

1
2 COUNCIL OF THE CITY OF PHILADELPHIA
3 PUBLIC HEARING
4 COMMITTEE OF THE WHOLE
5 - - -
6 Room 401, City Hall
7 Philadelphia, Pennsylvania
8 Thursday, June 18, 1998
9 8:45 p.m.
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13 RESOLUTION 980481 - A Resolution appointing Richard
14 Voith to the Board of Directors of the Southeastern
15 Pennsylvania Transportation Authority.
16 RESOLUTION 980482 - A Resolution appointing Ms.
17 Jettie Newkirk to the Board of Directors of the
18 Southeastern Pennsylvania Transportation Authority.
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22 PRESENT:
23 COUNCIL PRESIDENT JOHN F. STREET, Chairman
24 COUNCILWOMAN ANNA C. VERNA, Vice Chair
25 COUNCILWOMAN JANNIE L. BLACKWELL
COUNCILWOMAN AUGUSTA A. CLARK
COUNCILMAN DAVID COHEN
COUNCILMAN FRANK DI CICCIO
COUNCILWOMAN HAPPY FERNANDEZ
COUNCILMAN JAMES F. KENNEY
COUNCILWOMAN JOAN L. KRAJEWSKI
COUNCILMAN W. THACHER LONGSTRETH
COUNCILMAN RICHARD T. MARIANO
COUNCILWOMAN DONNA REED MILLER
COUNCILMAN MICHAEL A. NUTTER
COUNCILMAN ANGEL L. ORTIZ
COUNCILMAN FRANK RIZZO
COUNCILWOMAN MARIAN B. TASCO
- - -
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2 COUNCIL PRESIDENT STREET: Good morning
3 Ladies and Gentlemen, this is a recessed hearing of
4 the Council Committee of the Whole. We have two
5 resolutions in front of us, Resolution No. 980482
6 and resolution 980481.

7 The record should reflect that the Mr.
8 Richard Voith and Ms. Jettie Newkirk are both in the
9 chambers and ready to proceed with this hearing. We
10 don't yet have a quorum, and we obviously cannot
11 start this hearing without a quorum. I am asking
12 that all Councilmembers please come to the Council
13 chamber as quickly as possible. I'm beginning to
14 feel lonely down here. Please, Councilmembers, come
15 to the chamber. Thank you very much.

16 - - -

17 COUNCIL PRESIDENT STREET: This is a
18 recessed hearing of the Council Committee of the
19 Whole. We will now take testimony on resolution
20 980481, which is a resolution appointing Richard
21 Voith to the Board of Directors of Southeastern
22 Pennsylvania Transportation Authority, and
23 Resolution No. 980482.

24 Will these two representatives please
25 come to the witness stand?

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2 Please identify yourselves for the
3 record.

4 MS. JETTIE NEWKIRK: Jettie D. Newkirk.

5 MR. RICHARD VOITH: Richard Voith.

6 COUNCIL PRESIDENT STREET: Thank you
7 very much.

8 Does any member of Council have any
9 questions of these nominees?

10 The Chair recognizes Councilman Cohen.

11 COUNCILMAN COHEN: We're very glad to
12 see the two Philadelphia representatives on the
13 SEPTA Board here this morning. Obviously, everyone
14 is very much concerned about the situation as it
15 exists today, and I think there are many people who
16 would like to know what the view is of the two
17 Philadelphia representatives and what you can do to
18 help bring about a fair settlement of the dispute
19 because we think you're the City's representatives
20 and there are thousands of workers for SEPTA who
21 live in Philadelphia and there are hundreds of
22 thousands who are suffering throughout this period.
23 Therefore, I think it is important that the people
24 of Philadelphia know what the Philadelphia
25 representatives are doing. We understand that you

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2 have a difficult problem with the representation on

3 the Board, but we'd like to hear from you on that.

4 And then you know that Council has taken a number of

5 positions and we'd like to hear your views on that.

6 You know that this City Council has supported the

7 demand for arbitration of the dispute, that the City

8 Council passed a resolution to that effect. I

9 think it was unanimously or nearly unanimously, if

10 not unanimously. That the City Council passed again

11 unanimously or nearly so, a statement of its

12 position that the Frankford L and the Broad Street

13 subway should not be operated by personnel other

14 than the regular assigned personnel when there is no

15 work stoppage. We'd like your views on that. And

16 we'd like, ultimately, your view, I think, on what

17 you feel you can do to bring about the kind of fair

18 settlement that City Council has been struggling to

19 get.

20 You know tomorrow we're considering a

21 resolution in City Council to go to court, to do

22 everything we can, and we think you both owe a duty

23 to all of the people of Philadelphia to make your

24 views plain and we'll go from there.

25 Thank you, Mr. President.

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2 MR. VOITH: Councilman Cohen, I
3 certainly share all of your concerns, and my goal at
4 the end of the day here is to have a settlement
5 that's fair to our employees that can assure that we
6 can deliver high quality service --

7 COUNCIL PRESIDENT STREET: Sir, I need
8 you to speak just a little louder and a little
9 closer to the microphone.

10 MR. VOITH: Is this good?

11 COUNCIL PRESIDENT STREET: That's much
12 better.

13 MR. VOITH: Okay. I'll start again. My
14 goal in this is to have a settlement that is fair to
15 our workers and that will allow the Authority to
16 provide better quality service and to maintain fares
17 at the levels that we have now, or better. That's
18 the end desire of my goals with respect to the
19 contract.

20 COUNCILMAN COHEN: Could I ask that he
21 speak very directly in the microphone? I'm having
22 great trouble -- I just have to concentrate to be
23 able to hear your words.

24 MR. VOITH: Okay. Is this better,
25 Councilman?

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2 COUNCILMAN COHEN: That's much better.

3 MR. VOITH: Okay. I will endeavor to do
4 that.

5 So my desire is to get a contract that's
6 fair to the workers because they are the body and
7 soul of the Authority, they deliver the service, and
8 one that we can actually deliver high quality
9 service and keep fares or improve our fare levels
10 from where they are now. So, that's my goal.

11 With respect to -- to be direct about
12 the other issues, I think I do not support
13 arbitration because I'm not sure that we can come
14 out with a contract that will ultimately allow us to
15 operate the Authority at the service levels we do
16 now.

17 COUNCILMAN COHEN: Could repeat that?
18 Again, I'm having great trouble understanding what
19 it is you're saying. I'm even having trouble
20 understanding the words that you're using.

21 MR. VOITH: Okay. With respect to
22 arbitration, binding arbitration, I'm not in favor
23 of that. I believe that it will not necessarily
24 assure us that we will have the ability to maintain
25 our fare levels or our service levels given the

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2 outcome. So, I'm not in favor of that. And I guess
3 I also believe that it is the responsibility of the
4 involved parties to actually come to an agreement at
5 the bargaining table. That's basically where I
6 stand in regard to arbitration.

7 With respect to what I'm personally
8 doing in terms of contract negotiations, basically I
9 am personally outside of negotiations. I'm not
10 involved in them at all.

11 COUNCILMAN COHEN: Personally, you what?

12 MR. VOITH: I am not involved and I am
13 outside of the negotiations. Of course, I'm in
14 contact, but I am not directly involved in the
15 negotiations, nor do I think that's a position that
16 I could be really very helpful in.

17 COUNCILMAN COHEN: Do you have any
18 position with respect to the operation of the
19 Frankford L and the subway by people who are not the
20 regular people who operate those two lines?

21 MR. VOITH: Up until this point, I have
22 not supported operating the lines. They are not
23 operating, and I thought that it was potentially and
24 unnecessarily too inflammatory to the negotiating
25 process. However, at some point, there are a lot of

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2 people that could be helped out in terms of getting
3 to where they need to go if those lines were
4 operated. In the future, perhaps we consider that,
5 but its not my desire to use this as a bludgeon a
6 wedge to force the issue one way or the other. The
7 question just becomes at the end, at some point, do
8 we need to provide service to people who have no
9 other means to get to work.

10 COUNCILMAN COHEN: Could you tell us
11 what you see your responsibility as the Philadelphia
12 representative on the Board? How do you see that
13 position of yours?

14 MR. VOITH: Well, clearly as a
15 Philadelphia representative and one of only two, we
16 are the people who -- our constituents bear the
17 brunt of the cost of this work stoppage more than
18 anyone else on the Board. And in that -- because of
19 that's the case, I think that both myself and Ms.
20 Newkirk are incredibly sensitive to the
21 inconveniences. And that's a term that's way too
22 light for many of our riders that are confronted by
23 our inability to negotiate a settlement. And I see
24 my role, as a person that tries to keep the focus on
25 the fact that we need a fair settlement because the

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2 costs in terms of the riding public in Philadelphia
3 and the citizens of all of Philadelphia are
4 extremely high, and I try to keep that in the
5 forefront of my colleagues.

6 At the end of the day, however, we need
7 a contract that is going to not only solve our
8 short-term problem, but some of our longer-term
9 problems in terms of being able to operate a system
10 that is going to be viable and improving over time
11 and also affordable for our riders.

12 COUNCILMAN COHEN: Could you tell me how
13 your view differs in any way at all from SEPTA
14 management or from the overwhelming number of the
15 suburban members of the Board? I'm trying to find
16 out why you're the Philadelphia representatives,
17 because so far, I've heard from your mouth the same
18 words we hear from David L. Cohen.

