



# FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106  
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Helen Nejfelt,  
Complainant(s)  
against

Notice of Meeting

Docket #FIC 2015-735

Mayor, Town of Plymouth; Town Council,  
Town of Plymouth; and Town of Plymouth,  
Respondent(s)

February 5, 2016

## Transmittal of Proposed Final Decision


In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, March 9, 2016**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE February 26, 2016**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, an **original and fourteen (14) copies** must be filed **ON OR BEFORE February 26, 2016**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fifteen (15) copies** be filed **ON OR BEFORE February 26, 2016**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of  
Information Commission

  
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W. Paradis  
Acting Clerk of the Commission

Notice to: Helen Nejfelt  
Attorney William A. Hamzy

2016-02-05/FIC# 2015-735/Trans/wrbp/VDH//TAH

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

Report of Hearing Officer

Helen Nejfelt,

Complainant

against

Docket #FIC 2015-735

Mayor, Town of Plymouth;  
Town Council, Town of  
Plymouth; and Town of  
Plymouth,

Respondents

February 2, 2016

The above-captioned matter was heard as a contested case on December 30, 2015, at which time the complainant and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. For purposes of hearing, the matter was consolidated with Docket #FIC 2015-636; Mark Nejfelt v. Mayor, Town of Plymouth; Town Council, Town of Plymouth; and Town of Plymouth; and Docket #FIC 2015-642; Elizabeth Reese v. Mayor, Town of Plymouth; Town Council, Town of Plymouth; and Town of Plymouth.

1. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter dated October 29, 2015 and filed November 2, 2015, the complainant appealed to the Commission, alleging that the respondents violated the Freedom of Information Act (“FOI Act”) in the following way: by conducting a special public meeting without posting a notice and an agenda.
3. Section 1-225(a), G.S., provides, in relevant part, that “[t]he meetings of all public agencies, except executive sessions, as defined in subdivision (6) of section 1-200, shall be open to the public. . . .”
4. Section 1-200(2), G.S., defines “meeting,” in relevant part, as follows:  

. . . any hearing or other proceeding of a public agency, any convening or assembly of a quorum of a multimember public agency, and any communication by or to a quorum

of a multimember public agency, whether in person or by means of electronic equipment, to discuss or act upon a matter over which the public agency has supervision, control, jurisdiction or advisory power. . . .

5. Section 1-225(d), G.S., provides, in relevant part, as follows:

Notice of each special meeting of every public agency . . . shall be posted not less than twenty-four hours before the meeting to which such notice refers on the public agency's Internet web site, if available, and given not less than twenty-four hours prior to the time of such meeting by filing a notice of the time and place thereof . . . in the office of the clerk of such subdivision for any public agency of a political subdivision of the state. . . .

6. It is found that Gosinski Park is a housing complex in Terryville, Connecticut, which is operated by the Plymouth Housing Authority.

7. It is found that, at the time of the filing of the instant complaint, the complainant was the Chairperson of the Plymouth Housing Authority. It is further found that the complainant is not a resident of Gosinski Park.

8. It is found that, at a May 5, 2015 regular meeting of the Plymouth Town Council, the Town Council authorized the Mayor to investigate certain issues that were raised by the residents of Gosinski Park, including complaints that money had been improperly taken and/or spent. It is found that the Mayor was charged with investigating the complaints and reporting back to the Town Council with recommendations.

9. It is found that, on or about October 18, 2015, a resident from Gosinski Park invited the Mayor to come to the park to speak with the residents. It is found that, at this time, it was widely known that the Mayor was running for re-election. It is further found that, during the previous week, the Mayor's opponent had likewise been invited to come to Gosinski Park to speak to the residents.

10. It is found that, on October 26, 2015, around the time a public meeting of the Plymouth Housing Authority was adjourning in the Gosinski Park common room, the Mayor and a town council member arrived to speak to the residents. It is found that the Mayor gave a talk about his campaign and the importance of voting, and then took comments from the residents. At the time of the Mayor's visit, it is found that the mayoral election was approximately one week away.

11. It is found that no one was asked to leave the Gosinski Park common room as the Mayor spoke or listened to the residents' comments.

12. The complainant further contends that the gathering of the Gosinski Park residents with the Mayor and the town council member was a public meeting, to which she was entitled to notice. The complainant further contends that the Gosinski Park resident who organized the event failed to properly "sign out" the common room.

13. The Mayor and a member of the Plymouth Town Council appeared at the contested case hearing and provided testimony.

14. It is found that the gathering at Gosinski Park was organized and hosted by a resident of the park who is a private citizen; it was not organized or called to order by the Mayor or by any other public agency. It is further found that the purpose of the gathering was to answer questions about the Mayor's campaign. Finally, it is found that the gathering did not turn into a discussion of a subject matter over which a public agency has supervision, control, jurisdiction or advisory power.

15. It is therefore concluded that the September 19, 2015 gathering was not a public meeting, within the meaning of §1-200(2), G.S.

16. Accordingly, it is concluded that the respondents did not violate the FOI Act, as alleged in the complaint.

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.



Valicia Dee Harmon  
Valicia Dee Harmon  
as Hearing Officer