

ALL COMMON COUNCIL ACTIONS TAKEN AT THIS MEETING TO APPROVE EXPENDITURES AND CONTRACTS OR TO ACCEPT BIDS AND OTHER PROPOSALS REQUIRING THE EXPENDITURE OF CITY FUNDS ARE SUBJECT TO THE AVAILABILITY OF FUNDS.

CALL TO ORDER

Mayor Moccia called the meeting to order at 8:00 p.m. and led the assembly in the Pledge of Allegiance.

I. ROLL CALL

City Clerk Halsey called the roll. The following Council Members were present:

Council at Large:	Anna Duleep	Mr. Douglas Hempstead
	Warren Peña	Ms. Joanne Romano
District A:	Mr. Matthew Miklave	Mr. David Watts
District B:	Mr. Carvin Hilliard	Mr. Michael Geake
District C:	Mr. Nicholas Kydes	Ms. Michelle Maggio
District D:	Mr. Bruce Kimmel	Mr. Jerry Petrini
District E:	Mr. John Igneri	Mr. David McCarthy

Mayor Richard A. Moccia; Attorney Robert Maslan, Corporation Counsel; Erin Halsey, City Clerk
Fourteen (14) members were present; one (1) absent: Mr. Bondi

II. ACCEPTANCE OF MINUTES
Regular meeting – March 13, 2012

**** MR. KYDES MOTIONED TO APPROVE THE MINUTES FROM THE MARCH 13, 2012 MEETING AS SUBMITTED.**
**** THE MOTION PASSED UNANIMOUSLY, ONE ABSTENTION (KIMMEL).**

III. PUBLIC PARTICIPATION

Mayor Moccia stated the rules for public comment and asked those that had signed up to speak to state their name, address/affiliation and to keep comments only as related to the agenda to a limit of three minutes. He explained that there is not to be an exchange or dialogue at this time, and he asked for comments to be kept civil in nature and to be made with respect of others.

Public comments are not verbatim but represent summarizations of comments made.

Public Comments

1. Mr. Scott Phelan, 13 Branford Street, stated that he wanted to speak about the 2405 contract and wanted to clear up some of the miscommunications about the negotiations. He explained that they had bargained in good faith, and the Personnel Department representative walked away, and he was most indignant in the manner in which he left the process. He added that this action has now eliminated the impact of the union efforts and they had attempted for a long period to make progress with the negotiations. He added that he has been a DPW employee for 14 years and this affects him as a taxpayer and feels that there may be some initial savings, but what happens when the profit becomes the driving force. He stated that this has happened with recycling and the waste treatment plant and it is only a matter of time that it will do again when the services are done for profit. He added that there is now much animosity that has been created in this process and it disgusts him greatly, there is no honor to City Hall and they hold all the cards.

2. Mr. Milton Giddieus, 36 Lenox Avenue stated he was representing the Local 2405. He stated that he proudly represents the workers of the DPW and gave an overview of recent process that has transpired, where not all the cards were put on the table accurately. He stated that the public does not understand that 16 positions were previously laid off and additional workers compensation costs have created a big impact on the budget. He added that over the years there have been budget cuts where one person does 5-6 different jobs and they have made sacrifices. He stated that we get it, providing a high level of service is number one and what we do is provide a clean city. He stated that they continue to convince the Department Heads to listen to what they have suggested to continue keeping the city services to maintain control and to look at cost savings elsewhere. He encouraged the Council not to approve privatization of garbage collections, and to reject this arbitration agreement. .

3. Ms. Diane Lauricella, 21 Blue Mountain Ridge Road, stated she was in support of the Fire Marshall fees, item 7D3, as a way to justify the hard work that is involved. She asked that there be a greater effort made in data collection with the enforcement procedures. She stated that relative to item 5A 1-2 the chairmanships on committee assignments, it is exhausting and a disappointing matter. She added that she took the time to meet all of the Committee Chairs to say hello and to re-establish the proper procedures to allow public comment and greater accountability for matters of action, and now, a new team is not the intent of the voters. She asked that parity with the voters call should be the goal, and this is a life-long hope of hers to continue practices of open government.

Ms. Lauricella continued that regarding item 7A1 the Union Contract, transparency is improved and she continues to seek the real numbers involved with the privatization, as citizens and those who can vote receive too little data to make a decision and if this is a good decision for all of Norwalk, there needs to be information to education the citizens on the facts involved. She distributed FOI packets for the members and added that this should be helpful for those new to the Council.

