necessary to present such testimony or opinion...").

26. It is therefore concluded that the respondents did not violate the provisions of §1-231(a), G.S., with regard to the attendance of the invitee at the April 2 executive session, as alleged in paragraph 2.c, above.

27. With regard to the complainant's allegation in paragraph 2.d, above, at the hearing on this matter, the respondents conceded, and therefore it is found, that the minutes of the April 2 meeting do not accurately describe the purpose of the April 2 executive session.

28. Accordingly, it is concluded that the respondents violated the provisions of §1-225(a), G.S., as alleged in paragraph 2.d, above.

29. Under the facts and circumstances of this case, the Commission declines to consider the imposition of a civil penalty.

The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint.

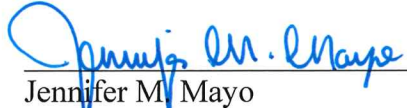
1. Henceforth, the respondents shall strictly comply with the notice and meetings provisions of §§1-225(a) and (c), G.S.

2. The respondents are strongly cautioned that similar future violations of the FOI Act, as set forth in paragraph 1 of the Order above, may result in the imposition of civil penalties, given the recurrent nature of such violations as determined in prior Final Decisions of the Commission:

¹ The Commission notes for clarity that the ZEO is the same person as the Land Use Administrator.

Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2025-0181 (March 11, 2026); Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2024-0706 (October 8, 2025); and Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al., Docket #FIC 2024- 0652 (October 22, 2025).

Approved by Order of the Freedom of Information Commission at its regular meeting of April 22, 2026.



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:

NANCY GRISWOLD, 24 Atwood Road, Thomaston, CT 06787

RALPH CELONE, CHAIRMAN, PLANNING AND ZONING COMMISSION, TOWN OF THOMASTON; PLANNING AND ZONING COMMISSION, TOWN OF THOMASTON; AND TOWN OF THOMASTON, c/o Attorney Steven E. Byrne and Attorney Nicole L. Byrne, Law Offices of Byrne & Byrne, LLC, P.O. Box 1065, Farmington, CT 06034


Jennifer M. Mayo
Acting Clerk of the Commission