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January 29, 2015

The Connecticut Freedom of Information Commission  
18-20 Trinity St.  
Hartford, CT 06106

*re: Appeal of a Meeting held by Hartford Court of Common Council, January 26, 2015*

To Whom It May Concern:

Pursuant to the Freedom of Information Act, Conn. Gen. Stat §1-200 et seq., please consider this an appeal what I consider to be a deceptive, unlawful meeting held by the Hartford Court of Common Council on Monday, January 26, 2015 at 7 p.m.

On Monday, January 26, 2015, Gov. Dannel Malloy declared a state of emergency at 9:05 a.m. A true and correct copy of his declaration of a state of emergency is attached as Exhibit 1. At 9:45 a.m., Gov. Malloy declared a travel ban on all roads as of 9 p.m. on Monday, January 26, 2015. A true and correct copy of this executive order is attached as Exhibit 2.

At 11:19 a.m., Hartford Police Department Lt. Brian Foley issued a tweet from his official police department account stating "Stranded and stuck vehicles cripple emergency response. When the storm hits, stay off the streets please." A true and correct copy of this tweet is attached as Exhibit 3.

On Monday, January 26, 2015, Hartford Mayor Pedro Segarra declared a snow emergency and closed Hartford City Hall at 12 noon. Most city personnel were sent home at noon in anticipation of the snow. The City of Hartford's website contains a press release without a time, and an incorrect date (Tuesday, January 26, 2015 did not exist). However, this press release indicates that the City closed for the snow. A true and correct copy of this incorrectly dated press release is attached as Exhibit 4.

Additionally, Mayor Segarra declared a citywide parking ban, which meant that no one could park on city streets. Penalties for violating the parking ban include a \$99.00 fine. A true and correct copy of the City of Hartford's website information on snow ban parking is attached as Exhibit 5.

Contemporaneous news reports from WNPR, posted on WNPR.org at 12:56 p.m. on January 26, 2015, by reporter Jeff Cohen, indicated that Mayor Segarra declared a snow emergency, and that most city employees were dismissed at noon on January 26, 2015. A true and correct copy of this news story is attached as Exhibit 6.

In Mr. Cohen's story, Court of Common Council president Shawn Wooden stated the meeting would go

CT Freedom of Information Commission  
re: City of Hartford Court of Common Council  
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on despite the public's inability to attend the meeting because of external pressure for the baseball stadium timeline. This is a deceitful rationale to hold a public meeting in the face of a travel ban, a parking ban and communications from the Hartford Police Department telling people to stay off the roads.

In the comments, this writer indicated this meeting was impossible to attend, and it was known by the Court of Common Council well in advance of this meeting that the general public could not make the meeting.

At 5:15 p.m., Monday, January 26, 2015, Gov. Malloy's office tweeted, from Gov. Malloy's official account, that "We want to clear the roads as quickly as possible. Please stay off the roads throughout the duration of the storm & let the plows do their jobs". A true and correct copy of this tweet is attached as Exhibit 7.

At 7 p.m., Council President Shawn Wooden called the meeting of Court of Common Council to order, and it did not adjourn until about 8:15 p.m. The meeting was held despite a citywide parking ban. A true and correct copy of the news report on the meeting from the *Hartford Courant's* website is attached as Exhibit 8.

If a city resident drove to this unlawful meeting, that citizen could not park on the street without risking a \$99 ticket to attend this meeting. On their way home, facing tough weather conditions, that same citizen could have needed 45 minutes to get home, and thus could have faced a ticket for a violation of the statewide travel ban. It is not inconceivable that in treacherous snow as was falling on January 26, 2015, it could take a traveler 45 minutes to get from City Hall to various parts of Hartford, especially if their car got stuck.

For that very reason, the City's own police department told people to stay off the roads. If a person wanted to attend the meeting but did not want to drive, that citizen could not take a bus to attend the full meeting. CT Transit announced the last bus would leave downtown Hartford at 7:15 p.m. A true and correct copy of the website announcement from CT Transit is attached as Exhibit 9.

