

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Dennis M. LaChase, Lynn Ann LaChase,
Mary Lou Erwin, Herbert C. Strickland
and Elizabeth Strickland,

Report of Hearing Officer

Docket #FIC81-49

Complainants

against

November 2, 1981

Town of East Hampton, and Zoning
Commission of the Town of East
Hampton,

Respondents

The above captioned matter was heard as a contested case on September 30, 1981, 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:

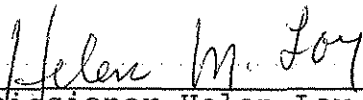
1. The respondent commission is a public agency as defined by § 1-18a(a), G.S.
2. At its regular meeting on March 9, 1981, the respondent board held a public hearing to consider an application for a change of zone from "AA-2" to "RU-2" to allow cluster development.
3. By complaint filed with the Commission on April 8, 1981, the complainants alleged that the actions of the respondent commission in conducting its March 9, 1981 regular meeting violated §§ 1-21 and 1-19, G.S., in the notice and votes thereof, and in the requirement that members of the public register their names with the respondent commission prior to participating in the hearing.
4. It is found that the agenda for the March 9, 1981 meeting of the respondent commission was filed in the East Hampton Town Clerk's office more than 24 hours prior to said meeting, in compliance with § 1-21, G.S.
5. It is found that an agenda listing as one item "Public Hearing - Petition of Paul Friedman for change of zone from AA2 to RU2 in order to allow for cluster zoning" was neither so vague nor so ambiguous as to violate § 1-21, G.S.
6. It is found that § 1-21, G.S., was not violated by the respondent commission's requirement that members of the public who desired to speak at the public hearing portion of the March 9, 1981 meeting sign their names prior to being allowed to speak at the hearing.

7. It is found that the respondent commission did not violate § 1-21, G.S., when it voted and recorded the vote of each of its members on a motion to amend the application of Paul Friedman for a zone change.

8. It is found that the remainder of the complainant's allegations, dealing with the absence of a written petition for zone change, the effective date of the zoning change, substantive voting procedures, and the failure of the respondent commission to publish its decision before March 10, 1981, as well as the allegation that the respondent acted improperly in granting the application for the zone change, do not relate to matters within the Freedom of Information Act, and thus are not within the jurisdiction of the Commission.

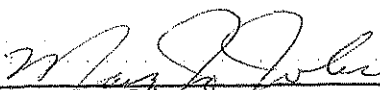
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. The complaint is hereby dismissed.
2. Nothing in this decision shall be construed as commenting upon the merits of the current litigation between the complainants and the respondent commission.



Commissioner Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of November 25, 1981.



Mary Jo Jolicœur
Clerk of the Commission