

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Carolyn Peter and  
the Norwich Bulletin

FINAL DECISION

Complainants

Docket #FIC 85-5

against

Montville Public Safety  
Committee

August 28, 1985

Respondent

The above captioned matter was heard as a contested case on April 3, 1985 at the same time as # FIC 84-256 Matthew Keenan vs. Montville Board of Selectmen's Public Safety Committee. At that 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 mailed to the Commission January 10, 1985, the complainant alleged that the respondent held an improper executive session, that they failed to vote before going into executive session, that they ignored the complainant's protest that the meeting was closed and that they never reopened the meeting to the public before it was concluded.
3. The respondent held a 90 minute meeting in executive session on December 20, 1984.
4. The meeting was convened in executive session at approximately 8 P.M.
5. When the meeting was convened in executive session at approximately 8 P.M., no reason for the executive session was stated and no vote was taken to go into executive session.
6. Those present included the constables, the first selectman and one of the three selectmen who are members of the respondent committee.
7. At approximately 8:15 P.M. a second member of the respondent arrived.
8. The meeting continued to be closed to the public.

9. The respondent claimed that either it had never held a meeting because a quorum was not present until approximately 8:15 P.M., one quarter of an hour after the time specified in the notice; or, alternatively, that if it had held a meeting, that the meeting was proper as a discussion of personnel matters under §1-18a(e)(1) G.S.

10. The meeting was held to discuss the relationships between the constables and the resident state troopers.

11. The constables were employed by the town while the state trooper was employed by the state police.

12. §1-18(a)(e)(1) G.S. permits an executive session for the limited purpose of "discussion concerning the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee, provided that such individual may require the discussion to be held at an open meeting."

13. It is found that the discussion at the executive session ranged beyond a discussion of the job performance of the constables to include the range of problems and issues generated by the unsatisfactory relationship of the constables and the state trooper.

14. It is found that the executive session was held for a proper purpose under §1-18a(e)(1) G.S. so long as it was limited to a discussion of the performance of town employees; however, when the discussion expanded to include the issues created by the unsatisfactory relationship of the constables and the state trooper, these issues were not a proper purpose under §1-18a(e)(1) G.S.

15. It is further found that the meeting was a meeting under §1-18a(b) G.S. from the time it convened at 8 P.M. until all discussion terminated because it was a proceeding to discuss matters over which the committee had jurisdiction and advisory power.

16. Section 1-21a G.S. provides in relevant part that:

A public agency may hold an executive session as defined in subsection (e) of section 1-18a, upon an affirmative vote of two-thirds of the members of such body present and voting, taken at a public meeting and stating the reasons for such executive session, as defined in said section.

17. It is concluded that the meeting should have begun in public and a proper motion made and vote taken before proceeding into executive session for the limited purposes permitted under §1-18(a)(e)(1) 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 comply with §1-18a(e)(1) and §1-21(a) G.S.

2. This decision shall be posted in a place where the public may view it, in or near the town clerk's office for a period of two weeks.

Approved by order of the Freedom of Information Commission at its regular meeting of August 28, 1985.

  
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Mary Jo Jolicoeur  
Clerk of the Commission