

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Robert J. MacDonald

Docket #FIC84-53

Complainant(s)

August 22, 1984

vs.

Planning and Zoning Commission
of the Town of Sprague

Respondent(s)

The above captioned matter was scheduled for hearing May 22, 1984 at which time it was consolidated with #FIC84-52 because of the similarity of the issues. At the time of the hearing both the complainant and respondent appeared and presented evidence 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 dated March 26, 1984 the complainant alleged that a quorum of the respondent held an illegal meeting out of town on February 28, 1984 and that no minutes of the meeting were filed.
3. A quorum of the respondent went on a trip to Glen Cove, Long Island to inspect a waste to energy plant.
4. The town clerk posted notice of the meeting.
5. The trip also was attended by interested citizens and public officials from other Connecticut towns.
6. During the trip various conversations took place between individuals on the trip.
7. Certain individuals were overheard discussing an aquifer protection ordinance which had been proposed for consideration by the Planning and Zoning Commission.

8. The respondent claimed that the town clerk had checked with the Freedom of Information Commission and had been told that its field trip was not a meeting covered by the Freedom of Information Act.

9. It is found that the respondent did not have correct information available to it because the FOIC has held that field trips involving quorums of public agencies were meetings subject to the open meetings and minutes provisions of the Freedom of Information Act (See #FIC77-150 Peter B. Mann against Town of Killingly and Inland Wetlands Commission of Town of Killingly.)

10. Section 1-18a(b), G.S. defines meeting as "any convening or assembly of a quorum of a multi-member agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power . . ."

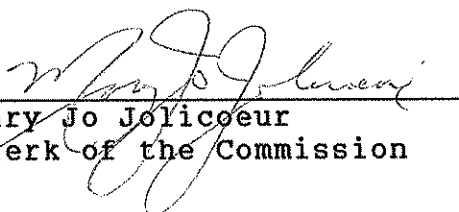
11. The respondent agency failed to prove that matters over which it has supervision, control, jurisdiction or advisory power were not discussed by members of the agency when a quorum of the agency visited the waste-to-energy facility at Glen Cove, Long Island.

12. It is concluded therefore, that the respondent held a meeting February 28, 1984 and that it failed to comply with the minutes requirement of §1-21, G.S.

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

1. The respondent shall create minutes for the February 28, 1984 meeting as required by §1-21, G.S.
2. The respondent shall henceforth comply with §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of August 22, 1984.



Mary Jo Jolicœur
Clerk of the Commission