Public Comments – continued

4. Mr. Larry Losio, 342 Chestnut Hill Road, stated that he was a 27 year resident and retired member of a technology company and former ordinance enforcement with the DPW. He referred to the article in the Norwalk Hour and comments made at the BET hearing, including the absence of the Finance Committee, and there was mention of the Council majority leaning toward voting against the arbitration agreement. He stated that this was a deep concern that the political majority has become self-serving rather than making solid business decisions, where the Council has been entrusted to serve a broader community. He went on to say that if there is potential savings it needs to be clearly explained, and that for example there would be savings of a huge amount if workers actually work an 8 hour day rather than the incentivized 5 ½ hour day at \$37 an hour. He added that this needs to be without facing job loss, and if that is twice as much as privatization when compared to hours worked, that needs to be explained and documented. If this is a trivial argument and it is a matter of \$1 million and \$1 million there and the real dollars are saved with union solidarity, that is a great thing, and the motive should be based on a good business decision. He asked for better transparency and for the Council to do their due diligence to make a decision to be a focus maintained on larger, broader view and not one that serves only an extremely small segment of the community.

5. Mr. Vinny Mangiacopra, 8 Thistle Road, stated that with so many things on the plate for City Council, petty partisanship has taken the focus from the real issues, and that is a shame. When one member of the team decided to take the ball and go home, joining the other team to shift the balance of power, is not the way that a Common Council member was voted by the public to serve. Petty politics is at the forefront with now what is at stake is chairmanships of committees and the political balancing act that now is taking priority over the issues of violence and the important issues that we face. Members of a baby shower are being jumped, people at a funeral are being attacked, and those are the real issues, not the dissatisfaction with pettiness. It will be a very curious impact on the vote tonight that should be of the least priorities to support our workers, our unions in solidarity, and it is unwise to privatize.

6. Mr. Mark Bradley, 19 Yarmouth Road, stated that the Norwalk Democratic Party has passed a resolution with regard to the Local 2405 and he has e-mailed this to the Council members. He spoke to the DPW workers and stated that we are fully with you and they stand by them in solidarity and urges the Council to stand up against privatization. He noted that voters came out in support of a change to the majority make up of the Council and now it is up to the Council members to and the mayor to make the decision that is the right decision. He stated that they were elected and they honored you with control of the majority rule, so let's follow what the voters want and to do the right thing. He stated that he has made a statement of apology to Mr. Geake if his feelings were hurt, but this is not about one person but for all the voters in Norwalk.

7. Mr. Andrew Conroy, 17 Old Witch Court, stated that he has followed this issue on line and facts on the issue of arbitration award whether or not to kick it back and it gets to the same place that we have been in for the past few years, where the union has no contract. He added that the DPW team does a great job and approval of the contract does not mean a lack of support.

Public Comments – continued.

Mr. Conroy continued that during his tenure on the Council and serving as Chair of the Public Works Committee, there was always support of the DPW workers that do a great job for the

city. He emphasized that the workers need a wage adjustment regardless of where they are placed in the department, and he urged the Council to approve this contract and to move on.

8. Mr. Gordon Palley, 6 Walnut Avenue, spoke in support of the Connectivity Plan and stated that it is a very well done and thorough plan that links the City's infrastructure transit and pedestrian areas and brings the City into the 21st century. He urged the Council to support this plan that has been vetted through the system, it makes Norwalk much more integrated with its inner transportation system and maximized a combined impact through synergy of parking and accessibility.

9. Mr. John Mosby stated that he warned the Public Works guys that if they don't wake up and get it together it is a sign of the end of the unions, and they should stop this foolishness. He added that they should stop endorsing candidates that knock you down and they need to stand up and use common sense and they need to support the unions. People need to be held accountable for what they were elected to do. He added that he was a brother in partnership with the DPW workers and stated that there are laws to protect the workers and the Council should be made aware of the dangerous territory they are encroaching on. He added that privatization does not pay taxes, that the workers do and he will stand shoulder to shoulder and support whatever is needed to protect the DPW workers.

10. Mr. Mark Wre, 29 Van Buren Street, Norwalk stated that he was a 20-year employee with the Department of Public Works and wanted to speak on the impact of privatization of garbage collections. He explained that private companies care only about the bottom line and to make a profit, rather than the City workers that support families and clean the City by doing a good job with dedication. He added that the incentive to do the job in fewer hours was what they were asked to do. Good City services are what the residents want and that is why the residents voted you in your seats. He added that the same will happen as did with the Waste Treatment plant as fees doubled in two years and there was corruption.

