
TOWN OF SOMERS
OFFICE OF THE FIRST SELECTMAN

TO: BOARD OF SELECTMEN
FROM: DAVID PINNEY
SUBJECT: LAND USE REORGANIZATION
DATE: 6/1/09
CC: BOB CAFARELLI, GREG SIMMONS, MARCIA MITCHELL

After substantial information gathering and careful evaluation of options, I have come to the conclusion that we can and should reorganize how work is done in the Land Use Department. I did not expect this outcome, but the information we have assembled is quite compelling in showing us that we have an opportunity to “reinvent government” as it is practiced here in Somers. I believe we owe it to our citizens to take that opportunity. It would not come without some costs to current staff, but it is clear that we can reassign work so as to continue to deliver the services we provide and at the same time reduce our total staffing expenses considerably. Some current staff would take on additional tasks and functions, and most significantly, I am recommending that the position of Town Planner be eliminated. I hesitated to make this recommendation because we would be eliminating a long-term employee who has provide considerable valuable service to the town and whose experience and skills are not replicated in other current staff. I bring forward the recommendation nonetheless because I am confident that current staff can provide most of the services the Planner has been delivering and any gap will be small and more cost-effectively filled with the occasional use of outside consultants.

Let me review some of what has brought us to this unexpected point. We are well aware that the selectmen have been concerned with the impact of the worst economic downturn in decades on the financial well-being of our citizens and the town’s and state’s capacity to secure funding sufficient to meeting the needs of the town. Early in this current fiscal year, the selectmen charged me and town staff with developing budget scenarios that would reduce town spending by 5, 10, and 15% in this current year and building budget proposals for the next two years that would anticipate reductions in state support of 10%. Staff did identify close to \$300,000 worth of possible reductions, many of which we adopted for the current year as well as within budget proposals for next year.

From early in this year we have held back on filling open positions. Increasingly, we are sharing current staff across different departments. Partly this reflects a decision that we can staff differently and still meet our needs. This was true in tax and assessor offices where a review of staffing needs concluded that one assistant could support both offices. We installed a new door to connect the offices so that one person can move easily between the two locations. That will be the permanent arrangement now with additional staff coming on only for the busier collection seasons. The other factor that supports more sharing of staff at this time is that in some departments, the slow down in the economy has meant a slow down of activity at the town hall. This is particularly true in the Clerk’s office and in Land Use. So the town clerk assistant has been helping with police department paperwork and with Public Works while one of the assistants in Land Use has been helping at the Recreation Department during the busy period of summer camp registration activity.

Going beyond seeking cost reductions to get through these tight budget times, the selectmen have also asked that we systematically analyze all departments to determine that we are delivering what is needed and that we are doing that in the most cost-effective manner possible. The current fiscal crisis raises the pressure on finding cost saving opportunities, but the selectmen recognize a responsibility to continually reaffirm that our local government is focusing on appropriate needs in town and is taxing our local citizens at the lowest level possible to meet those needs.

While the change in support staff for tax and assessor offices represents this process in a small scale precipitated by the resignation of one of the support staff involved, we selected the Land Use Department as the place to begin with a more comprehensive and systematic process. We selected this for two reasons. One was the recognition that activity is down in that department prompting the expectation that cost savings may be possible at least in the short term. The other was acknowledging that the department is comprised of several different but connected functions and responsibilities. We anticipated that sorting out these various functions and documenting who does what would at least provide a better understanding of department activity for those not directly involved, but could also reveal opportunities to organize work flow within the department more efficiently and maybe realize long-term as well as short-term savings.

Working with the Operations Manager and Town Engineer, we have sought and received from each person working in Land Use information that details work products generated by the department and identifies each person's engagement with each work product. While this information was generated based on "typical" levels and types of activity, comparing the resulting picture with current levels of activity does confirm that people are not as busy as they have been and some reduction in staffing at least temporarily might be possible. But as we reviewed the details about various work products, especially those touched by the Town Planner, we began to realize that there were ways to fundamentally alter how the work was done, potentially lowering operating costs on a permanent basis.

