

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by	)	
Alfred A. Drago,	)	Report of Hearing Officer
Complainant	)	
against	)	Docket #FIC 78-108
Town of Salem; Planning and	)	August 21, 1978
Zoning Commission of the Town	)	
of Salem; and Chairman of the	)	
Planning and Zoning Commission	)	
of the Town of Salem,	)	
Respondents	)	

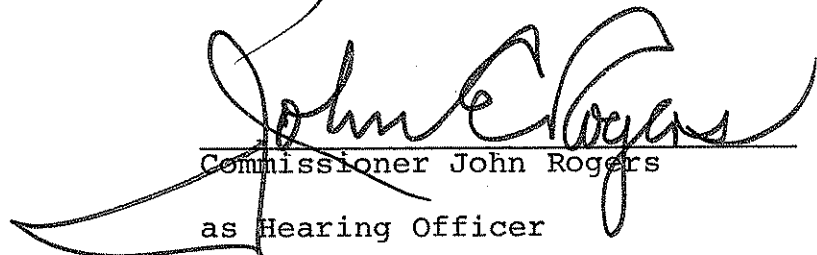
The above captioned matter was heard as a contested case on August 7, 1978, at which time the complainant and the respondent board appeared and presented testimony, exhibits and argument on the complaint.

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

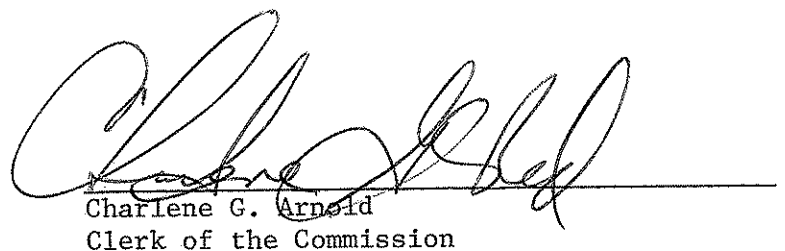
1. The respondents are public agencies within the meaning of §1-18a(a), G.S.
2. By letter dated May 18, 1978, the complainant requested from the respondents a copy of a certain petition requesting a variance.
3. By same letter, the complainant further requested a copy of the action taken by the respondent commission regarding such petition.
4. The respondents presented evidence that the record keeping of the town of Salem is in disarray and that there was confusion as to what the complainant meant by a "petition".
5. The respondents do not know if a written petition exists. A petition requesting a variance may be presented orally to the respondent commission.
6. Any action on the requested petition, if taken, would have been taken up by the respondent commission at its December 20, 1977 meeting.
7. § 1-21, G.S. requires, among other things, that any action taken at a meeting of a public agency be recorded in the minutes of the session in which such action was taken.
8. The respondents are also unsure whether any minutes relating to the respondent commission's December 20, 1977 meeting exist.

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

1. The respondent chairman shall forthwith conduct a diligent search of the respondents' files in an effort at locating the December 20, 1977 minutes in question and the requested petition for variance.
2. The respondents shall forthwith provide such documents to the complainant, free of charge, if such documents are located as a result of such search.
3. If such documents are unable to be located after a diligent search, the respondent chairman shall, within two weeks of the mailing of the Notice of Final Decision hereof, send the Commission and the complainant an affidavit, under penalty of false statement, certifying the same.

  
Commissioner John Rogers  
as Hearing Officer

Approved by order of the Freedom of Information Commission on September 13, 1978.

  
Charlene G. Arnold  
Clerk of the Commission