So the only way for a law-abiding citizen to attend an illegal meeting was to walk. It is inconceivable that Court of Common Council would make a citizen walk in a blizzard from the outer reaches of Hartford to Main Street to attend a meeting.

Thus, in these circumstances, Court of Common Council held a meeting that the public could not possibly attend. This was a dishonest attempt at governance, and flies in the face of open, public meeting laws. This deceptive meeting cannot be allowed to stand.

That the Hartford Court of Common Council held this meeting during these weather conditions

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and legal strictures of the parking ban and travel bans seems a violation of the Connecticut Freedom of Information Act. The public could not attend this meeting. The safety of the public and their right to attend government functions trumps the necessity of an artificial stadium timeline. The desire for a groundbreaking on a stadium cannot overcome the public's right to participate and observe local legislative action.

As part of this appeal, I request that the meeting should be voided, and all actions taken at that meeting be declared null and void. The meeting must be held again at a time when the public in general can attend without risk to their safety, and without risking legal consequences like parking fines or travel ban fines.

I also request that Court of Common Council President Shawn Wooden and other members of the Court of Common Council attend Freedom of Information Act training on public meetings.

Thank you in advance for your time and consideration. If there are any questions, please do not hesitate to ask.

Sincerely,



Kenneth J. Krayeske, Esq.  
attorney@kenkrayeske.com

# **EXHIBIT 1**

January 26, 2015

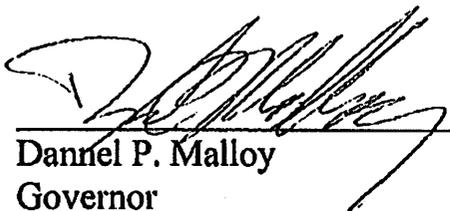
The Honorable Denise Merrill  
Secretary of the State  
State Capitol  
210 Capitol Avenue  
Hartford, CT 06106

RE: Declaration of Civil Preparedness Emergency

Dear Secretary Merrill:

Due to the severe winter weather conditions predicted to affect the State, specifically the National Weather Service issuance of blizzard warnings for all of Connecticut with forecasted significant snowfall and strong winds, I am hereby proclaiming a state of civil preparedness emergency, pursuant to Connecticut General Statutes Section 28-9.

I am filing this proclamation with you under my hand and seal on this 26<sup>th</sup> day of January, 2015.

  
Daniel P. Malloy  
Governor

TIME: 9:07 AM

# **EXHIBIT 2**

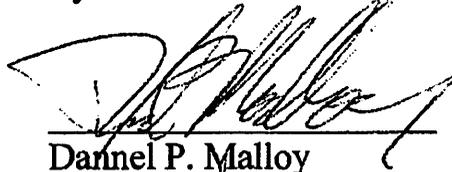
**ORDER**

Pursuant to Connecticut General Statutes Section 28-9(b)(4), I issue the following order:

- As a result of potential life threatening conditions on roads across Connecticut, all vehicular traffic on all roads in the State is prohibited from 9 pm this evening, January 26, 2015, until further notice.

This prohibition extends to all vehicles except for those emergency response and recovery vehicles with the capacity to maneuver in heavy snow.

By Order of the Governor



Dannel P. Malloy

DATED: Jan 26 - 15

TIME: 9:45 AM

# **EXHIBIT 3**



Search Twitter



**D/C Foley**  
@LtFoley



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Stranded and stuck vehicles cripple emergency response. When the storm hits, stay off the streets please.



RETWEETS

7



11:19 AM - 26 Jan 2015



Reply to @LtFoley

### Trends

#RedneckABook #MH370 #code15 Colleen McCullough Rahul Gandhi Tomas Berdych  
Kyrie #Empire #LorettaLynch

# **EXHIBIT 4**

## TUESDAY: CITY OF HARTFORD PUBLIC SCHOOLS AND CITY OFFICES CLOSED

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**(January 26, 2015)** Mayor Pedro E. Segarra has announced that Hartford Public Schools and City offices will be closed tomorrow, Tuesday, January 26, 2015. A citywide parking ban will remain in effect through Wednesday, January 27 at 8:00pm. The Emergency Operating Center (EOC) has been activated for the duration of the storm.

