

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by )  
Edward A. Peruta, Complainant ) Report of Hearing Officer  
  
against ) Docket #FIC76-134  
  
Town of Rocky Hill and Town ) September 22, 1976  
Manager of the Town of Rocky )  
Hill, Respondents )

The above captioned matter was heard as a contested case on September 7, 1976, at which time the complainant and respondents appeared, stipulated to certain facts, presented testimony and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies.
2. On July 19, 1976 there was a conference called by the Community Development Officer of the Town of Rocky Hill in which the respondent Town Manager, the Town Sanitarian, and the Community Development Officer, all of the Town of Rocky Hill, met together with a representative of the Department of Environmental Protection of the State of Connecticut and a representative of the F.L. Roberts Company to discuss a problem of possible odors issuing from the F.L. Roberts Company's bulk plant located in the Town of Rocky Hill.
3. No public notice and minutes of the meeting were taken and the public was not allowed to attend.
4. By letter of complaint filed with this Commission on July 27, 1976, the complainant alleged that the aforesaid meeting violated P.A. 75-342 in that there was improper notice and that the complainant was improperly excluded therefrom.
5. The Community Development Officer is an administrative office of the respondent town.
6. The purpose of the conference was fact finding preparatory to a recommendation that would issue from the Community Development Officer to the respondent Town Manager and the Town Council, concerning the problem of odor emission.
7. The question then becomes whether this meeting was a meeting of a public agency within the meaning of §1(b) of P.A. 75-342

8. While this meeting falls within the language of §1(b), it is clear that such meetings were not contemplated to be included in P.A. 75-342 by the General Assembly. It would defy reason to interpret the legislative intent as expressed in P.A. 75-342 to require public notice and conduct of meetings in every circumstance where a public official meets with other persons. To find otherwise would mean that each time a town official meets with another town official or members of the public to discuss matters within the jurisdiction of such town official, notice of special meeting would have to be published with the town clerk, minutes would have to be prepared and published, and, if applicable, a vote taken to go into executive session. Under this obligation, government could not function.

9. It is therefore concluded that the "meeting" of July 19, 1976 was not a meeting within the meaning of P.A. 75-342 and consequently this Commission lacks jurisdiction to grant relief to the complainant.

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

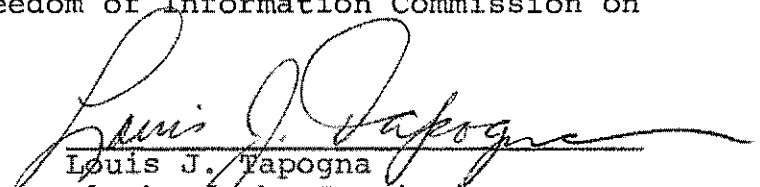
1. The complaint is hereby dismissed since this Commission lacks subject matter jurisdiction under P.A. 75-342.

2. While the meeting in question is found not to fall within the purview of P.A. 75-342, this decision is limited to the facts herein presented and shall not be construed as applying to other meetings called and conducted by these or other public agencies under circumstances different from those presented in this case.

  
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Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on  
October 13, 1976.

  
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Louis J. Papogna  
Clerk of the Commission