

FREEDOM OF INFORMATION COMMISSION  
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Frederick W. Waterman

Complainant

against

Town of Waterford; Board of  
Education of the Town of  
Waterford; and Superintendent  
of Schools of the Town of  
Waterford

Respondents

Report of Hearing Officer

Docket #FIC79-172

January <sup>14</sup> 7, 1981

The above captioned hearing was held on April 2, 1980, at which time both parties appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondents are public agencies within the meaning of §1-18a(a) G.S.

2. By letter filed with the Commission August 10, 1979, the complainant alleged that the respondents violated the Freedom of Information Act on August 3, 1979 by holding an improper emergency meeting and by failing to adequately set forth the nature of the emergency in the minutes of the meeting.

3. The respondent claimed that the meeting was held under emergency circumstances and that the minutes were adequate.

4. The respondent Board had voted to hire a Principal for the Waterford High School by September 1, 1979.

5. The position was offered to one candidate in mid-July.

6. When no answer was received in two weeks, the Superintendent went to Syracuse, New York and obtained a letter from the candidate declining the position.

7. The superintendent returned with the letter in the afternoon or early evening on Thursday, August 2, 1979 and proceeded to arrange for a meeting to discuss filling the position.

8. Board members were unable to meet on the week-end because of prior commitments.

9. The meeting was scheduled for Friday, August 3, 1979, because even a few days of delay might mean that other candidates for the job would have accepted job offers and become unavailable.

10. It is found that the meeting was in fact an emergency meeting under §1-21 G.S.

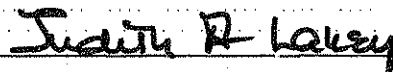
11. §1-21 G.S. requires that a copy of the minutes of an emergency meeting setting forth the nature of the emergency must be filed with the Town Clerk.

12. The minutes of the emergency meeting are unsatisfactory. While they evidence certain of the factual circumstances relating to the emergency, they do not clearly set forth the nature of the emergency in a manner which would explain why the notice requirements of the Freedom of Information Act could not be followed.

13. It is therefore found that the minutes do not satisfy the requirements of §1-21 G.S.

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

1. The respondents shall henceforth comply with the requirements of §1-21 G.S. pertaining to minutes of emergency meetings.



Commissioner Judith Lahey as  
Hearing Officer

Approved by Order of the Freedom of Information Commission  
at its regular meeting of February 11, 1981.



Wendy Rae Briggs  
Clerk of the Commission