

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON CIVIL SERVICE & LABOR

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July 28, 2009
Start: 11:01 am
Recess: 11:36 am

HELD AT: Council Chambers
City Hall

B E F O R E:
MICHAEL C. NELSON
Chairperson

COUNCIL MEMBERS:
Council Member Elizabeth Crowley
Council Member James F. Gennaro
Council Member Robert Jackson
Council Member G. Oliver Koppell
Council Member John C. Liu
Council Member Melissa Mark-
Viverito
Council Member Larry B. Seabrook

A P P E A R A N C E S [CONTINUED]

Michael C. Nelson
Chairperson
Committee on Civil Service and Labor

Tracy Udell
Committee Counsel
Committee on Civil Service and Labor

Letter read into record by
Comptroller William C. Thompson, Jr.
Comptroller of New York City

G. Oliver Koppell
Sponsor of Resolution for Stella D'Oro Workers
New York City Council Member

Calvin Williams
Secretary Treasurer
Local 50

Michael Filippou
Shop Steward
Representative of Workers
Stella D'Oro

Robert Jackson
Sponsor of Intro 992-A
New York City Council Member

Melissa Mark-Viverito
New York City Council Member

2 [START 1001]

3 MR. EDDIE RENTO CORIASO: Next
4 Committee meeting is going to be Civil Service &
5 Labor. Today's date is July 28, 2009. And it's
6 being recorded by Eddie Rento Coriasco.

7 [END 1001]

8 [START 1002]

9 CHAIRPERSON NELSON: Okay. Sorry
10 for the delay everybody. There's been a multitude
11 of reasons why. Quiet please. I'd like to now
12 convene the meeting of Civil Service and Labor.

13 [Gavel banging]

14 CHAIRPERSON NELSON: Good morning.
15 I'm Council Member Mike Nelson, Chair of the
16 Committee on Civil Service and Labor. Allow me to
17 introduce my colleagues and fellow members of the
18 Committee. To my far right is Council Member
19 James Gennaro; to my right is Council Member Larry
20 Seabrook; to my left is Council Member Melissa
21 Mark-Viverito, and Oliver Koppell is joining us
22 for his legislation as well and the counsel, do
23 you have your names?

24 MS. TRACY UDELL: Tracy.

25 CHAIRPERSON NELSON: And Tracy

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2 Udell, Counsel of the Committee. And--oh, and
3 Robert Jackson to the far right, this way, okay.
4 To my far left. Today the Committee will vote to
5 override Mayor Bloomberg's veto of Introduction
6 992-A, a Local Law to amend the Administrative
7 Code of the City of New York in relation to
8 residency requirements for City employees.

9 Currently the Administrative Code
10 requires certain City employees to be a resident
11 of the City on the date that he or she enters City
12 service or establish City residence within 90 days
13 of employment and maintain City residence as a
14 condition of employment. Failure to establish or
15 maintain City residence constitutes grounds for
16 dismissal.

17 The proposed law will allow City
18 employees who have completed two years of City
19 service to move outside of the five Boroughs and
20 into the six surrounding counties. On June 19th,
21 2009, Introduction 992-A was approved by the
22 Council and sent to the Mayor. Subsequently on
23 June 29th, 2009 Mayor Bloomberg disapproved
24 Introduction 992-A.

25 Additionally the Committee will

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2 hear testimony and vote on a resolution supporting
3 the continued operation of the Stella D'Oro
4 Biscuit Company in the Bronx. More than 130
5 workers at the Bronx factory face unemployment as
6 the company owners plan to close the factory in
7 October. The Council Resolution supports the
8 efforts of Local 50 and all workers at Stella
9 D'Oro Biscuit Company to maintain their jobs and
10 prevent the closure of the Bronx factor.

11 We look forward to hearing
12 testimony from interested parties. The
13 Comptroller's Office has asked me to read
14 something into the record. And I will.