11. Ms. Kate Teppel, 186 Gleason Lane stated that the local government is not a business and it should have adequate services, which is what our taxes pay for. She added that the City's garbage collection is a service that our DPW workers do well, privatization ruins our country; and the profit does not stay in the taxpayer's budget but goes to someone's house. She added that it is wrong to privatize City services.

Following the last comment, Mayor Moccia asked if there was anyone who wished to speak on an agenda item, and hearing none, stated that public participation was closed at 8:35 p.m.

A. RESIGNATIONS AND APPOINTMENTS

APPOINTMENTS: Peter C. Handrinos, Library Board of Trustees

Mr. Kydes spoke on behalf of Mr. Handrinos and stated that he has an impressive resume, he is an accomplished author of several books, and he is a great candidate who will do an excellent job

on the Library Board.

Mr. Miklave stated that he appreciated the notice given by the Mayor and he thanked him for responding to his requests for adequate notification for appointments. He added that the next step to work on is to do a press release when such appointments are made. Mayor Moccia replied that his office gets very busy and he will work on having this done.

Ms. Duleep added that she was also impressed with Mr. Handrinos's resume and that it is nice to have a published author to serve on the Library Board.

- ** MR. KYDES MOTIONED TO ACCEPT THE APPOINTMENT MR. PETER HANDRINOS TO THE LIBRARY BOARD OF TRUSTEES FOR A TERM TO EXPIRE ON 12/31/13.**
- ** THE MOTION PASSED UNANIMOUSLY.**

MAYOR'S REMARKS:

Mayor Moccia thanked those who spoke tonight for their cooperation with the rules for public comments. He added that he understands the nature of the issues and he appreciates the passion with which the comments are made.

Mayor Moccia stated he wanted to acknowledge the tragic accident that resulted in the death of the jogger on New Canaan Avenue. He stated that this is very tragic for both families involved, and on behalf of the City, he extended his condolences and deepest sympathies to the family.

He added that this is an example of on-going traffic issues with speeding, or exceeding the speed limits in residential zones, and there needs to be a cooperative effort with residents as enforcement alone will not solve the problem. He added that he will be meeting with the Traffic Authority on ways to tackle this issue in similar dangerous intersections and traffic areas in an effort to come up with solutions to improve the safety of pedestrians and motorists.

V. COUNCIL PRESIDENT

A. GENERAL COUNCIL BUSINESS

Councilman Hilliard stated that the Majority Leader will be Mr. Doug Hempstead, and the Minority Leader will be Ms. Anna Duleep and that basically those two individuals will be exchanging places.

Mr. Hilliard then presented the following Committee assignments

Common Council Committee Assignments

Finance/Claims

Staff: Frederic Gilden,
Comptroller
Carvin Hilliard, Chair

Doug Hempstead
Nick Kydes
Dave McCarthy
Warren Pena
Matt Miklave
John Igneri

Land Use

Staff: Alan Lo, Building/Facility Manger
Fred Bondi, Chair
Mike Geake
Jerry Petrini
Warren Pena
Bruce Kimmel
Anna Duleep

Personnel

Staff: H. James Haselkamp, Director of
Personnel
Doug Hempstead, Chair
Michelle Maggio
JoAnne Romano
Mike Geake
Matt Miklave
John Igneri
David Watts

Committee Assignments -
continued

Public Works

Staff: Hal Alvord, DPW Director
Dave McCarthy, Chair
Fred Bondi
Jerry Petrini

HW PSafety

Staff: Erin E. Halsey, City Clerk

JoAnne Romano,
Chair
Nick Kydes
Jerry Petrini
Michelle Maggio
David Watts
Bruce Kimmel
Carvin Hilliard

Ordinance

Staff: Robert Maslan, Corporation Council
Mike Geake, Chair
JoAnne Romano
Nick Kydes
Dave McCarthy
Warren Pena
Anna Duleep
Carvin Hilliard

Planning

Staff: Tim Sheehan, Redevelopment Director
Nick Kydes, Chair
Doug Hempstead
Dave McCarthy
Warren Pena
Matt Miklave
Carvin Hilliard
Mike Geake

Parks & Rec

Staff: Michael Moccia, Director
Jerry Petrini, Chair
Doug Hempstead
Fred Bondi

**COMMON COUNCIL
NORWALK, CONNECTICUT**

**MARCH 27, 2012
REGULAR MEETING MINUTES**

Michelle Maggio
John Igneri
Matt Miklave
David Watts

Michelle Maggio
Anna Duleep
John Igneri
David Watts

Mr. Kimmel asked to comment on the proposed assignments and stated that the Parks & Recreation committee members was not consistent with previous assignments and wanted to make sure that this was not a mistake.