"We're taking every necessary precaution and are asking the public to do the same," said Mayor Segarra. "It's really important that folks adhere to the parking ban so we can clear the streets as quickly and as safely as possible."

For more information: <http://www.hartford.gov/snow-parking>



# **EXHIBIT 5**



DPW

# Snow Emergency Parking Ban Info

Department of Public Works
About Us
Leaf Collection
Engineering Division
Sanitation Division
Street Services Division
Snow Emergency Parking Ban Info
New Snow Removal Procedures
Parks & Cemetery Division
DPW Capital Improvement Projects
FAQs
Contact
Updates
Specifications and Manuals
DPW Commissions

## Snow Ban Parking

When heavy snowfall is predicted, the Mayor may declare a snow emergency parking ban to ensure roads remain open for DPW and emergency vehicles. During a snow emergency parking ban, all on-street parking is prohibited throughout the City of Hartford, and cars left parked on City streets will be ticketed and towed.

Residents without access to off-street parking may move their vehicles to the following locations (click for map):

Our shelters will remain open for 24 hours as long as the temperatures are below freezing.

During a snow emergency parking ban, all on-street parking is prohibited throughout the City of Hartford. Any vehicles not removed from City streets by the start of the parking ban will be ticketed and towed. Residents without access to off-street parking should move their vehicles to one of the following authorized parking areas before the start of the parking ban:

- Morgan Street Garage
- 2 Holcomb Street Lot
- Keney Park Entrance Lot—Ridgefield Street
- KDA Center Lot—Naugatuck Street
- Pope Park Center Lot—Park Terrace
- Metzner Center Lot—Franklin Avenue
- Colt Park Lot—Wawarme Avenue
- Elizabeth Park Lots
- All Hartford Schools Parking Lots beginning today at 3:00pm

Residents should remove their vehicles from the lots promptly following the end of the parking ban. Residents whose vehicles are towed during the parking ban should contact the Hartford Police Department at (860) 757-4000. The cost for retrieving a towed vehicle is \$93.59. An additional \$99.00 ticket will be issued which owners are responsible for paying before the answer date.

After the snow emergency parking ban has concluded, residents are expected to remove their cars from these areas promptly. All City schools parking lots must be cleared as soon as possible after the parking ban has concluded.

Anyone in need of shelter is urged to call 211. The following shelters will remain open for the duration of the storm:

- McKinney Shelter: 34 Huyshope Ave, (860) 722-6922
- Immaculate Conception Shelter: 560 Park St, (860) 724-4823

## Contact

Department of Public Works  
 50 Jennings Rd  
 Hartford, CT 06120  
 Office: (860) 757-9900  
 Fax: (860) 722-6215

Office Hours:  
 8:00am - 5:00pm

## Trash & Recycling

Trash Collection

Sanitation Service Eligibility Search

Refuse Collector

Recycling Cart Questions

Bulky Waste

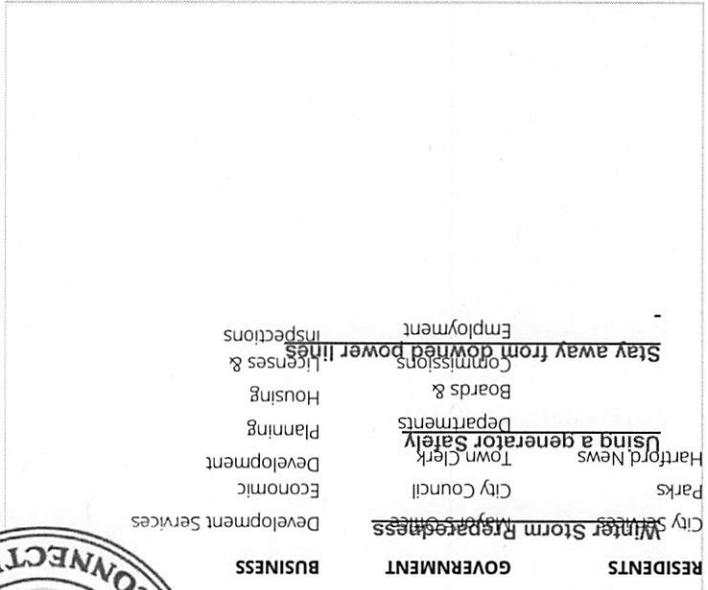
Trash Rules

Curbside Recycling

Recycling Notice

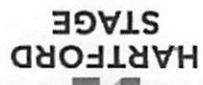
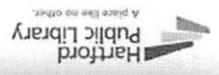
Hartford Area Private Waste Haulers

