

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
James Thomas Brennan,
Complainant

Final Decision

against

Docket #FIC78-205

Town of Guilford; and Planning
and Zoning Commission of the
Town of Guilford,
Respondents

March 28, 1979

The above captioned matter was heard as a contested case on December 4, 1978, at which time the complainant and 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 within the meaning of §1-18a(a), G.S.

2. The complainant filed a complaint with this Commission on October 20, 1978, alleging that the respondent planning and zoning commission violated notice and attendance requirements of the Freedom of Information Act with respect to meetings held by it on September 21 and 25, 1978 and asked that the regulations which were adopted on September 25, 1978 be declared null and void.

3. The complainant represents certain property owners who have pending in court appeals of the action of the respondent commission which was taken on September 25, 1978, and seeks that this Commission declare null and void the changes in the zoning regulations which were adopted on September 25, 1978.

4. On September 18, 1978 the respondent commission held a public hearing on proposed changes in the zoning regulations.

5. On September 21, 1978, the respondent commission held a meeting at which it decided what action it would take with respect to the proposed regulations and adjourned the meeting to September 25, 1978.

6. On September 25, 1978 the respondent commission adopted certain changes in the zoning regulations.

7. Persons who wished to attend the meeting of September 21, 1978 were required to enter the town hall through the communications center at the rear of the building and to sign their names in a register at the communications center.

8. The complainant claimed that the aforesaid requirement violated the Freedom fo Information Act at §1-21, G.S. which provides:

No members of the public shall be required as a condiciton to attendance at a meeting of any such body, to register his name or furnish other information, or complete a questionnaire or otherwise fulfill any condition precedent to his attendance, except as provided in section 2-45.

9. The respondents claimed that the sign-in requirements were not a violation of the act, but rather a security measure which had to be taken to protect the town hall from vandals, and which was enforced according to a schedule which had been adopted by the board of selectmen in order to effect certain economies.

10. It is found that the sign-in requirement enforced at the communications center is a security measure for the town hall.

11. It is further found, however, that the sign-in requirement constitutes a limitation on attendance at a public meeting in violation of §1-21, G.S.

12. The complainant further alleged that the adjournment of the meeting of September 21, 1978 to September 25, 1978 was improperly posted in violation of §1-21d, G.S.

13. The notice of the adjourned meeting of September 21, 1978 was posted on a bulletin board in the town hall but not on or near the door of the room in which the adjourned meeting was held as is required by §1-21d, G.S.

14. Despite the alleged non-compliance with the Freedom of Information Act, the complainant was able to attend the meetings of September 21, 1978 and September 25, 1978.

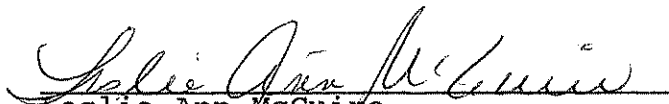
15. It is found that the failure of the respondent commission to post the notice of adjournment on or near the door of the meeting room where the adjourned meeting was held does not comply with the requirements of §1-21d, G.S.

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

1. The respondent commission shall henceforth comply with the requirements for notice of adjourned meetings which are set forth at §1-21d, G.S.

2. The respondents shall henceforth comply with §1-21, G.S. by utilizing security measures that do not require a sign-in procedure as a precondition to attendance at a public meeting.

Approved by order of the Freedom of Information Commission on
March 28, 1979.


Leslie Ann McGuire
Clerk of the Commission