

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Neal E. Yates,

Complainant

Report of Hearing Officer

against

Docket #FIC78-242

City and Town of Torrington;
Board of Councilmen of the City
and Town of Torrington; and
Board of Finance of the City
and Town of Torrington,
Respondents

April 2, 1979

The above captioned matter was heard as a contested case on January 24, 1979, at which time the complainant and respondents 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 respondents are public agencies within the meaning of §1-18a(a), G.S.
2. On November 13 and November 20, 1978 the respondent board of councilmen went into executive session for the stated purpose of discussing and evaluating documents exempted from disclosure by §1-19(b)(7), G.S.
3. On November 24, 1978, the respondent board of finance went into executive session for the stated purpose of discussing and evaluating documents exempted from disclosure by §1-19(b)(7), G.S.
4. During the aforesaid executive sessions, the respective boards discussed and evaluated cost figures prepared by the respondent city and town's planner and public works director.
5. The aforesaid discussion concerned the use of town personnel and equipment to perform site development and drainage work on privately owned property for the benefit of a private company and cost which might be incurred if it were necessary to lease some equipment.
6. By letter filed with this Commission on December 1, 1978, the complainant alleged that the aforesaid executive sessions were held for an improper purpose within the meaning of §1-18a(e) and §1-19(b)(7), G.S.
7. The respondent boards claimed that the aforesaid executive sessions were authorized by §1-18a(e)(5), G.S. which permits public agencies to hold executive sessions for the purpose of discussing certain exempt records; namely the records exempted by §1-19(b)(7), G.S.

8. §1-19(b)(7), G.S. provides an exemption from public access for "the contents of real estate appraisals, engineering or feasibility estimates and evaluations made for or by an agency relative to the acquisition of property or to prospective public supply and construction contracts, until such time as all of the property has been acquired or all proceedings or transactions have been terminated or abandoned."

9. It is found that none of the discussion in any of the executive sessions pertained to the terms of a proposed public supply or construction contract.

10. It is further found that none of the discussion in any of the executive sessions pertained to the acquisition of property.

11. It is concluded that on November 13 and November 20, 1978 the respondent board of councilmen went into executive session for an improper purpose in violation of §1-21 and §1-18a(e)(5), G.S.

12. It is concluded that on November 24, 1978 the respondent board of finance went into executive session for an improper purpose in violation of §1-21 and §1-18a(e)(5), 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 boards shall henceforth comply with the requirements of §1-21 and §1-18a(e), G.S.



Commissioner Judith Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
April 25, 1979.



Leslie Ann McGuire
Clerk of the Commission