The change in town staff that makes this alternative approach possible is the recent addition of a Town Engineer. An outside consulting engineer has provided much of the technical work within the planning functions. With an engineer on staff, we reviewed that work and confirmed that the town's engineer could handle most of it. Of significant note is that the Town Planner reported that 56% of her time is spent in "office administration: phone, email, assist public, correspondence, etc." When we followed up with her for clarification, asking if any of the time spent in this category was related to other specific work products on her list, her response was no, there is no overlap. Since the Planner's conclusion is that none of the 56% of her time spent in "office admin" could be related back to her technical/professional work products, our conclusion is that these "office admin" tasks could be effectively handled by a trained administrative staff person with the oversight and guidance of the Town Engineer. Additionally, the Planner conducts zoning reviews for permits and other issues, work that could be assigned to the Building Official or possibly the Zoning Enforcement Officer. What remains is the input only a professional planner can contribute to reviewing the Plan of Conservation and Development, local regulations designed to implement that plan, and larger scale land use proposals. A consulting planner, used as topics required, could provide this input at much lower overall cost than the current arrangement. Patrice's long involvement as Town Planner gives her a familiarity with local history and past practices that certainly has value and could not be provided by an outside consultant. But the cost differential makes it compelling to consider this change and rely on Planning Commission members to bring the longer term, local perspective into the review process.

I am recommending that the Town Engineer relocate to the Land Use offices and take over responsibility for the planning functions. We will train the support staff in regard to requirements for receiving subdivision and other types of applications that require staff and commission review along with enabling them to work with commission chairs in properly preparing and warning commission meetings and hearings. The Town Engineer will attend Planning Commission meetings to support the commission in its work. We will decide the appropriate staff person to attend and support the Zoning Commission.

It will take time for current staff to become familiar and proficient with their new duties. The reduced levels of activity lower the need to be proficient on day one following this transition. Ultimately, I am confident that current staff can successfully fulfill the work now being done by the Town Planner. Again, when we lack among current staff the expertise needed for the matter at hand – a situation I expect to arise only occasionally – we can procure that expertise with outside consultants. There may be a small amount of irreplaceable loss in eliminating the position of Town Planner, but the opportunity to provide these functions at much lower overall cost more than offsets the value of that loss. As painful as it is to propose terminating a person who has worked many years for the town, I believe we are obligated by our responsibility to our citizens and taxpayers to take this step.

REVIEW OF LAND USE ACTIVITY AND STAFFING ASSIGNMENTS

In the face of recent decreases in activity in the Land Use and Town Clerk offices, we reviewed data from the annual reports of the past thirteen years and information on activity for the current year. The results relevant to potentially reorganizing staff in Land Use are summarized on charts that follow.

As part of fully understanding the work conducted in Land Use and the outcomes of that work, we asked each staff person in the department to list the work products with which they were involved and estimate the average amount of their time that was required to deal with one unit of each type of work product.

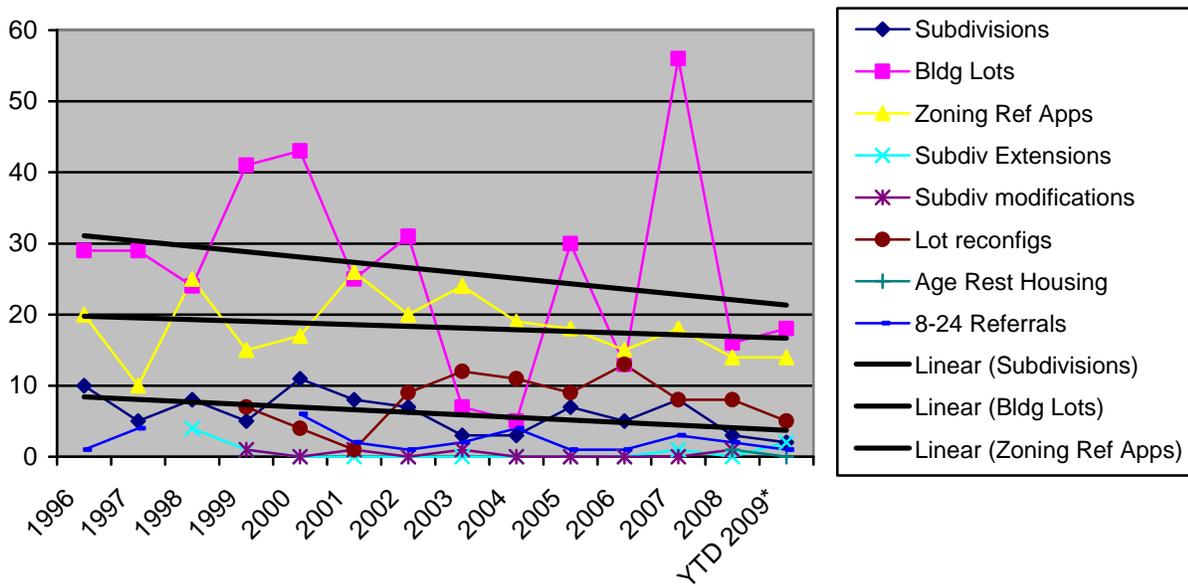
To understand the engagement of different staff members in a particular work product, we selected three different major work products and asked staff to identify all of the steps involved in each and how much time each of them individually spent on any of the steps with which they were involved.

