

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by
Nancy J. Caffyn,

Complainant

Final Decision

against

Docket #FIC80-20

Town of South Windsor; Mayor of
the Town of South Windsor; and
Town Counsel of the Town of
South Windsor,

August 11, 1980

Respondents

The above captioned matter was heard as a contested case on June 10, 1980, 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:

1. The respondent town council is a public agency as defined by §1-18a(a), G.S.
2. The respondent town council held a regular meeting on January 7, 1980.
3. During the regular meeting of January 7, 1980, the council voted to convene in executive session to discuss a "personnel matter," and did convene in executive session as part of that meeting.
4. During the January 7, 1980 executive session, the council discussed and voted upon the compensation schedule for the new town attorney who had been appointed the previous December.
5. During the January 7, 1980 executive session, the respondent town council did not discuss the appointment, continued employment, performance, health or dismissal of the town attorney.
6. The January 7, 1980 executive session of the respondent town council was therefore not held for any of the purposes permitted by §1-18a(e)(1), G.S.
7. Consequently, under §1-21, G.S., the January 7, 1980 executive session of the respondent town council was improperly and illegally convened.
8. After the hearing respondent moved to dismiss the complaint on the grounds that the complainant's notice of appeal was not filed with the Commission within thirty days of the January 7, 1980 meeting.

9. The notice of appeal was dated January 31, 1980, and although not date-stamped prior to February 7, 1980, the Commission takes note that the pressure of Commission business was such that it makes it probable that the complaint was timely filed.

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 comply with the requirements of §1-21, G.S. by limiting their executive sessions to the purposes permitted under §1-18a(e), G.S.

Approved by order of the Freedom
of Information Commission on
August 11, 1980.


Leslie Ann McGuire
Clerk of the Commission