

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

NOTICE OF FINAL DECISION

Ethan Fry and The Valley Independent Sentinel,

Complainants

against

Docket #FIC 2016-0407

Code Enforcement Task Force, City of  
Ansonia; and City of Ansonia,

Respondents

May 15, 2017

TO: Ethan Fry and The Valley Sentinel; Attorney John P. Marini, for the respondents.

This will serve as notice of the Final Decision of the Freedom of Information Commission in the above matter as provided by §4-183(c), G.S. The Commission adopted the Final Decision in the above-captioned case at its regular meeting of May 10, 2017.

By Order of the Freedom of  
Information Commission



Cynthia A. Cannata

Acting Clerk of the Commission

## CERTIFICATION OF SERVICE

I certify that a copy of the foregoing Notice of Final Decision, dated May 15, 2017, and Final Decision, dated May 10, 2017, was mailed today, May 15, 2017, via certified mail, to the following counsel and party of record:

Ethan Fry and The Valley Independent Sentinel  
158 Main Street, #305  
Ansonia, CT 06401

Code Enforcement Task Force, City of  
Ansonia; and City of Ansonia  
c/o John P. Marini, Esq.  
Berchem, Moses & Devlin  
75 Broad Street  
Milford, CT 06460



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May 10, 2017

The above-captioned matter was heard as a contested case on August 19, 2016, at which time the complainants and the respondents appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. By letter dated and filed on May 31, 2016, the complainants appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by failing to timely file the agenda for the meeting of the respondent Task Force. More specifically, the complainants alleged that the agenda was posted on a Friday at 11:56 a.m., for a meeting that was held at 10:00 a.m., the following Tuesday (the Monday was the Memorial Day holiday).

2. Section 1-225(c), G.S., provides in relevant part that:

The agenda of the regular meetings of every public agency, except for the General Assembly, shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer, (1) in such agency's regular office or place of business, and (2) ... in the office of the clerk of such subdivision for any public agency of a political subdivision of the ....

3. At the hearing on this matter the respondents contended that the gathering called by the mayor was a staff meeting pursuant to §1-200(2)(c), G.S., and that a notice and agenda were not required. The respondents contended that, therefore, even if the

agenda was not posted the full twenty-four hours prior to the meeting, there is no violation of the notice and agenda provisions of §1-225(c), G.S.

4. The complainants contended, however, that the task force is a public agency, that there was a meeting of the task force on May 31, 2016, and that the notice and agenda for that meeting was improper.

5. Section 1-200(2), G.S., provides in relevant part:

“Meeting” means 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.

6. Section 1-200(2), G.S., provides in relevant part: “[m]eeting’ does not include: an administrative or staff meeting of a single-member public agency....”

7. The phrase “administrative or staff meeting” is not defined in the FOI Act.

8. Black’s Law Dictionary defines “administrative” as follows: “Connotes of or pertains to administration, especially management, as by managing or conducting, directing, or superintending, the execution, application or conduct of persons or things.”

9. Webster’s Third New International Dictionary Unabridged (Merriam-Webster 1993) defines “administration” in relevant part as:

. . . performance of executive duties: management, direction, superintendence; . . . the management of public affairs as distinguished from the executive or political function of policy making . . . .

10. It is found that the mayor for the City of Ansonia called a meeting with all city department heads who would have any responsibilities or interests in dealing with the blight issue facing the city. It is found that he wanted an interface with all departments so everyone would be on the “same page.”

11. It is also found that there were other invited guests but that there is no appointed board or body and that there is no set roster of members.

12. It is found that as a way of inviting members of the public to participate in his discussion with his staff, and to be transparent about the work he was doing to address

the blight issues of the City, the mayor issued a notice and agenda for the gathering which stated the following, in relevant part:

City of Ansonia  
Code Enforcement Task Force  
253 Main Street, Ansonia CT 06401  
AGENDA  
First Regular Meeting of the CODE Enforcement  
Committee  
Tuesday, May 31, 2016 – 10:00 a.m.  
Erlinghueser Room  
Second Floor Meeting Room

It is found that in addition to there being a notice and an agenda for the gathering, minutes of the meeting were also taken.

13. It is found that the mayor noticed the meeting to the public because he wanted members of the public to attend and get involved in the process. Unfortunately, the mayor's good intentions led to the complainants' reasonable assumption that a meeting within the meaning of §1-200(2), G.S., occurred.

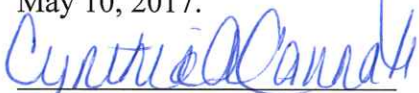
14. It is found that, despite the formality of the invitation to the public described above, the May 31, 2016 gathering was an administrative or staff meeting of the mayor at which he engaged in the performance of his executive duty to manage a specific public affair – the enforcement of the town's codes to address the blight issues of the town.

15. It is concluded that the gathering, described above, was not a "meeting" within the meaning of §1-200(2), G.S. Because there was no "meeting," it is further concluded that the respondents were not required to comply with the notice provisions of §1-225, G.S., and that the respondents did not violate the FOI Act as alleged.

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 10, 2017.



Cynthia A. Cannata  
Acting Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S., THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Ethan Fry and The Valley Independent Sentinel  
158 Main Street, #305  
Ansonia, CT 06401

Code Enforcement Task Force, City of  
Ansonia; and City of Ansonia  
c/o John P. Marini, Esq.  
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