We reviewed with the town planner, the town engineer, and the long time consulting engineer for the town the elements taken up in the review of a typical subdivision application. We learned that almost all of the technical review of the proposal, including the determination of compliance with town subdivision regulations, was conducted by the engineer. The town engineer was established as the supervisor for all of the staff and functions associated with the Land Use Department at the time of his hire. The town has more recently hired a foreman as a member of the highway crew, who has taken over the daily direction of highway staff and coordinating highway activity with other Public Works activity. The town engineer still serves as the director of Public Works, but is removed from supervision of the day-to-day operation there, and is able at this point to devote much of his time to Land Use activities.

As the developing picture began to indicate both a long-term trend of reduced activity in land use and the possible need to reduce hours for several positions or reassign work and eliminate a position, we considered the question of where and when to continue the analysis and discussion of possible actions called for by the conclusions drawn from that analysis. There was a desire to not be too public with that discussion so as to not unnecessarily alarm staff. As the possibility grew of coming to the conclusion that eliminating the position of town planner might be necessary in the face of information at hand, we also recognized a need to discuss this with the commissions that work with the planner as well as with the public. We considered whether we could bring this discussion to commissions or commissioners in private conversations and concluded that the Freedom of Information Act precluded us from doing so. The only matters that are appropriate for discussion in executive (closed) session are those pertaining to pending legal or real estate activity or discussions involving specific employees. If an employee were to be the subject of an executive session, that employee would have to be notified in advance and be allowed to attend and even allowed to require the discussion be in open session rather than closed. A discussion of budget and staffing issues, including the possibility of eliminating specific positions does not fit within this limited list. We have attached here two decisions from the Freedom of Information Commission that support our conclusion. A legal opinion on this point and our decision is forthcoming and will be provided upon receipt. Our only option to discuss the possible elimination of the town planner position with the impacted commissions was to do that when we were ready to discuss the entire proposal publicly, something we would do only when we determined the analysis compelled us to actually consider taking that step.

We used the conclusions drawn from the activity data and the information provided within the work product studies to evaluate alternative staffing assignments and levels. Our recommended staffing arrangement presented here is the result.

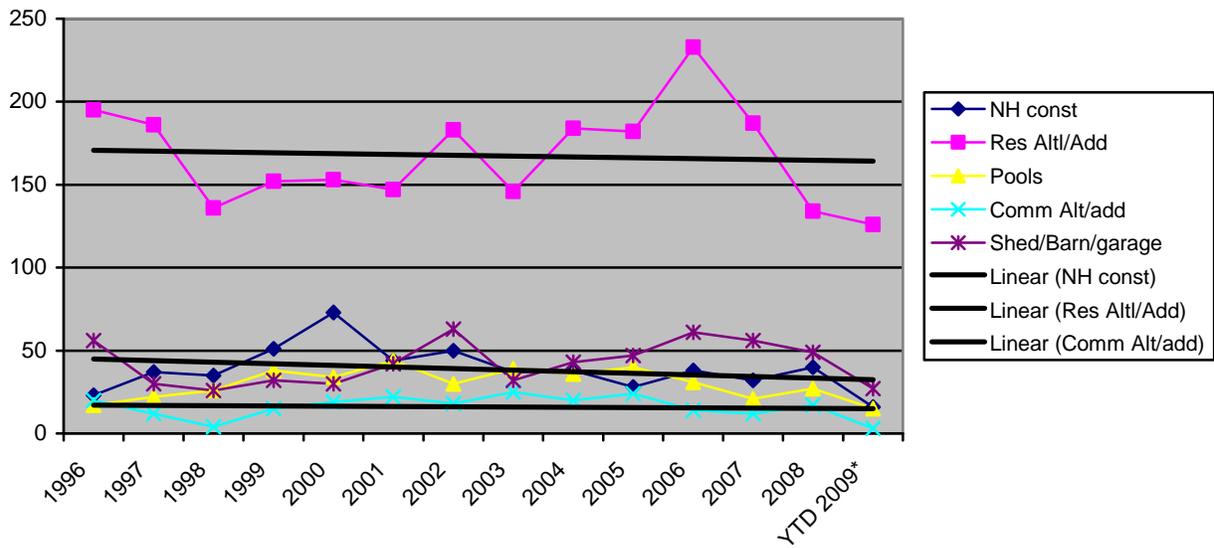
Planning Work Product Volumes, 1996-2009



