

complainants herein, and which property was not then the subject of litigation between the parties.

8. The parties at that time were involved in litigation affecting other properties.

9. At the meeting on April 12, 1977, upon re-convening in public session, the members of the respondent commission voted to send a letter to the board of selectmen of the respondent town stating that the respondent commission "concur with what Attorney Barnes has said" and recommends that the board of selectmen take "any action which they deem necessary." No reference was made in the minutes of the meeting on April 12, 1977 as to the specific subject of the aforesaid vote.

10. By letter of complaint filed with this Commission on April 22, 1977, the complainants alleged that the notice of the special meeting on April 12, 1977 was improper and not in accordance with the Freedom of Information Act as codified in Chapter 3, General Statutes. The complainants also alleged that that portion of the executive session on April 12, 1977 concerning the placing of caveats on the land records of property owned by the complainants was not a proper subject for an executive session within the purview of the Freedom of Information Act, as codified in Chapter 3, General Statutes. The complainants further requested that this Commission declare null and void the action of the respondent commission at its April 12, 1977 meeting in agreeing with and/or recommending the placing of caveats.

11. §1-21, G.S., states in pertinent part, that the notice of a special meeting shall specify the business to be transacted thereat and no other business shall be considered.

12. It is found that the aforesaid notice of the respondent commission's special meeting did not so specify the business to be transacted thereat as to provide sufficient notice to the public of the nature of such business.

13. Consequently, it is found that the notice of the respondent commission's special meeting for April 12, 1977 violated the requirements of §1-21, G.S.

14. §1-18a(e), G.S., lists the purposes for which an executive session of a public agency may be convened. One such purpose is "strategy and negotiations with respect to pending claims and litigation".

15. It is found that the portion of the executive session on April 12, 1977 concerning the placing of caveats on the land records of property owned by the complainants was not related to either strategy or negotiations with respect to then pending claims or litigation or to any other proper purpose for an executive session as listed in §1-18a(e), G.S.

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

1. Henceforth the respondent commission shall comply in all respects with the requirements of Chapter 3, G.S., for the notice, convening and conduct of special meetings.

2. Henceforth the respondent commission shall convene in executive session only for those purposes listed in §1-18(e), G.S., and shall comply in all other respects to the requirements of Chapter 3, G.S., concerning the convening of executive sessions.

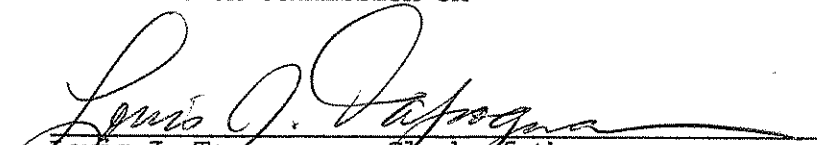
3. The Commission declines to exercise its discretion pursuant to §1-21i(c), G.S., and declare null and void any action at the aforesaid meeting on April 12, 1977. While the Commission believes that the respondent commission has acted improperly in dealing with the caveat issue by not notifying the complainants and the general public of its deliberations, the Commission also believes that no valid purpose would be served by nullifying the actions of the respondent commission under these circumstances. If the respondent commission, instead of the board of selectmen, had ordered the caveats placed on the land records, the Commission might well have ordered null and void that action. The Commission strongly recommends, however, that as a matter of justice, the respondent commission give the complainants an adequate opportunity to be present, and if possible, to present their views on matters concerning their property rights.



Commissioner Donald W. Friedman

as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 8, 1977.



Louis J. Tapogna, as Clerk of the
Freedom of Information Commission