15 New York City Comptroller William
16 C. Thompson, Jr. today urged Pennsylvania State
17 Employee's retirement system to consider his
18 concerns regarding its investment in Brynwood
19 Partners, parent company of Bronx-based Stella
20 D'Oro. In a letter to Pennsylvania State
21 Employees Retirement System, CIO, John Winchester,
22 Thompson wrote, as New York City's Chief Financial
23 Officer and Chief Investment Advisor to the City's
24 Pension Funds, I have consistently maintained that
25 companies have a duty to treat their employees

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2 fairly and bargain in good faith. The failure to
3 do so negatively impacts the company its employees
4 and long term investors like Brynwood Partners,
5 troubling management of its subsidiary Stella
6 D'Oro, demonstrates a stark departure from this
7 basic principle.

8 On August 13th, 2008, 136 Stella
9 D'Oro employees, members of Bakery, Confectionary
10 and Tobacco Workers and Grain Millers Local 50
11 went on strike. Stella D'Oro brought in
12 replacement workers shortly thereafter. Recently
13 the National Labor Relations Board found that
14 Stella D'Oro improperly refused to bargain in good
15 faith with the BCTGM Local 50. Following the
16 National Labor Review Board's decision ordering
17 the company to reinstate striking workers with
18 back pay, Stella D'Oro announced on the day before
19 workers were to return to their jobs that it will
20 close the factory.

21 Thompson continued it is my belief
22 that such actions such as those taken by Stella
23 D'Oro, and derivatively Brynwood Partners, are
24 profoundly harmful to any investors' interests.
25 Such actions erode a company image, good standing

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2 and civic relations. Before long an investment in
3 that company becomes as unpalatable as that
4 company's conduct.

5 I therefore urge you to carefully
6 consider my reservations regarding Brynwood
7 Partners LT and the conduct of its subsidiary
8 Stella D'Oro. Thompson concluded. And there's
9 just a little bit more. Okay having said that,
10 people are going to testify? Okay. I have just
11 two names to testify today. We have a Mr. Michael
12 Filippou, did I pronounce that right Michael?
13 Thank you, of Stella D'Oro workers. Sure come
14 right on up Michael.

15 COUNCIL MEMBER KOPPELL: Mr.
16 Chairman if I might make a brief statement.

17 CHAIRPERSON NELSON: Oh I'm sorry,
18 sure--sure--

19 COUNCIL MEMBER KOPPELL:
20 [Interposing] That's all right.

21 CHAIRPERSON NELSON: --and you can-
22 -you might as well take a seat and--

23 COUNCIL MEMBER KOPPELL:
24 [Interposing] Yes please.

25 CHAIRPERSON NELSON: --and Calvin

1
2 Williams of Local 50, please you can sit right
3 over there and my colleague, Oliver Koppell is
4 going to make a statement, thank you--

5 COUNCIL MEMBER KOPPELL:

6 [Interposing] Yeah. Thank you--

7 CHAIRPERSON NELSON: [Interposing]

8 Sorry Councilman.

9 COUNCIL MEMBER KOPPELL: --no--I

10 appreciate Mr. Chairman, you putting this
11 Resolution on the agenda. And I want to also
12 thank the Speaker and the Speaker's staff for
13 working on this. The Stella D'Oro Plant is in my
14 District. It's been a fixture in the Kingsbridge,
15 Riverdale area for many, many decades. In fact I
16 recall as a boy actually going to the restaurant
17 that the Stella D'Oro management used to operate.
18 The restaurant closed some time ago but the plant
19 that makes the famous cookies and other bakery
20 products has operated continuously. Until not too
21 many years ago it was a locally owned and run
22 business by the Zambetti [phonetic] family. The
23 Zambetti family sold it some years ago. I know it
24 was owned by Kraft Food. And then more recently
25 by the Brynwood Partners.

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2 Mr. Chairman the actions taken by
3 the new owners, Brynwood Partners are the most
4 punitive actions towards labor that I have ever
5 observed in my many years in government. They
6 sought to reduce the worker's wages drastically,
7 well over--periodically the workers can testify
8 more specifically but well over 20%. They sought
9 to eliminate sick days. They sought to eliminate
10 vacation days. They sought to reduce the worker's
11 pensions. I mean basically they were moving back
12 the clock in terms of the benefits that these
13 workers earned by decades, by literally decades.
14 And no union, no workers could accept that kind of
15 treatment.