The amounts of each type of planning work product represented here are taken from annual town reports. The straight lines represent a linear regression analysis applied to a given category. Regression analysis is a statistical procedure that indicates what trend if any is evident within the numbers. In each of the categories of number of subdivisions, number of lots created from subdivisions and number of zoning applications referred for planning review, the trend is down, not only in the short term of the current decline in real estate activity but over the longer term as well. This could be indicative of a decrease of readily developable land coming onto the market in Somers, something we would expect to continue.

As indicated earlier, our review of work performed by the town planner or the town engineer indicates the town engineer currently does much of the technical and compliance review for planning applications. Prior to hiring a town engineer, a consulting engineer performed much of the review and the town planner presented that to the commission along with her own observations. The Planning Commission has worked this way for many years and is quite comfortable with the process. The addition of a town engineer, however, creates the opportunity for one person to handle all aspects of the technical and compliance review, and then present that review to the commission. The level of work is such that one person can reasonably be expected to have sufficient time to handle all of the current level of work, and the level is likely to exist for the next few years. We would expect one person conducting all of the review would be more efficient than handing the material back and forth between two reviewers.

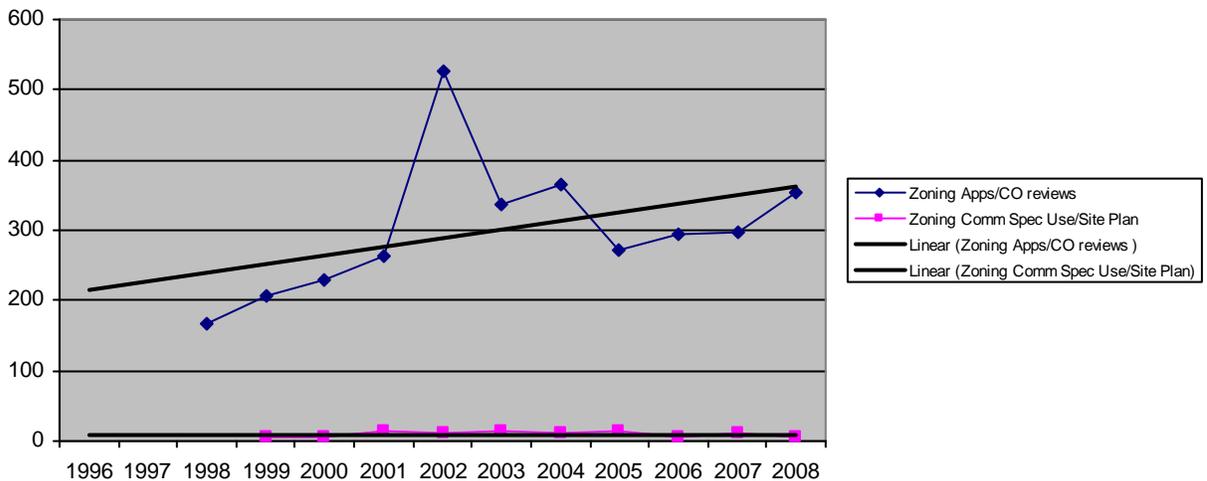
Building Department Work Product Volumes, 1996-2009



The chart above reflects quantities of building department permits issued in the identified categories. The same regression technique was applied to the number of new house permits, residential alteration and addition permits, and commercial alteration and addition permits. Again, not only the recent but also the long term trends indicate that the level of activity is decreasing, though maybe at a slower rate than some of the planning activity. Even as activity climbs out of its current slump, it would not be likely to climb to much higher levels in the near future (three years or more).

