

To: Mayor Joseph H. Sauer, City of Danbury, Connecticut.

Re: Minutes of the Special Common Council Meeting held March 23, 1988.

The meeting was called to order at 8:10 P.M. by Mayor Joseph H. Sauer who led the assembly in the Pledge of Allegiance. The Prayer was offered by Councilman John Esposito.

The following members were recorded as present: Bourne, Connell, Gallo, Moran, Renz, Esposito, Godfrey, Flanagan, Zotos, Cresci, Nimmons, Fazio, Shaw, Cassano, Charles, Butera, Danise, DaSilva, Eriquez, Regan. 20 Members Present 0 Members Absent.

NOTICE OF THE SPECIAL MEETING - To be held on the 23rd day of March, 1988 at 8:00 P.M. in the Common Council Chambers in City Hall for the purpose of acting upon the following:

1. COMMUNICATION - Recommendation to fill vacancy on Zoning Commission
2. COMMUNICATION - Recommendation to fill vacancy on Zoning Commission
3. COMMUNICATION - Recommendation to fill alternate vacancy on Zoning Commission.
4. COMMUNICATION - Recommendation to fill vacancy on the Common Council

Mr. Nimmons made a motion to accept the call. Seconded by Mr. Cresci. The motion carried with the members voting as follows: YES - Bourne, Connell, Gallo, Moran, Renz, Esposito, Flanagan, Zotos, Cresci, Nimmons, Fazio, Shaw, Cassano, Charles, Butera, Danise, Regan. NO - Godfrey, DaSilva, Eriquez. 17 Yes, 3 No.

1. COMMUNICATION - Mr. Cresci nominated Brian O'Hare to fill the vacancy on the Zoning Commission created by the resignation of Susan Mazzia. Seconded by Mr. Moran.

Mr. Eriquez stated that it was the responsibility of the Common Council to fill vacancies within 30 days. He asked the Corporation Counsel when the 30 days began, upon acceptance of the resignation by the Common Council or upon submission to the Town Clerk. Corporation Counsel responded as to the filling of vacancies.

Mr. DaSilva stated that he had read about the ruling concerning filling of vacancies in the newspaper and that he would like to have a ruling on the floor concerning the status when time limitations have not been followed. Mr. Gottschalk responded and outlined the research concerning case law and the difference between mandatory and directive. Mr. DaSilva stated that due to a lack of a penalty he would take it to mean that it shall mean directive and stated that in the future he would like opinions from the Corporation Counsel directly through the Common Council, not in the media.

Mr. Cresci asked if the 30 day limit had ever been missed before. Mr. Gottschalk stated that he was not aware of same. Mr. Eriquez stated that it has never happened during his tenure which began in 1981. Mrs. Bourne stated that since the resignation was not given to the Town Clerk the 30 days should start when the Town Clerk did receive it.

Mr. Godfrey stated that he disagreed with the ruling of the Corporation Counsel and it was his judgement that since the 30 days had elapsed the appointment was out of the hands of the Common Council and perhaps a special election would have to be held.

Mr. Renz stated that he felt the opinion of the Corporation Counsel should be accepted, but thanked Mr. Godfrey for being such a diligent parliamentarian.

Mr. Nimmons made a motion to move the question. Seconded by Mr. Moran. Motion carried unanimously. All members voting in favor of the main motion to seat Mr. O'Hare on the Zoning Commission.

2. COMMUNICATION - Mr. Renz made a motion to recommend Glenn Wickland to the Zoning Commission to fill a vacancy created by the resignation of Josephine Tartaglia. Seconded by Mrs. Danise. Motion carried unanimously.

3. COMMUNICATION - Mr. Shaw made a motion to recommend Donald Miloscia to fill the alternate vacancy on the Zoning Commission created by the resignation of Eugene Tomanio. Seconded by Mr. Moran. Motion carried unanimously.

4. COMMUNICATION - Mr. Shaw made a motion to recommend Gary Kurpiewski to fill the seat on the Common Council vacated by Florence Weiss. Seconded by Mrs. Bourne.

Mr. Eriquez stated that in 1983 the Common Council did not accept the recommendation of the Republican Town Committee in filling a vacant Zoning Commission seat. Therefore the precedent had already been set. He felt it was not wise for either party to put forth its Town Chairman to fill any elected position.

Mr. Moran made a motion to move the question. Seconded by Mr. Nimmons. Motion failed to carry with the members voting as follows: Yes - Bourne, Connell, Moran, Renz, Cresci, Nimmons, Fazio, Shaw, Charles, Danise, Regan. No - Gallo, Esposito, Godfrey, Flanagan, Zotos, Cassano, Butera, DaSilva, Eriquez. 11 yes, 9 no.

Mr. Moran read a letter dated March 8, 1988 from the Mayor concerning filling vacancies. Mr. Cresci stated that he felt sad and had never known Mr. Kurpiewski to be political.

Mr. Flanagan stated that by confirming this appointment, relations would be set between the legislative and executive branches of government. He had serious reservations about this particular individual, about his knowledge of the community and his fitness to hold public office. Would he be speaking as a Council representative or as a political point man. Mr. Flanagan felt that the people would not have elected Mr. Kurpiewski to office and the Common Council should not appoint him.

Mr. Renz stated that if the resume before them had a different name, but the same qualifications, confirmation would not be a problem.

Mr. DaSilva stated that he remembers charges by the Republican Town Chairman during the last campaign about political patronage, conflicts of interest, etc. Appointing the Republican Town Chairman would be patronage of the first degree. It cannot be both ways.

Mr. Nimmons made a motion to move the question. Seconded by Mr. Godfrey. Motion carried unanimously. The main motion to appoint Gary Kurpiewski to fill the Common Council vacated by Florence Weiss failed with the votes recorded as follows:

YES - Bourne, Connell, Gallo, Moran, Renz, Cresci, Fazio, Shaw, Danise Regan.

NO - Esposito, Godfrey, Flanagan, Zotos, Nimmons, Cassano, Charles, Butera, DaSilva, Eriquez.

The vote was tied at 10 yes, 10 no. Mayor Sauer cast the deciding vote in the negative.

There were no members of the public wishing to address the Common Council.

There being no further business to come before the Common Council a motion was made by Mr. Nimmons for the meeting to be adjourned at 8:43 P.M.

Respectfully submitted,

Jimmetta L. Samaha
JIMMETTA L. SAMAHA
Assistant City Clerk

ATTEST:

Elizabeth Crudginton
Elizabeth Crudginton
City Clerk