19 (Applause.)

20 MR. VOITH: There is a lot of agreement
21 about what is in the best and long-term interests of
22 providing public transit service to the citizens of
23 Philadelphia within the Board. And I'll let it go
24 at that.

25 COUNCILMAN COHEN: Well, Mr. President,

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2 may I suggest this? With your approval, I'd like to
3 have Ms. Newkirk also address those questions and
4 then so that they each have full opportunity to make
5 their statements. And then I see there are other
6 lights flashing, there are other folks that --

7 COUNCIL PRESIDENT STREET: Councilwoman
8 Clark's light is on. She's really actually entitled
9 to be next.

10 Councilwoman, the request has been made
11 for Ms. Newkirk to give a similar response. And
12 Could we move to you then?

13 COUNCILWOMAN CLARK: I think that's a
14 fair way to do it, and I do not object to it.

15 COUNCIL PRESIDENT STREET: The Chair
16 recognizes Ms. Newkirk.

17 MS. NEWKIRK: Good morning, Council
18 President and to members of Council, and I thank you
19 for this opportunity. Let me state that, first of
20 all, I feel my obligation on the SEPTA Board and --

21 COUNCIL PRESIDENT STREET: Could you
22 speak up a little louder in the microphone? This is
23 the volume that you need in order to be able to be
24 heard in the chamber.

25 MS. NEWKIRK: Very good. Is that

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2 better?
3 COUNCIL PRESIDENT STREET: A little.
4 MS. NEWKIRK: Okay. Is that better?
5 COUNCIL PRESIDENT STREET: This is the
6 volume that you need to be operating, right here.
7 MS. NEWKIRK: Council President, let me
8 say thank you for this opportunity.
9 COUNCIL PRESIDENT STREET: It's too
10 loud.
11 MS. NEWKIRK: Too loud?
12 COUNCIL PRESIDENT STREET: Just kidding.
13 MS. NEWKIRK: A relaxing moment.
14 Let me state that I feel that my
15 responsibility on the Board in terms of representing
16 the citizens of Philadelphia is to see to it that we
17 have an efficient, well-managed, seriously operated
18 transportation Authority. That means that both
19 management and workers must be responsive to the
20 needs of the community. People need transportation.
21 I live in the intercity, and it is right now those
22 people who are not getting basic transportation. I
23 feel that very strongly. So I consider myself as
24 someone who represents all of these people, as well
25 as the Council and the City and the Mayor.

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2 Having said that, there are also things
3 that come as a result of a fiduciary responsibility
4 for being a Board member. And that means that we
5 have to balance those interests in terms of what is
6 going to keep this system going and make it
7 well-managed so that we can deliver transportation.

8 I participated in the search that
9 brought Jack Leary in here as a new general manager.
10 I have participated in the formulation of the
11 five-year plan, and that was one of the reasons we
12 sought new management, so that we could stop going
13 from crisis to crisis in operating this transit
14 system.

15 I'm sure Council remembers far longer
16 than I the many times the SEPTA management came into
17 Council and asked for more money, and more money,
18 and more money; and you got less service as a result
19 of that more money. What we are trying to do now is
20 to stop that.

21 Having said all of that, in terms of my
22 position on the binding arbitration, I discussed
23 that with the Council President and I'm committed,
24 as I stated to the Council President and to Mr.
25 Brookins, that I would take that resolution back to

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2 the Board and that I would vote for it. I am
3 committed to that with the conditions that have been
4 outlined by Council.

5 As to my position on the running of the
6 L and the Broad Street Subway, I was in favor of
7 doing it. My mind, however, has been dissuaded for
8 two reasons. One, because I see that the Union sees
9 that as an attempt to break the Union. My thoughts
10 had nothing to do with attempting to break the
11 Union. It was my idea that for the inner city areas
12 that are not receiving any service right now,
13 running the L and running the Broad Street Subway
14 would help to resolve that problem. In view of the
15 fact, however, that the Union sees it as a strike
16 breaking issue, I have backed off on that position.

17 Secondly, it occurred to me after the
18 disturbances on regional rail that it might not be
19 safe, not because the managers could not operate it
20 safely, because many of those managers operated the
21 system before they become managers, but because we
22 could not control the public in terms of vandalism
23 -- and that's not saying the union might do it, but
24 we don't control the larger public at large. They
25 may be friends of Unions or whoever who might

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2 sabotage the system. So I have backed off on that
3 position and have communicated that to the general
4 manager.

5 As to the issue of -- what else
6 Councilman?

7 COUNCILMAN COHEN: Well, you've
8 explained your general role and you explained your
9 position on two things. May I ask you, when you
10 talk in terms of rendering service and having an
11 efficient system, are you aware of the fact that it
12 is the union's position that whatever their position
13 is will not in any way hurt SEPTA financially, but
14 will, in fact, produce some additional savings? Are
15 you familiar with that?

16 MS. NEWKIRK: I am aware that that is
17 their position, Councilman, but I am not on the
18 negotiating team and nor am I at the negotiating
19 table. That's why we hire and put people at the
20 negotiating table. I do not believe that it is the
21 role of Board members to negotiate a contract. We
22 have to approve the contract. So I am not a
23 negotiator and I am not participating in the
24 negotiations. What I am doing on various talk shows
25 that I have had access to, is trying to make sure

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2 that union members as well as the public understand
3 both sides of the issues on a factual, not
4 hyperbole, basis.

5 COUNCILMAN COHEN: I understand Mr.
6 Voith is not involved in negotiations directly
7 either; is that right?

8 MR. VOITH: That's correct.

9 MS. NEWKIRK: That's correct.

10 COUNCILMAN COHEN: So we have a
11 situation where Philadelphia residents are being
12 very much inconvenienced, where workers and their
13 families are suffering. I understand, for example,
14 that SEPTA cut off health benefits the day the work
15 stoppage began.

16 Now, did you and Mr. Voith express a
17 differing opinion and state at the SEPTA Board that
18 the workers and their families are entitled even
19 when their on strike, fighting for their jobs,
20 fighting for the families, shouldn't they be
21 entitled to health insurance?

22 (Applause.)

23 MS. NEWKIRK: Councilman Cohen, the
24 conditions under which strikers operate are not set
25 me, they are not set by SEPTA, they are universal.

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2 And when workers go on strike, they know what those
3 conditions are going to be, and I do not have the
4 power to change those.

5 COUNCILMAN COHEN: Ms. Newkirk, first, I
6 respectfully disagree with your statement. There
7 are many strike situations in which management goes
8 out of its way to make sure that the workers, while
9 on strike, that they and their families get the
10 necessary medical care so that all of the health
11 benefits are continued. But there will be more
12 discussion, I'm sure, on that.

13 But let me ask you, isn't it a strange
14 thing Philadelphia workers are out on strike, they
15 and their families are suffering, hundreds of
16 thousands of Philadelphians are inconvenienced, yet
17 the two Philadelphia members of the Board are
18 excluded from the direct negotiations so that you
19 don't have your own direct information?

20 MS. NEWKIRK: Councilman, there are no
21 Board members at the negotiating table. None.

22 COUNCILMAN COHEN: Well, don't you think
23 there's a special responsibility since -- we can't
24 ask the Suburban, their constituents are not being
25 inconvenienced, they have no responsibility to

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2 Philadelphia. But don't we have a right to expect
3 our Philadelphia representatives on the Board to
4 take a leadership role and finding a fair solution
5 that takes care of the needs of two main groups, the
6 riding public and the workers, and the third group,
7 SEPTA? Because that's what we're all trying to do,
8 get something that's fair for everybody. And I'm
9 just asking about the two Philadelphia
10 representatives.

11 MS. NEWKIRK: Councilman, you're setting
12 that scenario as if the management employees are not
13 residents, citizens, and workers. They are. They
14 also pay taxes. So all of the people involved here,
15 or many of the people are citizens of Philadelphia
16 and have a stake in all of this. None of the Board
17 members are part of the negotiating team.

18 COUNCIL PRESIDENT STREET: Councilman
19 Cohen, I would like to now recognize Councilwoman
20 Clark. Thank you.

21 COUNCILWOMAN CLARK: Thank you, Mr.
22 President.

23 COUNCIL PRESIDENT STREET: Councilwoman
24 Clark, I need you to do better with the microphone.
25 Much louder.

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2 COUNCILWOMAN CLARK: Thank you very
3 much. I will state my questions for both of the
4 candidates for reappointment.

5 What is your position today with respect
6 to binding arbitration as a way to shorten the labor
7 stoppage?

8 MS. NEWKIRK: My position, Councillady,
9 is that when it comes to the Board for a vote, that
10 I will vote for it.

11 MR. VOITH: Councilwoman, my position is
12 not that. My position is that I am not in favor of
13 binding arbitration to resolve this conflict. I
14 think it needs to be resolved by negotiations
15 between both parties.

16 COUNCILWOMAN CLARK: Okay. Is this a
17 retained position for each of you? Is your position
18 new? Is your position new? Help us.

19 MS. NEWKIRK: Neither position I would
20 say, Councillady, is new.

21 MR. VOITH: That's correct.

22 COUNCILWOMAN CLARK: With respect to the
23 various scenarios that may be posed for you, have
24 you been willing to hear and discuss many scenarios
25 including efforts to avoid, avert, and shorten the

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2 work stoppage? Are you willing to hear a whole
3 range of proposed solutions?

