

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by                      FINAL DECISION

Leonide T. Plourde, Jr.,  
John W. Hassel, Jr. and  
Marilyn C. Hassel,

Complainants

against

Docket #FIC 85-249

Watertown Water and Sewer  
Authority,

Respondent

May 28, 1986

The above-captioned matter was heard as a contested case on April 30, 1986, at which 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. The complainant Plourde is the executor of an estate which, prior to December 12, 1985, owned property at 143 Bamford Avenue in Waterbury. On or about August 18, 1985 the complainant Plourde applied to the respondent for a permit to connect the premises to Watertown's sewer system.

3. On October 21, 1985 the respondent voted to deny the complainant Plourde's request to connect the Bamford Avenue property to the Watertown sewer system.

4. By letter of complaint filed with the Commission on November 19, 1985 the complainant Plourde alleged that the matter of the complainant's request was not on the agenda for the respondent's October 21, 1985 meeting, that no notice was given to the complainant that his request would be considered at the meeting, that the complainant was given no written notice of the respondent's decision and that the October 21, 1985 action of the respondent violated §1-21(a), G.S. The complainant requested the following:

a. An order declaring the October 21, 1985 action of the respondent null and void.

b. An order that the October 21, 1985 action be set aside.

c. An order that the respondent grant to the complainant Plourde the right to connect the Bamford Avenue premises to the respondent's sewer system.

5. By letter filed with the Commission on December 16, 1985 the complainant amended his complaint to include John W. Hassel, Jr. and Marilyn C. Hassel, purchasers of the Bamford Avenue premises, as complainants.

6. At hearing the respondent moved to strike the claim for relief noted at paragraph 4(c), above, which motion was granted on the ground that it is beyond the authority of this Commission to grant such relief.

7. It is found that at its October 21, 1985 regular meeting, under the agenda item "correspondence," the respondent considered "letter No. 29," from the City of Waterbury, in which the respondent was asked to connect the Bamford Avenue property to the respondent's sewer system. The respondent voted to respond to the City of Waterbury with a letter indicating that permission would be granted only after specific conditions were met by the City of Waterbury.

8. In response to the complainants' objections to its October 21, 1985 action, the respondent, at its December 9, 1985 regular meeting, under the agenda item "L. Plourde Est. - Sanitary Sewer Connection," considered the issue of connecting the Bamford Avenue property. At such meeting the respondent voted to reaffirm the vote taken at its October 21, 1985 meeting regarding the Bamford Avenue property.

9. It is found that because an examination of the correspondence to be considered by the respondent at its October 21, 1985 meeting would have provided notice that Waterbury's letter would be taken up, consideration of the letter did not, technically, amount to consideration of a matter not included in the agenda of the meeting within the meaning of §1-21(a), G.S.

10. It is found, however, that to require the unusual vigilance which would have been necessary to discover that the matter would be considered violates at least the spirit of the Freedom of Information Act. The public interest would have been better served by a specific identification of the letter in the agenda for the October 21, 1985 meeting, as was done by the respondent when it prepared the agenda for its December 12, 1985 meeting.

11. It is concluded that the respondent's consideration, on October 12, 1985, of "letter No. 29," from the City of Waterbury, did not, technically, violate §1-21(a), G.S.

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

1. The complaint is hereby dismissed.

Approved by order of the Freedom of Information Commission at its regular meeting of May 28, 1986.

  
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Karen J. Haggett  
Clerk of the Commission