

Freedom of Information Commission
of the State of Connecticut

In the Matter of a Complaint by)

Michael P. Stearne, Complainant)

against)

Town of Bethany and the Board)

of Finance of the Town of)

Bethany,)

Respondents)

Report of Hearing Officer

Docket #FIC76-35

April 1, 1976

1. The respondents are public agencies as they are the Town of Bethany and the Board of Finance of the Town of Bethany.

2. On February 26, 1976, a special meeting of the respondent board was held, the notice of which meeting had specified the topic to be the Board of Education budget.

3. The minutes of the meeting indicate that the respondent board voted to proceed in executive session prior to the complainant's arrival at the meeting.

4. The minutes kept of the executive session indicate that no resolutions or motions were presented or voted on.

5. The records reveal that some matters were discussed that were outside the notice of the special meeting, and did not pertain to education.


6. Certain items in the Board of Education budget had been made public previously.

7. There is other evidence in the record that supports the inference that some of the discussion did not involve matters relating to the preliminary draft of the budget or to the strategy or negotiation of a labor contract with teachers.

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


1. The respondent board is instructed and ordered that P.A. 75-342 prevents this public agency from discussing or acting upon matters other than those set forth in the agenda stated in the notice when a special meeting is held.

2. The public agency is further instructed that it is required by P.A. 75-342 to vote to proceed in executive session for proper matters at the time such matters arise in the ordinary course of business of the meeting. When the public agency completes the business on the basis of which it convened in executive session, respondent board is further admonished, it must terminate the executive session and reconvene in a public session for the disposition of the remainder of its business at the meeting.



Commissioner Helen Loy
as Hearing Officer

Approved by order of the Freedom of Information Commission on April 28, 1976.



Louis Tapogna
Clerk of the Commission