4 MR. VOITH: Absolutely.

5 MS. NEWKIRK: Yes, Councillady.

6 MR. VOITH: From a Board member's point
7 of view, absolutely willing to hear and propose
8 solutions that will accomplish the goals that we're
9 looking for.

10 COUNCILWOMAN CLARK: But do you listen
11 for confirmation of your present view, or are you
12 open to being persuaded by new facts?

13 MR. VOITH: Always open to be persuaded
14 by new facts as long as we can deliver high quality
15 service with the fair levels that we have going into
16 the future. That's the goal. And, of course,
17 safely. That's the goal of the contract. Also,
18 fair to the workers. That's the goal of the
19 contract from my point of view.

20 COUNCILWOMAN CLARK: I heard it.

21 MS. NEWKIRK: Yes, Councillady. We
22 have -- I certainly have and still engage in these
23 conversations. I have had these discussions both
24 openly in public on radio station. Councilman Rizzo
25 was cordial enough to let me appear on his program

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2 so that I could listen to these comments and
3 questions. I have talked with workers and I
4 continue to talk to Board members and we, of course,
5 get continual updates from the people who are on the
6 negotiating team. And we also listen to citizens of
7 Philadelphia who have their views about what this
8 strike means and what should be done.

9 COUNCILWOMAN CLARK: Now, as to the
10 question of whether you sit at the negotiating
11 table, what is SEPTA's past practice? Is it the
12 practice for Board members to negotiate contracts?

13 MS. NEWKIRK: It is not.

14 MR. VOITH: The entire period I was --
15 no, it's not. Although, Councilwoman, I'm not sure
16 about prior. I've been on the Board for six years,
17 and I'm not absolutely certain prior to my six years
18 what the story is.

19 COUNCILWOMAN CLARK: You're not
20 negotiators. What say do you have in determining
21 who negotiates your position? And your position is
22 both management and the workers; is that correct?

23 MS. NEWKIRK: That's correct.

24 COUNCILWOMAN CLARK: Is that correct to
25 you, sir?

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2 MR. VOITH: I didn't here the end of
3 question.

4 COUNCILWOMAN CLARK: Do you consider
5 that your representation as a Board member is as a
6 representative of both management and the workers
7 and the riding public? Who do you represent?

8 MR. VOITH: I have a responsibility to
9 the Authority for deals its public role of providing
10 service to the riders. That's how I view my role.
11 I view myself as a person setting policy to
12 accomplish the public purpose goals of the
13 Authority, which is providing public service to our
14 riders.

15 COUNCILWOMAN CLARK: Okay, let me say it
16 another way. Do you see yourself as a
17 representative of management?

18 MR. VOITH: No.

19 COUNCILWOMAN CLARK: It's going to be a
20 yes/no question.

21 MR. VOITH: No, I do not see myself as a
22 representative of management at all.

23 COUNCILWOMAN CLARK: Do you see yourself
24 as a representative of labor?

25 MR. VOITH: No.

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2 COUNCILWOMAN CLARK: Do you see yourself
3 as a representative of people who feed the fare box?

4 MR. VOITH: Yes.

5 COUNCILWOMAN CLARK: Exclusively?

6 MR. VOITH: Not exclusively, because I'm
7 a representative of the people who are feeding the
8 fare box and of the people who fund the Authority,
9 which is the general public.

10 COUNCILWOMAN CLARK: The general public?

11 MR. VOITH: Yes.

12 COUNCILWOMAN CLARK: Of which, if I may
13 use Ms. Newkirk's language, some of them happen to
14 be laborers, some of them happen to be managers;
15 isn't that correct.

16 MR. VOITH: Absolutely.

17 COUNCILWOMAN CLARK: Can you really
18 detail how your representation excludes one and
19 focuses on the other? How would you do that?

20 (Applause.)

21 MR. VOITH: My comment, Councilwoman,
22 was not that -- was to basically note that I am not
23 exclusively representing management or exclusively
24 representing labor, rather I'm representing the
25 larger interest.

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2 COUNCILWOMAN CLARK: Right. And I
3 carefully did not put the term "exclusively" in
4 there, because I said I'm going to ask you a series
5 of questions.

6 Now, if I have cleared up my question,
7 now would you like an opportunity to discuss whether
8 you see as your responsibility to make sure that the
9 playing field is level, that management does not
10 take an undue advantage of labor, that labor does
11 not capriciously interfere with the providing of
12 high quality, dependable public transportation?
13 What's your job? Where are you on that?

14 MR. VOITH: I certainly am not in any --
15 I do not think it's appropriate for me to advocate
16 that management seek an unfair contract from labor.
17 I certainly agree with you on that, in a that
18 position.

19 Let me take a step back, however. As a
20 Board member, management basically reports to the
21 Board. I don't represent them. In many cases, I am
22 an entity that's sort of evaluating what they do,
23 and sometimes favorably and sometimes negatively.
24 This Board replaced the previous management, not
25 necessarily --

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2 COUNCILWOMAN CLARK: Is it fair to say
3 that you're management's boss?

4 MR. VOITH: Absolutely.

5 COUNCILWOMAN CLARK: All right. And in
6 that supervisory role when they do something that
7 you think is exceedingly good, you let them know
8 that, don't you?

9 MR. VOITH: Yes.

10 COUNCILWOMAN CLARK: When they displease
11 you, you have ways of letting them know that?

12 MR. VOITH: Absolutely.

13 COUNCILWOMAN CLARK: Would you put on
14 this record one instance where you have disagreed
15 with a proposed management position?

16 MR. VOITH: Last summer, management
17 proposed a capital budget in which the City of
18 Philadelphia, from my point of view, was
19 shortchanged about 190 million dollars over the
20 five-year horizon of the budget. And I guess,
21 personally, I brought that into a major fight
22 between the City and the suburbs to try to get the
23 terms of that capital budget changed. And I will
24 add they were changed dramatically. There have been
25 -- that is a very large instance in which I've

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2 strongly disagreed with management, and with the
3 help of Ms. Newkirk, we were extremely successful in
4 getting an outcome that's much more favorable to the
5 residents of the City of Philadelphia.

6 COUNCILWOMAN CLARK: Thank you. Ms.
7 Newkirk, do you remember the question and would you
8 like to be heard on it?

9 MS. NEWKIRK: I remember the question.
10 One of the things that stands out in my mind is when
11 I became a member of the Board years ago when we had
12 the prior administration, there were some very
13 extreme service cuts, and both Mr. Voith and I
14 lobbied to get service restored to some areas of
15 West Philadelphia and the City because we thought
16 that they had gone too far in terms of the budget
17 cuts.

18 COUNCILWOMAN CLARK: And those service
19 cuts actually would have impacted labor?

20 MS. NEWKIRK: They impacted everybody.

21 COUNCILWOMAN CLARK: Right. But
22 specifically, my question is, would those service
23 cuts have impacted labor detrimentally?

24 MS. NEWKIRK: Absolutely.

25 COUNCILWOMAN CLARK: What efforts have

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2 you made to keep Council informed of the issues as
3 you are aware of them in this work stoppage? Do you
4 regularly report to the Chair of the Committee or to
5 the President of City Council? How do we know what
6 you are doing, assuming we're not listening to Frank
7 Rizzo on TV or radio?

8 MS. NEWKIRK: I have regularly reported
9 to the Council President and have made sure that our
10 AGM for Community Services, Ms. Frances Jones, has
11 kept Council briefed. I have participated in
12 discussions with Councilmembers who have called me
13 and have been available for any questions that
14 Councilmembers have.

15 COUNCILWOMAN CLARK: Mr. President, I
16 yield back the balance of my time.

17 COUNCIL PRESIDENT STREET: Thank you.
18 The record probably should reflect that when City
19 Council passes this resolution in support of binding
20 arbitrations with the caveats that have been
21 mentioned, Ms. Newkirk was the first one to indicate
22 her support. She was in the Council caucus room, I
23 think Mr. Voith was out of town and unavailable at
24 that time. And she did make a commitment to support
25 that resolution and to vote for it, and I think she

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2 actually did that.

3 At this time, the Chair recognizes
4 Councilman Mariano.

5 COUNCILMAN MARIANO: Thank you, Mr.
6 President. My question is to both the candidates.
7 First, Mr. Voith, I came in a little late when
8 Councilman Cohen was speaking with you, but you've
9 changed your mind, now you would be in favor of
10 scabs operating the L?

11 MR. VOITH: My position has always been
12 that our first order of business is to try to
13 provide service to the customers. Up until this
14 point and actually looking forward, I have not
15 favored operating the L simply because it's viewed
16 as a Union-busting activity, and that's not what I'm
17 interested in at all. And that has been my reason
18 for not wanting to operate the L, in which I'm not
19 wanting to operate the L right now.

20 At some point, we as an Authority have a
21 duty to provide service to people who really may
22 need it. Some of the people are desperate for
23 service. And if the L were ever operated, the only
24 reason to do that would be to provide the service to
25 the Philadelphians who actually are in desperate

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2 need of service. I would not favor using this as a
3 tactic or a weapon in -- the means to force a
4 contract settlement. That's not my interest.

