

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Mildred R. Paletsky

FINAL DECISION

Complainant

Docket #FIC 85-44

against

June 26, 1985

First Selectman Of The Town
Of Morris and The Town of
Morris

Respondent

The above captioned matter was heard as a contested case on April 29, 1985 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 filed with the Commission on February 21, 1985, the complainant alleged that the respondent conducted a special meeting on February 14, 1985; that there was improper public notice of the meeting; that there was improper notice to the complainant who is a member of the Board of Selectmen; and that there was improper consideration of an item on the agenda.
3. It is found that the respondent held a special meeting at 7 p.m. on February 14, 1985.
4. It is found that the respondent filed a notice with the Town Clerk on February 6, 1985 which included the time and place of the special meeting, but not the agenda.
5. It is found that the respondent posted the agenda of the special meeting on February 13, 1985 in the office of the First Selectman.
6. It is found that the February 14, 1985 special meeting was intended as a rescheduling of the February 15, 1985 regular meeting of the Board of Selectmen.

7. It is concluded that under §1-21e, G.S., a continued meeting may be held subsequent to but not before the meeting that is being continued. Therefore the February 14, 1985 meeting was a special meeting and not a continued regular meeting.

8. It is concluded that the notice of the February 14, 1985 special meeting was in violation of §1-21, G.S., because the agenda was not filed and posted in the office of the Town Clerk 24 hours in advance of the meeting.

9. It is concluded that the notice violation was technical because the meeting notice was posted in the Town Clerk's office and the agenda was posted in the Selectman's office next door to the Clerk's office.


10. It is found that the complainant, a member of the Board of Selectman, was actually present at the February 14, 1985 meeting at the time it convened. It is therefore concluded that under §1-21, G.S., the requirement for delivery of written notice to the complainant could be dispensed with.

11. It is found that the agenda items for the February 14, 1985 meeting properly described the matters discussed and acted on at the meeting, in compliance with §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. Henceforth, the respondent shall comply strictly with the provisions of §1-21, G.S., with regard to including the agenda on special meetings notices filed and posted in the office of the Town Clerk.

Approved by order of the Freedom of Information Commission at its regular meeting of June 26, 1985.



Mary Jo Jolicoeur
Clerk of the Commission