

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Griswold,

Complainant

against

Docket # FIC 2025-0085

Chairman, Water Pollution Control
Authority, Town of Thomaston; Water
Pollution Control Authority, Town of
Thomaston; and Town of Thomaston,

Respondents

January 28, 2026

The above-captioned matter was heard as a contested case on June 23, 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 email, filed and received by the Commission on February 10, 2025, the complainant appealed to this Commission, alleging that the respondents committed various violations of the Freedom of Information (“FOI”) Act relating to their January 21, 2025 regular meeting. Specifically, the complainant alleged that the respondents failed to do the following:
 - (a) properly notice the purpose of the executive session held at such meeting;
 - (b) accurately describe the purpose of such executive session in the meeting minutes; and
 - (c) reduce to writing the votes taken at such meeting and make them available for public inspection within forty-eight (48) hours of such meeting.
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; (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.

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

- (a) The 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. 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 meetings 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. (Emphasis added.)

Notice of Executive Session

5. With respect to the allegation in paragraph 2(a), (above), it is found that on January 21, 2025, the respondent Water Pollution Control Authority (WPCA) convened for a regular meeting. It is found that the respondents described item 8 of such meeting's agenda merely as "EXECUTIVE SESSION."

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. It is found that the agenda item described in paragraph 5, above, does not include any descriptive information to fairly apprise the public of the reason for the executive session planned for the respondents' January 21, 2025 regular meeting.

8. It is concluded, therefore, that the respondents violated the notice provisions of §1-225(c), G.S., by failing to state the purpose of the executive session noticed on their January 21, 2025 regular meeting agenda.

Sufficiency of Minutes

9. With respect to the allegation in paragraph 2(b), above, it is found that the minutes of the respondents' January 21, 2025 meeting indicated that a motion was made and voted upon to move the meeting into executive session and that an executive session took place between 8:47 p.m. and 9:13 p.m. It is found, however, that the minutes do not reflect the purpose of the

executive session that the respondent WCPA voted to convene, in accordance with the requirements of §1-225(a), G.S.¹

10. It is concluded, therefore, that the respondents violated §1-225(a), G.S., by failing to state in the meeting minutes the purpose of the executive session convened at their January 21, 2025 meeting.

Availability of Voting Record

11. With respect to the allegation in paragraph 2(c), above, it is found that the complainant contacted the respondent town's town clerk by telephone to inquire about whether the town clerk's office possessed any materials from the respondents' January 21, 2025 meeting. The complainant testified that she waited at least 48 hours after the January 21, 2025 meeting to make such phone call. It is found that, at the time of the complainant's phone call, the respondent town's town clerk did not possess such materials.

12. The FOI Act does not obligate a municipal public agency to file its meeting minutes or record of votes with the town clerk. (See §1-225(a), G.S.; and Rhudean Bull v. Mary Lou Rinaldi, Member, Water Pollution Control Authority, City of Stamford, et al., Docket #FIC 2012-062 (November 14, 2012).)

13. Our Superior Court has affirmed that “the [FOI] act requires access to public records during regular business hours at an agency's regular place of business or, if this is deemed to be too burdensome, the agency may choose to maintain their records at the office of the town clerk.” Borough of Woodmont v. FOIC, No. CV064010811, 2007 WL 2835117 at *5 (Sept. 20, 2007) (“Woodmont”). (Emphasis added.)

14. It is found that the respondent town's town clerk did not maintain the written record of the respondents' votes from the January 21, 2025 meeting at the time of the complainant's inspection request, described in paragraph 11, above.

15. It is found that at no time during the forty-eight (48) hour period following the respondents' January 21, 2025 meeting did the complainant attempt to contact the respondent WPCA or its chairman to request the opportunity to inspect the January 21, 2025 record of votes during the WCPA's regular business hours.

16. Therefore, it is found that when the complainant filed her appeal with the Commission on February 10, 2025, the respondents had not received the complainant's request to inspect the January 21, 2025 record of votes.

