

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Nancy Griswold,

Complainant

against

Docket #FIC 2025-0428

Chairman, Planning & Zoning Commission,
Town of Thomaston; Planning & Zoning
Commission, Town of Thomaston; and
Town of Thomaston,

Respondents

May 27, 2026

The above-captioned matter was heard as a contested case on December 10, 2025, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. The case caption has been amended, without objection, to accurately reflect the respondents in this matter.¹

After the contested case hearing on this matter, by order of the undersigned hearing officer, the respondents submitted an after-filed exhibit, which has been admitted into evidence, without objection, and marked as follows: Respondents' Exhibit 1, (after-filed): Affidavit of Zoning Enforcement Officer, Tony Adili, dated January 5, 2026.

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, dated and filed June 3, 2025, the complainant appealed to this Commission, alleging that the respondents violated the Freedom of Information ("FOI") Act in connection with an executive session convened during a regular meeting of the respondent Planning & Zoning Commission ("P&Z Commission") held on May 7, 2025. Specifically, the complainant alleged that:
 - (a) "the agenda for the May 7, 2025 [regular] meeting did not fairly apprise the public of the purpose of the executive session;"

¹ The Commission notes that, by motion of the complainant, received and filed on April 23, 2026, the complainant requested to have the case caption amended a second time. By notice, dated April 24, 2026, the hearing officer denied such motion.

- (b) “the [P&Z Commission] convened in an executive session for an impermissible purpose;”
- (c) “the [P&Z Commission] improperly permitted certain persons to attend the executive session at the May 7, 2025 [regular] meeting;” and
- (d) “the minutes of May 7, 2025 [regular] meeting do not accurately describe the purpose of the executive session.”

The complainant also requested the imposition of a civil penalty against the respondents.

3. It is found that, during the May 7, 2025 regular meeting of the P&Z Commission, the respondents convened an executive session for the stated purpose of discussing pending litigation and enforcement at 1 Waterbury Road and 172 South Main Street.²

4. In the respondents’ “Proposed Stipulation for Uncontested Disposition of Complaint,” received and filed on December 8, 2025, and again at the contested case hearing on December 10, 2025, the respondents conceded to the allegations described in paragraphs 2(a), 2(c) and 2(d), above.

5. It is therefore concluded, based upon the respondents’ concessions, that, with respect to the May 7, 2025 regular meeting, the respondents violated: §1-225(a), G.S., by failing to timely post accurate minutes; the notice provision of §1-225(c), G.S., by failing to properly apprise the public of the business to be conducted; and §1-231(a), G.S., by failing to limit the attendance of nonmembers during the executive session to the period for which their presence was necessary, as alleged in the complaint.

6. With regard to the complainant’s allegation described in paragraph 2(b), above, the respondents argued that they properly convened an executive session during the May 7, 2025 regular meeting, as described in paragraph 3, above, pursuant to §1-200(6)(B), G.S.

7. Section 1-225(a), G.S., provides, in relevant part that “[t]he meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public....”

8. Section 1-200(6)(B), G.S., provides that the public may be excluded from an executive session held for the following purpose:

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....

² See Respondents’ Exhibit 1 (after-filed): Affidavit of Zoning Enforcement Officer, Tony Adili, dated January 5, 2026. See also paragraph 15, below.

9. 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.

10. 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.

11. 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 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).

12. Moreover, it is also found that, in order to qualify for the executive session provision in §1-200(6)(B), G.S., the claiming agency must be a “party” to such “pending claim” or “pending litigation”. See Monroe, 316 Conn. 1, 14 (“the zoning commission cannot be a party to its own regulatory proceeding.”). See also Chairperson, Connecticut Medical Examining Board v. Freedom of Information Commission, 310 Conn. 276, 288 n. 12 (2013) (when an agency serves as the decision-making body in a proceeding, it is not “a party” to such proceeding).

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

[t]he 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 on or after January 1, 2024, shall be certified in accordance with the provisions of subdivision (2) of this subsection.