5 COUNCILMAN MARIANO: But you think for
6 the better of the City, this strike goes on six
7 months that it could possibly be something where for
8 the betterment of the people of the City, we might
9 need the L to get people around, therefore, scabs
10 could operate it?

11 MR. VOITH: Councilman, I hope that this
12 thing does not look anything like six months.

13 COUNCILMAN MARIANO: Now, you see, I
14 have to vote for or against you to be a candidate
15 for this Board, so I --

16 COUNCIL PRESIDENT STREET: Mr. Voith, I
17 need you to speak into the microphone much louder.
18 Thank you.

19 COUNCILMAN MARIANO: Excuse me. I have
20 to vote for or against you to be a candidate here so
21 I need to know what your mindset is, your
22 philosophical thought. These are people who would
23 be scabs, management or not. I need to know that.
24 That's very important to me and to the people that I
25 represent. And if you think that eventually it's

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2 going to help the people of Philadelphia, well, let
3 me tell you, a hundred years ago when there was coal
4 mines ruling this state and this country, they
5 thought that nine-year-old boys and girls should be
6 working in a coal mine so they could get coal out
7 for people so they could heat their house. You
8 know, there was a time when ten-year-old girls
9 probably right now somewhere in this world,
10 ten-year-old girls work in factories sewing a
11 hundred dresses for two cents an hour, or making
12 sneakers. They think that's important to get out,
13 too.

14 What's important here is that the people
15 that are represented by Local 234 --and this isn't a
16 commercial for 234, this is a commercial for the
17 people of the City, people I represent and the rest
18 of these Council people represent. We need to know
19 not what you're going to be thinking because you
20 just don't change on something, you're either for
21 scabs or you're against scabs, so you're either with
22 them or against them.

23 (Applause.)

24 MR. VOITH: I'm neither for scabs nor
25 against scabs. I have not supported operating -- I

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2 don't call anyone who works a scab. I apologize for
3 that.

4 COUNCILMAN MARIANO: Well, let me tell
5 you, I can do that. Anybody that operates an L
6 that's not a member of Local 234 is a scab. Even if
7 Mr. Leary does it himself, he's a scab. And that's
8 what it is. It may not be a nice word, but guess
9 what, I'm not nice guy. I didn't get here by being
10 a nice guy. I won't be out of here by being a nice
11 guy. And when I'm not being an electrician, it's a
12 scab. I've said it before, I'll say again for those
13 who didn't hear it, a scab is a scab is a scab.
14 This isn't a joke. I need to know, are you going to
15 change? I mean, are you wake up one morning or
16 maybe one night have a martini and think, you know
17 what, the people of Philadelphia, they need them Ls,
18 so the hell with the union, we'll just put these
19 management guys, as you call them, and that's fine,
20 scabs as I call them. I mean, I need to know that,
21 Richard. I mean, that's important.

22 MR. VOITH: I have said, and I will say
23 exactly what my position that I have not supported
24 operating the L mainly for the concerns of the kinds
25 you're expressing. But would I in the future

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2 consider operating the L, and I would say, yes, I
3 would.

4 COUNCILMAN MARIANO: So you would
5 consider operating the L with scabs in the future?

6 MR. VOITH: Yes.

7 COUNCILMAN MARIANO: Now, Jettie, you
8 wouldn't, right? Ms. Newkirk, you said you wouldn't
9 be in favor of management operating the L?

10 MS. NEWKIRK: I said I was not now in
11 favor because I consider it a danger because we
12 could not control the people who might sabotage the
13 system and because the Union views it as a
14 strike-breaking issue. I cannot, however, predict
15 and will not sit here today and predict if this
16 strike goes into infinity what I would consider in
17 terms of the best interest of the City because my
18 responsibility is not just to the Union. My
19 responsibility is to all of the citizens of
20 Philadelphia who have to use a public transportation
21 system. That is why I was placed there and that's
22 what I view as my larger responsibility. So I
23 cannot sit here today, Councilman, giving all due
24 consideration, and predict what my position will be
25 in the future. My position today is that we should

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2 not operate the L and the Broadway Subway.

3 COUNCILMAN MARIANO: Ms. Newkirk, no
4 disrespect intended, but if you're not sure about
5 that, then you're not thinking the way I would like
6 you to think, but you're certainly entitled to think
7 any way you want, and I appreciate that, and I'm
8 sure the people of the City of Philadelphia
9 appreciate that. So we'll say maybe you would be
10 not in favor of it; but he's in favor of it. You're
11 in favor of binding arbitration; he's not in favor
12 of it. You cancel each other out. We might as well
13 have nobody on there, as far as I'm concerned.

14 (Applause.)

15 MR. VOITH: Councilman --

16 COUNCILMAN MARIANO: Please tell me I'm
17 wrong. You're in favor of binding arbitration?

18 MR. VOITH: No, I am not in favor of
19 binding arbitration. However, my position with
20 respect to operating the L is substantially the same
21 as Ms. Newkirk's.

22 COUNCILMAN MARIANO: Okay. Well, let
23 the people of Philadelphia listen. We have a way
24 maybe to settle the strike. If I could settle the
25 strike, if Councilman Street could settle the

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2 strike, if Councilman Verna or Fernandez or anyone
3 in this room could settle the strike, we would do it
4 just because we would like to get the heck out of
5 here and go on with summer vacation or whatever is
6 going to happen, okay, or what's going to happen.
7 But we can't do things because we have to think
8 about, not just Local 234, many of these people are
9 my neighbors and friends. I could look out, people
10 live right around the corner from me, People that
11 operate buses that are my friends, guys I grew up
12 with, ladies I grew up with. And it's important.
13 But if we could settle and end this strike and I was
14 sitting where you were, I would do anything. You
15 two are going to possibly, maybe, maybe not change
16 in the future depending what happens for the good of
17 the City. Well, where is the Board's or the
18 management's thought now in the good of the City
19 when binding arbitration? If you came to me and
20 said, "Rick, we could settle this thing right now
21 possibly," I would take the possibly, wouldn't you,
22 Councilman Ortiz? Binding arbitration, possibly.
23 Why aren't they doing it? If I'm on that Board, I
24 have to know why they're afraid of binding
25 arbitration.

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2 Now, I talked to Steven Brookins, I also
3 talked to Jack Leary almost every other day. All
4 right. And guess what, they're not close. And do
5 you know why they're not close in my humble opinion?
6 They're not close because the people on the Board
7 leave you two out of it, don't live in Philadelphia.
8 They don't care about Philadelphia. They care about
9 Delaware County, Montgomery County. They're the
10 people that left Juniata Park, they're the people
11 that left North Philadelphia, they're the people
12 that left South Philadelphia, West Philadelphia.

13 (Applause.)

14 COUNCILMAN MARIANO: And I'm tired of
15 the people that abandon our city, coming in here and
16 working and then telling us, "You know what, your
17 wage tax is too high. But I need a cop right now.
18 I need a fireman right now."

19 Now, I'm all for interregional
20 responsibility, but you two people are the ones that
21 have to represent us here. I'm going to save you
22 all the trouble. I'm voting against both of you
23 unless you can have the idea that maybe you could
24 help settle this strike because that's what it's
25 about, settling the strike.

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2 (Applause.)

3 COUNCILMAN MARIANO: It doesn't just
4 help the union. It doesn't just help the people.
5 This it isn't about me. This isn't about me getting
6 clapped. Please don't clap, it's not about that.
7 Let's settle this strike.

8 If I'm on that Board, whatever it takes,
9 if it takes camping out in Jack Leary's house every
10 day when he comes out, "Hey, Jack, here's your
11 Inquirer. Guess what? There's still a strike.
12 Because you know why, Jack, because something is not
13 working." I went to John F. Kennedy School of
14 Government to learn getting a yes. Local Union 98
15 set me up there. It's simple. I could save all you
16 guys the money. You can't walk out of the situation
17 and feel like I broke your back or you broke my
18 back, brother. You know what it's about? It's
19 about win/win, bending, getting a yes.

20 In my opinion, nobody here wants to get
21 the yes. The big story here is Harry Lombardo left
22 to go to international and Lou Gambicini -- God rest
23 his wife's soul, his poor wife died and Lou retired.
24 The guys on the Board, they think Lou gave you guys
25 everything. You know that? I'm not afraid to say

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2 that. Now, Lou's gone. When Leary came in, they
3 said, "Jack" -- and Jack's a nice guy. Jack's in
4 Boston. I spoke with Jack. He's done a halfway
5 decent job with Boston and St. Louis. I checked up
6 on him in Boston. I worked in Boston as an
7 electrician on a union construction site, Rose
8 Wharf. I went up there for a weekend, checked
9 around with Councilman Ortiz, did my homework, we
10 looked around. It wasn't just about living wage, it
11 was about Jack Leary. I called people that I knew
12 in St. Louis, not just local --

13 COUNCIL PRESIDENT STREET: Councilman,
14 you're on a roll here.

15 COUNCILMAN MARIANO: Then you can't
16 interrupt me when I'm on a roll, Mr. President.

17 COUNCIL PRESIDENT STREET: I have to
18 interrupt you. We have 84 bills on our calendar
19 today.

20 COUNCILMAN MARIANO: Can I get to my
21 point? Because the other day when we were talking
22 to Council, it's about speeches. This isn't about
23 speeches. This is about ending a strike --

24 COUNCIL PRESIDENT STREET: I understand
25 that --

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2 COUNCILMAN MARIANO: Ending a strike
3 that hurts not just the union, hurts the people of
4 the City of Philadelphia. I've sat here for three
5 years and listened to every crybaby in the world
6 come in here. Well, it's my turn to cry and whine
7 if they want to say I'm crying and whining.