- RESIDENTS
- GOVERNMENT
- BUSINESS
- VISITORS
- EXPLORE
- CONNECT
- City Staff Directory
- Neighborhoods
- Hartford.com
- Historic Hartford
- City Calendar
- MECA
- Hartford Profile
- Facebook
- Twitter
- Fun Facts
- Development Services
- City Council
- Economic
- Development
- Town Clerk
- Departments
- Boards &
- Commissions
- Licenses &
- Inspections
- Employment
- City Services
- Major's Office
- Preparedness
- Parks
- Hartford News



Some helpful videos:

Cover your mouth with a scarf to protect y



# **EXHIBIT 6**

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Snowball

12:56 PM MON JANUARY 26, 2015

## Snow Cancels Everything, Except Hartford's City Council Meeting

By JEFF COHEN (/PEOPLE/JEFF-COHEN/)



([http://mediad.publicbroadcasting.net/p/wnpr/files/styles/x\\_large/public/201410/Stadium\\_Council\\_Panorama.JPG](http://mediad.publicbroadcasting.net/p/wnpr/files/styles/x_large/public/201410/Stadium_Council_Panorama.JPG))

A meeting in city council chambers in a WNPR file photo.  
Jeff Cohen WNPR

The governor has declared a state of emergency. Hartford Mayor Pedro Segarra has declared a snow emergency. City schools let out at noon, and most city employees were dismissed then, too.

There's a parking ban in effect. Even Winterfest at Bushnell Park is closing early.

Monday's agenda item has to do with creating a Hartford Stadium Authority.

But Monday night's Hartford city council meeting must go on.

Council President Shawn Wooden said two high profile items affected his decision. One is to begin the process of removing the city's registrars of voters following the disastrous 2014 election.

The other is baseball.

The city is trying to bring a minor-league baseball stadium to the city for the New Britain Rock Cats. A ground-breaking is supposed to happen next month, and a deal with the developers is not yet signed. Monday's agenda item has to do with creating a Hartford Stadium Authority, a new public entity that will own the stadium and borrow the money to pay for it.

Wooden said that if the ordinance establishing the authority doesn't pass Monday, "the timeline gets more complicated."

"We are proceeding with meeting because we have important [issues] to address and council members are willing to attend," Wooden said. "If conditions are unsafe, I will cancel the meeting."

City police are already urging drivers to stay off the roads when the storm hits.



D/C Foley  
@LtFoley

Follow

Stranded and stuck vehicles cripple emergency response. When the storm hits, stay off the streets please.

11:19 AM - 26 Jan 2015

7 RETWEETS

But for now, the council meeting is still a go.



Listen  
1:05

TAGS: [The Daily \(/term/daily\)](#) [Hartford Region \(/term/hartford-region\)](#) [government \(/term/government\)](#) [weather \(/term/weather\)](#)

Related Content:



**Hartford**  
[Hartford City Council Moves to Remove Registrars of Voters](#)  
[/post/hartford-](#)



**Blizzard Conditions**  
[Gov. Malloy Declares State of Emergency.](#)

4 Comments

WNPR

Ken Krayeske \*

Sort by Newest

Share Favorite



Join the discussion...



Guest · 3 days ago

A photo from the meeting...

Reply · Share



Ken Krayeske · 3 days ago

So with the parking ban, where are people who want to come to the meeting supposed to park? Every time we think this Council can't get any worse over this stadium, they do something like this.

1 · Edit · Reply · Share



Thom Page · 3 days ago

Forget adhering to the required notice provisions: How can a government direct the public to stay home (Lt. Foley's safety announcement) and at the same time claim it is abiding by its Charter and then hold a public meeting? Will be interesting to see how a judge treats this latest one when the anti-stadium people no-doubt appeal whatever happens at City Hall tonight.