The decreased work level in the Building department creates some capacity for the building official to take on additional work. The chart below on zoning activity reflects number of zoning permits and zoning reviews of certificates of occupancy along with commercial special use permits or site plan reviews. Much of the volatility and apparent increase is the result of recent building officials making inroads on closing out old projects that had not been issued a certificate of occupancy. Activity on new projects is more likely flat or decreasing. It would appear likely that the building official could include zoning review as he engages in the building review. Again, this would be a more efficient approach than involving two people in work that could be done by one.

Zoning Work Product Volumes - 1996-2008



Proposed Staffing Plan

Operational Work Product	Proj Wk Units/Yr	Assign to	Support by	Oversight by	Comments
Conservation Commission	4	WA	LUA	TE	Currently the wetlands agent conducts most of the review of wetland applications, supported by the sanitarian, and staffs the Conservation Commission in reviewing those applications. This would continue.
Study Topic	4	WA	LUA	TE	
Meeting prep & follow-up	12	WA,CC	LUA	TE	
Office Admin	104	WA	LUA	TE	
Budget	1	TE	WA	FS, Comm	
DEP Report	4	WA	LUA	TE	
Annual Report	1	WA,Comm	LUA	FS	
Planning Commission					The town engineer will conduct planning reviews and represent the planning functions to the public, supported by the administrative staff and overseen by the first selectman. The Planning Commission will continue to be responsible for updating and implementing the Plan of Conservation and Development, supported by the town engineer and outside consultants as needed, and overseen by the Board of Selectmen. The Board of Selectmen will continue to be responsible for coordinating the work of the various land use commissions, both in regard to engagement with the POCD and otherwise.
Study Topic	4	TE	LUA	Comm	
Meeting prep & follow-up	24	TE, CC	LUA	Comm	
Office Admin	250	TE	LUA	Comm	
Budget	1	TE	LUA	FS, Comm	
DEP Report	4	TE	LUA	FS	
Subdivision Applications	4	TE	LUA	FS	
Lot Reconfiguration Apps	6	TE	LUA	FS	
Zoning Permit Referral	15	TE	BO	FS	
8-24 Statute Referral	2	TE	LUA	FS	
POCD Review	12	Comm	TE	BOS	
Meeting Attendance	24	TE		FS	
New Home Permits	20	TE	LUA	FS	
Annual Report	1	TE, Comm	LUA	FS	
Open Space/Trails Subcomm	12	Comm		BOS	
Zoning Commission					The building official will take on the role of reviewing applications for zoning compliance, while the current zoning enforcement officer will continue to enforce zoning compliance. The building official will attend and staff the Zoning Commission, supported by the town engineer.
Study Topic	4	BO	LUA	TE	
Meeting prep & follow-up	21	BO, CC	LUA	TE	
Office Admin	250	BO, TE	LUA	TE	
Budget	1	TE	BO	FS, Comm	
DEP Report	4	BO	LUA	TE	
Zoning Apps-site plan; spec use perm; zone chg	7	BO	LUA	TE;Comm	
New House Permits	20	BO	LUA	TE	
All other Zoning Permits for structures	200	BO	LUA	TE	
Certificates of Zoning Compliance	100	BO	ZEO	TE	
Meeting Attendance	21	BO/TE		FS, Comm	
Annual Report	1	BO,Comm	LUA	Comm	
Miscellaneous					
Grant Writing	2	LUP	LUA	TE	
CRCOG Participation (Transportation Comm)	10	TE		FS	

Legend: BO=Building Official; BOS=Board of Selectmen; CC=Commission Chair; Comm=Subject Commission; FS=First Selectman; LUA=Land Use Admin Staff; LUP=Land Use Professional Staff as appropriate; TE=Town Engineer; WA=Wetlands Agent; ZEO=Zoning Enforcement Officer

General Comments: Projected work units based on historical experience and economic forecasts; all work products will be evaluated for potential administrative/ paraprofessional involvement.

Financial Review

The reduced activity in Land Use creates the likelihood that current staff could take on most of the work done by the town planner. Special expertise or an upsurge in activity would be supported by outside help. But the nature and volume of current work does not lead us to expect much if any need to bring in outside resources. Expanding the role of the building official, even while he conducts that work within his normal workday, would likely call for some increase in compensation.