16 Therefore a lengthy job action
17 ensued, strike action ensued. We were, I was able
18 to provide some assistance to the workers but
19 unfortunately Brynwood Partners did not bargain in
20 good faith. In fact I don't think they bargained
21 at all. The National Labor Relations Board
22 decided some weeks ago that the company was in
23 violation of the National Labor Relations Act,
24 ordered the workers to be rehired, ordered that a
25 certain amount of back pay, although too little

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2 back pay as far as I'm concerned, be paid to the
3 workers. The response of the company to the order
4 of the National Labor Relations Board was to
5 indicate that they were going to close the plant
6 in October. This will cost over 100 jobs and it
7 will eliminate, as I said, a local business that's
8 been there operating for I think well over 50
9 years, going back to when, as I say, when I was a
10 boy. And I'm hopeful that maybe something can
11 still be worked out. I've put in an attempt to
12 meet with the company to discuss this. I think a
13 resolution hopefully will have some effect on the
14 management so that we can reopen the issue of
15 whether the plant will continue or not.

16 Again I want to thank the Committee
17 for hearing this and assure the workers who are
18 here today that certainly I and I know the Council
19 will do everything in our power to see to it that
20 Stella D'Oro continues in business.

21 CHAIRPERSON NELSON: Thank you
22 Council Member Koppell. It seems like there's a
23 laugh factory going on next door. Every time the
24 door opens. Which--either one of you gentlemen,
25 whoever would like to begin. Start first. Sure.

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Mr. Williams?

MR. CALVIN WILLIAMS: Yes. Hello.
First of all I'd like to say good morning to the
Council--

CHAIRPERSON NELSON: [Interposing]
Good morning.

MR. WILLIAMS: --and I'm really
appreciate the time that you're taking in order to
listen to the situation that we have over in
Stella D'Oro. We really appreciate it. Okay. My
name is Calvin Williams. I'm the Secretary-
Treasurer for Local 50. I'm here to speak for the
absence of Joyce Alston who is the President of
Local 50. The reason why we asked to meet today
is basically is on this situation of Stella D'Oro.
Okay Stella D'Oro been there since 1964. And we
have represented them since 1964.

Ever since then we had negotiations
coming up which the company refused to bargain in
good faith. We went to the NLRB and they put a
ruling that they did in fact, did not bargain in
good faith. What we--at that particular time we
have 130 employees who was on strike and I'm glad
to say not 1 striker crossed the picket line at

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2 the time and they was out for 10 months. And we
3 really think that that's really established
4 because we really never had anyone who wanted to
5 strike and we didn't have at least, you know,
6 individuals that crossed the picket line. So we
7 feel that was a victory.

8 Then we had a decision that the
9 company had to bring them back which they did but
10 at the same time we got a notice that they planned
11 on closing Stella D'Oro within October. We just
12 asking as much as help as we could possibly get
13 and we'd like to have this Resolution brought to
14 the table and have vote on it to accept this. And
15 any help that y'all could give we would really
16 appreciate it. Thank you.

17 MR. MICHAEL FILIPPOU: Good morning
18 everyone. I want to thank you for giving me the
19 opportunity to come here and give my testimony.
20 My name is Michael Filippou. I'm and electric
21 shop steward and I'm here on behalf of my co-
22 workers in Stella D'Oro.

23 And we on August 13 we went out on
24 strike because we had no choice to defend our
25 wages, pension, health benefits and our whole

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2 contract because the company wanted to rewrite the
3 whole contract from the beginning. So. That's
4 why we went on strike. We have no reason
5 otherwise to go out on strike.

6 So we've been on strike for 11
7 months and we all been united for all these
8 months. We went through cold, heat, rains, snow
9 and we be there strong. Finally we win the
10 decision on the Labor Board. And we thought we
11 have a victory but that victory was a bittersweet
12 actually because they tell us in 90 days they're
13 going to close the place.

