

STATE OF CONNECTICUT
MUNICIPAL ACCOUNTABILITY REVIEW BOARD
SPECIAL MEETING MINUTES

Meeting Date and Time: Thursday, March 7, 2024, 11:00 AM

Meeting Location: This was a virtual meeting. Meeting materials can be found at <https://portal.ct.gov/OPM/Marb/Full-Board-Meetings-and-Materials>

Call-In Instructions: Telephone: 1-860-840-2075
Meeting ID: 380 091 359#

Members in Attendance: Secretary Jeffrey Beckham, Andrea Comer (State Treasurer’s Designee), Stephen Falcigno, David Biller, Thomas Hamilton, Lisa Hammersley, Sal Luciano, Mark Waxenberg, Robert White and Susan Weisselberg.

Municipal Officials in Attendance: Mayor Dorinda Borer, David Taylor, Rick Spreyer, Paul Dorsi, Chris Hodgson, and John Walsh (Police Union).

Staff in Attendance: Kimberly Kennison, James Caley, Gareth Bye, John Mehr, Simon Jiang, Bill Plummer, Michael Reis, and Lori McLoughlin.

I. Call to Order & Opening Remarks by Secretary Jeffrey Beckham

The meeting was called to order at 11:05 a.m. This is a special meeting that is being held electronically on TEAMS.

II. Review and Discussion: Binding Arbitration Between City of West Haven and West Haven Police Union, Local #895, UPSEU-C.O.P.S. Regarding Police Pension - Draft Issues List

Secretary Beckham stated that at the February 22, 2024, meeting, the MARB voted down the West Haven Police Pension Agreement. Following the vote, a rejection letter dated February 23, 2024, was sent to the City of West Haven, Mayor Dorinda Borer and to the West Haven Police Union’s attorney John Walsh listing reasons that the MARB rejected the Tentative Agreement.

The City and the Police Union were given 10 days from the date of rejection to consider MARB’s concerns and propose a modified agreement. At the expiration of this 10-day period, the MARB would approve or reject this modified agreement.

After 10 days, no approved modified tentative agreement was provided by the City and the Union. The City of West Haven provided a letter dated March 4, 2024, from Mayor Borer with additional correspondence related to the Tentative Agreement. MARB members were sent this information on March 5, 2024. Since the MARB did not receive a modified agreement, the statute, Section 7-576e(a)(3)(iv), requires the MARB to impose binding arbitration on the parties.

Members of the MARB must now prepare and approve a list of issues that need to be arbitrated. A draft “Issues List” was provided for discussion along with a request for MARB members to refine or provide additional issues to include on the list.

A Special MARB meeting will be held on March 21, 2024, to discuss and to approve the final draft issue list document that will be provided to the arbitrator.

Mr. Waxenberg started to discuss topics relating to legal strategy. Mr. Beckham stated that our assistant attorney general is here today to provide MARB with legal advice. This litigation discussion requires the MARB to go into Executive Session pursuant to Connecticut General Statutes sections 1-200(6)(E) and 1-210(b)(1), for the purpose of discussing matters concerning litigation. The following attend the Executive Session: all MARB members, Attorney Caley, Attorney Bye, and OPM staff. The MARB Special Meeting will continue.

Mr. Hamilton made a motion to go into Executive Session with a second from Ms. Comer. Motion carried. The MARB went into Executive Session at 11:15AM.

Mr. White made a motion to come out of Executive Session with a second from Ms. Hammersley. Motion carried. The MARB came out of Executive Session at 11:57AM.

After returning to the Special Meeting, Secretary Beckham stated there is a planned meeting in two weeks to discuss the Issues List and the MARB will be taking a formal vote.

Secretary Beckham asked if there was any further discussion on this item. Mr. White mentioned that the June 2022 audit showed the pension plan funding at 73% which is not in compliance with the law. Being before the arbitrator, this may give the MARB an opportunity to stabilize the pension fund. Mr. Hamilton commented that since the arbitration does present an opportunity for the MARB to look at the entire pension plan as a whole, it makes sense for the MARB to retain the services of a pension actuary to provide sound guidance on potential proposals to modify the pension plan. Mr. Beckham noted that OPM Staff was in the process of assembling such experts.

III. Review, Discussion and Possible Action: Draft Amendment of MARB Bylaws.

Secretary Beckham stated that in order to proceed with this arbitration, the MARB needs to amend its Bylaws to include procedures for binding arbitration.

a. Draft Arbitration Procedure Rules (Exhibit A)

A draft redline copy of the Bylaws prepared by the attorneys which includes the “Rules of Procedure for Binding Arbitration for Tier IV Municipalities” was provided.

Secretary Beckham pointed out Article IV - Rules of Procedure for Binding Arbitration for Tier IV Municipalities and read the following from Section 4.1 - Rules for Conduct of Collective Bargaining Hearing. The board shall have the power to impose binding arbitration hearings according to the rules set forth in Conn. Gen. Stat. § 7-576e(a)(3)(iv)(v). The rules governing Tier IV binding arbitration proceedings are attached, Exhibit A, Section B - Binding Arbitration, Item 16, and read the following:

“In arriving at a decision, the arbitrator shall give the highest priority to the short and

long-term fiscal exigencies that resulted in the municipality's designation as a Tier IV municipality. The arbitrator shall further consider the following factors in light of such financial capability: (A) The negotiations between the parties prior to arbitration; (B) the interests and welfare of the employee group; (C) changes in the cost of living; (D) the existing conditions of employment of the employee group and those of similar groups; and (E) the wages, salaries, fringe benefits, and other conditions of employment prevailing in the labor market, including developments in private sector wages and benefits. Conn. Gen. Stat. § 7-576e(a)(3)(v).”

Secretary Beckham stated that MARB members will need to vote at the Special Meeting on March 21, 2024, to approve the amended Bylaws that include the Rules of Procedure for Binding Arbitration presented as a draft copy today.

IV. Discussion: Potential Arbitrators for the Governor’s Arbitrator List

Secretary Beckham stated that part of the Arbitration process is to create a list of arbitrators that will be provided to the Governor. From that list, the Governor will choose an arbitrator that will oversee this arbitration case.

Secretary Beckham requested that MARB members, West Haven City officials, and the Police Union provide names of arbitrators, including a biography and fees for service, directly to him, no later than March 15, 2024. At the March 21st Special MARB meeting there will be a discussion and an approval to finalize the list of arbitrators that will be provided to the Governor. Once the Governor’s makes his appointment, the statute triggers a 10-day period of time for the arbitrator to prepare for and to hold the first hearing.

Mr. Waxenberg mentioned that the MARB has not made any proposed changes. The MARB is just responding and reacting to the Tentative Agreement. Secretary Beckham characterized that this is a unique situation whereby the MARB is overseeing a Tier IV municipality and the MARB has objections to something agreed to by the Union and the City. The arbitrator will be provided with the MARB’s Issues List with the Tentative Agreement. The three parties will discuss their cases and the arbitrator will make a final decision.

V. Adjourn

There being no further business, Mr. Luciano moved to adjourn the meeting and Mr. Biller seconded the motion. Motion carried. The meeting adjourned at 12:12 p.m.