

**Meeting Minutes**  
**Hightstown Borough Council**  
**Special Meeting**  
**May 8, 2013**  
**6:30 pm**

The meeting was called to order by Mayor Kirson at 6:50pm 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 sent to the *Trenton Times* and the *Windsor-Hights Herald*, and is posted in the Borough Clerk's office."

Council President Quattrone reminded the public that they should wait to be called for public comment and that they are not to interrupt Council discussion.

The Flag Salute was followed by roll call.

	PRESENT	ABSENT
<i>Councilmember Bibens</i>	✓	
<i>Councilmember Bluth</i>	✓	
<i>Councilmember Doran</i>	✓	
<i>Councilmember Quattrone</i>	✓	
<i>Councilmember Thibault</i>		✓
<i>Councilmember Woods</i>	✓	
<i>Mayor Kirson</i>	✓	

Also in attendance: Debra Sopronyi, Borough Clerk; Michael Theokas, Borough Administrator; Frederick Raffetto, Borough Attorney; and Eric Bernstein, Labor Counsel.

Councilmember Thibault arrived at this time.

Councilmember Bibens moved the agenda for approval, Councilmember Woods seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Quattrone, Thibault, and Woods voted yes.

Agenda approved 6-0.

Mayor Kirson opened the Public Comment Period and the following individuals spoke:

Scott Caster, 12 Clover Lane – noted that Council has a difficult decision to make.

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

**Resolution 2013-110    Authorizing a Meeting Which Excludes the Public**

Councilmember Woods moved resolution 2013-110 with an amendment to add that action may be taken following executive session, Councilmember Doran seconded.

Roll Call Vote: Council members Bibens, Bluth, Doran, Thibault and Woods voted yes; Council President Quattrone voted no.

Resolution adopted, 5-1.

Resolution 2013-110

*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 May 8, 2013 at 6:00 p.m. in the First Aid Building located at 168 Bank Street, Hightstown that will be limited only to consideration of an  
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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:

Personnel – Borough Administrator

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: August 8, 2013 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. Action may be taken following executive session.

Council returned to open session at 7:28pm. Roll call remained the same with the exception of Mr. Theokas, who had departed during executive session.

**Resolution 2013-111 Authorizing Removal of Borough Administrator**

Mayor Kirson requested that the Borough Attorney read the resolution aloud to the public. After the Borough Attorney read the resolution, Councilmember Bibens moved resolution 2013-111, Councilmember Doran seconded.

Roll Call Vote: Council members Bibens, Doran, Thibault and Woods voted yes; Councilmember Bluth and Council President Quattrone voted no.

Resolution adopted, 4-2.

Resolution 2013-111

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

**AUTHORIZING REMOVAL OF BOROUGH ADMINISTRATOR**

**WHEREAS**, Michael Theokas was appointed to the position of Borough Administrator for the Borough of Hightstown (the “Borough”) by Resolution No. 2011-217, adopted on September 6, 2011; and

**WHEREAS**, also on September 6, 2011, the Borough and Mr. Theokas executed an Employment Agreement (the “Agreement”) governing the terms and conditions of Mr. Theokas’ employment with the Borough in this capacity; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-138 and Section 2-9.4 of the Borough Code, a determination has been made by the Borough Council to remove Mr. Theokas from this position, effective immediately.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey (with at least two-thirds of the Borough Council members voting in the affirmative), as follows:

1. That Mr. Theokas is hereby removed from the position of Borough Administrator for the Borough, effective immediately.
2. That, pursuant to N.J.S.A. 40A:9-138, the Borough shall pay to Mr. Theokas forthwith any unpaid balance of his salary and his salary for the next three (3) calendar months following adoption of this Resolution.
3. That the Borough shall provide to Mr. Theokas any other applicable compensation and benefits to which he is entitled, including the provision of health benefits through August 31, 2013 in accordance with the provisions of Paragraph 6 of the Agreement.
4. That a certified copy of this Resolution shall be provided to each of the following:
  - a. Michael Theokas;
  - b. Eric M. Bernstein, Esq., Labor Counsel;
  - c. Frederick C. Raffetto, Esq., Borough Attorney;

Councilmember Bibens moved to adjourn at 7:31pm, Councilmember Bluth seconded. All ayes.

Respectfully Submitted,

Debra L. Sopronyi, RMC  
Borough Clerk