14 And these people is, this Brynwood
15 Partners is--we think they have no heart actually
16 because on the negotiations on the table when
17 we're negotiating, one of the owners, he was
18 threatening us, I'm going to take my toy and I'm
19 going to leave. That's how they see Stella D'Oro.
20 They see it as a toy. Okay.

21 So that's the people who we have to
22 deal with, Brynwood Partners Group. And we
23 actually like you to help us to give some pressure
24 to them so that Stella D'Oro stay in the Bronx.
25 We don't want the Stella D'Oro to move. It's a

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2 landmark of the Bronx. We've been making those
3 cookies for so many years and we want to stay
4 there. And that's why we're here today to ask you
5 to help us with the Resolution. Thank you very
6 much.

7 CHAIRPERSON NELSON: Well we thank
8 you Mr. Filippou and Mr. Williams. And we offer
9 no pretense as to the power of the Council in this
10 regards other than to support you and fight for
11 you and working with other people like the
12 Comptroller's Office. Something like that could
13 have an impact. And the only think that would
14 impact perhaps the corporate heads is a financial
15 problem. And we're hoping that we can incur this
16 upon them. And we've been also, of course,
17 sitting with us is Elizabeth Crowley, Council
18 Member from Queens. Well thank you very much.
19 Any questions from any of my members? I'm sorry--
20 oh Robert Jackson. Council Member Jackson, RJ.

21 COUNCIL MEMBER JACKSON: Good
22 morning.

23 MR. WILLIAMS: Good morning.

24 MR. FILIPPOU: Good morning.

25 COUNCIL MEMBER JACKSON: First let

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2 me thank you as representatives of the workers in
3 coming forward and giving testimony on this
4 Resolution of the City Council that we're
5 considering. And let me just say that you are
6 heroes, not only for yourselves for standing up
7 but for your families and for all workers of the
8 Stella D'Oro factory, all workers in New York City
9 and all workers throughout the entire world.

10 MR. WILLIAMS: Thank you very much.

11 COUNCIL MEMBER JACKSON: Because
12 what you have fought and basically won even though
13 we don't know the final outcome, but you have won,
14 because you have stood up and said no to greed.
15 Corporate greed.

16 MR. WILLIAMS: Yes.

17 COUNCIL MEMBER JACKSON: Individual
18 greed. As you know, as my colleague Oliver
19 Koppell had indicated, the Stella D'Oro factory
20 has been around for decades. And in fact I was
21 born and raised in New York a couple of decades
22 ago and I remember constantly smelling the good
23 smell at all times of day. And knowing that the
24 family sold the business and then it was
25 subsequently sold, but it's not only in this

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2 particular industry but it's in a lot of other
3 industries where corporate greed has basically
4 destroyed this country. Where the country as a
5 whole has to bail out corporations because of
6 greed. And the prime example is when the
7 corporate execs when to Washington D.C. with their
8 hands out flying in on a private jet and
9 limousines. The nerve of them. So I wanted to
10 say that because it's not like there's a family
11 that owns this. It's not like that they're in
12 bankruptcy and the fact that they don't have any
13 money. This, my understanding is, that what's the
14 name of the owner?

15 MR. WILLIAMS: Brynwood Partners--

16 COUNCIL MEMBER JACKSON:

17 [Interposing] Huh?

18 MR. FILIPPOU: Brynwood.

19 MR. WILLIAMS: Brynwood Partners.

20 MR. FILIPPOU: Brynwood Partners

21 Group.

22 COUNCIL MEMBER JACKSON: Brentwood?

23 MR. FILIPPOU: Partners Group.

24 COUNCIL MEMBER JACKSON: Partners

25 Group? My understanding, that's a private equity

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firm--

MR. FILIPPOU: [Interposing] Um-
hum.

MR. WILLIAMS: Yes it is.

COUNCIL MEMBER JACKSON: And that they're not in business in order to make sure that the good quality biscuits and cookies and things that you bake remain in place. They don't care about the fact that millions of consumers around the world for decades have enjoyed the goods that you and your co-workers bake. Their only concern is about profit.

MR. WILLIAMS: Yep.

