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FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 18-20 Trinity Street, Suite 100 • Hartford, CT 06106
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Adam J. Petrillo,
Complainant(s)
against

Notice of Meeting

Docket #FIC 2012-477

Board of Directors, Poquonnock Bridge Fire
District; and Poquonnock Bridge Fire District,
Respondent(s)

March 15, 2013

Transmittal of Proposed Final Decision

In accordance with Section 4-179 of the Connecticut General Statutes, the Freedom of Information Commission hereby transmits to you the proposed finding and decision prepared by the hearing officer in the above-captioned matter.

This will notify you that the Commission will consider this matter for disposition at its meeting which will be held in the Freedom of Information Commission Hearing Room, 18-20 Trinity Street, 1st floor, Hartford, Connecticut, at **2 p.m. on Wednesday, April 10, 2013**. At that time and place you will be allowed to offer oral argument concerning this proposed finding and order. Oral argument shall be limited to ten (10) minutes. For good cause shown, however, the Commission may increase the period of time for argument. A request for additional time must be made in writing and should be filed with the Commission **ON OR BEFORE March 29, 2013**. Such request **MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, and (2) include a notation indicating such notice to all parties or their representatives.**

Although a brief or memorandum of law is not required, if you decide to submit such a document, the Commission requests that an **original and fourteen (14) copies** be filed **ON OR BEFORE March 29, 2013**. **PLEASE NOTE: Any correspondence, brief or memorandum directed to the Commissioners by any party or representative of any party MUST BE (1) copied to all parties, or if the parties are represented, to such representatives, (2) include a notation indicating such notice to all parties or their representatives and (3) be limited to argument. NO NEW EVIDENCE MAY BE SUBMITTED.**

If you have already filed a brief or memorandum with the hearing officer and wish to have that document distributed to each member of the Commission, it is requested that **fourteen (14) copies** be filed **ON OR BEFORE March 29, 2013**, and that **notice be given to all parties or if the parties are represented, to their representatives, that such previously filed document is being submitted to the Commissioners for review.**

By Order of the Freedom of
Information Commission

W. Paradis
Acting Clerk of the Commission

Notice to: Adam J. Petrillo
Kristin L. Wainright, Esq.

3/15/13/FIC# 2012-477/Trans/wrbp/KKR/TAH

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Adam Petrillo,

Complainant

against

Docket # FIC 2012-477

Board of Directors, Poquonnock Bridge
Fire District; and Poquonnock Bridge
Fire District,

Respondents

March 13, 2013

By motion dated October 16, 2012 and filed October 17, 2012, the respondents moved to dismiss the above-captioned matter for lack of subject matter jurisdiction. On January 17, 2013, the hearing officer postponed the hearing that had been scheduled in this matter, and issued an order to the complainant to file a brief in opposition to the motion to dismiss on or before February 1, 2013. However, the complainant did not file such brief.

1. Section 1-206(b)(4), G.S., provides that:

[n]otwithstanding any provision of this subsection to the contrary, in the case of an appeal to the commission of a denial by a public agency, the commission may, upon motion of such agency, confirm the action of the agency and dismiss the appeal without a hearing if it finds, after examining the notice of appeal and construing all allegations most favorably to the appellant, that the agency has not violated the Freedom of Information Act.

2. The notice of appeal, dated May 18, 2012 and filed with the Freedom of Information Commission ("Commission") on May 23, 2012, alleges that the respondents violated the Freedom of Information ("FOI") Act with regard to the August 1, 2012 special meeting of the Poquonnock Bridge Fire District ("special meeting"). Specifically, the complainant alleges that the respondents failed to comply with certain notice requirements contained in §1-225, G.S., and further complains that the respondents used paper ballots and disallowed "public participation."

3. The complainant attached a copy of the special meeting notice to the notice of appeal, described in paragraph 2, above, which meeting notice indicated that the special

meeting was a meeting of the voters of the fire district to consider a petition to amend a fire district ordinance.

4. As the Commission has previously concluded, a meeting of the voters of a respondent fire district is not a public meeting, subject to the requirements of the FOI Act. See Jeff S. Tager v. Blue Hills Fire District, Docket #FIC 1993-202 (January 26, 1994). Rather, the notice and procedural requirements for such meetings are governed by §7-327, G.S.¹

5. Accordingly, after consideration of the notice of appeal and construing all allegations most favorably to the complainant, it is concluded that the respondents did not violate the provisions of the FOI Act.

Pursuant to §1-206(b)(4), G.S., the following order by the Commission is hereby recommended:

1. The actions of the respondents are hereby confirmed and the complaint is dismissed without a hearing.



Kathleen K. Ross
as Hearing Officer

FIC2012-477/HOR/KKR/03132013

¹ Section 7-327, G.S., provides, in relevant part: "...Special meetings of the district may be called on the application of ten per cent of the total number of persons qualified to vote in the meeting of a district or twenty of the voters of such district, whichever is less, or by the president or any three directors upon giving notice as hereinafter provided..." (Emphasis added).