

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by Patricia Todd, Linda Hagen and Catherine Blakeman, Complainants)	Report of Hearing Officer
)	Docket #FIC76-191
against)	December 20, 1976
)	
City and Town of Shelton and Board of Alderman of the City and Town of Shelton, Respondents)	

The above captioned matter was heard as a contested case on November 17, 1976, at which time the complainant and the respondents 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 as defined in §1(a) of P.A. 75-342.
2. At a meeting of the respondent board held on October 25, 1976, the respondent board convened in executive session, together with three members of the Economic Development Commission and the Town Attorney, stating as the reason therefor "strategy".
3. By letter filed with this Commission on November 4, 1976, the complainants alleged that the discussion that occurred in executive session was not a proper purpose for excluding the public under §1(e) of P.A. 75-342.
4. The complainants contend that the respondent board discussed the industrial development of town parkland, which discussion should have been open to the public.
5. The respondent board contends that a discussion relating to the industrial development of town parkland would necessarily involve consideration of comparable replacement land and the valuation thereof under P.A. 75-534, which discussion is a proper purpose for convening in executive session under §1(e)(4) of P.A. 75-342.
6. It is found that there were a plethora of matters discussed in the aforesaid executive session that were clearly outside the scope of §1(e)(4). For example, the respondent board discussed the impact of industrializing town owned parkland relative to the traffic, sewer and property value considerations of general concern to the residential properties in the area.

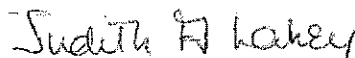
7. It is therefore found that the respondent board met in executive session on October 25, 1976, for purposes that were not permitted under §1(e) of P.A. 75-342.

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

1. Henceforth, the respondent board shall meet in executive session only for those purposes stated in §1(e) of P.A. 75-342.

2. It is noted that the record of this case reveals that the respondent board gave as a reason for convening in executive session a statement that did not reflect any purpose permitted by §1(e)(4). Accordingly, this Commission cautions the respondent board to abstain from convening in executive session without first stating, in the public portion of its meeting, a proper purpose for such executive session as set forth in §1(e).

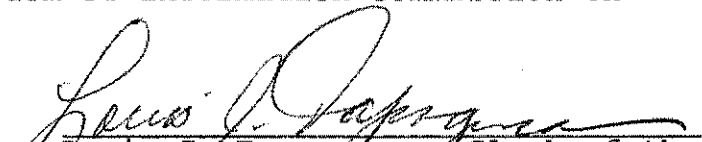
3. Although it was not raised in the complaint herein, it appears that persons, not members of the respondent board, were in attendance in the aforesaid executive session. This Commission further advises the respondent board that attendance in executive session must be limited in accordance with the requirements of §11 of P.A. 75-342.



Commissioner Judith A. Lahey

as Hearing Officer

Approved by order of the Freedom of Information Commission on
January 12, 1977.



Louis J. Tapogna, as Clerk of the
Freedom of Information Commission