

LAW OFFICES

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Sent via certified and regular mail, and via email to:

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Board of Directors
District of Chapman Beach
P.O. Box 356
Westbrook, Ct 06498

RE: Board of Directors Meeting - January 16, 2025
Rental of Port A Potty

Dear Sir/Madam:

Please be advised I represent Michael Zubretsky, owner of a home at 65 Chapman Beach Road, Westbrook Ct. My client is a member of and taxpayer within the District. I have been engaged with respect to an action taken at the subject meeting regarding the rental of a port a potty at the beach.

I have reviewed the agenda for the meeting and the minutes which were filed thereafter. There is no item on the agenda which references rental of the port a potty. Without such notice, members of the district who support or oppose such rental would not have had an opportunity to voice their positions.

The Freedom of Information Act ("FOIA"), Conn. Gen. Stat. sections 1-200, et seq., provides the procedure regarding how public agencies conduct their business. Conn. Gen. Stat. section 1-232 provides, in part, that "Only matters appearing on the agenda may be considered in such a session." Conn. Gen. Stat. section 1-225(c) provides, in part, that "Upon the affirmative vote of two-thirds of the members of a public agency present and voting, any subsequent business not included in such agendas may be considered and acted upon at such meetings."

There being no agenda item referencing the port a potty rental, and there being no vote of two thirds of the board to include this as an agenda item during the meeting, the action of the board approving the port a potty was in violation of FOIA and therefore is invalid.

In addition to the FOIA violation, there does not appear to be any discussion at the meeting concerning compliance with the Americans With Disabilities Act of 1990 or the Connecticut Public Health Code. Both have specific requirements for port a potties, especially when there is only one on site.

My client has directed me to send this letter demanding: (1) that the issue of the rental of a port a potty be taken up at a regular or special meeting of the board of directors with an agenda item specifically referencing the rental and installation of the port a potty at the beach; and, (2) that no port a potty be installed until such additional meeting with a proper agenda is held. Kindly respond to this demand within 10 days. Thank you.

Very truly yours,

/s/ Richard S. Conti

Richard S. Conti