COUNCIL MEMBER JACKSON: Big, fat, or skinny or tall or short, but greedy individuals that don't really care about you. They don't care about you. Don't care about me. All they care about is the old green dollar bill.

MR. WILLIAMS: Exactly.

MR. FILIPPOU: Yes. Absolutely.

COUNCIL MEMBER JACKSON: And somebody needs to shout out and tell them shame on you. Shame on you. And this Resolution that will be voted on by this Committee and subsequently

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2 vote on by the City Council tomorrow is a clear
3 indication that this City Council, the City
4 Council of New York, stands with you and the
5 workers and your colleagues in putting forward a
6 Resolution supporting you. So we applaud you for
7 standing up 'cause, you know, as you said during
8 the 10 month or 11 month strike, over
9 approximately 130 employees, not 1--

10 MR. WILLIAMS: [Interposing]
11 Crossed the line.

12 COUNCIL MEMBER JACKSON: Not 1
13 crossed the picket line.

14 MR. WILLIAMS: Yes.

15 COUNCIL MEMBER JACKSON: And even
16 though you lived off whatever little monies that
17 you had 'cause it's not like you were making
18 \$200,000 a year or making \$1.5 million or making
19 \$5 million a year. I assume that the average
20 worker was only earning enough, just to get by,
21 just to pay your rent or pay your mortgage and may
22 even have to have a second job to do that.

23 MR. WILLIAMS: He is correct.

24 COUNCIL MEMBER JACKSON: So we
25 support you. And yes, I was screaming out

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2 corporate greed because someone needs to scream
3 that out. And yes I was saying that they are
4 greedy. And no matter if they're fat, skinny,
5 tall or short, black or white or yellow green,
6 corporate greed is corporate greed. And in my
7 opinion they're like rats. You need to get rid of
8 them. Because basically it's destroyed the
9 country. It destroyed the world. But we support
10 you. And I just say congratulations to you for
11 coming and representing yourself and your workers.
12 And I as a member of this City Council, as someone
13 who signed onto the Resolution, I will be speaking
14 out tomorrow on the floor of the City Council in
15 support of what you have done and also in
16 opposition to corporate greed. So thank you very
17 much.

18 MR. WILLIAMS: Thank you.

19 [Applause]

20 MR. FILIPPOU: Thank you.

21 CHAIRPERSON NELSON: Thank you
22 Council Member Jackson. It's in today's Post by
23 the way; I was reading it this morning in the
24 business section. I don't know if you guys have
25 seen this. The equity part of it. I'm going to--

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2 well I have a question but I'm going to turn it
3 over to Melissa Mark-Viverito. Council Member?

4 COUNCIL MEMBER MARK-VIVERITO:

5 Thank you. Thank you Mr. Chair and obviously I
6 want to thank my colleague Robert Jackson for his
7 impassioned words which I think really speaks on
8 behalf of this Committee and this Council with
9 regards to the support, you know, for the workers
10 and for what you represent. And it is really my
11 hope and my expectation that with this new
12 Administration that we're going to have a much
13 stronger National Labor Relations Board. That
14 we're going to have an Administration that is much
15 more willing to stand up and be strong for union
16 workers in this country.

17 We've seen the erosion of unions
18 and worker's rights over the past eight years
19 under the Bush Administration. And it really is
20 time for us to retake and reclaim our country.
21 That we understand very strongly in this Committee
22 and I do as well that union jobs are quality jobs,
23 are living wage jobs, provide benefits and
24 stability to families, to neighborhoods, to
25 communities, to cities across this country and

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2 have done so for many years. So it really is
3 important what you represent as workers, what you
4 have withstood, that you have been united, that
5 the National Labor Relations Board and hopefully
6 the injunction will be upheld but that you have--
7 it has found that this company has been egregious
8 and has really--represents what we don't want to
9 see happen in this country.

10 And the fact that they could sit
11 and deny, you know, access to resources and access
12 to the books and, you know, access to information
13 that will, I'm sure if they made it available to
14 you it would definitely demonstrate that they
15 probably were not correct, that they were
16 overstating their losses most probably.