Projected annual savings:

Cost of salary and benefits for current town planner	\$ 80,000
Less: Estimated additional compensation for building official	-5,000
Cost of outside services	-10,000
Net estimated savings from proposed reorganization	\$65,000

This is a significant amount for the town to consider both in the near term and long-range perspective.

Conclusions

Activity in Land Use is down quite substantially at this time, but even as the economy recovers it would not appear likely there will be rapid, dramatic increase in activity. This would seem especially true in large scale subdivision and development activity where long-term trends are down and constraining factors will persist for the foreseeable future. This creates more capacity in the department than we have call for and more than we can justify asking the taxpayers to support. Given the capacity of the town engineer to handle both technical and compliance review on planning applications, the capacity of the building official to handle zoning review of work that typically calls for both building review and zoning review, and the opportunity to increase efficiency by consolidating these functions into fewer people than are currently involved, it is compelling to do so. We add to that the our ability to train existing support staff so as to increase their capacity to carry out much of the necessary administrative functions associated with planning work products and as we consider the work currently done by the town planner, we are left with the support this position supplies to various land use commissions in both their responsibilities to assure compliance with state statutes and town regulations and their efforts to guide development and land use in town in ways that best serve the town. The town engineer in taking up the technical and compliance reviews can share this with the relevant commissions and guide them in their actions on individual cases. The Planning Commission will continue to own and be responsible for the Plan of Conservation and Development working in concert with the Board of Selectmen to connect that plan with other commissions and with an overall strategic vision and plan for the town.

The commissions and the department will likely need additional support from time to time. Updating the POCD and reviewing regulations as part of implementing the plan may require hiring expertise or additional help not available among current staff. An upsurge in activity may require bringing back the consulting engineer to assist at times. But for the most part, current staff, supported by appropriate training, can be expected to handle the work that comes in. With activity low at this point, current staff will have the time to learn by doing with little to no deterioration in level of service. In fact, having more people trained and involved in the planning work process should improve the level of service by enabling more staff members to readily respond to inquiries and address income work product.

As indicated in the work assignment table above, the town engineer, supported by the first selectman, would be assigned as staff liaison to the Planning Commission. The building official in his role as zoning compliance officer, supported by the town engineer, would be assigned as liaison to the Zoning Commission. The wetlands agent, supported by the town engineer, would continue as liaison to the Conservation Commission. The selectmen will continue to work with the commissions to develop and implement a shared strategic plan for the town. Open space or development proposals will go initially to the first selectman who will take them up with appropriate staff and commissions.

Some concerns have been raised that loss of the town planner's support to the commissions would lead to more legal challenges being brought against the actions of these commissions. Ellington, where there was a period of unrest and changeover in the planning office, was raised as example. Discussion with both the First Selectman and Town Attorney of Ellington indicate that no such increase in legal activity has occurred. There has also been raised a concern that individual commissioner could be more vulnerable to legal action against them personally and against their property. Discussion with the town's insurance agent indicates both that commissioners are fully covered by the town's insurance policies and that, while commissioners are sometimes named in complaints, this agent has never seen any liens against property or personal judgments levied against commissioners. His letter to this effect is attached.

While it would be regrettable to eliminate a position staffed by a long-term employee, the interests of the town call for us to carefully consider the increased efficiency and cost savings that could be realized by eliminating the town planner position. The savings would likely be significant and readily applied any number of needs in town. With training and experience, Land Use may become even more efficient than it is now.

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by FINAL DECISION

John O. Bailey, Josh Kovner and The Jackson Newspapers,

Complainants

against Docket #FIC 86-101

West Haven Board of Education,

Respondent June 3, 1986

The above-captioned matter was heard as a contested case on May 1, 1986, at which time the complainants and the respondent appeared and presented testimony, exhibits and argument on the complaint.

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

1. The respondent is a public agency within the meaning of § 1-18a(a), G.S.
2. On April 1, 1986 the respondent held a meeting during which it convened in executive session to discuss "budget strategy."
3. By letter of complaint filed with the Commission on April 14, 1986 the complainants alleged that the respondent lacked a proper purpose for its April 1, 1986 executive session and asked that decisions made during such executive session be declared null and void.
4. It is found that while convened in executive session on April 1, 1986 the respondent discussed proposed cuts in the amount of \$350,000 in the 1986-87 education budget, which cuts might have resulted in the elimination of nineteen positions. The respondent claims that such discussion was properly held in executive session to avoid alarming individuals whose jobs might have been affected by the proposed cuts.
5. No actions were taken during or as a result of the April 1, 1986 executive session. As of the date of hearing, no positions had been eliminated.

