

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Joseph L. Mingo,

FINAL DECISION

Complainant

Docket #FIC84-100

against

September 26, 1984

East Lyme Sewer and Water Commission,

Respondent

The above captioned matter was heard as a contested case on August 13, 1984 at which time the complainant 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 May 30, 1984, the complainant alleged that members of the respondent met with town employees and private engineering consultants to discuss agency business in violation of §1-21, G.S.

3. The respondent claimed that the First Selectman and Chairman of the Water and Sewer Committee, Richard L. Lougee; two members of the respondent, Harlain Sturgis and Peter M. Ferraro; Town Sanitarian, George P. Calkins; Town Engineer, James Spencer; a representative from the Connecticut Department of Environmental Protection, three members of Consulting Environmental Engineers, Inc. (C.E.E.) and Town Attorney Edward B. O'Connell met on May 15, 1984 to discuss a sewer study for the town.

4. The May 15, 1984 meeting was organized in advance by the First Selectman and Chairman of the Respondent, Lougee and was not a chance meeting.

5. The Chairman of the Respondent invited two other members of the respondent to attend the May 15, 1984 meeting, and sought their advice on the sewer study.

6. The discussion held by the aforementioned group on May 15, 1984 led to an amendment brought before the respondent's regularly scheduled and noticed May 22, 1984. The amendment proposed extending the existing sewer study contract between the town of East Lyme and Consulting Environmental Engineers, Inc. at a cost to the town of \$23,417.

7. Prior to the final vote on the amendment at the May 22 meeting, Lougee stated that:

[A]s a result, it was felt by DEP and C.E.E. and representatives from this Commission who met recently with C.E.E. since the last Commission meeting, that we have another extension in scope and study the region concept.

8. Three members of the full nine-member respondent were absent from the meeting. The remaining six members voted 5 to 1 to adopt the amendment extending C.E.E.'s contract.

9. Based on findings 5 through 7, it is found that the members of the respondent in attendance at the May 15, 1984 meeting constituted a subcommittee of the respondent as defined in §1-18a (a), G.S.

"Public agency" or "agency" means any executive, administrative or legislative office of the state or any political subdivision of the state and any state or town agency, any department, institution, bureau, board, commission, authority or corporation, school district, regional district or other district or other political subdivision of the state, including any committee of such office, subdivision of the state, agency, department, institution, bureau, board, commission,..."

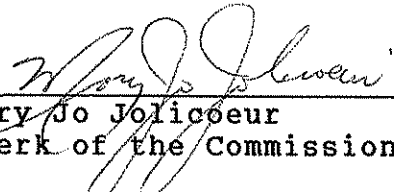
10. It is further found that because the May 15, 1984 assembly concerned discussion of a matter over which the Respondent had supervision, control, jurisdiction and advisory power, the May 15, 1984 assembly constituted a "meeting," defined under §1-18a (b), G.S. as: "[a]ny hearing or other proceeding of a public agency..."

11. It is concluded, therefore, that the May 15, 1984 meeting violated §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 henceforth conduct all meetings where its members are in attendance to study and discuss agency business as meetings of subcommittees. Thus, it shall post notice, record votes and make minutes available and otherwise comply with the open meeting requirements of §1-21, G.S.

Approved by order of the Freedom of Information Commission at its regular meeting of September 26, 1984.



Mary Jo Jolicœur
Clerk of the Commission