17 But I really want to commend the
18 work that you have done and the standing up of the
19 workers and the union representing you. I think
20 it's a really important measure and that we,
21 again, stand strong as a City Council in standing
22 up for you and that again my hope is that you will
23 continue to see these kind of actions across the
24 country and that we're going to hopefully see the
25 rebuilding of quality jobs throughout this

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2 country.

3 So thank you very much for that and
4 again I want to thank Robert Jackson for his
5 impassioned words. Thank you Mr. Chair.

6 CHAIRPERSON NELSON: You're very
7 welcome Council Member. Now the National Labor
8 Review Board ordered Brynwood Partners to pay back
9 wages. Could you explain what happened? Was it
10 paid or if not, how much was paid or not paid?

11 MR. WILLIAMS: Okay they had
12 ordered them to pay the back pay for what we did
13 in May, we had sent the copy of the letter stating
14 that we were willing to come back to work based on
15 your old contract and to re-come up with a
16 contract. And they refused to let the workers
17 come back. So from that point on, they have to
18 pay back all the back pay from that, you know,
19 from all the wages from May all the up until what
20 was it July when they first brought them back in.
21 So they have to pay back all the wages from then.
22 They're not going back from the beginning but they
23 just going back from the time that we had put in
24 the request that we will come back to work and
25 they refused to bring them back.

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2 CHAIRPERSON NELSON: How are you
3 making ends meet right now? Is?

4 MR. WILLIAMS: It's really rough.
5 Most of the people--right now they're back to work
6 now but before then, we had a lot of people who
7 was falling behind in their mortgage and
8 everything but what we did was we had, we took up
9 a strike fund and with the strike fund we've been
10 helping out, you know, like helping out with the,
11 helping the members with, you know, making ends
12 meet, you know. Some of the, wives and husbands
13 work at the same place so therefore you had two at
14 one shot. You know, some places you had maybe the
15 husband might work there but someone else, but the
16 wife works somewhere else so it balanced off.

17 The biggest thing was the health
18 coverage because throughout the whole ten month
19 there was no health coverage at all, you know, so
20 that was the main thing that was going on.
21 Fortunately we had a lot of support with the
22 community and everything and they even had a
23 health clinic that was willing to give them health
24 coverage free of charge while they's on strike.
25 So that was very good, you know.

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2 Also I'd like to thank, you know,
3 Oliver Koppell and, you know, all the Councilmen
4 and everybody on, you know, the City 'cause
5 they've really been very strong with us. We had
6 rallies. They showed up. They supported us very
7 well. And, you know, we would like to say that we
8 really appreciate all the help 'cause we strongly
9 believe that once the company has started seeing
10 that we did have support and we wasn't going to
11 just walk away from it, it made it much better to
12 deal with. And I believe that the membership felt
13 much better about it and that's why we didn't have
14 not one person cross the line because they really
15 believed in the system.

16 They believed in the union. And
17 they believed in each other that this was the only
18 way that you could survive because what we tried
19 to explain to people, if they do it to them, the
20 only thing they're going to do is just start a
21 chain reaction and go from one to another. So we
22 even had unions that backed, backing us up,
23 strongly, because they understand that it's our
24 fight today but tomorrow it'll be they fight. So
25 everybody have been very strong and supportive of

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2 us. And we really appreciate all the help that we
3 have.

4 CHAIRPERSON NELSON: Well the
5 comments of you two gentlemen has been very
6 uplifting and encouraging and inspiring I think.
7 And especially some of the help you've gotten here
8 and there, like that clinic. This is what it's
9 supposed to be about. And I'm glad it was able to
10 be accomplished. 'Cause I, even for selfish
11 reasons I want to see you there, I like my
12 breakfast treats and my anisette toast.

13 MR. WILLIAMS: [Laughing]

14 CHAIRPERSON NELSON: And it'd be a
15 sad day--

16 MR. FILIPPOU: [Interposing] Yeah.

17 MR. WILLIAMS: [Interposing] Yeah.

18 CHAIRPERSON NELSON: --if we
19 couldn't get that in this City and the environs
20 all over the place. Any other questions from
21 anybody? We want to thank you two gentlemen.
22 We're very glad that you were here to testify. It
23 was very, very interesting and hopeful. And we
24 thank you.