1 · Reply · Share



Ken Krayeske · 3 days ago

Council Wooden, you make the appeal soooooo easy. How can you have a public meeting if your own police department directs the public to stay home? Again, no public to watch = power shoving this stadium authority down our throats. See you in front of a judge.

1 · Edit · Reply · Share

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# **EXHIBIT 7**



Search Twitter



**Governor Dan Malloy** ✓

@GovMalloyOffice



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We want to clear the roads as quickly as possible. Please stay off the roads throughout duration of the storm & let the plows do their jobs



RETWEETS

36

FAVORITES

11



5:15 PM - 26 Jan 2015



Reply to @GovMalloyOffice



**Lola Rio** @Lolaltur · Jan 26

@GovMalloyOffice how about the services at the Supreme Court, can you please tell me if the court will be in session tomorrow? Please



**Brianna Dunlap** @greengoddessb · Jan 26

@GovMalloyOffice is right. Respect the plow guys. They work hard hours and crazy conditions to keep us safe.



**GaLiberal** @GaLiberal · Jan 26

@GovMalloyOffice @southerntalker why don't u just heat the roads?



**T** @southerntalker · Jan 26

@GaLiberal lol ....would if I could! um ....new invention for infrastructure 🤖



# **EXHIBIT 8**


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[CONTACT US](#)
[TRIP FINDER](#)
[ABOUT](#)
[FARES](#)
[NEW RIDER?](#)
[SENIOR / DISABLED](#)
[PROCUREMENTS](#)

## UPDATES & NEWS

### Hartford Bus Service Updates

CTtransit Bus Service will be suspended this evening  
(1/26/2015)

In anticipation of severe winter weather, CTtransit bus service in greater Hartford, New Haven, Stamford, Waterbury, New Britain, Meriden, Bristol and Wallingford will suspend service on all local and express routes by 8:00PM Monday, January 26. We continue to monitor the storm, and when a determination is made regarding when service will resume operation, and whether bus service will operate on Tuesday, January 27, updates will be posted at this web site and via social media outlets.

**HARTFORD CUSTOMERS: The following trips will depart downtown Hartford at 7:15PM. If your route is not listed, the last trip prior to 7:15PM will depart as scheduled.**

**All trips scheduled to depart downtown Hartford after 7:15PM are cancelled JANUARY 26.**

Customers who intend to make connections with these trips should anticipate delays and plan to arrive downtown well before the last trip departs.

- 30X Bradley Flyer
- 31B Park St.-New Park Ave.
- 32/40 Windsor Ave./North Main St.
- 39W New Britain Ave.-Westfarms
- 42 Barbour St.
- 45X Berlin Turnpike Flyer
- 46 Vine St.
- 47W Franklin Ave.-Wethersfield Shops
- 50C Blue Hills Ave.-Copaco
- 56B Bloomfield Ave.
- 64W Farmington Ave.-Westfarms
- 61 Broad St.
- 76C Ashley St.-Copaco
- 82/84 Tolland St.-Buckland Hills-Rockville

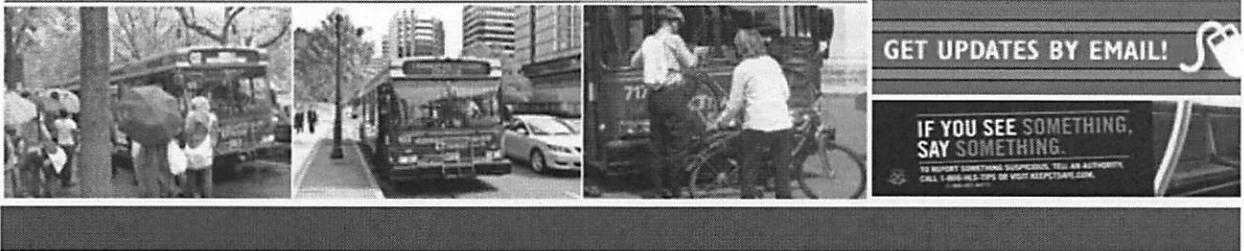
--83D Silver La.-Buckland Hills

--88C Burnside Ave.-Lydall St. via Center St.