Mr. Hempstead replied that the list was based on conversations with the Minority Leader and all assignments are staying with members in place on the Committees with only a reposition of the Chairs. He added that he relied on comments after speaking to Ms. Duleep and was operating under the assumption that this was the agreed upon list.

Mr. Kimmel stated that for the record, that this as incorrect and that the list was wrong.

**** MR. MCCARTHY MOTIONED FOR APPROVAL OF THE COMMITTEE ASSIGNMENTS AS PRESENTED.**

Mayor Moccia called for a roll call vote.

Votes taken resulted in a tie, which required the Mayor's vote as a tie breaker.

**** THE MOTION PASSED WITH EIGHT VOTES IN FAVOR (HEMPSTEAD, GEAKE, KYDES, MAGGIO, MCCARTHY, PETRINI, ROMANO, AND MAYOR MOCCIA (TIE BREAKER VOTE) SEVEN OPPOSED (DULEEP, HILLARD, WATTS, IGNERI, KIMMEL, MIKLAVE, PENA) AND NO ABSTENTIONS.**

B. CONSENT CALENDAR:

**** MR. HILLIARD MOTIONED THE FOLLOWING ITEMS FOR THE CONSENT CALENDAR:**

VII. B.1; VII.C. 1, 2, 3; VII. D 1, 2, 3.

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. MIKLAVE MOTIONED TO APPROVE THE TECHNICAL CORRECTIONS TO THE AGENDA FOR ITEMS C1 AND D2 AS NOTED.**

**** THE MOTION PASSED UNANIMOUSLY.**

Note: The following items on consent are listed in bold type:

VII. COMMON COUNCIL COMMITTEES

B. PLANNING COMMITTEE

1. Approve the Norwalk Connectivity Master Plan.

C. RECREATION, PARKS & CULTURAL AFFAIRS COMMITTEE

1. Authorize the Mayor, Richard A. Moccia to enter into an agreement with PAWS for the use of Taylor Farm for their “Bark in the Park Celebration PAWS 50th Anniversary” to be held Saturday, October 6, 2012 from 8:30 AM – 5:30 PM. Estimated attendance 300-500. Rain Date Sunday, October 7, 2012.
2. Approve the use of the Shea/McGrath Sports Complex at Norwalk High School by the Marching Bears Inc. for their Annual Cavalcade of Bands to be held Saturday, November 3, 2012 from 8:00 AM – 10:00 PM. Estimated attendance 2,000.
3. Authorize the Director of Public Works to issue a change order on contract (PM2011-1) Proposed Pavement Management Program by Aloaide, Inc., d/b/a A&J Construction for the repaving of the Basketball Court at Wolfpit School. For a sum not to exceed \$20,944.35. Account #09126030-5777-C0321.

D. HEALTH, WELFARE & PUBLIC SAFETY COMMITTEE

1. Authorize the Purchasing Agent to issue a Purchase Order to *Thermal Imaging Concepts, 156 O’Connell Drive, Berlin CT 06037*, to purchase five (5) ISG Elite XR Thermal Imaging Cameras, and accessories, for a price not to exceed \$ 48,875. \$ 39,100 to be paid for by FEMA through an Assistance to Firefighters Grant (AFG). \$ 7,573.97 to be paid from operating account # 0300002637, and \$2,201.03 to be paid from various other operating accounts.
2. Authorize the Purchasing Agent to issue a Purchase Order for 32 Scott 45 minute carbon fiber SCBA cylinders to AAA Emergency Supply Company for an amount not to exceed \$35,168. \$10,773.03 to come from Account # 091031105777C0310, and \$24,395.97 from Account # 091131105777C0310 FY2012.

Consent Calendar – continued

3. Approve and adopt new Section 42A-5 of the Code of the City of Norwalk entitled: “City of Norwalk Fire Marshal’s Office Fee Schedule”. Said ordinance will establish fees for permits issued, inspections performed, and plans reviewed by the Norwalk Fire Marshal’s Office (copy attached).

PERSONNEL COMMITTEE

1. Motion to reject Local 2405 Binding Arbitration Award.

Mr. Hempstead presented the item for discussion and stated that the action is different than what was agreed upon at the Personnel Committee Meeting. Mr. Hasselkamp came forward and explained that this was the only action that could occur based upon the statute.

Mr. Miklave asked for clarification of the statute and then asked what gives a City Department Head the right or power or authority to change an action that was voted upon in Committee. He stated that he is aware of no charter provision or rule of the council that gives the right unilaterally for any City official to change a committee vote or alter the recommended action from a Common Council Committee to be forwarded to the Council.

Mr. Hasselkamp stated that he concedes that this was an error.

