

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

Elaine Finn,

Complainant

against

Docket #FIC 85-240

Groton Planning Commission,

Respondent

August 13, 1986

The above-captioned matter was heard as a contested on April 21, 1986, 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. On October 23, 1985 the respondent posted notice in the office of the town clerk of an October 29, 1985 "work session" to discuss "the list of unfinished sites and site plan enforcement" and to allow the director of public works to "talk about the Plan of Development and the future construction of roads in Town."

3. On October 29, 1985 the members of the respondent were presented with an "agenda" prepared by the director of planning, Mark Oefinger, which agenda included the item "Town Council Referral re: Goss Cove as per CGS 8-24." The respondent considered the "Goss Cove" issue at the October 29, 1985 meeting.

4. By letter of complaint filed with the Commission on November 26, 1985 the complainant alleged that the creation of the October 29, 1985 agenda and the discussion of items on such agenda violated the Freedom of Information Act.

5. It is found that the October 29, 1985 "work session" was a special meeting within the meaning of §1-21(a), G.S. and that the notice placed on file in the town clerk's office on October 23, 1985 was a notice of special meeting within the meaning of §1-21(a), G.S.

6. Section 1-21(a), G.S. provides that at a special meeting no business other than that specified in the notice of special meeting shall be considered.

7. The agenda prepared by Mr. Oefinger was never placed on file in the office of the town clerk and was prepared less than 24 hours in advance of the meeting to which it referred. Such agenda, therefore, could not be considered a substitute notice of special meeting.

8. It is concluded that the respondent violated §1-21(a), G.S. when it transacted business other than that specified in the notice of special meeting placed on file in the town clerk's office.

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 limit the business it transacts at its special meetings to that which has been specified in the notice of the meeting.

Approved by order of the Freedom of Information Commission at its regular meeting of August 13, 1986.


Karen J. Haggett
Clerk of the Commission