

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
~~Alfred A. Marzullo and~~  
Alfred M. Marzullo,

FINAL DECISION

Docket #FIC83-25

Complainants

July 21, 1983

against

Inland Wetlands Agency of the  
Town of Woodbridge,

Respondent

The above captioned matter was heard as a contested case on May 3, 1983 at which time the complainants and the respondent appeared and presented testimony, exhibits, and argument on the complaint.

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

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed with the Commission on February 15, 1983 the complainants alleged that the respondent convened illegally in executive session at its January 26, 1983 regular meeting when it met away from the public forum without voting to convene in executive session and without stating a reason therefor.
3. It is found that during deliberations regarding one of the complainants' applications, the chairman of the respondent left the meeting room, returned with the town counsel, and conferred with him in a corner of the room.
4. The remaining three members of the respondent in attendance then joined the chairman and town counsel, away from the table at which they had been seated. The conference lasted approximately five to ten minutes.
5. The complainant Alfred M. Marzullo approached those conferring and was told by counsel to sit down.
6. The respondent claims that it did not intend to, nor did it convene in executive session, and that the complainant Alfred M. Marzullo was asked to sit down because he was acting in a disruptive manner.

7. It is found that the discussion among the members of the respondent and counsel to the respondent concerned a matter over which the respondent has supervision, control, jurisdiction or advisory power.

8. It is therefore concluded that the conference was a meeting as defined by §1-18a(b), G.S.

9. The respondent claims that anyone, including the complainant, could have listened to the discussion if he had chosen to do so quietly and in a non-disruptive manner.


10. It is found, however, that at least a portion of those attending the January 26, 1983 meeting were unable to hear what was being said in the discussion.

11. It is therefore found that the respondent violated §1-21, G.S. when it denied the public meaningful access to its conference with the town counsel.

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

1. Henceforth the respondent shall act in strict compliance with the requirements of §1-21, G.S., regarding access to public meetings.

Approved by order of the Freedom of Information Commission at its special meeting of July 8, 1983.

  
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Mary Jo Policoeur  
Clerk of the Commission