25 MR. FILIPPOU: Thank you very much.

2 MR. WILLIAMS: Thank you. Once
3 again we would like to say thank you on behalf of
4 the Stella D'Oro members and also the President of
5 Local 50, Joyce Alston and myself Calvin Williams.
6 Thank you very much for the time.

7 CHAIRPERSON NELSON: You're very
8 welcome. You're very good spokesmen,
9 spokespeople. Thank you very much.

10 MR. WILLIAMS: Thank you.

11 CHAIRPERSON NELSON: Is Billy here?
12 Oh there's Billy. All right. Would you please
13 call the roll for the vote?

14 MR. WILLIAM MARTIN: William
15 Martin, Committee Clerk. Roll call on the
16 Committee on Civil Service and Labor. Council
17 Member Nelson.

18 CHAIRPERSON NELSON: Aye.

19 MR. MARTIN: Gennaro.

20 COUNCIL MEMBER GENNARO: Mr.
21 Chairman I just wondered if this is a coupled vote
22 for the residency and also for the Stella D'Oro?
23 Is it?

24 CHAIRPERSON NELSON: Would that be
25 okay? Terrific. Sure. Sure.

COUNCIL MEMBER GENNARO: Okay. I just, I didn't know. I didn't know if we were voting for both of them--

CHAIRPERSON NELSON: [Interposing] Voting on both of them.

COUNCIL MEMBER GENNARO: Okay.

CHAIRPERSON NELSON: We have to do the roll again for the next one, right? All right. [Talking off mic]

COUNCIL MEMBER GENNARO: Happy to do them separately. I just didn't know.

CHAIRPERSON NELSON: You want to do the - - first? [Off mic]

COUNCIL MEMBER GENNARO: What's that?

CHAIRPERSON NELSON: And then the Stella D'Oro Reso? Oh I'm sorry. Okay. The first vote will be for the residency requirements. I'm sorry. And then it would be the Resolution on Stella D'Oro. Intro, right, Intro 992-A, I believe. Yes. I'm sorry. And could the Council Members vote, couldn't he vote for both of them on - - [Off mic] could he?

[Pause]

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2 CHAIRPERSON NELSON: --but you're
3 legally--okay. And we'll come right back to the
4 other one so you can do it. Okay. Okay. We'll
5 start again for 992-A. Intro. The veto message.

6 MR. MARTIN: We accept and file the
7 Mayor' veto message of Introduction 992-A and
8 1466, Council Member Nelson.

9 CHAIRPERSON NELSON: Aye.

10 MR. MARTIN: Gennaro.

11 COUNCIL MEMBER GENNARO: Yes.

12 MR. MARTIN: Seabrook.

13 COUNCIL MEMBER SEABROOK: To
14 explain my vote?

15 CHAIRPERSON NELSON: Yes.

16 COUNCIL MEMBER SEABROOK: Yes I
17 would hope that this override will be done with a
18 sense of urgency because for too long we've lived
19 with this problem that people who have the monies
20 to pay and live where they want to live and work
21 in this City should have that opportunity. So I
22 would urge an overwhelming yes vote so that we can
23 send a message that equality exists in this City
24 for all workers who can pay wherever they want to
25 live as long as they do an honest day's work. I

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vote aye.

MR. MARTIN: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: I

vote aye.

[Pause]

MR. MARTIN: By a vote of 4 in the affirmative, 0 in the negative, and no abstentions, the Mayor's veto message is accepted and filed.

CHAIRPERSON NELSON: Now we take a vote on Intro 992-A.

MR. MARTIN: Council Member Nelson.

CHAIRPERSON NELSON: Oh did you call Robert Jackson? Oh wait.

