FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Joseph Cambareri, Carol Cambareri, Mike Salafia, Lea Salafia, Sheila Laverty, and Natalie Marshall, Complainants	Report of Hearing Officer
	Docket #FIC77-223
	December 20, 1977
against	
Town of Cromwell; and Zoning Commission of the Town of Cromwell, Respondents	

The above captioned matter was heard as a contested case on December 16, 1977, at which time the complainants and the respondent commission appeared, stipulated to certain facts, and presented testimony, exhibits and argument on the complaint.

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

1. The respondent commission is a public agency as defined by §1-18a(a), G.S.

2. On November 26, 1977, all six members of the respondent commission gathered on a 40 acre parcel of land, situated in the respondent town, in order to make a general surveillance of such property.

3. The respondent commission was considering the conditions thereon relative to an application for excavation permit brought before it by the owner of such property.

4. No notice was given by the respondent commission concerning its November 26, 1977 gathering.

5. By letter filed with the Commission on November 29, 1977, the complainants contended that such failure to give notice violated the requirements of the Freedom of Information Act concerning meetings of public agencies.

6. The respondent commission contended that its gathering did not constitute a meeting of a public agency and that therefore it did not violate the notice provisions of the Freedom of Information Act.

7. An application for excavation permit is a matter within the respondent commission's supervision, control, jurisdiction or advisory power.

8. At least at one point in the course of the general surveillance of the property conducted on November 26, 1977. one member of the respondent commission commented on the conditions thereon within hearing of a quorum of its members.

9. The respondent commission is therefore found to have held a meeting on November 26, 1977 within the meaning of §1-18a(b), G.S.

10. It is further found that the respondent commission's failure to give notice of such meeting constituted a violation of the notice requirements under §1-21, G.S.

11. The meeting of November 26, 1977did not result in any action and as all complainants present at the hearing herein were also present at the discussions thereat, it would not be appropriate to declare any action null and void.

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

1. Henceforth, the respondent commission shall give notice to all of their meetings. Notice of each special meeting shall be given not less than twenty-four hours by posting a notice specifying the time and place thereof and the business to be transacted therein in the office of the clerk of the town of Cromwell.

Helen M. Loy
Commissioner Helen M. Loy

as Hearing Officer

Approved by order of the Freedom of Information Commission on December 28, 1977.

Charlene G. Arnold
Clerk of the Commission