14. At the December 10, 2025 contested case hearing, the respondents represented that, with respect to 172 South Main Street, judgment had been rendered by the Court but that both properties had not yet been brought into compliance.

15. It is found that, in the Zoning Enforcement Officer’s affidavit, sworn on January 5, 2026, he attested to the following:

[d]uring said executive session, the Planning and Zoning Commission discussed whether the property at 1 Waterbury Road was still not in compliance with Section 2.25 of the Thomaston Zoning Regulations ... I reported that ... my inspections showed that 1 Waterbury Road was not in compliance with Section 2.25. Additionally, during said executive session, the Commission discussed whether the property at 172 South Main Street was still not in compliance with Section 2.25 of the Thomaston Zoning Regulations and with the court order entered in Stacey Sefcik v. Joseph J. Watley, LLI-CV-21-6027971-S ... I reported that ... my inspections showed that the property at 172 South Main Street was not in compliance with Section 2.25 or the court order. No further action was taken by the Commission.

16. It is therefore found that during the executive session on May 7, 2025, the P&Z Commission discussed the noncompliance of two properties with the zoning regulations of the Town of Thomaston, over which the P&Z Commission has authority to enforce.

17. The Commission takes administrative notice of its Final Decisions in Docket #FIC 2025-0316, Nancy Griswold v. Ralph Celone, Chairman, Planning and Zoning Commission, Town of Thomaston, et al. (April 15, 2026) (“Docket #FIC 2025-0316”); and Docket #FIC 2025-0181, Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al. (March 11, 2026) (“Docket #FIC 2025-0181”). Docket #FIC 2025-0316 and Docket #FIC 2025-181 involved similar meetings of the P&Z Commission that occurred on April 2, 2025 and March 25, 2025, respectively. It is found that, in both matters, this Commission determined that the respondents were not a party to “pending litigation” pertaining to either 1 Waterbury Road or 172 South Main Street, nor that the P&Z Commission 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.

18. It is found, based upon the findings and conclusions in Docket #FIC 2025-0316 and 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 May 7, 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.

19. 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 May 7, 2025 executive session because such executive session was convened for an impermissible purpose.

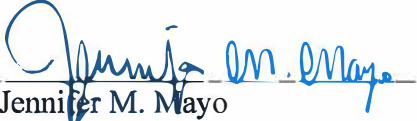
20. Based upon the facts and circumstances of this case, the Commission declines to consider the imposition of a civil penalty.³

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 a civil penalty, given the recurrent nature of such violations as determined in prior Final Decisions of the Commission: Docket #FIC 2025-0316, Nancy Griswold v. Ralph Celone, Chairman, Planning and Zoning Commission, Town of Thomaston, et al. (April 15, 2026); Docket #FIC 2025-0181, Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al. (March 11, 2026); Docket #FIC 2024-0652, Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al. (October 22, 2025); and Docket #FIC 2024-0706, Nancy Griswold v. Chairman, Planning and Zoning Commission, Town of Thomaston, et al. (October 8, 2025).

Approved by Order of the Freedom of Information Commission at its regular meeting of May 27, 2026.


Jennifer M. Mayo
Acting Clerk of the Commission

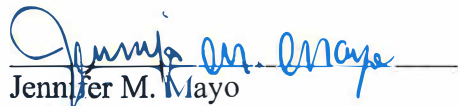
³ The Commission notes that, although similar violations were found in Docket #FIC 2025-0316 and Docket #FIC 2025-0181, the underlying public meetings in those matters were held in the two months preceding the underlying public meeting at issue in this case, and the Commission's Final Decision for each such matter was rendered in the two months preceding the Report of Hearing Officer in this matter. The Commission also notes that the respondents have received FOI Act training subsequent to the public meeting at issue in this complaint. But see paragraph 2 of the Order, below.

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

LAND USE ADMINISTRATOR, PLANNING & ZONING COMMISSION, TOWN OF THOMASTON; PLANNING & 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, 1730 New Britain Avenue, P.O. Box 1065, Farmington, CT 06034


Jennifer M. Mayo
Acting Clerk of the Commission