Mr. Kimmel asked that if action is tabled would it conflict with the deadline, and Mr. Hasselkamp replied yes, that required action is for a vote today as this is last day to respond.

Mr. Kimmel asked if a special meeting could be called, and Mr. Hasselkamp replied that the special meeting would have to occur prior to midnight tonight.

Mr. Hempstead stated that the action left the Committee was to move it on the Council as a result of a tie vote and it was felt that due to the committee deadlock that the item deserved the vote of the entire Council; and it was agreed to move it forward with no action.

Mr. Miklave stated that he was in agreement with Mr. Hempstead's statement and requested an amendment to the agenda to correctly state the item as Local 2405 Arbitration Award.

**** MR. MIKLAVE MOTIONED TO AMEND THE AGENDA TO CORRECT THE WORDING OF ITEM VII. A. 1 TO LOCAL 2405 BINDING ARBITRATION AWARD.**

**** MOTION PASSED UNANIMOUSLY.**

**** MR. MILAVE MOTIONED TO REJECT THE LOCAL BINDING ARBITRATION AWARD.**

Mr. Kimmel stated that he had several questions for Mr. Hamilton regarding the net cost of the contract. Mr. Hamilton came forward and referred to the cost analysis provided on the 3rd page of the document contained in the agenda packet, and explained that the total cost of this award over the three-year period is \$703,093, which represents a 10.29% increase in the cost of compensation for this bargaining group. The increased cost per covered employee of this award is \$5,493.

Mr. Kimmel asked about the reduction in workers compensation, and Mr. Hamilton replied that a one-page summary of the net costs of the award, and a detailed, three-page spreadsheet which itemizes the Total Cost of Compensation in each of the years for the bargaining group is included

in the packet.

Mr. Kimmel asked how this compares to other contracts, and Mr. Hamilton replied that it was very similar in wage structure that took effect earlier and consistent with step other contracts. He explained that the base wages represent approximately 50% of the cost of compensation, and for the current fiscal year, the total cost of compensation for this bargaining group is \$118,351 per employee.

Mr. Kimmel then asked if this was similar to the New Britain decision, and Mr. Hamilton replied that he was not familiar with this. Mr. Hasselkamp explained that this basically states that if the union says no the municipality cannot move forward unilaterally to subcontract when it did not negotiate the right to subcontract with the contract.

Mr. Kimmel added that his other comment is addressed to the union representation that it is not a solid argument to say that if the contract is awarded it would lose money, and more work should be put into providing a documented rationale.

Ms. Romano stated that they had gone over this contract in great detail in Committee and she has been through similar proposed agreements while serving on this Committee since 2005. She stated that she will vote to approve the arbitration award in view of the fact that the DPW workers have waited for three years, and they have gone without wage increases, and there needs to be a contract and move on. She emphasized that privatization is not popular and accepting this agreement does not mean a vote for privatization. She added that is a separate issue that will be dealt with further on down the road, but for now, this arbitration award is on behalf of the remaining 133 members of the workers who do a good job for the City and deserve a contract.

Mr. Watts stated that privatization is horrible and he opposes it and asked the other members to join in to reject this arbitration award. He referred to claims that there will be thousands of dollars in additional expense if this contract is not awarded, and wanted to state for the record that it is not the Council's expense it is the negotiators that are responsible for this mess.

Mr. Watts stated that he wanted to ask who is pushing for privatization, and has this process been done in good faith. He referred to articles that gave information about activities in other towns regarding people responsible for decisions that are now in Norwalk. He quoted Stamford, Waterbury, and now Norwalk and that there is one common individual negotiating who uses the same tactics and that when it comes to negotiations it is pretty heavy stuff.

Mayor Moccia stated that there was a point of order called and asked Mr. Watts to remain focused on the issue of the arbitration award.

Mr. Watts replied that this information does involve the arbitrators and that there is a prescription plan that reveals that the union was not treated with value and there was not fair and equitable bargaining in the negotiation process. He again referred to the articles that reported on individuals that were involved in the negotiation process and the unfair tactics that were used.

Mayor Moccia acknowledged Ms. Romano and Mr. Petrini who called for a point of order. Mayor Moccia again asked Mr. Watts to refrain to making accusations and to keep the comments on the issue of the arbitration award.

Mr. Miklave asked for a clarification of the basis for the ruling of point of order and requested an appeal of the ruling.

Mayor Moccia asked Corporation Counsel to provide an opinion on the ruling, and Attorney Maslan referred to Section 124 of Mason's Rules and sub-section 3 and read that comments must be confined to the agenda item and if ruled out of order can be appealed under the rule of the chair. Mr. Hempstead asked if this ruling is a 2/3rd majority and Attorney Maslan replied yes.

