

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)	
Catherine Blakeman, Complainant)	Report of Hearing Officer
)	
against)	Docket #FIC76-118
)	
City and Town of Shelton and)	August 31 , 1976
Zoning Board of Appeals of the)	
City and Town of Shelton,)	
Respondents)	

The above captioned matter was heard as a contested case on August 6, 1976, 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:

1. The respondents are public agencies.
2. On the evening of June 15, 1976 there was a meeting of the respondent board. During this meeting votes were taken on a number of matters, including a variance in which the complainant has an interest.
3. On June 16, 1976, the respondent board filed with the town clerk a copy of the agenda of the meeting of the previous night, with additions briefly noting the actions taken by the board. This annotated agenda is insufficient to constitute minutes of that meeting. The votes of each member of the respondent board were not included among the notations on the agenda, nor was the record of such votes filed with the town clerk within 48 hours of the meeting, as required by §6 of P.A. 75-342.
4. It is the practice of the respondent board to file a verbatim transcript of each meeting in lieu of summarized minutes. Such a transcript of the June 15, 1976 meeting was prepared. Although portions of this transcript, wherein variances were granted, were available on or before July 1, 1976, the complete transcript was not available to the public until some time after July 6, 1976.
5. The transcript was prepared by a clerk from her stenographic notes. The clerk also tape-recorded the proceedings. The tape recorder used for this purpose is owned by the respondents, but the tapes themselves are purchased, and are in the possession of, the clerk who uses and re-uses them as a back-up to her stenographic notes.

6. The complainant filed this appeal on July 7, 1976 on the ground that the complete minutes of the June 15, 1976 meeting were not on file on July 1, 1976, and that on July 2, 1976 she was denied access to the tape recordings of the meeting.

7. While P.A. 75-342 does not specify the content of minutes, other than that the votes of each member must be recorded, it does provide that "minutes shall be available for public inspection at all reasonable times." The term "reasonable times" has been interpreted by this Commission as usually within one week of the meeting in question. The fact that a verbatim transcript is filed later does not alter this time requirement. It is therefore found that the minutes of the June 15, 1976 meeting of the respondent board were not filed at a reasonable time within the meaning of §6 of P.A. 75-342.

8. The tape recording of the June 15, 1976 meeting is not a public record. It is the property of the clerk of the respondent board, who uses it for her own purposes. Consequently, this Commission does not have jurisdiction under P.A. 75-342 to order the disclosure of the tape recording in question. It is to be noted, however, that these tapes are used for no other purpose than to record meetings of a public agency. They are therefore close to the border line at which disclosure is required.

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

1. All votes of the respondent board at its June 15, 1976 meeting concerning the complainant, or property in which the complainant has an interest, are hereby declared null and void.

2. Henceforth, the respondent board shall in all respects comply with the provisions of P.A. 75-342 concerning the publication and availability of records of votes and minutes of its meetings.

3. This Commission recommends that if the respondent board continues to file verbatim transcripts of its meetings, it should also file a summary of its proceedings as minutes, so that the time requirements of §6 of P.A. 75-342 will be met.

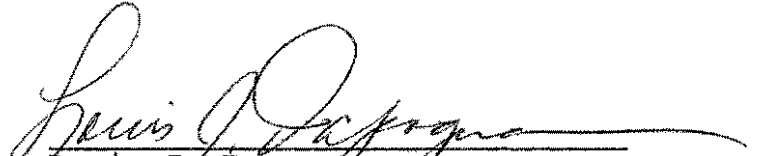


Commissioner Herbert Brucker

as Hearing Officer

4. This Commission recommends that if the respondent board supplies a tape recorder for the transcription of the meetings, it should also supply tapes and make those tapes available to the public.

Approved by order of the Freedom of Information Commission
on September 8, 1976.



Louis J. Tapogna, as
Clerk of the Commission