8 (Applause.)

9 COUNCILMAN MARIANO: Mr. President, we
10 have to end this strike. We have to end this strike
11 no matter what it takes. No matter what happens, we
12 have to end the strike.

13 Camping on Jack Leary's door -- I know
14 you've done a lot. I see you walking up and down
15 Broad Street. That's great. We're going to end the
16 strike. But guess what? As long as the people on
17 the Board, SEPTA's Board -- and it's probably not
18 these two, they're probably lovely people. It's the
19 people that don't live in the City. They don't
20 care. They left us. They don't want to live in
21 North Philadelphia. They hate John Street. They
22 hate Rick Mariano and Michael Nutter and Happy
23 Fernandez. They don't like us, that's why they
24 moved away. Now, I can live with that, but I don't
25 want them voting and telling these people that they

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2 don't deserve a decent contract and the people of
3 the City of Philadelphia don't get to ride the L
4 unless scabs operate it.

5 Thank you, Mr. President.

6 (Applause.)

7 COUNCIL PRESIDENT STREET: Thank you
8 very much.

9 The chair recognizes Councilwoman
10 Fernandez.

11 COUNCILWOMAN FERNANDEZ: Thank you, Mr.
12 President. I think it is unfortunate that we only
13 have two nominees before us today, because as the
14 Councilman noted, one of the real problems we face
15 is that Philadelphia only has 2 representatives on
16 the SEPTA Board, out of 15. And prior to 1991 it
17 used to be 2 out of 11. And I think for the record
18 we should note that in 1991 the state legislature
19 changed the law and added four more members of the
20 SEPTA Board; one representing the majority leader of
21 the house, one representing the minority leader of
22 the house, one representing the majority leader of
23 the senate and one representing the minority leader
24 of the senate. So the Board has gotten bigger with
25 more diffuse and in some ways more state controlled.

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2 And so in a sense, it really is too bad we only have
3 two Philadelphia representatives on the SEPTA Board,
4 2 out of 15.

5 So I want to make clear for the record I
6 intend to vote for their renomination. I think they
7 have a long, strong record of being strong advocates
8 for the riders and for the citizens of this city.
9 We see today they have the courage to stand up for
10 their views here before Council like they've had the
11 courage to stand up for their views in arguments
12 with the SEPTA Board and with the SEPTA management.

13 So while good people can disagree over
14 some issues, I would urge us to vote for these two
15 people who have been very excellent, strong,
16 courageous and tough advocates for the riders in our
17 city. Thank you.

18 COUNCIL PRESIDENT STREET: The Chair
19 recognizes Councilman Ortiz.

20 COUNCILMAN ORTIZ: And what
21 communications with the people that negotiating --

22 COUNCILWOMAN VERNA: Councilman, do you
23 have your microphone on?

24 COUNCILMAN ORTIZ: Yes. And your
25 communications with your negotiating team. One of

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2 the things that seems to be exacerbating and driving
3 the people to dig in their heels even deeper than
4 even the issues is the way it seems that the lead
5 negotiator from SEPTA characterizes the work force
6 of TWU, Mr. David L Cohen. His rhetoric has been
7 excessive and at times insulting to the work force.
8 Do you have any input in terms of as to -- if you
9 don't have any input into the negotiation process,
10 do you at least have any input into the way
11 communications are done and the way that the
12 rhetoric is put forward?

13 MS. NEWKIRK: Councilman, I have
14 repeatedly expressed my displeasure at many of the
15 statements made by David L. Cohen. However, as you
16 can see, this has not helped a great deal. However,
17 all we can do or all I can do is express my
18 displeasure and attempt to make for a calmer
19 playground, and I have continued to do that and I
20 will continue to do that.

21 MR. VOITH: I would also say that we do
22 have an input into how negotiations are conducted,
23 what we would like the external sort of
24 relationships to look like. And I do not think it's
25 productive or accurate to characterize people who

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2 work for SEPTA in negative ways. I mean, at the end
3 of the day, the strike is going to be over and we're
4 going to have to operate in Authority and we're
5 extremely dependent on the high quality workers that
6 we have.

7 COUNCILMAN ORTIZ: Have you expressed
8 that to David L. Cohen as Ms. Newkirk has said?

9 MR. VOITH: I have not expressed it to
10 David. I wasn't speaking solely about David, but I
11 have expressed these views to Jack Leary that I
12 think that we have -- and I think that he agrees
13 with this completely that this is not an issue of
14 breaking anyone. And if you frame things as sort of
15 this butting heads mentality as sort of the mode of
16 operation, that even a win might be a loss. So I am
17 sympathetic with your comments. And don't get me
18 wrong, we are not involved in the negotiations, but
19 Ms. Newkirk and I are, and I can't tell you, in
20 constant communications more than daily many times
21 a day about how the progress of the negotiations are
22 going.

23 COUNCILMAN ORTIZ: But there hasn't been
24 any progress in negotiations now for, like, three
25 months. And Mr. David L. Cohen keeps on pointing to

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2 a little box and says, this is the box that's there
3 and that's it, and that does not seem to be a
4 negotiating posture. That's what worries me in
5 terms of not only the statements that are made about
6 the work force, but the fact that they continuously
7 put forward phrases such as, "This is where we're
8 at, we're not moving from here."

9 So that's not really a negotiating
10 posture. This Council has been saying, "Get to the
11 table and negotiate."

12 But, however, if you go to the table and
13 you say what you said three months ago, or take it
14 or leave it here, that's not negotiation.

15 And I wonder what is your input into
16 that negotiating team and saying to that negotiating
17 team, "What you're doing is not negotiating."

18 MS. NEWKIRK: Councilman, the Board
19 started working on contract items and plans back in,
20 I guess, June, July of last year and put together
21 certain things that they felt were necessary in
22 order to move into the new millennium, to use
23 everybody's term. This included the things that
24 have been put forth in management's five-year
25 strategic plan. The contract items, some of them,

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2 most of them, are necessary to move forward. There
3 is negotiating room, but I cannot determine and
4 cannot say when you are getting one report from
5 union leaders and we are getting another report from
6 management negotiators as to what goes on at the
7 negotiating table. They are both saying that the
8 other is not negotiating. And since I am not there,
9 I have to believe that neither of them are
10 negotiating. But there is certainly nothing that I
11 can do regarding that. I cannot make them sit
12 there -- I can make them sit at the table, but I
13 cannot make them do what the other believes is
14 negotiating since those things seem to be the
15 difference.

16 I am at a loss to know what Council
17 expects of Mr. Voith and myself in view of this. We
18 cannot control the vote. I certainly do not agree
19 that our suburban members, many of -- some of whom
20 suburban representatives and state representatives
21 do not care about the system. I think they have
22 proven that they do care about keeping our public
23 transportation system running. But if it goes out
24 of business, if it goes out of business, then more
25 than the workers will be harmed. And our

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2 responsibility as a Board is to see to it that that
3 does not happen. That means make the hard
4 decisions. It means take positions that may not be
5 publicly popular, but that's what you pay us the big
6 bucks to do.

7 COUNCIL PRESIDENT STREET: What big
8 bucks are they?

9 MS. NEWKIRK: The one Transpass that we
10 get to ride the system when it is working.

11 MR. VOITH: And, Councilman, I actually
12 good very good use of that.

13 COUNCIL PRESIDENT STREET: Okay, just
14 checking.

15 COUNCILMAN ORTIZ: I do hope that you're
16 not under the illusion that you get together and put
17 together a management plan a year ago and that you
18 expect that the Union is going to agree to all of
19 that management plan.

20 MR. VOITH: Councilman Ortiz, forgetting
21 about where we are now, there has been a great deal
22 of movement from where we were in that management
23 plan, say, in November to where we were on March
24 15th. A great deal. Now, we may still be at an
25 impasse and admittedly it doesn't appear to be much

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2 movement since then, but it's not as if that plan
3 was assembled and there has been no change. In
4 fact, I believe there's been quite a bit of change.

5 COUNCILMAN ORTIZ: I can only tell you
6 what we were told by your negotiator. That we put
7 it on the table and that's where we're at, and we're
8 not moving from that. So I don't know what
9 negotiating takes place when the negotiator says,
10 "That's it and we're not moving."

11 MS. NEWKIRK: But Councilman, it was put
12 on the table at the request for a final offer. When
13 you ask for a final offer, then that means that you
14 are then, it seems to me, willing to accept what is
15 put on the table and that's what was done. Now, Mr.
16 Cohen, Mr. Leary, and Mr. Bitell have said that even
17 with what is on the table, there is still room for
18 movement. I don't know what more can be said other
19 than that, but I certainly know that Dick Voith and
20 I have no control over what happens at the
21 negotiating table. So if our appointment or
22 reappointment is going to be based on that, then we
23 are out of luck right now.

24 COUNCILMAN ORTIZ: I have not heard Mr.
25 Cohen say that there is room for movement.

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2 MS. NEWKIRK: I have.

