

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Griswold,

Complainant

against

Docket #FIC 2025-0332

Thomas J. Mueller, Chairman, Water
Pollution Control Authority, Town of
Thomaston; Water Pollution Control
Authority, Town of Thomaston; and
Town of Thomaston,

Respondents

February 25, 2026

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

Subsequent to the hearing, the undersigned hearing officer marked the following exhibits, which had been marked as “ID Only”, as full exhibits: Respondents’ Exhibit 1: Affidavit of Thomas J. Mueller, dated October 27, 2025; and Respondents’ Exhibit 2: Affidavit of Tammie Ireland, dated October 2025.¹

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 and filed May 6, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act as follows:
 - a. the agenda of the April 15, 2025 meeting did not fairly apprise the public of the purpose of the executive session;
 - b. the respondent WPCA convened in an executive session at the April 15, 2025 meeting for an impermissible purpose;

¹ Respondents’ Exhibit 2 was submitted with the “day” left blank, however it is notarized October 27, 2025.

- c. the respondent WPCA improperly permitted certain people to attend the executive session at the April 15, 2025 meeting;
- d. the minutes of the April 15, 2025 meeting do not accurately describe the purpose of the executive session; and
- e. the votes of each member of the respondent WPCA were not reduced to writing and made available for public inspection within forty-eight hours after the April 15, 2025 meeting.²

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

² At the hearing on this matter, the complainant withdrew her allegation in paragraph 2.e, above. Therefore, such allegation will not be addressed further herein.

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:

“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; (C) matters concerning security strategy or the deployment of security personnel, or devices affecting public security; (D) discussion of the selection of a site or the lease, sale or purchase of real estate by the state or a political subdivision of the state when publicity regarding such site, lease, sale, purchase or construction would adversely impact the price of such site, lease, sale, purchase or construction until such time as all of the property has been acquired or all proceedings or transactions concerning same have been terminated or abandoned; 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. It is found that the Town of Thomaston Water Pollution Control Authority (the “respondent WPCA”) issued an agenda for its April 15, 2025 regular meeting (the “April 15 meeting”), which indicated that it intended, during such meeting, to convene in an executive session to discuss “Legal Matters” (the “April 15 executive session”).

7. With regard to the April 15 executive session, it is found that the minutes of the April 15 meeting provide, in relevant part, that:

On a motion put forth by Ch. Mueller to go into executive session to discuss legal matters related to the moratorium and invite Mgr. Galpin and Office Admin Tammie to executive session. 2nd by Comm Chandon. Motion passes. Ch. Mueller called executive session to order at 7:56pm. On a motion put forth by V. Ch. Fainer to come out of executive session, 2nd by comm Lascko. Motion passes. Ch. Mueller adjourned executive session at 8:01pm.

(Capitalization in original).

8. With regard to the complainant’s allegation in paragraph 2.a, above, at the hearing on this matter, the respondents conceded, and therefore it is found, that the agenda of the April 15 meeting did not fairly apprise the public of the purpose of the April 15 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 in paragraph 2.b, above, the Chairman of the Respondent WPCA by sworn affidavit stated that “an executive session was convened to discuss the WPC’s intention to adopt a moratorium on new connections or expanding existing connections to the town’s waste water treatment facility and to review a draft moratorium.”

11. It is found that the respondents failed to prove that the matters the respondent WPCA planned to discuss in executive session were permissible purposes³ for which to convene in executive session pursuant to §1-200(6), G.S.

12. It is therefore concluded that the respondents violated the open meeting requirements of §1-225(a), G.S., as alleged in paragraph 2.b, above.

13. It is found that the respondent WPCA invited Bert Galpin, Facility Manager for the respondent’s Wastewater Treatment Plant, and Tammie Ireland, an office administrator for the respondent Town, into the April 15 executive session (collectively, the “invitees”). It is further found that the invitees attended the entire April 15 executive session.

³ It remains unclear from the administrative record what actions or considerations were conducted in the April 15 executive session.

14. With regard to the complainant's allegation in paragraph 2.c, above, it is found that the respondents failed to prove that the invitees entered the April 15 executive session individually, and that they provided any testimony or opinion during such executive session or that their attendance during such executive session was limited to the period for which their 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...").

15. It is therefore concluded that the respondents violated the provisions of §1-231(a), G.S., with regard to the attendance of the invitees at the April 15 executive session, as alleged in paragraph 2.c, above.

16. 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 15 meeting do not accurately describe the purpose of the April 15 executive session.

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

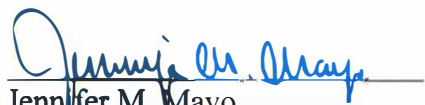
18. Under the facts and circumstances of this case, the Commission declines to consider the imposition of a civil penalty.

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), (c) and 1-231(a), G.S.

2. Forthwith, the respondents, or their designee, shall arrange for an FOI Act training session to be conducted by staff of the FOI Commission. The respondents, or their designee, shall forthwith contact the FOI Commission to schedule such training session.

Approved by Order of the Freedom of Information Commission at its regular meeting of February 25, 2026.

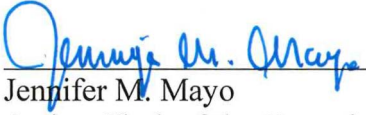

Jennifer M. Mayo
Acting Clerk of the Commission

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

THOMAS J. MUELLER, CHAIRMAN, WATER POLLUTION CONTROL AUTHORITY, TOWN OF THOMASTON; WATER POLLUTION CONTROL AUTHORITY, TOWN OF THOMASTON; AND TOWN OF THOMASTON, c/o Attorney Nicole L. Byrne, Law Offices of Byrne & Byrne, LLC, 1730 New Britain Avenue, P.O. Box 1065, Farmington, CT 06034



Jennifer M. Mayo
Acting Clerk of the Commission