## FREEDOM OF INFORMATION COMMISSION OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Jane Michalski, Complainant	)	
against	)	Report of Hearing Officer
Town of New Hartford and	)	Docket #FIC76-138
New Hartford Board of Finance, Respondents	) )	October 20, 1976

The above-captioned matter was heard as a contested case on September 22, 1976, at which time the complainant and 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 under §1(a) of P.A. 75-342.

2. By letter of complaint dated July 30, 1976 and filed with this Commission on August 2, 1976, the complainant alleged that on July 26, 1976 there was a meeting by telephone of all six members of the respondent board. This alleged telephonic meeting was for the purpose of conducting a poll concerning year-end transfer of funds from underexpended to overexpended accounts.

3. The respondent board did not comply with the requirements of P.A. 75-342 concerning the record of votes taken, notice and the filing of minutes.

4. Under Section 7-342 of the General Statutes, the General Assembly provides that "in any case involving a vote of the board on ... a transfer within an existing appropriation, of an amount not exceeding one thousand dollars, the chairman ..., may, in lieu of calling a meeting of the board, poll the members thereof; and the clerk shall cause to be prepared and filed with the town clerk, within two weeks, a statement of the result of such poll."

5. Section 7-342 further reads: "Every member so polled shall deliver, by mail or otherwise, to said clerk, within twenty-four hours after the poll, a written statement signed by him stating how he voted on the question."

6. The sole issue before this Commission is whether or not Section 7-342 of the General Statutes, a statute of specific application, removes the respondent board from the requirements of P.A. 75-342, a statute of general application, concerning the record of votes taken, notice, and the availability of minutes. Docket FIC76-138

7. of this poll by telephone involved amounts in excess of one thousand dollars.

It is, therefore, found that the telephonic poll 8. conducted by the secretary-clerk of the respondent board and the board members constituted a meeting of the respondent board which is subject to all of the requirements of P.A. 75-342.

On the basis of the record concerning the above-captioned matter, the following order by the Commission is hereby recommended:

The respondent board shall forthwith make available 1. for public inspection minutes of the meeting held on July 26, 1976.

2. The respondent board shall henceforth strictly comply with the provisions of P.A. 75-342 concerning notice, the publication and availability of records of votes and minutes of its meetings.

as Hearing Officer

Approved by order of the Freedom of Information Commission on October 27, 1976.

Tapogha Clerk of the Commission