

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In The Matter of a Complaint by

FINAL DECISION

John Moise,

Complainant

against

Docket #FIC 2017-0469

Chairman, Town Council, Town
of Southington; and Town Council,
Town of Southington,

Respondents

February 14, 2018

The above-captioned matter was heard as a contested case on October 18, 2017, at which time the complainant 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. The respondents are public agencies within the meaning of §1-200(1), G.S.
2. By letter dated August 7, 2017, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information (“FOI”) Act by holding an unnoticed meeting on August 1, 2017, to discuss the hiring of a new town manager.
3. At the hearing on this matter, the complainant contended that four council members met on August 1, 2017 and that during that meeting, the discussions turned to matters concerning the manager, at which time a fifth council member was called to participate in the discussion via telephone (hereinafter “August 1, 2017 meeting”).
4. The respondents contended that the August 1, 2017 meeting was a caucus pursuant to §1-200(3), G.S., and was not a “meeting” within the meaning of §1-200(2), G.S.
5. Section 1-200(2), G.S., provides in relevant part that:

“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. "Meeting" does not include . . . a caucus of members of a single political party notwithstanding that such members also constitute a quorum of a public agency . . .

6. It is found that, on August 1, 2017, three Republican members of the respondent town council were invited by the respondent chairman, a Republican, to attend a meeting related to campaign strategy. It is found that while there are six Republican council members on the respondent town council, only four of the members were in attendance because the other two were not running for re-election and because they would be vacating their seats, and the respondent chairman did not deem their input necessary.

7. It is found that the meeting lasted less than an hour and that during the meeting, the four Republican council members discussed campaign-related matters to aid the respondent chairman in the discussions he would be having with other Republican leaders during the Republican campaign meeting that was scheduled to take place later that evening. It is found that the respondent chairman also informed the three council members that the present town manager was going to announce to his staff, on that morning, that he was resigning but the council members did not discuss that matter during the August 1, 2017 gathering.

8. It is found that the complainant filed his complaint in this matter based, in part, on articles he read in the local newspapers which lead him to believe that a Democratic council member participated in the discussions at the August 1, 2017 gathering via telephone, and that the discussion included the hiring of the new town manager and the Christopher Columbus statue over which there was some dispute in the minds of some people in the town.

9. It is found that only Republican members of the respondent council attended and/or participated in the August 1, 2017 meeting and that the only matters discussed were campaign matters.

10. It is found that the August 1, 2017 gathering was "a caucus of members of a single political party" and was not a "meeting" within the meaning of §1-200(2), G.S.

11. It is concluded, therefore, that the respondents did not violate the open meetings provisions of the FOI Act as alleged by the complainant.

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 February 14, 2018.



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:

JOHN MOISE, 238 Stonegate Road, Southington, CT 06489-3829

CHAIRMAN, TOWN COUNCIL, TOWN OF SOUTHINGTON; AND TOWN COUNCIL, TOWN OF SOUTHINGTON, c/o Attorney Jeremy Taylor, 876 South Main Street, Plantsville, CT 06479



Cynthia A. Cannata
Acting Clerk of the Commission