3 COUNCIL PRESIDENT STREET: Mr. Cohen has
4 used the word "wobble room." I don't know what that
5 means.

6 COUNCILMAN ORTIZ: Thank you, Mr.
7 President.

8 COUNCIL PRESIDENT STREET: Thank you
9 very much.

10 We have Councilman Nutter who hasn't had
11 an opportunity. Councilman Nutter.

12 COUNCILMAN NUTTER: Sorry, Mr.
13 President.

14 Mr. Voith, just two questions. You had
15 responded and you have responded on a couple of
16 occasions to the binding arbitration question. I
17 want to ask the question in a particular context and
18 in a context of how we in the Council have tried to
19 deal with that issue. I think one of my colleagues
20 pointed out to you that we have passed a resolution.
21 I've heard your position and what your concern is
22 about the eventuality. The resolution that's passed
23 by the Council on what we asked, I guess, SEPTA to
24 consider and now what I'll ask you to think about in
25 a more narrow framework -- framework seems to be the

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2 word of the strike. We have asked for binding
3 arbitration in the context of no fare increase, no
4 decrease in service, no increase in the amount of
5 city subsidy to SEPTA, and the greatest champion
6 possibly in the body of labor issues, I asked him in
7 the caucus prior to the vote on that resolution did
8 he think that an arbitrator would be able to operate
9 in that framework. And I believe Councilman Cohen
10 said yes. What I need to ask you is --

11 COUNCIL PRESIDENT STREET: Excuse me,
12 Councilman. Mr. Brookins said yes.

13 COUNCILMAN NUTTER: Mr. Brookins said
14 yes. So what I need to ask you is in that more
15 narrow framework of the question and that process,
16 is that something that you could consider if those
17 three factors were the interval components of what
18 an arbitrator would have to deal with under those
19 circumstances?

20 MR. VOITH: Councilman Nutter, since
21 those are my goals, I certainly -- outcome goals, I
22 certainly could support that. However, I don't
23 believe that it is a realistic possibility to expect
24 arbitration to deliver that.

25 I just want to take a step back --

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2 COUNCILMAN NUTTER: I understand that.

3 Just let me just deal with the first part of your
4 response, which under the circumstances may have
5 been where you wanted to put the period, because
6 we're dealing with a situation tomorrow on a
7 resolution, taking public testimony in our
8 collective efforts to try to do as much as we can,
9 and there are, I think, legitimately some unanswered
10 questions about where that can go. You, I think,
11 don't know and it would be very difficult, I think,
12 for you to predict even in that framework what an
13 arbitrator would eventually do. But if we can stay
14 in that framework, again, as the SEPTA negotiators
15 only want to talk about issues in a framework.

16 So now, I want to talk about this
17 circumstance in a certain framework. Your response
18 was, in that framework you thought that -- because
19 it's your goal anyway, you thought something like
20 that could be something that you could support and
21 you only expounded on your answer because you're
22 anticipating Step C in the process which is a
23 legitimate concern of yours.

24 Is that a fair characterization of where
25 you could be on that issue?

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2 MR. VOITH: Subsidy is very important to
3 me, Councilman.

4 COUNCILMAN NUTTER: I understand that,
5 but we're in a step-by-step process.

6 MR. VOITH: In a step-by-step process --
7 I'm sure I'll be tripped up on this, but yes, since
8 those are my goals, if you can assure me that I can
9 get my goals, I would be delighted. I will say it
10 again, and I know it's the inappropriate thing, but
11 I'm not -- I guess I'm not well attuned to it.

12 COUNCILMAN NUTTER: I can help you by
13 just asking you another question.

14 MR. VOITH: Help me, please.

15 COUNCILMAN NUTTER: Let me ask another
16 question. This will be even simpler.

17 Do you have any personal or professional
18 interests in trying to break this Union?

19 MR. VOITH: No.

20 COUNCILMAN NUTTER: Thank you.

21 Thank you very much, Mr. President.

22 COUNCIL PRESIDENT STREET: Thank you
23 very much.

24 The Chair recognizes Councilman Cohen
25 for a couple of brief questions.

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 COUNCILMAN COHEN: That cannot be
3 complied with, Mr. President. It's an unrealistic
4 request.

5 So you're saying that as SEPTA Board
6 members you really have no power. You're apparently
7 not embarrassed by the fact that SEPTA is adopting a
8 position of saying, "We refuse to submit this to
9 unbiased people because we're afraid that if
10 objective, unbiased people look at this, they're
11 going to decide that we at SEPTA are wrong;" isn't
12 that what you say when you say, Mr. Voith, that you
13 don't support arbitration?

14 Isn't arbitration within the very narrow
15 framework set forth by the Council resolution, yet
16 you say, no, even under that framework you cannot
17 support it?

18 You know, explain; I don't understand
19 that.

20 Are you convinced -- you must be
21 convinced that the SEPTA position is so unfair that
22 any objective person looking at it will have to so
23 declare.

24 MR. VOITH: That is not my opinion. I
25 think the SEPTA position is basically a fair one.

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 Having said that, I believe that what I stated is
3 that my goals are to get a solution that would
4 guarantee the service levels we have or improvement,
5 and the fare levels we have. And if we can
6 guarantee maybe arbitration will deliver that, I
7 would. It's my understanding of arbitration is as a
8 good solution for solving problems when people know
9 that they are starting out with an arbitration
10 solution at the end of the day.

11 Furthermore, the idea that there are
12 quote, unquote, experts out there that know so much
13 about an extremely large public service enterprise
14 and can know better than the enterprise's staff, or
15 indeed, better than the Union is unlikely in some
16 sense to me. And furthermore, it seems to me that
17 this is something I spent a great deal of time in
18 and it's of my responsibility not to attempt to
19 support positions that I believe are ones that will
20 move the Authority into a better position to deliver
21 our public service in the future.

22 COUNCILMAN COHEN: At a later time I'll
23 try to figure out what that means. All I can
24 understand that it says, no, we're not prepared to
25 submit the issue to people that are objective and

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 unbiased. That's the only thing I can conclude.

3 Let me ask you this. You gave as a
4 reason you want to make sure there's a sound fiscal
5 structure. Well, tell me, isn't it a fact that the
6 budget last year was balanced, that SEPTA ended last
7 year's budget with a surplus, isn't that a fact?

8 You certainly must have known their
9 reports even if you're not part of the inner
10 workings of SEPTA management.

11 Isn't it a fact that SEPTA ended its
12 last budget year with a surplus?

13 MR. VOITH: We were effectively
14 balanced.

15 COUNCILMAN COHEN: Yes. And isn't it
16 also a fact that as of February of this year, that
17 SEPTA management was reporting everywhere that they
18 expected to end this year, that's before the strike,
19 without a strike in the picture that they expected
20 an even bigger surplus this year than last year?

21 MR. VOITH: Councilman Cohen, I believe
22 in January we had about a five-million dollar
23 deficit and we were predicting that we would close
24 the gap to be balanced at the end of the year.
25 That's correct.

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 COUNCILMAN COHEN: Well, let me tell
3 you, you're not only maybe got that five million,
4 but didn't you get more than 90 million additional
5 from the federal government that you never got
6 before? And isn't it a fact that SEPTA decided
7 arbitrarily on its own not to include a penny of
8 that 92 million dollars in the operating budget,
9 that it was SEPTA's decision to squirrel that money
10 away for capital improvements; isn't that a fact,
11 Mr. Voith?

12 MR. VOITH: It is true that SEPTA has
13 had quite a bit more money for its capital budget.

14 COUNCILMAN COHEN: Isn't it a fact that
15 money has actually come into SEPTA this year at a
16 rate unprecedented in the whole history of SEPTA?
17 Isn't that a fact? Separate the difference --
18 forget the difference between capital and operating.
19 But isn't it a fact that SEPTA has much more money
20 than it's ever had before?

21 And I raise that -- I don't like to
22 discuss that publicly in general, but it was a nice
23 bit of news, and that SEPTA is being deceptive in
24 saying it has to fight this to the very end in order
25 to save the financial structure of SEPTA. SEPTA has

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 never been so good off as it is now, and all the
3 facts show that.

4 (Applause.)

5 COUNCILMAN COHEN: And I'm not revealing
6 secrets. This is all out in public to anybody who
7 is willing to take a few minutes to check the
8 records. That's the reason, Mr. Voith, that I
9 believe that SEPTA is not telling the truth to the
10 public. There is no financial need for SEPTA to
11 force this Union to try to starve their membership
12 to death.

13 (Applause.)

14 COUNCILMAN COHEN: Because that's what
15 are you're trying to do, it won't work. But what
16 may happen is you may destroy -- you may destroy the
17 public transit system. It isn't the strike that's
18 going to destroy it, it is the attitude of SEPTA and
19 its actions that threatens the reliability of the
20 transit system.

21 (Applause.).

22 COUNCILMAN COHEN: And that's why I say
23 both of you have a duty. Your duty ought to be --
24 Ms. Newkirk is apparently a meeting with part of
25 that duty to the public. But respectfully, Ms.

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 Newkirk, I say you underestimate your abilities. I
3 think all the Philadelphia representatives on the
4 Board ought to be working every moment on all the
5 other Board members to say, "You've got to support a
6 solution which will put to an end on a fair basis to
7 the strike."

