

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
John A. Raffa, Raymond R. Sweezy
and Donald Unwin,

Report of Hearing Officer
Docket #FIC81-210

Complainants

against

Town of Rocky Hill; Mayor; Town
Council; Town Manager and Fire
Chief of Rocky Hill,

Respondents

The above captioned matter was heard as a contested case on April 13, 1982, at which time the complainants and the respondent council, mayor, town manager and fire chief appeared, stipulated to certain facts, and presented testimony and argument on the complaint. The parties agreed that the exhibits submitted to the Commission in the matter of Stuart A. Webster v. Town of Rocky Hill, et al, FIC#81-209 be made exhibits in the above captioned matter.

After consideration of the entire record the following facts are found:

1. The respondents town council, mayor, town manager and fire chief are public agencies as defined by §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on December 24, 1981, the complainants alleged that the respondent mayor, the respondent fire chief, respondent town manager and four members of the respondent town council, held, without notice, an "emergency caucus" on November 28, 1981, at which time an agreement was reached relating to a matter scheduled for discussion at a November 30, 1981 special meeting of the respondent town council.
3. The complainants further alleged that no minutes of the November 28, 1981 meeting had been made available for inspection and that no notice had been posted of the November 30, 1981 meeting.
4. The complainant alleged that the respondents had wilfully violated §1-21, G.S., and asked that a civil penalty be imposed pursuant to §1-21(b), G.S. for such alleged violation.
5. It is found that on November 28, 1981, the respondent mayor and four members of the respondent town council met with the respondent fire chief, the respondent town manager and others.
6. It is found that at the gathering referred to in paragraph 4, above, a dispute between the respondent fire chief and the respondent town manager was discussed and an agreement was reached.

G.S., because less than a quorum of the respondent town council was present, because those present did not constitute a standing subcommittee, and because those present were not authorized to take any action.

10. It is found that at the November 28, 1981 gathering a conflict between the fire chief and the town manager, scheduled for airing before the full town council, was discussed and resolved, rendering the scheduled November 30, 1981 meeting unnecessary.

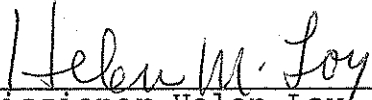
11. It is concluded that notwithstanding the absence of a quorum, the November 28, 1981 gathering was a meeting of the respondent town council within the meaning of §1-18a(b), G.S. because it was a hearing or proceeding of a public agency to discuss a matter over which the public agency has supervision, control, jurisdiction or advisory power.

12. It is found that no notice was posted for the November 28, 1981 meeting, nor were any minutes taken at such meeting, in violation of §1-21, G.S.

13. The Commission believes that it is inappropriate to impose a fine and therefore the complainant's request that the respondents be fined is hereby denied.

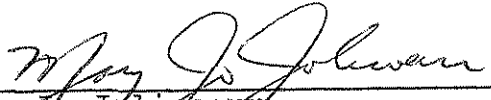
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint:

1. Henceforth the respondent town council shall act in strict compliance with the notice and minutes requirements of §1-21, G.S.



Commissioner Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission
at its regular meeting of August 11, 1982.



Mary Jo Jolicœur
Clerk of the Commission