

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Peter Longo and Dolores Longo, Complainant)	Report of Hearing Officer
)	Docket #FIC77-100
against)	July 14, 1977
Town of Southington and Zoning Board of Appeals of the Town of Southington,)	
Respondents)	

The above captioned matter was consolidated for hearing with In the Matter of a Complaint by Raymond R. Baginski, Sr. against Town of Southington and Zoning Board of Appeals of the Town of Southington, docket #FIC77-104, both matters having raised substantially the same basic facts and questions of law.

The parties hereto agreed that the exhibits and written testimony presented at the hearing herein are to be considered a part of the record of both appeals.

Both matters were heard on June 7, 1977, at which time the complainants and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent board is a public agency within the meaning of §1-18a(a), G.S.
2. By notice of appeal filed with this Commission on May 16, 1977, the complainants alleged that the respondent board held a meeting shortly before convening its scheduled meeting of May 10, 1977, in violation of the provisions of §1-21, G.S.
3. At about 7:30 p.m. on May 10, 1977, a quorum of the respondent board were seated in the room designated as meeting place in its notice of public hearing scheduled to begin at 7:30 p.m. that evening.
4. Thereupon the board members present left the room and held a discussion in a back corridor out of the view of the complainants and the other members of the public present for such hearing.
5. No vote was taken to go into executive session.

6. The respondent board did not state its reasons for leaving the room concerning such discussion to the members of the public present.

7. The discussion therein concerned a rehearing relative to a certain ruling of a town building official denying a certificate of occupancy to premises owned by the complainants, which rehearing was an item of business to be discussed at the aforesaid scheduled public hearing.

8. A consensus was reached that such rehearing should be denied.

9. The discussion lasted approximately 10 minutes whereupon the board members returned to the aforesaid meeting place and formally convened its public hearing at about 7:40 p.m.

10. Subsequently, after brief discussion, the rehearing was formally not granted.

11. It is found that the aforesaid gathering of the respondent board constituted an executive session of the board to which the provision of §1-21, G.S. apply.

12. It is further found that the aforesaid discussion in executive session did not fall within the meaning of a purpose defined under §1-18a(e), G.S. for which an executive session may be held.

13. It is therefore concluded that the complainants were wrongfully denied their right to attend such discussion as provided in §1-21, G.S.

14. The complainants ask this Commission to declare null and void the respondent board's denial of rehearing.

15. Declaring such action a nullity would not have the effect of requiring the respondent board to give the rehearing as requested.

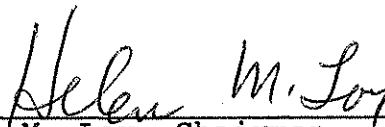
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth, the respondent board may hold an executive session only upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting.

2. After such vote and before proceeding into executive session, the respondent board shall state its reasons for such executive session to the members of the public present.

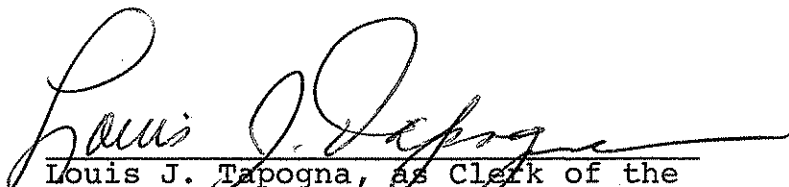
3. Henceforth, the respondent board shall strictly limit its discussions in executive session to those purposes defined under §1-18a(e), G.S.

Approved by order of the Freedom of Information Commission on
July 13, 1977.



Helen M. Loy, Chairman
Freedom of Information Commission

Approved by order of the Freedom of Information Commission on
July 13, 1977.



Louis J. Tapogna, as Clerk of the
Freedom of Information Commission