

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Stanley Gozdz,

Complainant

against

Town of Tolland; and Board of Tax Review  
of the Town of Tolland

Report of Hearing Officer

Docket #FIC80-75

November 6, 1980

The above captioned hearing was held on October 3, 1980, at which time the complainants 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 as defined by §1-18a(a), G.S.
2. The complainant alleged in letters dated March 18, March 24, and March 25, 1980 that the respondents had violated The Freedom of Information Act with respect to notice and minutes requirements in regard to meetings which took place February 26, 1980 and February 27, 1980.
3. At hearing the respondents moved to dismiss the complaint because the notice of hearing was served on the respondents over four months after the appeals were filed with the Freedom of Information Commission. The respondents alleged that such notice did not constitute compliance with the requirements of §1-21i(6), G.S. which states that the Commission "shall forthwith serve upon all parties, by certified or registered mail, a copy of such notice together with any other notice or order of such Commission."
4. The Commission served notice of the complaint upon the respondents as soon as was reasonable under the circumstances.
5. It is found that, therefore, the Commission did comply with the direction of §1-21i(b), G.S. that notice of the complaint be served "forthwith, upon all parties."
6. The only notice which was posted for the February 26, 1980 meeting was a handwritten notice on a small piece of paper which stated:

"Bd of Tax Review 7 p.m."  
Feb. 26, 1980

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7. The meeting was a special meeting in that it was not mentioned in any schedule of regular meetings filed with the Town Clerk.

8. §1-21,G.S. requires that all notices of special meetings "specify the time and place of the special meeting and the business to be transacted."

9. It is found that the notice for the February 26 meeting does not specify the business to be transacted in a manner which satisfies the requirement of §1-21,G.S.

10. The foregoing notice is found to be defective because it fails to list each appeal which the Board would review at the February 27, 1980 meeting.

11. No notice was posted for the February 27, 1980 meeting and the minutes failed to specify that a vote was taken at the meeting.

12. The respondents alleged that the meeting was an emergency meeting because by statute the work of the Board of Tax Review had to be completed by Friday, February 29, 1980, the last day of the month.

13. It is found that the notice requirement of §1-21 requires that a public agency file a notice of its special meetings twenty-four hours in advance of the meeting.

14. It is further found that since the need for an additional meeting was known on February 27, 1980, it was known in time for the respondent Board to file the notice of special meeting and to hold such meeting before the end of the month.

15. It is concluded, therefore, that the respondent Board violated the requirements of section §1-21,G.S. because the meeting which it held on February 27, 1980 was not an emergency meeting.

16. The minutes of the February 27, 1980 meeting contained no record of votes.

17. It is found that a vote was taken at the meeting, but it was not recorded.

18. It is found that the minutes of February 27, 1980 violated the requirement of §1-21,G.S. that the votes of each member of a public agency "shall be recorded in the minutes of the session at which taken."

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

1. Henceforth the respondents shall comply with the requirements of §1-21.



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Commissioner Donald W. Friedman  
as Hearing Officer

Approved by Order of the Freedom of Information Commission  
at its special meeting of December 18, 1980.



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Wendy Rae Briggs  
Clerk of the Commission