Mr. Miklave replied that the Council members does not lose his or right to speak.

Mr. Miklave withdrew his appeal.

Mayor Moccia called for a recess.

The meeting was recessed at 9:25 and reconvened back into public session at 9:35 p.m.

Mayor Moccia called the meeting to order and requested comments to be kept civil and to refrain to making accusations and to keep the comments on the issue of the arbitration award. He stated that Mr. Watts had the floor, and could continue with his comments.

Mr. Watts stated that he just received the manual on the Masons Rules of Order and asked it to be noted in the record that it is unfair to have been serving on the council for 100 days and to just now be given the rules. He stated that back to the issue of privatization of sanitation, he will never support it, and it is an awfully foolish proposal and would be saddened if we could not find a way to keep the DPW 2405 workers and men and women who do a great job to be treated fairly.

Mr. Watts added that the people at the table can and will feel treated fairly when all the cards are out in the open, even if the outcome is other than recommended, if the person will do a good job and come to the table in a fair and equitable manner. He stated that this does not represent what the voters want and the reported consequences of a rejection of the award and the additional expenses rest on three individuals who want to bring privatization to the City and not the council. He restated that this is not the fault of the council, and further costs are the result of the negotiators unfair tactics.

Mr. Geake asked if today is the deadline, and what happens if there is no action taken tonight. Mr. Hasselkamp replied that tabling the item makes the contract take effect. Mr. Geake asked when the contract expires, and Mr. Hasselkamp replied that it expires in three months based on statutory terms of March through June. Mr. Geake then asked if the RFP process could be accomplished in the timeframe of three months. Mr. Hasselkamp replied that his area of responsibility does not involve the RFP procedures, but he does not believe that the procurement guidelines can be accommodated within the system. Mr. Geake then asked could we even proceed with the privatization under this contract, and Mr. Hasselkamp referred to Corporation Counsel for a response.

Attorney Maslan replied that the RFP process stays in effect unless a new contract is in place.

Mr. Geake then clarified that a vote against the privatization can still occur when it comes to the council, but at this time he feels three years has been long enough to go without a contract.

Mr. Hilliard stated that he is against privatization that the level of service is not there and a private company will not be there for the interests of the residents, and will only be paying minimum wage for the work and a private company will not produce a good job of service.

Mr. Miklave stated that he is in favor of rejecting the agreement and this process of debate over and privatization that pits one group against another, words are harsh, and sometimes the passion in light of the issue hurts and should be tempered as tangled up emotions, but the democratic process should follow. He added that even in fierce debate, the instant response is to shut off the comments, and that it is time for a different approach and process. He stated that as his colleague, Mr. Hempstead has stated many times, it is part of our due diligence as a council member to have the right to speak and we should respect this and be able to take it without provocation.

Mr. Miklave continued and stated that the privatization vote is not a vote against the labor union, and he disagrees with this asks the council to carefully examine the issues. He emphasized that it is not a financial issue as there have been numbers tossed around without even a plan, we don't know the parameters, there is no standard of measure, and he used the term that WAG is being used, which is just a wild guess, as we don't know how much will be saved. He added that regardless of how much it is insignificant in relation to the \$296 million City budget and in the spirit of compromise a reason from the shared sacrifice debate is avoided. He added that the DPW argument of actual hours worked is wrong as they are doing what we asked them to do—that is the deal that we wanted. We asked them to be off the streets during the school buses hours and to get the trash off of the streets before the smell and attraction of flies; and if this faster and more timely service can be accomplished as part of the incentive plan that we approved, that is a good thing.

Mr. Miklave stated that there are a lot of issues and he thanked Mr. Kimmel for bringing out the fact that this is not a one size fits all and that an RFP should not be done without a plan, this is a bad process and that equals a bad result. One of the most compelling points that Ms. Romano brought out is a very good point that this contract is about the 133 workers that have not had a contract and have been deprived of back pay, and they should not be penalized and that is a very good argument. What is the problem is it rejects the collective bargaining element and says that we know better than the group of employees who are prepared to retroactively stand arm in arm with brothers in solidarity. Collective bargaining means that they selected a group to represent and stand by them. This action is saying, as if I know better, and where in actuality, it is you guys that know how to do this. As far as the issue of thousands of dollars needed to be spend in legal fees for further negotiations to only get the same result, he stated that he would recommend that we don't hire the lawyers if you are going to get the same result—don't spend the money. The result might be different with a different and fresh set of eyes, and in this case let it go back to the table. He then stated that for all of these reasons, he is in favor of rejecting the award.

