

Meeting Minutes
Hightstown Borough Council
Special Meeting
October 13, 2010 5:30 pm

The meeting was called to order by Mayor Patten at 5:30 pm and he read the Open Public Meetings Act statement which stated, "Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act, pursuant to Public Law 1975, Chapter 231. Said notice was advertised in the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

The flag salute was followed by roll call.

ROLL CALL

	PRESENT	ABSENT
<i>Councilmember Bond</i>	✓	
<i>Councilmember McGinty</i>	✓	
<i>Councilmember Musing</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Sikorski</i>	✓	
<i>Mayor Patten</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Herbert Massa, Borough Administrator; and Frederick Raffetto, Borough Attorney; George Lang, Chief Finance Officer; and Richard Shaklee, Labor Counsel.

Council President Quattrone motioned to accept the agenda, Councilmember Sikorski seconded, all approved.

The Mayor opened Public Comment Period I and the following individual spoke during the period: J. P. Gibbons, 602 S. Main Street.

There being no further comments, the Mayor closed the public comment period.

Resolution 2010-225 Executive Session

Council President Quattrone moved resolution 2010-225, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, Gilmartin, McGinty, Musing, Quattrone and Sikorski yes.

Resolution adopted, 6-0

Resolution 2010-225

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

AUTHORIZING A MEETING WHICH EXCLUDES THE PUBLIC

BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that this body will hold a meeting on October 13, 2010 at approximately 5:30 p.m. in the Council Chambers that will be limited only to consideration of an item or items with respect to which the public may be excluded pursuant to section 7b of the Open Public Meetings Act.

The general nature of the subject or subjects to be discussed:

Contract Negotiations – Police/Court Shared Services & PBA

Stated as precisely as presently possible the following is the time when and the circumstances under which the discussion conducted at said meeting can be disclosed to the public: January 13, 2011, or when the need for confidentiality no longer exists.

The public is excluded from said meeting, and further notice is dispensed with, all in accordance with sections 8 and 4a of the Open Public Meetings Act.

Council re-convened into open session at 6:57 pm. Roll call remained the same with the exception of Mr. Raffetto and Mr. Shaklee who had left the executive session meeting at 6:30 pm due to prior obligations.

Resolution 2010-226 Ratifying a Memorandum of Agreement with the New Jersey State Police Benevolent Association, Inc. Local No. 283, for the Years 2010, 2011, 2012, 2013 and 2014

Councilmember McGinty gave a statement of why she would not be voting for this resolution and requested that it be placed in full in the minutes.

Statement of Hightstown Borough Council Member Isabel McGinty

“Explanation of why I am voting on October 13, 2010 against the resolution calling for ratification of the document entitled “Memorandum of Agreement Between the Borough of Hightstown and Local PBA 283”