[Pause]

COUNCIL MEMBER JACKSON: Thank you Mr. Chair. Good morning everyone. On the issue of Intro 992-A which is a residency bill, let me just say that this bill in my opinion based on everything that I know is a cleanup bill to the initial bill that we passed on the residency. Obviously is has eliminated an aspect in there so that it doesn't matter who you are, if you are a City employee and you have served two years of

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2 service, of residency rather within the City of
3 New York, you have a right to move anywhere within
4 the six counties that are included in the law,
5 Nassau, Suffolk, Westchester, Rockland, Orange and
6 Putnam County.

7 And obviously this is a good
8 cleanup bill. And what I don't understand is
9 going back. I don't understand why the Mayor
10 vetoed the first bill. And knowing that we
11 overrode that veto why would the Mayor be
12 insistent on vetoing this bill knowing that it's a
13 cleanup bill, knowing that the Council was adamant
14 to correct the situation for a couple of other
15 thousand employees that was left out. Knowing
16 that we're going to--we passed it in the City
17 Council, knowing that we were going to override a
18 veto if in fact he vetoed it and which he did.

19 So as a member of this City Council
20 and as a prime sponsor of the previous
21 legislation, I just don't understand the logic and
22 reasoning of the Mayor to veto this knowing that
23 we were going to override the veto. It just
24 doesn't make any common sense to me. Maybe, maybe
25 common sense doesn't rule in this City. So I say

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2 to my colleagues, especially on this Committee,
3 and I will speak on it on the floor tomorrow, that
4 this is an important bill for the people that were
5 left out.

6 And if we are about a City of
7 inclusion then you need to include everyone. And
8 this bill that includes everyone who becomes a
9 City employee that were in a covered title that
10 residency is mandatory, that residency will be
11 mandatory for two years of employment and
12 subsequently they can move to any one of the six
13 counties they so desire. So with that I urge my
14 colleagues to vote yes and to override the Mayor's
15 veto. Thank you.

16 CHAIRPERSON NELSON: Thank you
17 Council Member Jackson. Now to be crystal clear
18 this bill will re-pass the Intro 992-A as well as
19 override the Mayoral veto. This is--gets
20 sometimes a little convoluted. But if fairness
21 plays any role in life and legislation, 992-A
22 should pass and it will of course.

23 [Pause]

24 CHAIRPERSON NELSON: Right. So
25 shall the Committee pass the Intro notwithstanding

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the Mayor's veto? Okay.

MR. MARTIN: Council Member Nelson.

CHAIRPERSON NELSON: Aye.

MR. MARTIN: Gennaro.

COUNCIL MEMBER GENNARO: I vote
yes.

MR. MARTIN: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: I
vote aye.

[Pause]

CHAIRPERSON NELSON: Council Member
Seabrook has a vote going on at the same time in
two different rooms. So thank you for bearing
with us.

MR. MARTIN: Council Member
Seabrook.

COUNCIL MEMBER SEABROOK: I vote
aye.

CHAIRPERSON NELSON: Now we will
vote to adopt the Preconsidered Resolution.

MR. MARTIN: Council Member Nelson.

CHAIRPERSON NELSON: Aye.

MR. MARTIN: Gennaro.

COUNCIL MEMBER GENNARO: I proudly

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vote yes.

MR. MARTIN: Seabrook.

COUNCIL MEMBER SEABROOK:

Enthusiastically, yes.

MR. MARTIN: Mark-Viverito.

COUNCIL MEMBER MARK-VIVERITO: I

vote aye.

MR. MARTIN: By a vote of 4 in the affirmative, 0 in the negative, and no abstentions, all items have been adopted. Council Members, please sign the Committee report.

CHAIRPERSON NELSON: So we have to be very careful that everything is done legally. Otherwise we'd have to come back here and do it right the second time. Oh sure. Thank you very much Council Member for being here. Any other business? Okay. Having no other business before us, the Committee on Civil Service and Labor is convened. Thank you very much for being here.

[Gavel banging]

CHAIRPERSON NELSON: Thank you Sir.

[Off mic unrelated conversation]

[END 1002]

C E R T I F I C A T E

I, Laura L. Springate certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

A handwritten signature in cursive script that reads "Laura L. Springate". The signature is written in black ink on a light-colored background.

Signature _____ Laura L. Springate _____

Date _____ August 14, 2009 _____