Crosstown Routes 91 & 92:

--The last trips on Route 91 will depart Executive Square at 6:48PM and Buckland Hills at 6:58PM.

--The last trips on Route 92 will depart Copaco at 7:12PM and Buckland Hills at 6:46PM.



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# **EXHIBIT 9**

## City Council OKs Proposals On Stadium, Registrars

By Jenna Carlesso

JANUARY 26, 2015, 9:31 PM

**H**ARTFORD — The city council approved two key proposals Monday, one that allows the city to create a municipal authority to finance a \$56 million minor league baseball stadium, and another that starts the process for removing the city's three registrars of voters.

The meeting went forward despite warnings from state and local officials that people stay off the roads as a major snowstorm moved into the region. Hartford public schools and city employees were sent home at noon Monday, and the city's emergency operating center was opened.

The council voted 5-3 in favor of the stadium authority, with members Larry Deutsch, David MacDonald and Raul DeJesus dissenting. Councilman Kyle Anderson was absent.

The panel voted unanimously in favor of the proposal to begin seeking the registrars' removal.

"It's time that we get things straightened out in the registrars' office," MacDonald said Monday. "There have been years of problems. These are the most egregious problems that have erupted, and it's time we address these problems head on."

Council President Shawn Wooden said the registrars would be given "a fair hearing."

"It's fair to say that everyone is committed to due process and listening to any registrars that would like to explain," he said.

The registrars came under fire after issues on Election Day delayed voting at several city polling places. A committee formed to investigate the office found that it made numerous errors resulting in some polling places opening late.

The Democratic Party sought extended hours on Election Day, and a Superior Court judge ordered that two polling locations remain open for an extra half-hour.

The proposal approved by the council calls for hiring attorney Ross Garber, who did volunteer work for the investigating committee, to "draft charges warranted by the information gathered by the committee ... against each registrar of voters for consideration by the council."

Garber will present a statement of charges to the council by Feb. 9.

The council can remove elected officials with a super majority vote, meaning that seven of the nine members would have to vote in favor of the proposal. If it decides to continue with the removal process, Garber would act as prosecuting counsel.

"There have been some serious allegations contained in the report," Councilman Kenneth Kennedy said, referring to a report of findings prepared by the investigating committee. "These allegations warrant discussion by the council as to what actions we need to take."

### **Stadium Authority**

Under the municipal authority plan, the newly formed authority would own and finance a ballpark built north of downtown.

The authority would borrow the money needed to build it, and the cost to borrow would be lower for the authority than for developer DoNo Hartford LLC — a move that would save the city millions, officials said.

Previously, DoNo Hartford would have borrowed the money and owned the stadium, and the city would have paid to lease the stadium from the group — eventually buying it at the end of the lease.

But under the new plan, the authority owns the stadium, borrows the money to pay for it and pays DoNo Hartford to build it. The city's payments will go to the authority and total less than it would have paid DoNo Hartford.

Hartford was to pay the developer about \$4 million annually, with three 5 percent increases during the life of the lease. Those increases are eliminated under the new plan, Mayor Pedro Segarra has said.

Officials said the authority would get the lower rate because it would finance the project entirely with debt. The developers had planned to fund it with debt and private equity.

Additionally, they said, the authority would be able to access the capital market at lower interest rates because it is similar to a government entity.

Deutsch, a vocal critic of the project, said despite any potential savings to the city, the development is a bad idea if the taxpayers are on the hook. He also said the panel should have taken more time to review the plan to create an authority.

"I still think it's unsatisfactory because it's hard to believe that something as complicated as a new quasi governmental agency like this stadium authority can be conceived, written, planned and verified by voters and experts in such a short period of time," Deutsch said Monday.

He added: "It's still the case that the taxpayers will be at risk if the revenue to the city doesn't pan out the way they hope."

The city has not given an exact estimate of what it would save with the authority, but

officials said the savings would be a minimum of \$11 million.

A groundbreaking for the stadium, where the New Britain Rock Cats would begin playing in 2016, is planned for next month.

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