

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by  
Robert Craven and Nancy Caffyn

FINAL DECISION

Complainants

Docket #FIC84-112

against

October 10, 1984

South Windsor Historic  
District Commission

Respondent

The above captioned matter was heard as a contested case on August 20, 1984 at which time the complainant and the respondent appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. Andre L. Charbonneau and Frank V. Rossi sought and were granted leave to intervene, limited to the issue of remedy, in the proceedings of August 20, 1984.

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 filed an appeal with the Commission by letter postmarked June 20, 1984, in which the complainant alleged: (a) that the respondent failed to post on the subject property a notice of public hearing concerning development of the property; (b) that the respondent failed to provide Nancy Caffyn with written notice of its May 30, 1984 public hearing as per her written request of May 14, 1984; (c) that, following the public hearing on May 30, 1984, the respondent met in a second meeting for which no notice had been given; that the application for a Certificate of Appropriateness for development of the subject property was not available for inspection at the Town Clerk's office as of May 30, 1984; and, (d) that minutes of the respondent's meetings between February 24, 1984 and May 30, 1984 were not on file at the Town Clerk's office as of June 7, 1984.
3. It is found that a notice of the respondent's May 30, 1984 public hearing was posted at the Town Clerk's office as of May 16, 1984.
4. It is found that on or about May 14, 1984, Nancy Caffyn delivered a written request to the respondent's chairman to be

"kept abreast of any requests for action that you may receive" concerning the subject property.

5. It is found that the respondent only notified Nancy Caffyn of the May 30, 1984 public hearing by telephone on May 30, 1984.

6. It is found that following the public hearing on May 30, 1984, the respondent continued the meeting to discuss the application for a Certificate of Appropriateness.

7. It is found that there was no notice that the respondent would hold a deliberative session following the public hearing.

8. It is found that the minutes of the respondent's meetings between February 24, 1984 and May 30, 1984 were not on file in the Town Clerk's office within seven days of the meetings.

9. It is found that the application for a Certificate of Appropriateness was not on file at the Town Clerk's office as of May 30, 1984.

10. It is found that the above mentioned minutes and application for a Certificate of Appropriateness were kept at the home of the chairman of the respondent.

11. It is further found that no regular business or office hours were in effect at the home of the chairman.

12. It is concluded that the respondent did not violate §1-21(a), G.S., because a notice of the public hearing was posted at the Town Clerk's office and nothing in the Freedom of Information Act requires that a notice be posted on the subject property.

13. It is concluded, however, that the respondent violated §1-21(a), G.S., by failing to include notice of the deliberative session in the notice of the meeting on May 30, 1984.

14. It is also concluded that the respondent violated §1-21c, G.S., by failing to provide notice by mail to Nancy Caffyn at least one week before the May 30, 1984 public hearing, when such notice was practicable in that the meeting date was set before May 16, 1984 and Caffyn's request was received by the respondent on or about May 14, 1984.

15. While not technically within the purview of the complaint, it is noted that the respondent improperly excluded the public from the deliberative session on May 30, 1984, as it did not fall within any of the purposes for an executive session as set forth in §18a(e), G.S.

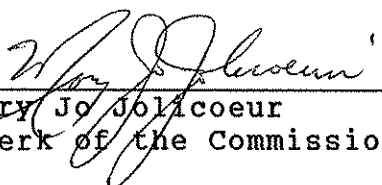
16. It is concluded that the respondent violated §1-19(a), G.S., by failing to file the above mentioned minutes and application for a Certificate of Appropriateness in an office where they would be accessible during regular office or business hours or in the Town Clerk's office.

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

1. Henceforth the respondent shall comply strictly with the provisions of §§1-19(a), 1-21(a) and 1-21c, G.S.

2. The respondent shall place the minutes of its meetings between February 24, 1984 and May 30, 1984 in the town clerk's office forthwith.

Approved by order of the Freedom of Information Commission at its regular meeting of October 10, 1984.

  
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Mary Jo Jolicoeur  
Clerk of the Commission