1. Ratifying the Memorandum of Agreement (the “MOA”) would appear to bind the Borough to enter into a **contract** that has not yet been presented for the review of the Borough Council. Most importantly, the MOA (in paragraph 6) would bind the Borough as follows: “During the life of this agreement the Borough agrees not to outsource its Police Department.” That is all the MOA says about outsourcing, and the MOA gives no clue as to what the word “outsource” means.
2. Herbert Massa, Borough Administrator, is advising Borough Council Members of his understanding of what paragraph 6 of the MOA means, and how that language would or would not limit the Borough’s rights of action from now until December 31, 2014. Mr. Massa is not a lawyer. He is not qualified to give legal advice on how this word is being used in the MOA as a technical legal term. If Mr. Massa had a specific view of what “outsource” means, he should have made sure that such a definition was included in the MOA before he signed it for the Borough, because we have no basis for assuming that the PBA would join in that view unless it were spelled out in plain English already, in the MOA **and** in the contract itself. As a Council Member, I could not even consider whether to ratify the MOA until the Borough will have specified in the contract what the critically important word “outsource” means.
3. The Borough Council had a negotiating committee that was to meet with the PBA for contract negotiations. This MOA was entered into and signed by Mr. Massa without prior notice to this Council Member, and without notice to at least one of the Council Members who was a member of that very same negotiating committee. I’m not sure why and how this happened, but it certainly blocks me from agreeing to sign an MOA of this importance without disclosure to all Council Members of additional relevant facts (including how we got to this juncture and why), and public discussion.
4. Hightstown residents have made it very, very clear in the past many months that they view the subjects of **consolidation**, **sharing** of municipal services, and **outsourcing** of services as critically important for the future of Hightstown. As a Council Member, I cannot agree to sign away the Borough’s rights to pursue any of these alternatives in the manner set forth in paragraph 6 of the MOA. Again, I have no idea what that paragraph means, or how it might be otherwise phrased in a final contract.
5. On August 4, 2010, I submitted to the Hightstown Council Members on the Patriot negotiating committee six questions for which I sought written documentation. I specified that I viewed “[t]his information, in print form, [to be] . . . fundamental in evaluating, with due diligence, the issue that the full Council will ultimately be asked to decide” about Hightstown’s police services. The committee never responded to those questions, other than by having Borough Financial Officer George Lang give a short presentation with a one-page spreadsheet at the September 7 Council meeting. The questions I asked remain unanswered. The Council Members who are not on the Patriot negotiating committee have been given, for the most part, no meaningful information of the negotiations, either as those negotiations occurred or thereafter. The full Council has never met with the Borough Special Labor Council (Douglas Wolfson) to hear his assessment of this matter. On the other hand, some or all of the members of the **East Windsor** Council got to review the draft of the contract prepared by **Hightstown’s** Special Labor Council. The **Hightstown** Borough Council did not. Again, the three Council Members who were not members of the Patriot negotiating committee have yet to see the contract in the form drafted by Hightstown’s Special Labor Council and paid for by Hightstown.
6. Many Borough residents have spoken at Council meetings in recent months about the provision of police services for Hightstown, and they have asked for discussion of matters they have raised. Not only have these questions gone unanswered for the public, but they remain unanswered for the three Council Members who were not on the Patriot negotiating committee. If we are now being asked to ratify an MOA that specifies that “the Borough agrees not to outsource its Police Department,” we should be given more information than a take-it-or-leave-it response from the

other Council Members, and the directive that we had better be quick about ratifying, as they are directing us to do. I therefore am voting "No."

7. If the Council agrees to ratify the MOA, that might appear to mean that we are agreeing to enter into a contract whose terms have yet to be drafted in final form. We do not know if the PBA will request other language for how the terms summarized in the MOA will be specified in the final contract. As a Council Member, I cannot on blind faith vote in favor of the MOA, because I have no basis for assuming what language the PBA will ask to have included in the contract, and how those specific contract terms might impact the lives of Borough residents. I have specific reasons for this concern:

On two recent occasions, in matters of great importance to the Borough, Council members agreed on a specific course of action, and specific terms. Soon thereafter, I learned (along with the Council minority) that Borough Labor Counsel, with the authorization of other elected Borough officials and administrative personnel, had done something other than what the Council as a whole had directed them to do. But the matters could not be undone, since the Council majority decided to keep the matters in executive session. This scenario occurred a third time, but this time the majority of Council Members decided to say no. Again, the matter was cloaked by executive session, and I can only give this outline to explain why I cannot vote now on blind trust in the manner requested by the Council committee, which has given the most minimal information to non-committee members.

This erosion of my trust has resulted from one other event: The lack of any update to the other members of the governing body over the duration of the negotiations with East Windsor by the Hightstown Council members of the Patriot negotiating committee. Based on past, repeated experiences, I do not have the necessary trust that my fellow Council Members would inform all members of the governing body and seek their consent before committing the Council to the terms that might subsequently be drafted into the PBA contract itself.