Docket #FIC 86-101

Page Two

6. It is found that discussion of budget cuts which might result in the elimination of indeterminate positions does not concern the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee within the meaning of § 1-18a(e)(1), G.S.
7. It is also found that the April 1, 1986 discussion of budget cuts did not otherwise constitute a proper purpose for an executive session as such purposes are defined at § 1-18a(e), G.S.
8. It is concluded that, although convened in good faith, the respondent's April 1, 1986 executive session to discuss proposed budget cuts violated §§ 1-21(a) and 1-18a(e), G.S.

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

1. The respondent shall henceforth convene in executive session pursuant to § 1-18a(e)(1), G.S. only for the purpose of discussing the appointment, employment, performance, evaluation, health or dismissal of a specifically-identifiable employee or employees and only after first providing such employee or employees with the opportunity to require that such discussion be held at an open meeting.

Approved by order of the Freedom of Information Commission at its regular meeting of May 28, 1986.

y
Karen J. Haggett
Clerk of the Commission

FREEDOM OF INFORMATION COMMISSION
OF THE STATE OF CONNECTICUT

In the Matter of a Complaint by

FINAL DECISION

Francis T. D'Onofrio,

Complainant

against

Docket #FIC 91-148

Southington Town Council,

Respondent

October 23, 1991

The above-captioned matter was heard as a contested case on August 22, 1991, at which time the complainant and the respondent appeared, stipulated to certain facts and presented testimony, exhibits and argument on the complaint. This case was consolidated for hearing with Docket #FIC 91-144.

After consideration of the entire record, the following facts are found and conclusions of law are reached:

1. The respondent is a public agency within the meaning of §1-18a(a), G.S.
2. By letter of complaint filed June 5, 1991, the complainant appealed to the Commission, alleging that the respondent held executive sessions to discuss his position and its elimination without notice to him.
3. More specifically, the complainant alleges in his June 5, 1991 complaint that the respondent:
 - a. conducted an improper executive session to discuss a personnel matter at its April 22, 1991 regular meeting, without placing the matter on its agenda and without notifying the complainant; and
 - b. conducted an executive session to discuss personnel matters at its May 28, 1991 regular meeting without placing the matter on its agenda and without giving notice to the employee discussed.
4. In addition, at the hearing the complainant amended his complaint to allege that the respondent held an unnoticed meeting on the afternoon of May 13, 1991.

Docket #FIC 91-148

Page 2

5. It is found that the respondent held a regular meeting on April 22, 1991.

6. It is found that the respondent voted unanimously to add consideration of a personnel matter in executive session to the agenda of its April 22, 1991 meeting.

7. It is found that the actual purpose of the executive session was to discuss the staffing levels in certain town agencies, including the planning, engineering, assessment and building departments. Specifically, the respondent considered reductions in upper-level department positions in order to reduce expenses in the new budget.

8. It is found that no town employees were named or discussed in terms of their job performance.

9. The complainant maintains that, with respect to positions such as his own that are occupied by only one individual, discussion of that position necessarily was discussion of him as an employee.

10. It is found, however, that the purpose and content of the executive session was discussion of the effect of staffing levels on the new budget, and not of the appointment, employment, performance, evaluation, health or dismissal of a public officer or employee.

11. It is therefore concluded that the respondent did not violate §1-18a(e)(1), G.S., by failing to notify the complainant that discussion concerning the elimination of his position would occur at the April 22, 1991 meeting.

12. The respondent concedes that it violated §§1-18a(e)(1) and 1-21(a), G.S., by convening an executive session to discuss budgetary matters. *

13. It is concluded that a discussion of the impact of staffing levels on budgetary matters in executive session, under the stated purpose of discussion of personnel issues, constitutes a secret or unnoticed meeting within the meaning of §1-21i(b), G.S.

14. It is found that the complainant learned on or about May 24, 1991 that a decision concerning his position was discussed in executive session at the April 22, 1991 meeting.

15. It is therefore concluded that the complaint was filed within the thirty-day jurisdictional period required by §1-21i(b), G.S.

