

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Norman L. Herbert,

FINAL DECISION

Complainant

Docket #FIC85-116

against

Zoning Commission of the Town of
Jewett City, The Borough of Jewett
City

January 8, 1986

Respondent

The above captioned matter was heard as a contested case on September 26, 1985 at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record the following facts are found:

1. The respondents are public agencies within the meaning of §1-18a(a), G.S.

2. By letter of complaint filed with the Commission on May 14, 1985 the complainant alleged as follows:

a) That he had been denied prompt access to minutes of meetings;

b) That in March, 1985 he was charged \$1.00 per page for copies and had not received reimbursement for the overcharge;

c) That minutes were not properly on file in the borough offices;

d) That minutes requested, some of which dated to November, 1983, had not yet been typed;

e) That minutes of the zoning commission did not indicate how members voted, were unsigned and were otherwise incomplete.

3. On or about April 11, 1985 the complainant made a request of the clerk of the respondent borough for copies of minutes of meetings held by the zoning commission, zoning board of appeals and the board of warden and burgesses. The complainant received the requested records on May 1, 1985.

4. It is found that the respondent borough failed to provide prompt access to the records requested by the complainant on April 11, 1985, in violation of §§1-15 and 1-19(a), G.S.

5. §1-15, G.S. provides that a maximum of 25¢ per page may be charged for a plain copy of a public record.

6. In March, 1985, the complainant was charged \$1.00 per page for 30 copies of public records. Subsequently, the respondent borough provided copies without charge, but as of the date of the hearing the charges imposed by the respondent borough amounted to more than 25¢ per page, in violation of §1-15, G.S. At hearing, the respondent borough indicated that it would reimburse the complainant for the amount charged in excess of the 25¢ per page provided for in §1-15, G.S.

7. It is found that nothing in the Freedom of Information Act requires that minutes of meetings be typewritten or signed.

8. It is found, however, that the minutes provided to the complainant did not meet the requirement of §1-21(a), G.S. that the votes of each member of the agency be reduced to writing.

9. §1-19(a), G.S. provides that each public agency shall keep and maintain all public records in its custody at its regular office or place of business, or, if there is no such office or place of business, in the office of the clerk of the political subdivision in which such public agency is located.

10. It is found that the board of warden and burgesses keeps its minutes in the Griswold town hall, where it has an office.

11. The failure of the respondent zoning commission to keep its minutes either in its own regular office or in the office of the clerk of the political subdivision in which it is located, violated §1-19(a), G.S.

12. The respondents claim that they now have a new borough clerk who is more experienced; that they are employing better record keeping methods which have led to the more efficient operation of the zoning commission and the zoning board of appeals and that the minutes of the zoning commission are now kept in the office of the borough clerk.


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

1. The respondents shall henceforth act in strict compliance with the requirements of §1-15, G.S., which, except as otherwise provided, allows a maximum charge of 25¢ per page for copies of public records. The respondent borough shall also reimburse the complainant for amounts charged in March, 1985 in excess of such amount.

2. The respondents shall henceforth act in strict compliance with the requirements of §1-19(a), G.S. regarding the location of public records.

3. The respondents shall henceforth act in strict compliance with the requirements of §1-21(a), G.S. regarding the keeping of minutes which reflect the vote of each member of a public agency on any issue before the agency.

Approved by the Freedom of Information Commission at its regular meeting of January 8, 1986.



Karen J. Haggett
Clerk of the Commission