

DOCKETED

FEB 21 2017

Freedom of Information Comm.  
By \_\_\_\_\_



Haddam 7 February 2017

To: FOIA Commission

From: Ed Schwing, Complainant, 143 Church Hill Road, Haddam, CT 06438, 860-345-2730.

Respondents: Haddam First Selectman Lizz Milardo, Selectman Robert Duval and Selectman Sean Donlan, 30 Field Park Drive, Haddam, CT 06438

**Complaint:**

On January 9, 2017 the Haddam Board of Selectmen illegally closed part of their meeting to the public present at the time, by holding an executive session for an improper purpose, in violation of the FOIA.

The reason given for the executive session, as posted on the agenda under item 5 at the town clerk's office and on the town website, was "Executive Session: Public Health" (attachment 1)

This is not one of the valid purposes listed under section 1-200 (6) and indeed from comments I heard the week prior, my understanding was that the executive session was going to be a discussion of Haddam Public Health Inc. (HPH), a private organization entirely funded by the town to coordinate the food and fuel banks among other things.

On January 6, 2017, I emailed Ms. Candace Casale, the senior HPH employee (see attachment 2)

Her response to me on the morning of Monday, January 9, corroborated the fact that the executive session was going to cover HPH in general, or as Ms. Casale wrote, that "the HPH BOD [Board of Directors] and the BOS [Board of Selectmen] are meeting to discuss the future of HPH." (See attachment 3)

At the special BOS meeting of January 9, 2017, First Selectman Lizz Milardo asked for a motion to go in executive session with "public health" and Selectman Robert Duval made that motion. The motion was approved unanimously by the BOS without further discussion. (A video of the meeting is available and the First Selectman's secretary was audio recording the meeting as well.)

The public in the audience had to leave with the exception of four HPH board members. First Selectman Lizz Milardo also asked her secretary to stay for the executive session for the purpose of taking notes. Her secretary proceeded to record the meeting on her private phone. The meeting lasted almost an hour and a half (from 5:04 p.m. to 6:23 p.m.) with all participants staying for the entire time.

Later, to my surprise, the approved January 9, 2017, minutes of the BOS changed the wording of the motion made by Mr. Duval from "executive session for public health" to "executive session pursuant to C.G.S. section 1-200(6)" and no mention in the minutes of the names of the four

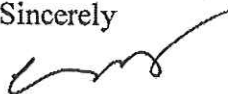
individuals and or the assistant who participated in the executive session as required by Section 1-231. (See attachment 4)

At subsequent budget meetings of the Board of Selectmen, comments made by the selectmen confirmed that the discussion of HPH held under the executive session had been broad and should have been open to the public.

In violation of the spirit and letter of the FOIA laws, the Haddam Board of Selectmen is improperly using the executive session provision to keep their discussions hidden from the public and in the process violating Section 1-206 (b) (1) by denying the public their right to attend that part of their BOS meeting.

I do hereby request that the First Selectman and/or her assistant do not erase the recording that was made during that session or destroy the notes that were made after the meeting as they are public records and that copies be made available free of charge.

Sincerely



Ed Schwing



ATTACHMENT 1

# Special Board of Selectmen's Meeting

Monday, January 9, 2017 | 5:00pm

Category:  General

## Description

SPECIAL SELECTMEN'S MEETING

Monday, January 9, 2017

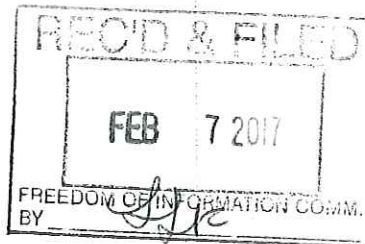
5:00 PM

Town Hall

21 Field Park Drive, Haddam 06438

## AGENDA

1. Call meeting to order
2. Pledge of Allegiance
3. Appointments
  - Stephanie Denkowicz to the Board of Trustees of the Brainerd Memorial Library
4. Resignations
  - Paul Geraghty & James Simpson from the Board of Trustees of the Brainerd Memorial Library
5. Executive Session
  - Public Health
6. Adjournment



ATTACHMENT 2

**Ed Schwing**

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**From:** Ed Schwing <eschwing68@comcast.net>  
**Sent:** Friday, January 6, 2017 6:07 PM  
**To:** Candice Casale (candyhph@att.net)  
**Cc:** Joe Zaiantz (u16576@snet.net)  
**Subject:** Monday's Board of Selectmen Executive Session

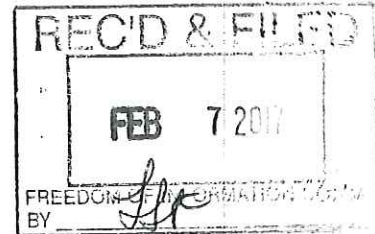
Hi Candy

I just saw on the town website that the BOS is holding a special meeting this coming Monday and has "public health" on the agenda but under an executive session.

I was told it was going to be about HPH, was wondering if you or the board know what this is all about?

Thanks

Ed



ATTACHMENT 3

**Ed Schwing**

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**From:** Candice Casale <candyhph@att.net>  
**Sent:** Monday, January 9, 2017 10:15 AM  
**To:** Ed Schwing  
**Subject:** Re: Monday's Board of Selectmen Executive Session

Good Morning Ed-the HPH BOD and the BOS are meeting to discuss the future of HPH. I'm not going as I am having foot and ankle reconstruction surgery tomorrow and need to prep. Candy

On Friday, January 6, 2017 6:07 PM, Ed Schwing <[eschwing68@comcast.net](mailto:eschwing68@comcast.net)> wrote:

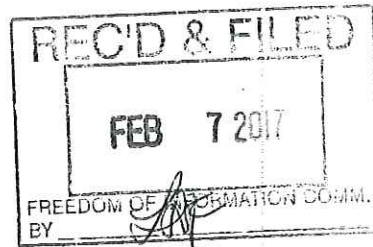
Hi Candy

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Thanks

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ATTACHMENT 4

Board of Selectmen's Special Meeting – January 9, 2017 (Approved Minutes)

Lizz Milardo called the meeting to order at 5:00 P.M. at Haddam Town Hall, 21 Field Park Drive

Robert Duval & Sean Donlan were present.

The Pledge of Allegiance was recited.

Appointments: Stephanie Denkowicz was recommended by the Board of Trustees of the Brainerd Memorial Library for a board position. There was a brief discussion regarding appointing her to the Board. **Duval** made a motion to appoint Stephanie Denkowicz to the Brainerd Memorial Library, Board of Trustees. Donlan seconded. Approved unanimously.

Resignations: Paul Geraghty and James Simpson have resigned from the Board of Trustees of the Brainerd Memorial Library.

**Duval** made motion to adjourn to Executive Session at 5:04 PM., pursuant to C.G.S. Section 1-200(6)(A)

The Executive Session was adjourned at 6:23 PM Upon the motion of Duval, seconded by Donlan, the Board of Selectmen returned to Regular Session. No votes were taken during executive session.

**Duval** moved to adjourn meeting at 6:25 PM. Donlan seconded. Approved unanimously. Minutes taken by: JoAnn Ricciardelli

