

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Griswold,

Complainant

against

Docket #FIC 2025-0252

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

Respondents

March 25, 2026

The above-captioned matter was heard as a contested case on September 8, 2025 and December 18, 2025, at which times the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

Pursuant to an order of the undersigned Hearing Officer, the respondents submitted an after-filed exhibit, which has been marked, without objection, as follows: Respondents' Exhibit 6 (after filed): Affidavit of Nicole L. Byrne, dated January 8, 2026.¹

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 letter of complaint filed April 15, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by failing to post an agenda and create minutes that fairly apprised the public of the purpose of an executive session that took place on March 18, 2025, including that:
 - a. the agenda of the March 18, 2025 meeting did not fairly apprise the public of the purpose of the executive session;

¹ The Commission notes that said order of the Hearing Officer requested that the respondents provide an affidavit attesting as to the date that the respondents' attorney informed its witness of the Commission's request that they appear at the December 18 hearing on this matter to provide testimony on the March 18 executive session. The respondents' attorney's affidavit, however, attested as to the date on which she generally informed the respondents that there would be a continued hearing on this matter.

- b. the respondent commission convened in an executive session at the March 18, 2025 meeting for an impermissible purpose;
- c. the respondent commission improperly permitted certain people to attend the executive session at the March 18, 2025 meeting;
- d. the minutes of the March 18, 2025 meeting do not accurately describe the purpose of the executive session; and
- e. the votes of each member of the respondent commission were not reduced to writing and were not made available for public inspection within forty-eight hours after the March 18, 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....

....

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.

- (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 Thomaston Water Pollution Control Authority (the “respondent WPCA or Authority”) issued an agenda for a March 18, 2025 regular meeting, which indicated that it intended, during such meeting, to convene in an executive session to discuss “A. Legal Matters”.

7. With regard to the executive session, it is found that the minutes of the March 18, 2025 meeting provide, in relevant part, that:

On a motion put forth by Comm Leduc to invite the commission, Mgr. Galpin and Office Admin Tammie to executive session. 2nd by Comm Chandon. Motion passes. Ch. Mueller called executive session to order at 8:10pm to discuss legal matters. On a motion put forth by Comm Leduc to come out of executive session, 2nd by comm Piscopo. Motion passes. Ch. Mueller adjourned executive session at 8:54pm.

(Punctuation in original).

8. This Commission has repeatedly stated that for the public to be fairly apprised of the business to be transacted during an executive session, the public agency must give some indication of the *specific* topic to be addressed, prior to convening such session. Therefore, descriptions such as “personnel,” “personnel matters,” “legal,” or even “the appointment, employment, performance, evaluation, health or dismissal of a public officer or public employee” are inadequate and do not state the reason for convening in executive session, within the meaning of §1-225(f), G.S. See, e.g. Joseph Tarzia v. Ernie Orgera, Chairman, Water Pollution Control Auth., City of Stamford, et al., Docket #FIC 2012-513 (Aug. 14, 2013).

9. Moreover, in Zoning Bd. of Appeals of Town of Plainfield v. Freedom of Info. Comm’n, No. CV-99-0497917-S, 2000 WL 765186, *3 (Conn. Super. Ct. May 3, 2000), rev’d on other grounds, 66 Conn. App. 279 (2001), the court observed that one purpose of a meeting agenda “is that the public and interested parties be apprised of matters to be taken up at the meeting in order to properly prepare and be present to express their views,” and that “[a] notice is proper only if it fairly and sufficiently apprises the public of the action proposed, making possible intelligent preparation for participation in the hearing.”

10. It is found that the respondent 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 nature of the discussion planned for the March 18, 2025 executive session concerning the legal matters as set forth in paragraph 10, above, was not set forth in the agenda of the March 18, 2025 meeting; rather, the nature of the discussions planned for executive session were explained at the hearings on this matter and in the affidavits that the respondents submitted into evidence in this case.

12. Given that the March 18, 2025 agenda simply indicated that the respondent WPCA would be entering into an executive session to discuss “Legal Matters” with no further specification, it is found that the March 18, 2025 agenda failed to fairly and sufficiently apprise the public of the matters that the respondents planned to discuss in executive session.

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

14. 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 WPCA'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."

15. 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.

16. 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.

17. With regard to the complainant's allegation in paragraph 2.c, above, it is found that the respondent WPCA invited Bert Galpin, Facility Manager for the respondents' Wastewater Treatment Plant, and Tammie Ireland, an office administrator for the respondent Town, into the March 18 executive session (collectively, the "invitees"). It is further found that the invitees attended the entire March 18 executive session.

18. At the hearing on this matter, the respondents conceded, and therefore it is found, that the respondents failed to prove that the invitees provided any testimony or opinion during the March 18 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.

19. Accordingly, it is concluded that the respondents violated the provisions of §1-231(a), G.S., with regard to the attendance of the invitees at the March 18 executive session, as alleged in paragraph 2.c, above.

20. With regard to the complainant's allegation in paragraph 2.d, above, this Commission has held that implicit in the statutory requirements of §§1-210(a) and 1-225(a), G.S., is that public agencies accurately report what occurs at public meetings and that at a minimum, the public must be "adequately apprised" of what transpires at public meetings. See, e.g. Jaskiewicz v. Murphy, et al., Docket #FIC 2004-482 (Oct. 11, 2005) (in which the Commission ordered the respondents, who had never prepared minutes of the meeting in question, to reconstruct minutes of a meeting, stating that "such minutes shall at a minimum, be sufficient to adequately apprise the public" of the matters addressed at the meeting); Klimasewski v. Wigg, et al., Docket #FIC 2003-001 (Nov. 12, 2003) (in which the Commission concluded that the respondents had violated §1-225(a), G.S., "by failing to specify the business to be transacted at the December 9, 2002 special meeting, by then discussing [the] same matters at the special meeting, and by failing to include such discussion in the minutes of that meeting.").

21. It is found that the minutes the respondent WPCA prepared concerning the discussion that occurred at the March 18, 2025 meeting relating to the executive session, adequately apprised the public of the discussion that occurred at said meeting regarding such matter.

³ It remains unclear from the administrative record what actions or considerations were conducted in the March 18 executive session.

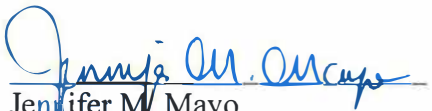
22. Accordingly, it is concluded that the respondents did not violate the provisions of §1-225(a), G.S., as alleged in paragraph 2.d, above.

23. 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), 1-225(c) and 1-231(a), G.S.

Approved by Order of the Freedom of Information Commission at its regular meeting of March 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 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