

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by) Report of Hearing Officer
Edmund Turner, Raymond O'Brien)
and Theodore L. Hine,) Docket #FIC76-171
Complainants)
December 6, 1976
against)
Town of New Milford and Board of)
Selectmen of the Town of New)
Milford, Respondents)

The above captioned matter was heard as a contested case on December 1, 1976, at which time the complainants 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 as defined by §1(a) of P.A. 75-342.

2. At 5:25 p.m. on September 21, 1976, the respondent board held a special meeting.

3. By letter of complaint filed with this Commission on October 5, 1976, the complainants alleged that such meeting was held in violation of P.A. 75-342 in that the respondent board failed to provide the required notice for a special meeting.

4. The complainants further alleged that a record of the votes taken at the September 21, 1976 meeting were not placed on file and made available for public inspection within 48 hours as required by §6 of P.A. 75-342.

5. Twenty-four hours prior to the time of such meeting on September 20, 1976, notice was posted in the office of the town clerk specifying the time and the place of the meeting and stated therein that the business to be transacted concerned charter revision.

6. Each of the complainants was notified of the meeting by telephone on September 20, 1976, by the secretary of the respondent board.

7. The only business discussed in the aforesaid meeting concerned charter revision.

8. The only action taken by the respondent board involved an amendment to the minutes of its July 21, 1976 meeting wherein it took action concerning the question of deleting line-item veto from the charter revision.

9. Hindsight shows that the respondent board could have been more specific in its statement of the business to be transacted by referencing the question of line-item veto. However, in view of the fact that it regularly acts upon a wide variety of matters outside the scope of the charter revision process, it must be found that the respondent board met at least the minimum technical requirements of §6 of P.A. 75-342.

10. The respondent board admitted that it did not reduce to writing and make available for public inspection within forty-eight hours the votes of each of its members concerning the issues surrounding the resulting amendment to the July 21, 1976 minutes.

11. It is therefore found that the respondent board did not comply with §6 of P.A. 75-342 regarding the record of votes.

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

1. Henceforth the respondent board shall reduce to writing and make available for public inspection the votes of each of its members upon any issue before it within the forty-eight hours required by §6 of P.A. 75-342.



Commissioner Judith A. Lahey

as Hearing Officer

By order of the Freedom of Information Commission on December 22, 1976.



Leslie Ann McGuire
Clerk of the Commission