Mr. Hempstead stated that he agrees with some of what Mr. Miklave has said, depending on where you sit from the perspective here. He asked that if it is correct that the City pays for its and the union attorneys and Mr. Hasselkamp replied that the next step is the files are boxed up and the records and

testimony from the second panel and then begin a new arbitration process.

Mr. Hempstead stated that the process is not to reject the arbitration because privatization is the subject is not accurate. The RFP process must be brought to the Council and it is time we move on. Any contract can be revoked and renegotiated, it has been three years, and we need to approve this one after all this time and move on.

Mr. Hempstead stated that the impression that rejection of the contract is a vote of no support of the DPW is not an accurate assessment and does not mean a lack of respect of the unions. He added that both sides could not come together, and this involves a small percentage of the workers, and in fairness to the majority of the group a move on is deserved. Let's deal with the garbage collection as a separate issue.

Ms. Duleep stated that she respectfully disagrees and asked if the privatization has already been reflected in the approved budget as set in the cap, as a projected savings. Mr. Hamilton replied that savings from the contract did include \$360,000 in projected savings that starts in October. Ms. Duleep asked how this budget savings will then be made up, and Mr. Hamilton replied that it is up to the BET next Monday. Ms. Duleep asked that if not, will this mean they will have to cut position to make up this deficit, and Mr. Hamilton replied that it will create a hole and the DPW will then have to look at positions.

Ms. Duleep then explained that this happened back in 2009 when the Redevelopment Agency master plan was approved it was construed as consent from the previous council to proceed with the various elements of that plan. She asked if there is already savings built in and Mr. Hamilton replied that there has already been a reduction from reserve.

Ms. Duleep added that this is a backwards process and there will now be a scramble to find the \$360,000 that has been built in to the budget. She asked what happens if there are more grievances means that some issues have not been addressed; and if not, it goes back to arbitration and the process already started that impacts future negotiations. You just can't stop there and say that the idea that this may not come to pass and it won't happen, as it has already been counted on in the budget process. This is backwards and it is time to say we do not support this action fundamentally, as it is a different way than the City has operated in the past. She stated that one of the public comments made said it very well that the city is not a business, but is a service provider, and the city already has hard workers that provide good service, so we are making this an issue that is not about the contract, and the arbitration, when it is. She stated that she will vote yes to reject the award.

Mr. Kimmel stated that he also will vote yes to reject the award, but that earlier in the week initially felt to accept the agreement then reject privatization when it comes up, until the Hour reported how closely related this issue actually is that will lead to the eventual outsourcing of sanitation. He added that he has been led to believe that by rejecting is based on three things:

- 1) This is going to change a major policy shift in the way we do things such as outsourcing services, and we have to slow down and have a discussion on a city level that does not allow giving a say so as to begin the RFP process now and not say the process should begin later.
- 2) This should be part of a future discussion not now with our backs against the wall that takes the first steps to privatization. He stated that he strongly dislikes this procedure.

- 3) Negotiations are right upon us, yet we have not yet discussed if a better job will occur rather than the statement that it saves money, and that argument alone is not sufficient.

He stated that during the last election he talked to DPW workers who are proud of their positions, that it is nice to have workers who live in the City rather than the large percentage of workers that are non-Norwalk residents. He went on to say that sanitation and garbage collections is what we are talking about, and this is one of the toughest work areas in the City. He added that they are proud of what they do, they come out to so many of the meetings, dozens of times, and speak that they are willing to negotiate under fair grounds, and we need to be sensitive to this human element that is evident here.

Ms. Maggio asked to clarify the vote and that if there is no privatization will some of the union members be affected with job cuts. Mr. Hamilton replied that the DPW is one likely area that will have to look further into cutting positions, if a \$360,000 hole is created in the budget.

Mr. Kimmel asked if this is possible likely or unlikely that the BET decision and there is not an enormous statistical small % in fees and possible dollars could be made up without a loss of positions. Mr. Hamilton replied that the \$ as exactly approved in the Cap are required to keep the budget and there has to be fee revenue generated.

Mr. Kimmel asked if this can be made up from contingency reserve or a special appropriation, and Mr. Hamilton replied that it is possible, and the BET could look at it. He added that there has already been a \$1 million reduction in contingency. Mayor Moccia stated that this is a BET discussion.

Mr. Watts stated that we need to let the public know that this is a basic disagreement with the Mayor and the new majority. He stated that he is willing to lay down for the DPW workers and will try to walk with them in solidarity. He added that they have taken away our chairmanships but we will move on and the end of the day will remain friends. In respect to the DPW workers that put up with the hard work, extremely hard work, and the smell, we need to be better as a city and do a better job in support of them.