¹ The Commission notes that, because §1-225(f), G.S., requires a public agency to “vote” and “state the reason” for an executive session in order to move a public meeting into executive session, these requirements trigger the provisions of §1-225(a), G.S., which section requires any vote that occurs during a public meeting to be recorded in the meeting minutes. See Peter Sevetz v. Board of Selectmen, Town of Hartland, et al., Docket #FIC 2021-0408 (July 13, 2022).

17. Accordingly, it is concluded, based upon the facts and circumstances of this case, that the respondents did not violate §1-225(a), G.S., regarding the availability of votes for public inspection.²

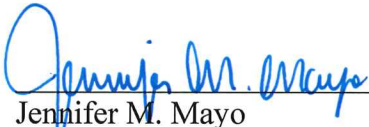
The following order by the Commission is hereby recommended on the basis of the record concerning the above-captioned complaint:

1. Within 30 days of the Notice of Final Decision in this matter, the respondents shall cause to be filed amended minutes of the executive session held during their January 21, 2025 regular meeting. In preparing such minutes, the respondents shall ensure, as much as possible, that the minutes disclose what transpired in the executive session to the same degree as would have been revealed by conducting the session in public.

2. The respondents are strongly advised to review their policy for making records of votes available for public inspection to ensure future compliance with §1-225(a), G.S.

3. Henceforth, the respondents shall strictly comply with the provisions of §§1-225(a) and 1-225(c), G.S.³

Approved by Order of the Freedom of Information Commission at its regular meeting of January 28, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

² The Commission notes, however, that the respondents did not provide evidence indicating whether it is their practice to make their records of votes available for public inspection in their office or in the town clerk's office during regular business hours in compliance with §1-225(a), G.S., and Woodmont. An affidavit from the respondent WPCA's recording clerk merely stated that "[t]he handwritten notes of the motions and votes of the January 21, 2025 Regular Meeting of the WPCA were taken from the meeting room and left at my desk in the WPCA facility immediately after the conclusion of the Regular Meeting. The handwritten notes [...] were available for public inspection at the WPCA Facility at the start of the next business day." (See Respondents' Exhibit 2, "Affidavit of Tammie Ireland, June 20, 2025.") Such affidavit did not address whether the respondents hold regular business hours at the WPCA Facility to enable public inspection of such records. Therefore, the Commission makes no finding in this regard.

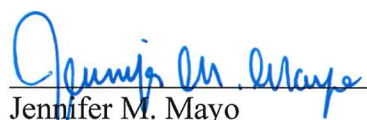
³ The Commission notes that the scope of the complaint in the above-captioned matter is limited to the allegations plead therein. However, the Commission cautions that various additional actions taken by the respondent board, evidenced to have occurred regarding the executive session at issue, likely constitute additional violations of the FOI Act. Such actions by the respondents came to light through evidentiary exhibits admitted at the contested case hearing. Such actions include the following: the attendance of two non-members of the respondent authority during executive session, prohibited pursuant to §1-231(a), G.S.; and the apparent convening of such executive session for an impermissible purpose, prohibited pursuant to §1-200(6), G.S. (See Complainant's Exhibit B, "WPCA Regular Meeting Minutes, January 21, 2025," and Respondents' Exhibit 1, "Affidavit of Thomas J. Mueller, June 20, 2025.")

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

CHAIRMAN, WATER POLLUTION CONTROL AUTHORITY, TOWN OF THOMASTON; WATER POLLUTION CONTROL AUTHORITY, TOWN OF THOMASTON; AND TOWN OF THOMASTON, c/o Attorney Steven E. Byrne and Attorney Nicole L. Byrne, Byrne & Byrne LLC, 270 Farmington Avenue, Suite 365, P.O. Box 1065, Farmington, CT 06034



Jennifer M. Mayo
Acting Clerk of the Commission