8. I cannot vote yes for this MOA, because the Council Members on the Patriot negotiating committee have not given me reason to conclude how the ratification of this MOA would be in the best interests of the majority of the Borough's residents. Indeed, I have very serious concerns that this agreement would not serve the best interests of Borough residents. Since the full Council has not seen fit to address those reservations, I must vote "No."
9. In two recent Council meetings, Council Members (some of whom have been sitting on the Patriot negotiating committee with East Windsor) have made it obvious that they do not read contracts. This happened with the Public Works employee contract, and with the stray animal contract. If my fellow Council Members were that quick to approve contracts with language that appeared to have fallen out of the sky, how can I have the confidence to approve in advance the terms of a contract that has yet to be circulated for final review by Council? And how can I object later, if the PBA hereafter asks for the inclusion in the contract of language that I find unacceptable at that time? If I wanted to object, I should have done that when it was just the MOA that was up for ratification, right? So that's what I am doing. And so, respectfully, I vote "No."
10. The burden to address the issues presented has rested with the Patriot negotiating committee, unless the rest of Council takes on the burden of acting to remedy this. I am doing that by voting "No." It is not right that they are instead coming to the other Council Members, shutting down discussion summarily, and rushing this to a quick vote for a matter that the public has every right to question, and every right to demand answers in full.

Respectfully, I will be voting "no" on this resolution."

Council President Quattrone moved resolution 2010-226, Councilmember Sikorski seconded.

Roll Call Vote: Council members Bond, Gilmartin, Musing, Quattrone and Sikorski yes; Councilmember McGinty voted no.

Resolution adopted, 5-1.

Resolution 2010-226

*BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY*

**RATIFYING MEMORANDUM OF AGREEMENT WITH THE NEW JERSEY STATE
POLICEMEN'S BENEVOLENT ASSOCIATION, INC., LOCAL NO. 283, FOR THE YEARS
2010, 2011, 2012, 2013 AND 2014**

WHEREAS, the Borough of Hightstown and the New Jersey State Policemen's Benevolent Association, Inc., Local No. 283, (P.B.A.) have negotiated a Memorandum of Agreement for the years 2010, 2011, 2012, 2013 and 2014; and

WHEREAS, the Memorandum of Agreement has been reviewed by all parties and ratified by the New Jersey State Policemen's Benevolent Association, Inc., Local No. 283, (P.B.A.); and

WHEREAS, the Memorandum of Agreement has been reviewed by the Borough's legal counsel, and it is the desire of the Mayor and Council that it be approved and ratified;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Hightstown that the Memorandum of Agreement with the P.B.A. for the years 2010, 2011, 2012, 2013 and 2014, which agreement is on file in the Borough Clerk's office, is approved and ratified.

The Mayor then opened Public Comment Period II. The following residents spoke during the public comment period: J. P. Gibbons, 602 S. Main Street; Rob Thibault, 504 S. Main Street; Jack Friedman, 21 Norton Avenue; Mr. Ozzie, 235 S. Academy Street; and Herbert Smith, 150 S. Main Street..

There being no further comments, the Mayor closed the public comment period.

Council/Mayor/Administrative Comments

Councilmember Gilmartin – commented that she feels that she voted for what is best for Hightstown Borough.

Councilmember McGinty – commented that she is looking for more transparency in these matters.

Council President Quattrone – commented that the police issue has divided Hightstown and that hopefully the bridge will bring them back together.

Councilmember Musing – agreed with Council President Quattrone and suggested the Borough now move forward.

Councilmember Bond – feels that Council made the best decision for the Borough.

Councilmember Sikorski – read the following statement, "The Hightstown Sub-committee on Police Outsourcing regretfully has not been able to complete a successful contract with East Windsor Township. We appreciate the efforts of the East Windsor Council Sub-committee and wish to thank them for all of their efforts. We look forward to exploring any new efforts of mutual benefit for both communities."

Mayor Patten – commented that the Borough does not hide things and is very open with the public, and has even been recognized by Rutgers as a most transparent government. The Council has gone through a stressful process and he is very proud that they have completed their task.

Council President Quattrone moved to adjourn the meeting at 7:25 pm and Councilmember Sikorski seconded; the Motion was approved unanimously.

Respectfully Submitted,

Debra L. Sopronyi

Borough Clerk