Mr. Hilliard stated that he wanted to echo what Mr. Kimmel said that we as a city need to have more of a conversation on the concept of privatization before we make a decision as this is a serious shift in policy that needs more input from the citizens.

Ms. Duleep stated that as she takes exception to comments made by some of the members tonight and that we owe it our constituents to use sound judgment in a bipartisan approach to debate the issues, and to show support for personal reasons is not appropriate. She stated that a vote to accept this arbitration is a vote to accept the outsourcing of garbage collections as cost reductions due to privatization has been built into the 2012-13 Operating Budget.

Mr. Kimmel stated that the contract most likely expires at midnight and asked the members to be conscious of the time and requested to keep further remarks to a minimum to not go pass this deadline.

Ms. Maggio again asked for clarification to what Mr. Watts has said that we are voting on a contract on arbitration award and whether or not we pursue privatization is conceptually different. She stated

that she has friends on the DPW and wants them to know that accepting this contract does not mean we don't care about the workers. It means that the votes are for what is in the best interests of the city.

Ms. Duleep stated that she respectfully disagrees and asked if there enough votes to reject the award, would the current plan for privatization go forth legally? Mr. Hasselkamp replied that it will not be allowed to forward under the contract. She added that what we are saying here is that a vote on this means approval of the plan in place. She added that the privatization has already been reflected in the approved budget as set in the cap, as a projected savings, and a vote to reject it can stop it. She added that this is the crux of the issue, that without input from the Council, DPW will be allowed to pursue RFPs on privatization and it could go forward.

Ms. Maggio asked again that can we still vote later on not to privatize, and Attorney Maslan replied yes.

Mayor Moccia asked for closing comments and then stated that he gets calls of complaints from residents that city workers are not doing their jobs and those range from issues where the cans were brought to the curb late, or the cans exceeded 75 pounds and these complaints are referred to customer service. He stated that in 95% of the times, the workers have done a good job. He added that this is not a city award but an arbitration issue and we need to move on. He noted that the cap has been reduced from what was recommended and this was agreed to on both sides, and they need to stand by that vote and not change now. He added that both sides came forward in negotiations in good faith and this took a very long time in arbitration.

Mr. Miklave stated that the Mayor's new comments have opened up the budget issue and this relates to the setting of the cap and he stated that he has gone on record to offer to meet anywhere, anytime and with any member of the Council, department or other stakeholders to find budget savings. He stated, that as he has stated many times, it is of greater significance to examine where the rest of the \$298 million is spent, and not the small insignificant reductions by closing the Museum or privatizing garbage collections, and education spending reductions. He added that full education funding represents another insignificant percentage and suggested that given the opportunity, he is convinced he can find \$5 million elsewhere.

Mr. Miklave asked for procedural clarification that yes is a vote to reject, no is to accept and abstention is to accept, and that 2/3 majority is required which will be nine votes. Mr. Watts asked for an explanation of which statute this comes under and Attorney Maslan replied that it is 237C. He read it and explained that it would be 2/3 of voters present, which at 14 members present would be 10 as 2/3 equals 9.4 and that would be 10.

Mr. Hempstead stated that it was very clear by the vote that we all are trying to think about and be sensitive to the DPW workers of our community, and this is a fair assessment of the issue for the approval of a contract and not a lack of support for the hard workers. He added that as demonstrated by the deliberations, and demonstrations that the council wants to work together for the greater good of our community.

Mayor Moccia called for a roll-call vote.

**** THE MOTION TO REJECT THE ARBITRATION FAILED WITH SEVEN
VOTES IN FAVOR (DULEEP, HILLARD, WATTS, IGNERI, KIMMEL,**

**MIKLAVE, PENA) SEVEN OPPOSED (HEMPSTEAD, GEAKE, KYDES,
MAGGIO, MCCARTHY, PETRINI, ROMANO) AND NO ABSTENTIONS.**

VIII. RESOLUTIONS FROM COMMON COUNCIL MOTIONS POSTPONED TO A SPECIFIC DATE - none.

IX. MOTIONS POSTPONED TO A SPECIFIC DATE - none

X. SUSPENSION OF RULES-

XII. ADJOURNMENT

**** MR. MIKLAVE MOTIONED TO ADJOURN.
** THE MOTION PASSED UNANIMOUSLY.**

The meeting was adjourned at 10:40 p.m.

Respectfully submitted,
Marilyn Knox,
Telesco Secretarial Services