

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Joyce Rudzewick and the Executive
Board of the North Simsbury Coali-
tion,

Complainants

Final Decision

against

Docket #FIC78-222

Town of Simsbury; Planning Com-
mission of the Town of Simsbury;
and Clerk of the Planning Commis-
sion of the Town of Simsbury,

March 14, 1979

Respondents

The above captioned matter was heard as a contested case on January 8, 1979, at which time the complainants and respondents appeared, stipulated to certain facts, and presented testimony and argument on the complaint.

After consideration of the entire record, the following facts are found:

1. The respondents are public agencies as defined by §1-18a(a), G.S.

2. By letter dated October 16, 1978, the complainants requested from the respondents a copy of the minutes of the respondent planning commission for the following dates:

- a. June 12, 1978;
- b. September 11, 1978;
- c. September 26, 1978.

3. By the same letter, the complainants further requested a copy of a complete set of plans related to the so-called Barndoor Hills Subdivision.

4. Following the complainants' request, on October 23, 1978, the clerk of the respondent planning commission gave the complainant Rudzewick a copy of the requested minutes of the June 12, 1978 meeting.

5. On October 24, 1978, the clerk of the respondent planning commission provided the complainant Rudzewick with access to the requested minutes of the September 11, 1978 meeting. The clerk, however, refused to provide the complainant with a copy of such minutes at that time on the ground that the minutes had not yet been approved by the respondent planning commission.

6. By letter filed with this Commission on October 27, 1978, the complainants alleged that as of October 25, 1978 they had not received copies of the requested minutes and plans.

7. On or before November 2, 1978, the date on which the minutes were needed by the complainants, the complainants received copies of the entire contents of all of the requested minutes. The only question argued at the time of this hearing with respect to such minutes was whether or not the clerk of the respondent planning commission was justified in refusing, on October 24, 1978, to provide the complainant Rudzewick with a copy of the September 11, 1978 unapproved minutes as requested.

8. With respect to the requested plans, the plans were at all times available at the Town Hall for the complainants to examine or trace.

9. The sole dispute at the time of the hearing with respect to such plans concerned whether or not the respondents had exceeded the fee that may be charged for copies of public records by asserting their right to charge the complainants \$10.00 per page. It should be noted that the complainants no longer desired copies of the plans at any fee at the time of the hearing.

10. With respect to the September 11, 1978 minutes, such minutes were required to be made available for public inspection within seven days of September 11, 1978 pursuant to §1-21, G.S.

11. Such minutes are required to be made available for public inspection within seven days whether or not the public agency concerned has approved the minutes of the meeting to which such minutes refer.

12. Such document is a public record as defined by §1-18a(d), G.S.

13. The clerk of the respondent planning Commission was therefore not justified in refusing to provide the complainant Rudzewick with a copy of the September 11, 1978 minutes, as requested on October 24, 1978, on the basis that the minutes had not yet been approved by the respondent planning commission.

14. It is therefore found that the complainant did not receive a copy of the September 11, 1978 and September 26, 1978 minutes "promptly upon request" as required by §1-15, G.S.

15. The requested plans consist of 15 pages of plans on 24" by 36" paper. The least expensive reproduction cost of such plans, on pages of the same dimension, would cost the respondents \$10.00 per page. The respondents do not have in-house reproductive capability with respect to documents of such dimensions and duplicate copies would have to be taken to an outside reproductive service which will charge \$10.00 per page.

16. The complainants assert their right, under §1-15, G.S., to receive copies of the plans at a fee not to exceed 25¢ per page.

17. Each of the 24" by 36" plan pages can be reproduced on 6 8" by 11" pages of the respondents own photocopy machine which has conventional reproductive capabilities.

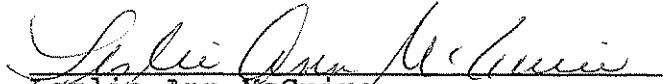
18. The complainants therefore had the right, under §1-15, G.S., to require the respondents to provide copies of all such plans, on 90 pages, the fee not to exceed 25¢ per page.

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

1. Henceforth, the respondents shall provide copies of any public record promptly upon request pursuant to §1-15, G.S.

2. The respondents shall forthwith provide the complainants with copies of the plans described in paragraph 3 of the above findings on whatever number of conventional size pages that are needed to reproduce the same in substantially the same manner as set forth in paragraphs 16 and 17 of the findings above.

Approved by order of the Freedom
of Information Commission on
March 14, 1979.


Leslie Ann McGuire
Acting Clerk of the Commission