

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)	
Robert S. Bartosiak and Penny)	Report of Hearing Officer
Corner Pub, Inc., Complainants)	
)	Docket #FIC78-8
against)	
)	March 3 , 1978
Town of Cromwell and the Cromwell)	
Zoning Commission, Respondents)	
)	

The above captioned matter was heard as a contested case on February 14, 1978, 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. The respondent commission held a meeting on January 12, 1978.
3. Such meeting was not a regularly scheduled meeting of the respondent commission and no notice of special meeting was given twenty-four hours prior to the time of such meeting.
4. By letter filed with the Commission on January 25, 1978, the complainants alleged that the aforesaid meeting of the respondent commission was held in violation of the notice and minutes requirements of §§1-19 and 1-21, G.S.
5. At the hearing herein, the respondent commission contended that it was not required to post prior notice to its January 12, 1978 meeting because such meeting constituted an emergency special meeting under §1-21, G.S.
6. On January 11, 1978, the building inspector of the respondent town issued a certain building permit to the complainants.
7. At the January 12, 1978 meeting in questions, the respondent commission, acting collectively as its zoning enforcement authority, decided to appeal the issuance of such permit.
8. There is a fifteen day period in which to appeal the issuance of such permit.

9. The respondent commission has supervision, control, jurisdiction or advisory power over such decision to appeal.

10. No other business was acted upon by the respondent commission at its meeting of January 12, 1978.

11. Such meeting is found to constitute a special meeting of the respondent commission for which the posting of notice was required under §1-21, G.S.

12. Having held its January 12, 1978 meeting without complying with the foregoing requirement of notice, the respondent commission is further found to have violated §1-21, G.S. in failing to file the minutes of the aforesaid meeting, within seventy-two hours thereof, in the office of the clerk of the respondent town.

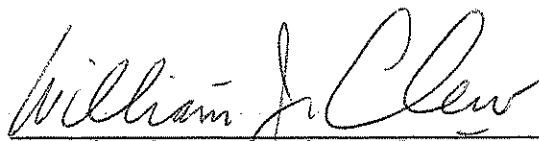
13. The complainants did not know of and did not attend the aforesaid January 12, 1978 meeting of the respondent commission.

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

1. All actions taken at the January 12, 1978 meeting of the respondent commission are hereby declared null and void.

2. Henceforth, notice of each special meeting of the respondent commission shall be posted not less than 24 hours prior to the time of such meeting in the office of the clerk of the respondent town.

3. Henceforth, whenever the respondent commission holds a meeting without complying with the foregoing requirements for the posting of notice, it shall file a copy of the minutes of such meeting in the office of the clerk of the respondent town within 72 hours thereof, as required by §1-21, G.S.


Commissioner William Clew

as Hearing Officer

Approved by order of the Freedom of Information Commission on
March 22, 1978.


Charlene G. Arnold
Clerk of the Commission