

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by) Report of Hearing Officers
Ilvi J. Cannon, Complainant) Docket #FIC75-13
against) December 8, 1975
)
Bolton Board of Selectmen)
of the Town of Bolton,
Respondent

The above-captioned matter was heard as a contested case on November 25, 1975, at which time the complainant and respondent appeared and presented testimony, exhibits and argument on the complaint.

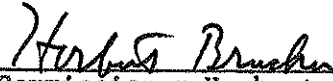
After consideration of the evidence the following facts are found:

1. The Board of Selectmen of the Town of Bolton, respondent, is a public agency.
2. The complaint concerns a meeting of this public agency, and the minutes of that meeting.
3. On October 6, 1975, at a regular meeting of the Board of Selectmen, the First Selectman reported that board members had agreed unanimously but informally, on October 1, 1975, that they favored a State Department of Transportation proposal to build I-84 through Bolton. The First Selectman so stated at a Department of Transportation hearing on the proposal later that same day, October 1.
4. This was inaccurately reported in the minutes of the October 6 meeting, which read: "As a matter of record, it was voted unanimously that the Selectmen were in favor of the construction of I-84." No such vote was taken at that meeting.

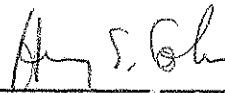
5. Public Act 75-342 and Section 7-12b of the General Statutes require the selectmen to keep records of all acts and votes approved or adopted at meetings held under Section 7-12 of the General Statutes. The October 1 consensus was of such a nature that its conclusion should have been reported at the next regularly scheduled meeting.

The following Order by the Commission is hereby recommended on the basis of the record and the conclusions of fact concerning this complaint:

1. It is within the jurisdiction of the Freedom of Information Commission to determine whether or not this public agency has failed to record in its minutes any vote taken in execution of its duties, as provided by Sections 7-12 and 7-12b of the General Statutes.
2. The respondent was required to record in its October 6 minutes the October 1 consensus of board members. The requirement of Public Act 75-342 (Sec. 6) that "The votes of each member of any such public agency upon any issue before such public agency shall be reduced to writing and made available for public inspection ..." assumes that the record will be accurate. Otherwise it would not be a record of what took place.
3. The Board of Selectmen must record accurately all votes taken on matters within its statutory powers whenever this Board meets and acts under Chapter 91 of the General Statutes. In this way Public Act 75-342 applies to both informal gatherings and regularly scheduled meetings under Section 7-12 of the General Statutes where the public agency collectively acts in behalf of the town.

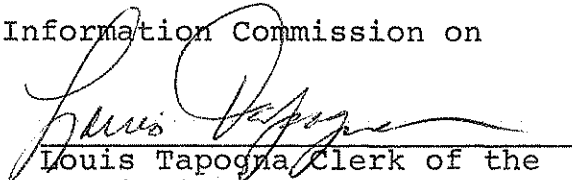


Commissioner Herbert Brucker
as Hearing Officer



Henry S. Cohn, Esq.
Hearing Officer

Approved by the Freedom of Information Commission on
December 17, 1975.



Louis Tapogna, Clerk of the
Commission