8 The Council resolution does that. What
9 could be wrong? What could possibly be wrong with
10 letting a third party come in, a third party chosen
11 by both sides to come in, and with the limitations
12 expressed in the Council position on arbitration
13 which safeguards for all time SEPTA's fiscal
14 picture. What can be wrong with saying, since
15 apparently both sides -- I take what Ms. Newkirk
16 said in good faith. She gets a report from
17 management that the Union is not negotiating. She
18 gets a report from the Union saying that management
19 is not negotiating. How do you settle something
20 when two sides can't agree?

21 That's the whole theory that we have in
22 dispute resolution, you bring in a third party. And
23 if you're worried, you frame their authority in such
24 a way to preserve the position of SEPTA. That's
25 what this resolution does. Our demands for

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 arbitration fully protects SEPTA and protects the
3 workers. When you have something going on that
4 looks like it's endless, there's no solution in
5 sight, you've got to have a process that does
6 present a final solution.

7 That's what arbitration presents, and I
8 want you to know -- you know, it's a strange thing
9 that all the polls show that among the riding public
10 that's being so inconvenienced, they overwhelmingly
11 support the workers because they know at every stage
12 this union has sought to find some approach to
13 bringing the strike to an end on a fair basis. And
14 that every step of the way SEPTA's had only one
15 answer -- excuse me, they've had two answers. They
16 said first you got to negotiate within the terms we
17 set forth. That's not negotiation. Negotiation
18 means both parties come to the table with no
19 preconditions, but SEPTA insists on preconditions.
20 And secondly, when they see that that gets them
21 nowhere, they still refuse to set in motion a
22 process that offers a simple solution.

23 And I think that the real danger to the
24 transit system comes, as I said before, from this
25 intractable, totally unreasonable, senseless

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 position of SEPTA.
3 (Applause.)
4 COUNCILMAN COHEN: Thank you, Mr.
5 President.
6 COUNCIL PRESIDENT STREET: Thank you
7 very much.
8 The chair recognizes Councilman
9 Longstreth.
10 COUNCILMAN LONGSTRETH: Mr. President,
11 I'd like to simply suggest in view of Councilman
12 Cohen's running filibusters, which have been going
13 on now for quite a long period of time, that we
14 apply a five-minute limit to his testimony as we
15 have done for those other people who are following
16 their own agenda when they're testifying. They're
17 really not staying close to the point at all, which
18 is to evaluate these two people whom I think have
19 made a good deal of sense in their presentation for
20 continuation on the SEPTA Board.
21 COUNCIL PRESIDENT STREET: Thank you
22 very much, Councilman.
23 Anyone have any other questions?
24 MS. MAC NAMARA: Excuse me, Council
25 President Street, when does the public have an

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 opportunity to testify in this proceeding?
3 COUNCIL PRESIDENT STREET: Thank you
4 very much. The witnesses are excused.
5 MS. MAC NAMARA: When do we have an
6 opportunity to ask --
7 COUNCIL PRESIDENT STREET: The witnesses
8 are excused. The witnesses are excused. Now,
9 leave.
10 COUNCIL PRESIDENT STREET: If you have
11 anything to say, I will allow you now to sit at this
12 witness table and say it. You may sit at the
13 witness table and say what you have to say.
14 (Applause.)
15 COUNCIL PRESIDENT STREET: Please
16 identify yourself for the record.
17 MS. MAC NAMARA: My name is Patricia
18 MacNamara. I'm CEPA's educational director and I'm
19 here to ask when the public gets an opportunity to
20 testify in these proceedings?
21 COUNCIL PRESIDENT STREET: This is your
22 opportunity right now.
23 AUDIENCE MEMBER: Okay. It's open to
24 the general public then?
25 COUNCIL PRESIDENT STREET: Please

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 identify yourself for the record and proceed with
3 any statement that you have.

4 MS. MAC NAMARA: My name is Patricia
5 MacNamara and I'm the educational director of CEPA,
6 Consumer's Education and Protective Association.
7 And we have a question. We would like to know what
8 the position is of the Board members that are
9 representing us, why we don't have input to demand
10 that they support binding arbitration to end the
11 strike?

12 (Applause.)

13 MS. MAC NAMARA: There's something wrong
14 when the people that are most hurt by the system
15 don't have any input into the people who are
16 supposed to be representing their interests.

17 COUNCIL PRESIDENT STREET: Thank you
18 very much. That question has been covered over and
19 over and over again by Councilman Cohen,
20 Councilwoman Clark, and a number of other people.
21 This record is full of testimony on it. If you were
22 here, you would have heard it.

23 MS. MAC NAMARA: The question was, when
24 do people have the opportunity to testify on whether
25 or not the these folks should be reconfirmed?

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 COUNCIL PRESIDENT STREET: Well, the
3 Chair wishes to direct this question to the members
4 of the committee. We either have to take action on
5 these resolutions now, take action on them after
6 Council session, or we have to take action on them
7 in the fall if there is to be further public
8 testimony. We cannot have further public testimony
9 at this point in time. And the chair wishes to have
10 some guidance from the members of the committee on
11 it.

12 The Chair recognizes Councilwoman Clark.

13 COUNCILWOMAN CLARK: Mr. President, I
14 move that we dispose of this resolution today.

15 COUNCIL PRESIDENT STREET: I'm sorry. I
16 missed the motion.

17 COUNCILWOMAN CLARK: I move that we
18 dispose of this resolution today.

19 (Duly seconded.)

20 COUNCIL PRESIDENT STREET: Now, there is
21 a motion. Question on the motion.

22 COUNCILMAN KENNEY: Mr. President, does
23 the proposer of the motion mean today in the 24-hour
24 period today, or today now?

25 COUNCIL PRESIDENT STREET: Chair

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 recognizes Councilwoman Clark.

3 COUNCILWOMAN CLARK: Now.

4 COUNCIL PRESIDENT STREET: Now, in order
5 to consider these resolutions now, there has been a
6 request by at least one member of Council for
7 additional public hearing. My understanding that at
8 the sense of the motion is that we end the public
9 hearing and go on to a public meeting and consider a
10 resolution.

11 The Chair recognizes Councilman Ortiz.

12 COUNCILMAN ORTIZ: Mr. President, I want
13 this to be done right now because I have to leave
14 for a very important City-related business at 12
15 o'clock today, and I want to have this resolution
16 and vote on these two individuals before I leave on
17 that trip.

18 COUNCIL PRESIDENT STREET: Anyone else
19 on the motion?

20 Councilman Cohen.

21 COUNCILMAN COHEN: I believe that we
22 have no power to act at the following a public
23 hearing at which the public has not been heard. I
24 think we have -- we don't have the power legally to
25 shut off testimony of the public when the public has

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 not been heard. Say, for one witness, I think there
3 has to be a representative grouping of testimony and
4 I think both can be met. I think we can have
5 representatives who wish to be heard that are in the
6 public. I see large numbers of union members. I
7 think a union representative ought to be permitted
8 to speak on their behalf, and if there's any other
9 separate interests, I think they ought to be heard.
10 And then I think we can act and act promptly today
11 on the motions.

12 COUNCIL PRESIDENT STREET: Anyone else
13 wish to be heard?

14 Councilman Nutter.

15 COUNCILMAN NUTTER: Thank you, Mr.
16 President. The question that was asked earlier
17 regarding the public testimony, I think I'm trying
18 to understand the nature of the question. This
19 hearing was originally scheduled for yesterday. It
20 was advertised?

21 COUNCIL PRESIDENT STREET: Yes. This
22 was a duly advertised hearing on this resolution of
23 the Council Committee of the Whole. This is the
24 kind of resolution that we don't even have to have a
25 public hearing on if we don't want. The resolution

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 can be introduced. The rules can be suspended. We
3 can approve these nominations without any public
4 hearing at all. We are well within our rights to do
5 it. We do not ordinarily like to have public
6 consideration of a resolution without having
7 significant opportunity for the public to testify.
8 And frankly speaking, I think the representatives of
9 Septa answered the questions. I represent they
10 answered the questions in a fair and honest way.
11 If Councilman Cohen insists that we have
12 -- and if he is substantially supported, then we
13 will recess these hearings to the call of the Chair
14 and we will make arrangements to have an opportunity
15 for people to come, other people to testify. We
16 cannot do it now. We cannot do it now. It is now
17 almost 10:30. We have 80 bills that are on the
18 second and final reading passage calendar. We have
19 two presentations. We have a clergyperson. It is
20 unfair to those people. This hearing was scheduled
21 for 8:30 this morning. I was here at 8:30. No
22 Council member was here at 8:30 and we didn't get
23 started until late. And it is unfair to all of the
24 people that will be inconvenienced by our now
25 deciding to have a lot of testimony from the general

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 public.

3 COUNCILMAN COHEN: May I ask one
4 question, sir? Would you be good enough to ask if
5 there is a representative out of the Local 234 who
6 wishes to be heard? Give them three minutes, four
7 minutes.

8 COUNCIL PRESIDENT STREET: Councilman,
9 it is unfair because there are representatives from
10 CEPA who are here who want to testify , and if we
11 start having public hearing testimony, then we are
12 going to take it. I have no objections to taking
13 it. My only concern is that we've been here, we
14 have all these other people here. Councilmembers
15 took the time that we were entitled to take. It is
16 now time for us to do the other business of this
17 Council. That's all my point is. We have all these
18 other people coming. And if you are going to insist
19 it is unfair to the general public, I'm going to
20 support you in it because I think if we open up to
21 the general public, we have to open it up to the
22 general public. We won't be able to do it now. And
23 I have no reservations about having the general
24 public. I think it's unfair For CEPA people to be
25 here and others and then we say, "Well, we're going

1 COMMITTEE OF THE WHOLE - 980481, 980482

2 to take one representative of the union and tell
3 everybody you else you can't be heard."

