

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Walter P. Doolittle,

FINAL DECISION

Complainant

Docket #FIC85-59

against

August 14, 1985

Planning and Zoning Commission of
the Town of Preston,

Respondent

The above captioned matter was heard as a contested case on June 4, 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. In January, 1985 the respondent published notices of public hearings concerning amendments to zoning and subdivision regulations relating to the subdivision or development of land in special flood hazard areas of the Town of Preston. The notices indicated that copies of maps showing flood hazard areas were on file with the town clerk.
3. On January 25, 1985 the complainant made a request of the town clerk for the maps mentioned in the meeting notice and was given a copy of a map entitled "F.I.R.M.-Flood Insurance Rate Map."
4. Public hearings on the proposed amendments were held by the respondent on February 5, 1985 and February 13, 1985.
5. At the February 13, 1985 public hearing reference was made to a map entitled "Flood Boundary and Floodway Map."
6. By letter dated February 19, 1985 the complainant made a request of the town clerk for a copy of the "Flood Boundary" map and asked why he had not been provided the map on January 25, 1985.
7. By letter dated February 21, 1985 the town clerk responded to the complainant by providing a copy of the requested map and explaining that she had not been aware of the map's existence until that day, when she opened a box which she had mistakenly assumed contained copies of the F.I.R.M. map.

8. By letter of complaint filed with the Commission on March 4, 1985 the complainant alleged that he had been improperly denied access to maps considered by the respondent at its public hearings on February 5, 1985 and February 13, 1985 and asked that the Commission declare such hearings null and void.

9. The complainant also alleged that public hearing notices published in the newspaper were "vague and imprecise." This Commission, however, has no jurisdiction over the type of notices described by the complainant. The complainant raised no claim with respect to notices filed and posted pursuant to §1-21(a), G.S.

10. At the respondent's March 5, 1985 regular meeting the complainant requested that the public hearing of February 13, 1985 be declared null and void because the maps involved had not been available at the hearing. The chairman of the respondent declared the February 13, 1985 hearing null and void.

11. By letter to the Commission dated March 19, 1985 the complainant objected to the manner in which the February 13, 1985 hearing was declared null and void and indicated that the minutes of the March 5, 1985 meeting were unsigned and did not indicate the time and date of filing.

12. Nothing in the Freedom of Information Act requires that minutes be signed or that they reflect the time and date of filing.

13. At the respondent's April 2, 1985 regular meeting the respondent voted unanimously to "reject" the February 13, 1985 public hearing.

14. At a public hearing held on April 2, 1985 the respondent again considered amendments to the subdivision and zoning regulations relating to the subdivision or development of land in special flood areas of the Town of Preston.

15. By letter to the Commission dated May 7, 1985 the complainant claimed that rejection of the February 13, 1985 hearing was neither on the agenda of the respondent's April 2, 1985 meeting nor added to the agenda, that the vote to "reject" was therefore improper, and asked again that the Commission declare the February 13, 1985 hearing null and void.

16. It is found that, through error, the maps relied upon by the respondent at its February 5, 1985 and February 13, 1985 meetings were not made available to the complainant for his use in connection with such meetings. The unavailability of the maps had the effect of denying the complainant full access to such meetings.

17. The complainant failed to point to any actions taken by the respondent as a result of the February 5, 1985 or February 13, 1985 meetings which might have appropriately been declared null and void.

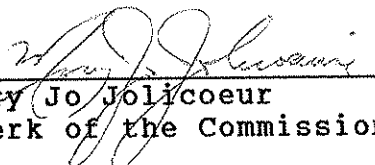
18. The Commission interprets the complainant's request that the "hearing" be declared null and void as a request that the respondent be ordered to hold another hearing, to which the public would have full access.

19. Since the respondent has, in fact, held another public hearing on the subject considered on February 3, 1985 and February 13, 1985, the Commission declines to grant the relief requested by the complainant.

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

1. The respondent shall act henceforth in strict compliance with the requirements of §§1-15 and 1-19(a), G.S. regarding access to public records.

Approved by order of the Freedom of Information Commission at its regular meeting of August 14, 1985.



Mary Jo Jolicoeur
Clerk of the Commission