

Freedom of Information Commission  
of the State of Connecticut

In the Matter of a Complaint by )  
Joseph Cardella, Complainant ) Report of Hearing Officer  
against ) Docket #FIC 76-29  
Town of Ansonia; Board of ) April 21, 1976  
Apportionment and Taxation of the )  
Town of Ansonia, Respondents )

The above captioned matter was heard as a contested case on March 16, 1976 and April 20, 1976, at which times 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, the Town of Ansonia and the Board of Apportionment and Taxation of the Town of Ansonia, are public agencies.

2. This complaint was brought by letter received by this Commission on February 23, 1976. It alleged violations of P.A. 75-342 by the respondent board in regard to its meeting of February 16, 1976.

3. The gravamen of the complaint is that immediately prior to the regular meeting of the respondent board, on February 16, 1976, the members of the board met in closed session with the mayor of the respondent town in the latter's office. The complaint contends that certain decisions were made by the respondent board at the alleged closed session, and that this action constituted an illegally convened meeting under P.A. 75-342.

4. From approximately one-half hour prior to the regular meeting of February 16, 1976, members of the respondent board did indeed gather in the mayor's office.

5. The respondents contend that such gathering was a social custom of the respondent board and essentially for the purpose of casual conversation and depositing overcoats.

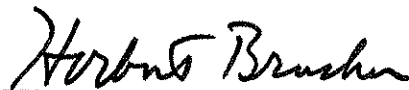
6. Based upon the entire record and particularly the uncontradicted testimony of those present in the mayor's office, it must be concluded that no business of the respondent board was conducted at the gathering prior to such board's regular meeting of February 16, 1976.

7. It is therefore found that the gathering of members of the respondent board in the mayor's office prior to such board's meeting on February 16, 1976 was not a meeting as defined in sec. 1(b) of P. A. 75-342.

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, because the gathering of members of the respondent board prior to such board's regular meeting on February 16, 1976 was not proved to be a meeting within the meaning of sec. 1(b) of P.A. 75-342.


2. Nothing herein should be construed as approving the custom of the respondent board in gathering in the mayor's office prior to the regular meetings of such board. This custom may give the appearance of a meeting in violation of P.A. 75-342, and so lead to future complaints before this Commission. Nor should anything herein be construed as condoning informal, preparatory decisions on matters that should be disposed of only in open meetings.



Commissioner Herbert Brucker

as Hearing Officer

Approved by order of the Freedom of Information Commission on April 28, 1976.

  
Louis Tapogna  
Clerk of the Commission