4 So my recommendation to the Committee is
5 either we end it, act on the resolutions, or else we
6 recess and give everybody who wants to testify an
7 opportunity to testify at another time. Now, to me,
8 those are the only rational choices we have.

9 There is a motion on the floor. Now, I
10 just want to make sure that everybody understands
11 where we are. This is where we are. The motion
12 essentially is -- and Councilwoman Clark? Excuse
13 me, Councilwoman Blackwell, could you ask your aid
14 to step back? I want to be able to see Councilwoman
15 Clark.

16 I would like to restate your motion for
17 you, and if you will agree to it, then let this be
18 the motion. And the sense your motion is that we
19 end the public hearing and consider the resolutions
20 now. Is that the sense of your motion?

21 COUNCILWOMAN CLARK: It really is.

22 COUNCIL PRESIDENT STREET: Is there a
23 second to that?

24 (Duly seconded.)

25 Council PRESIDENT STREET: Is there any

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 discussion on that motion?
3 COUNCILMAN COHEN: I'm opposing the
4 motion.
5 COUNCIL PRESIDENT STREET: I will call
6 the role. Those voting aye will be voting in favor
7 of the motion, those voting no will be voting
8 against the motion.
9 The witness can step back. Thank you.
10 Councilwoman Clark.
11 COUNCILWOMAN CLARK: Aye.
12 COUNCIL PRESIDENT STREET: Councilwoman
13 Blackwell.
14 COUNCILWOMAN BLACKWELL: No.
15 COUNCIL PRESIDENT STREET: Councilman
16 Cohen.
17 COUNCILMAN COHEN: No.
18 COUNCIL PRESIDENT STREET: Councilwoman
19 Verna.
20 COUNCILWOMAN VERNA: Aye.
21 COUNCIL PRESIDENT STREET: Councilman
22 Kenney.
23 COUNCILMAN KENNEY: Aye.
24 COUNCIL PRESIDENT STREET: Councilwoman
25 Miller.

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 COUNCILWOMAN MILLER: No.
3 COUNCIL PRESIDENT STREET: Councilman
4 Nutter.
5 COUNCILMAN NUTTER: Aye.
6 COUNCIL PRESIDENT STREET: Councilwoman
7 Fernandez.
8 COUNCILWOMAN FERNANDEZ: Aye.
9 COUNCIL PRESIDENT STREET: Councilwoman
10 Tasco.
11 COUNCILWOMAN TASCO: Aye.
12 COUNCIL PRESIDENT STREET: Councilman
13 Ortiz.
14 COUNCILMAN ORTIZ: No.
15 COUNCIL PRESIDENT STREET: Councilman
16 DiCicco.
17 COUNCILMAN DI CICC0: Aye.
18 COUNCIL PRESIDENT STREET: Councilman
19 Mariano.
20 COUNCILMAN MARIANO: No.
21 COUNCIL PRESIDENT STREET: Councilman
22 Longstreth.
23 COUNCILMAN LONGSTRETH: Aye.
24 COUNCIL PRESIDENT STREET: Councilman
25 Rizzo.

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2 COUNCILMAN RIZZO: Aye.

3 COUNCIL PRESIDENT STREET: Councilmember

4 Street voting aye.

5 The ayes are ten, the nays are five.

6 The resolution passes.

7 This brings us to the end of our public

8 hearing. We're now go to our public meeting.

9 - - -

10 COUNCIL PRESIDENT STREET: The Chair

11 recognizes Councilwoman Verna for a motion on

12 resolution No. 980481.

13 COUNCILWOMAN VERNA: Thank you, Mr.

14 Chairman. I move that Resolution No. 980481 be

15 reported out of Committee with a favorable

16 recommendation.

17 COUNCIL PRESIDENT STREET: All in favor,

18 let it be known by saying aye.

19 Can we have a role call? We'll have a

20 role call. This is the Richard Voith resolution.

21 Those voting aye will be voting in favor. Those

22 voting no will be voting against.

23 Councilwoman Clark.

24 COUNCILWOMAN CLARK: Aye.

25 COUNCIL PRESIDENT STREET: Councilwoman

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 Blackwell.
3 COUNCILWOMAN BLACKWELL: No.
4 COUNCIL PRESIDENT STREET: Councilman
5 Cohen.
6 COUNCILMAN COHEN: No.
7 COUNCIL PRESIDENT STREET: Councilwoman
8 Verna.
9 COUNCILWOMAN VERNA: Aye.
10 COUNCIL PRESIDENT STREET: Councilman
11 Kenney.
12 COUNCILMAN KENNEY: Aye.
13 COUNCIL PRESIDENT STREET: Councilwoman
14 Miller.
15 COUNCILWOMAN MILLER: No.
16 COUNCIL PRESIDENT STREET: Councilman
17 Nutter.
18 COUNCILMAN NUTTER: Aye.
19 COUNCIL PRESIDENT STREET: Councilwoman
20 Fernandez.
21 COUNCILWOMAN FERNANDEZ: Aye.
22 COUNCIL PRESIDENT STREET: Councilwoman
23 Tasco.
24 COUNCILWOMAN TASCO: Aye.
25 COUNCIL PRESIDENT STREET: Councilman

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 Ortiz.
3 COUNCILMAN ORTIZ: No.
4 COUNCIL PRESIDENT STREET: Councilman
5 DiCicco.
6 COUNCILMAN DI CICC0: Aye.
7 COUNCIL PRESIDENT STREET: Councilman
8 Mariano.
9 COUNCILMAN MARIANO: No.
10 COUNCIL PRESIDENT STREET: Councilman
11 Longstreth.
12 COUNCILMAN LONGSTRETH: Aye.
13 COUNCIL PRESIDENT STREET: Councilman
14 Rizzo.
15 COUNCILMAN RIZZO: Aye.
16 COUNCIL PRESIDENT STREET: The ayes are
17 nine, the nays are five. The motion passes. It is
18 so ordered.
19 The Chair recognizes Councilwoman Verna
20 for a motion on resolution 980482. Those voting aye
21 will be voting in favor of the motion. Those voting
22 nay will be voting against the motion.
23 The Chair recognizes Councilwoman Verna.
24 COUNCILWOMAN VERNA: Mr. Chairman, I
25 move that Resolution No. 980482 be reported out of

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 Committee with a favorable recommendation.
3 (Duly seconded.)
4 COUNCIL PRESIDENT STREET: Properly
5 moved and second. Councilwoman Clark?
6 COUNCILWOMAN CLARK: Aye.
7 COUNCIL PRESIDENT STREET: Councilwoman
8 Blackwell.
9 COUNCILWOMAN BLACKWELL: Aye.
10 COUNCIL PRESIDENT STREET: Councilman
11 Cohen.
12 COUNCILMAN COHEN: Aye.
13 COUNCIL PRESIDENT STREET: Councilwoman
14 Verna.
15 COUNCILWOMAN VERNA: Aye.
16 COUNCIL PRESIDENT STREET: Councilman
17 Kenney.
18 COUNCILMAN KENNEY: Aye.
19 COUNCIL PRESIDENT STREET: Councilwoman
20 Miller.
21 COUNCILWOMAN MILLER: No.
22 COUNCIL PRESIDENT STREET: Councilman
23 Nutter.
24 COUNCILMAN NUTTER: Aye.
25 COUNCIL PRESIDENT STREET: Councilwoman

1 COMMITTEE OF THE WHOLE - 980481, 980482
2 Fernandez.
3 COUNCILWOMAN FERNANDEZ: Aye.
4 COUNCIL PRESIDENT STREET: Councilwoman
5 Tasco.
6 COUNCILWOMAN TASCO: Aye.
7 COUNCIL PRESIDENT STREET: Councilman
8 Ortiz.
9 COUNCILMAN ORTIZ: Aye.
10 COUNCIL PRESIDENT STREET: Councilman
11 DiCicco.
12 COUNCILMAN DI CICC0: Aye.
13 COUNCIL PRESIDENT STREET: Councilman
14 Mariano.
15 COUNCILMAN MARIANO: No.
16 COUNCIL PRESIDENT STREET: Councilman
17 Longstreth.
18 COUNCILMAN LONGSTRETH: Aye.
19 COUNCIL PRESIDENT STREET: Councilman
20 Rizzo.
21 COUNCILMAN RIZZO: Aye.
22 COUNCIL PRESIDENT STREET: The ayes are
23 12, the nays are two. The motion passes. It is so
24 ordered.
25 Thank you very much. This brings us to

1

2 the end of our public hearing Council Committee on
3 the Whole.

4 (Adjourned at 10:30 a.m.)

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C E R T I F I C A T I O N

I HEREBY CERTIFY that the foregoing
proceedings of the Council of the City of
Philadelphia of June 18, 1998, were reported fully
and accurately by me, and that this is a correct
transcript of the same.

RE: COMMITTEE OF THE WHOLE

Lisa C. Bradley, RPR
and Notary Public