16. With respect to the allegation described in paragraph 3.b, above, it is found that the respondent voted unanimously to add consideration in executive session of a personnel matter to the agenda of its May 28, 1991 meeting.

17. The respondent concedes that, in the context of discussing the permissibility of the town assessor's outside employment, it discussed the assessor's performance in executive session on May 28, 1991 without notifying him, in violation of §1-18a(e)(1), G.S.

18. With respect to the allegation described in paragraph 4, above, it is found that three of the nine members of the respondent gathered on the afternoon of May 13, 1991 to inform the town manager that certain positions (including the complainant's) discussed at the April 22, 1991 executive session would be proposed for elimination at the respondent's regular meeting that evening.

19. It is found that the purpose of the May 13, 1991 afternoon gathering was to provide advance notice to the town manager of the action to be considered that evening.

20. The complainant maintains that, notwithstanding the absence of a quorum, the May 13, 1991 afternoon gathering was a hearing or other proceeding within the meaning of §1-18a(b), G.S.

21. In support of his claim, the complainant points to the opinion of the town's corporation counsel that a gathering of less than a quorum of the town conservation commission to conduct a site visit and interview a property owner should be noticed and otherwise treated as a meeting within the meaning of §1-18a(b), G.S.

22. It is found, however, that the three members of the respondent who communicated to the town manager their intention to consider certain action did not then discuss or act upon a matter over which the town council has supervision, control, jurisdiction or advisory power.

23. Specifically, it is found that the communication described in paragraph 18, above, was limited to communication of the agenda of a meeting of the respondent, within the meaning of §1-18a(b), G.S.

24. It is therefore concluded that the communication described in paragraph 18, above, was not a meeting within the meaning of §1-18a(b), G.S.

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

1. Henceforth, the respondent shall strictly comply with the requirements of §§1-18a(e)(1) and 1-21(a), G.S., concerning notice to affected officers or employees, and limitation of such executive sessions to personnel, and not budgetary, discussions.

Docket #FIC 91-148

Page 4

2. With respect to the allegation described in paragraph 4 of the findings, above, the complaint is dismissed.

Approved by Order of the Freedom of Information Commission at its regular meeting of October 23, 1991.

Karen J. Haggett
Clerk of the Commission

PURSUANT TO SECTION 4-180(c), G.S. THE FOLLOWING ARE THE NAMES OF EACH PARTY AND THE MOST RECENT MAILING ADDRESS, PROVIDED TO THE FREEDOM OF INFORMATION COMMISSION, OF THE PARTIES OR THEIR AUTHORIZED REPRESENTATIVE.

THE PARTIES TO THIS CONTESTED CASE ARE:

Francis T. D'Onofrio
9 Penncross Drive
Windsor, CT 06095-3262

Southington Town Council
c/o Frederick L. Dorsey, Esq.
Siegel, O'Connor, Schiff, Zangari & Kainen
171 Orange Street
New Haven, CT 06510

Karen J. Haggett
Clerk of the Commission

AFS&V Ahrens, Fuller
St. John, & Vincent Inc.

Insuring since 1844

Affiliate Willoughby & Son, Inc.

David Pinney
First Selectman
Town of Somers
Main Street
Somers, CT 06071

Dear David

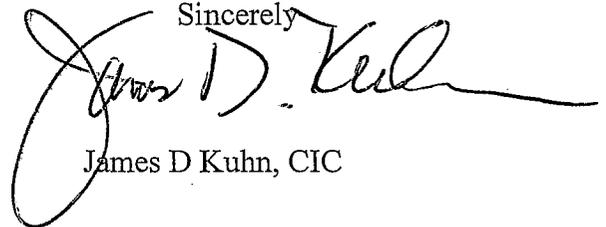
The Public Officials coverage the town has in force covers the members of the Planning and Zoning Commission. In the event of a suit the town would be covered along with each member of the commission individually.

Full defense coverage would be provided for each person on the commission. The total limit of liability is \$11,000,000 for this coverage.

I have seen a lot of planning and zoning claims in my thirty years of insuring municipalities but I have never seen the individual board members incur any personal damages: i.e. lien attachments, personal suits from a planning or zoning claim.

Let me know if you have any further questions.

Sincerely

A handwritten signature in black ink, appearing to read "James D. Kuhn", written over the word "Sincerely". The signature is fluid and cursive.

James D Kuhn, CIC