

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by)
the New Wood Construction Co.;)
Nicholas Mancini and Barbara Mancini) Report of Hearing Officer
Complainants)
) Docket #FIC78-53
against)
) May , 1978
Town of Watertown; the Town Council)
of the Town of Watertown; and the)
Public Building Committee of the Town)
of Watertown)
Respondents

The above captioned matter was heard as a contested case on May 9, 1978, at which time the complainant and the respondents appeared and presented testimony, exhibits and argument on the complaint. Because of the similarity of the issues, this matter was consolidated with Docket #FIC78-61 for hearing.

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

1. It is found that the respondents are public agencies within the meaning of §1-18a(a), G.S.
2. The respondents held a joint meeting on February 27, 1978.
3. No notice for such meeting was posted at the office of the town clerk.
4. The agenda of the aforesaid meeting read as follows:
 1. Roll call
 2. Second fire station progress to date
 3. General discussion on facilities for Police Department and Town Hall
 4. Minutes
5. During the meeting it was unanimously voted that the respondents hold an executive session to discuss the award of a contract for a fire substation with respect to which various contractors had submitted bids.
6. Following the executive session, members of the town council voted to award the contract to one of the bidders.

7. By letter dated March 14, 1978, the complainants asked that the vote to award the contract be declared null and void because notice for the February 27 meeting was improper and because the executive session which preceded the award of the contract was improper.

8. The complainant corporation was the lowest bidder but was not awarded the contract.

9. It is found that when the respondents failed to post notice of the aforesaid meeting, they violated the requirements of §1-21, G.S., that notice of the time, place and subject of a special meeting be posted at least twenty-four hours in advance of the meeting in the town clerk's office.

10. The respondent council and committee claimed that the executive session was proper under §1-18a(e) (i), G.S., in that it was discussion concerning the appointment, employment, performance, evaluation or dismissal of a public officer or employee.

11. It is found that discussion of bids with respect to the award of a construction contract is not a proper purpose for an executive session under §1-18a (e) (i), G.S., because such discussion is not discussion concerning the appointment, employment, performance, evaluation or dismissal of a public officer.

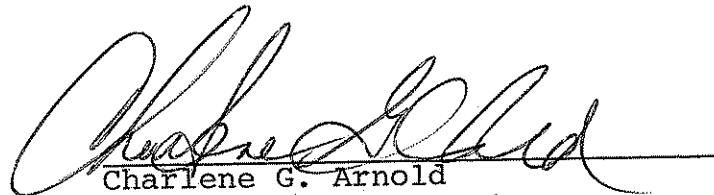
The following order by the Commission is hereby recommended on the basis of the record concerning the above captioned complaint.

1. The vote of the respondent council to award the contract for the fire substation which is described at paragraphs number five and six above, is hereby declared null and void.



Commissioner William Clew
as Hearing Officer

Approved by order of the Freedom of Information Commission on
June 14, 1978.



Charlene G. Arnold
Clerk of the Commission