



FREEDOM OF INFORMATION



Connecticut Freedom of Information Commission • 165 Capitol Avenue, Suite 1100 • Hartford, CT 06106
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Sharon Pealer

Complainant(s)

Notice of Meeting

against

Docket #FIC 2025-0922

Chairman, Town Council, Town of Ledyard; Town Council, Town of Ledyard; and Town of Ledyard

Respondent(s)

August 7, 2026

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 person** at the Freedom of Information Commission's Hearing Room, Conference Room H, located on the ground floor at 165 Capitol Avenue, Hartford, Connecticut, at **2:00 p.m. on Wednesday, August 26, 2026.**

At that time and place, you will be allowed to offer oral argument concerning this proposed finding and order in person. 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 August 21, 2026.** 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, an **original and fourteen (14) copies** must be filed **ON OR BEFORE August 21, 2026.** 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 **fifteen (15) copies** be filed **ON OR BEFORE August 21, 2026** 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

Jennifer M. Mayo

Jennifer M. Mayo

Acting Clerk of the Commission

Notice to: Sharon Pealer
Attorney Jonathan W. Fazzino

FIC# 2025-0922/ITRA/PVA/RB/JMM/2026-08-7

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

Report of Hearing Officer

Sharon Pealer,

Complainant

against

Docket #FIC 2025-0922

Chairman, Town Council,
Town of Ledyard; Town
Council, Town of Ledyard;
and Town of Ledyard,

Respondents

June 25, 2026

The above-captioned matter was heard as a contested case on May 8, 2025, at which time the complainant and 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 and conclusions of law are reached:

1. The respondents are public agencies, within the meaning of §1-200(1), G.S.
2. By complaint filed October 14, 2025, the complainant appealed to this Commission alleging that the respondents violated the Freedom of Information ("FOI") Act by: failing to fairly and sufficiently apprise the public of the action proposed by the respondent Town Council, as described on its October 8 meeting agenda; and by not amending such agenda prior to taking a vote at such meeting with respect to the action(s) proposed under item 6 of the agenda.
3. With regard to the allegations described in paragraph 2, above, §1-225(c), G.S., provides in relevant part that:

[t]he agenda of the regular meetings of every public agency...shall be available to the public and shall be filed, not less than twenty-four hours before the meetings to which they refer....

4. It is found that on October 8, 2025, the respondent Town Council convened a regular meeting (the “October 8 meeting”). It is found that the respondent Town Council issued an agenda for the October 8 meeting, listing the following item:

General Items

6. Discussion and possible action to review and consider text amendments to the proposed “An Ordinance Establishing a Town of Ledyard Code of Ethics And Ethics Commission” in preparation to present at a Public Hearing.

5. In support of her allegation that the description of the business to be conducted at the October 8 meeting was insufficient to fairly apprise the public of the nature of the discussion, the complainant argued that the agenda did not state that a vote could or would be taken relating to adoption of the ordinance described in paragraph 4, above. The complainant further argued that the agenda should have listed “adoption, final action, or any language that could reasonably indicate a vote to enact the ordinance”.

6. Conversely, the respondents claimed that the description they provided as described in paragraph 4, above, fairly apprised the public of the Town Council’s proposed action, and pointed to certain case law in support of their contention. Additionally, the respondents contended that they did not amend the agenda prior to voting on the adoption of the ordinance because such action was encompassed within the description under item 6 of the October 8 meeting agenda.

7. It is found that at the October 8 meeting the respondent Town Council amended the ordinance, approved and so declared, by a vote of 5 – 3, and adopted the ordinance by vote of 5 aye, 3 nay, and 1 excused.

8. The Commission has determined that “all matters on an agency’s agenda must be sufficiently specific so that the public is fairly apprised of the matters to be considered at the meeting in question.” Sherry Disbury and the Terryville/Plymouth Community News v. Police Commission, Town of Plymouth, Docket #FIC 2004-091 (Sept. 8, 2004); Zoning Board of Appeals of the Town of Plainfield, et al. v. FOIC, et al., Superior Court, Judicial District of New Britain, Docket No. 99-0497917-S (May 3, 2000, *Satter*, J.), reversed on other grounds, 66 Conn. App. 279 (2001) (the purpose of a meeting agenda “is that the public and interested parties be apprised of matters taken up at the meeting in order to properly prepare and be present to express their views” and that “[a] notice is proper only if it fairly and sufficiently apprises the public of the action proposed, making possible intelligent preparation for participation in the hearing”).

9. The extent of detail necessary to fairly apprise the public of the matters to be discussed at a meeting depends on the particular facts and circumstances of each case. See, Durham Middlefield Interlocal Agreement Advisory Board v. Freedom of Information Commission, CV960080435 (Conn. Super. Ct. August 12, 1997). The Commission has previously considered whether a public agency may vote during a special meeting despite the agenda for such meeting not specifying that a vote would be taken. In Patricia Mechare v. Andrea Downs, Chairman, Board of Education, Regional School District 1, et al., Docket #FIC 2015-534 (May 11, 2016), the complainant alleged that the respondents violated the FOI Act “by

failing to specify on the agendas that action would be taken on any of the agenda items.” The Commission determined that the respondents did not violate the FOI Act when voting on a matter listed on the agenda as “Anticipated Executive Session for Purpose of Superintendent Evaluation and Contract.” The Commission concluded that “it is inherent in the meeting agenda that the business included therein might be considered *and* acted upon, including by way of vote, at the meeting.” (Emphasis in original).

10. The Commission similarly determined previously that a special meeting agenda item providing “Discussion of Building Project Strategies” was “specific enough to fairly apprise the public that the respondent would discuss and possibly vote to put forth a referendum concerning the construction of a new school....” See, Jay Kronfeld v. Board of Education Regional School District #12, Docket #FIC 2007-249 (Nov. 28, 2007); see also, Lisa Wlodarski et al. v. Ridgefield Board of Police Commissioners, Docket #FIC 1994-201 (Mar. 22, 1995) (finding that an agenda item to “interview” candidates “was not so restrictive so as to preclude the respondent from voting to select one of the candidates for the vacant position.”).

11. Based upon the foregoing, it is found that the agenda for the October 8 meeting was specific enough to fairly apprise the public that the respondents would discuss and possibly vote on the proposed text amendments and, ultimately, on the ordinance itself. It is further found that there was therefore no need for the respondents to amend their agenda, as alleged in the complaint.

12. It is therefore concluded that the respondents did not violate the FOI Act as alleged in the complaint and described in paragraph 2, above.

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

1. The complaint is hereby dismissed.

/s/ Paul V. Arce

Paul V. Arce
as Hearing Officer