

Mayor Sheinfield Opened the meeting by leading the Pledge of Allegiance and giving the Open Public Meeting Statement. This is an Emergency Meeting of the Hillsdale Borough Council on this 18<sup>th</sup> day of March, 2025. Notice of the time and place of this meeting has been provided to The Ridgewood News, The Bergen Record, the Pascack Press and the Community Life; a copy was posted on the bulletin board outside of the regular meeting room, posted on the Borough Website and provided to any interested parties.

Please silence all cell phones. Please wait to be recognized by the Mayor during the Public Hearing and the Public Comment part of the meeting. You will need to state your name and town of residence for the record.

Borough Clerk Kohan took roll call - Mayor Michael Sheinfield, Council President Osso, Councilmembers Colletti, Fox, Mazza-Chiong, Ruocco, Trochimiuk (Borough Administrator Mike Ghassali, Borough Clerk Denise Kohan, Borough Attorney Mark Madaio). All were present via Zoom.

This meeting was held via the Zoom Platform only.

Join Zoom Meeting

<https://us06web.zoom.us/j/8945664822?pwd=LmtA995ybwrhJdJEPVbj9DIMf36qR.1&omn=81804310509>

Meeting ID: 894 566 4822

Passcode: 07642

Dial by your location

1 929 205 6099 US (New York)

Meeting ID: 894 566 4822

Passcode: 07642

**OFF CONSENT RESOLUTIONS:**

25103

Resolution Authorizing an Emergency meeting without Sufficient Notice under the Open Public Meetings Act, Pursuant to NJSA 10:4-9, For the Purpose of Undertaking a Closed Session Meeting to Discuss the Settlement of a Disciplinary Matter with Police Chief Sean Smith Prior To A Disciplinary Hearing Scheduled for March 20, 2025

**WHEREAS**, the Open Public Meetings Act governs the notice and hearing requirements for all public meetings, including “Special Meetings” and “Emergency Meetings”; and

**WHEREAS**, Police Chief Sean Smith has been terminated by the Borough and a Disciplinary Hearing has been scheduled to commence on March 20, 2025; and

**WHEREAS**, on March 18, 2025, representatives of the Borough were presented with potential settlement terms as to the matter, which terms were not previously provided; and

**WHEREAS**, the Borough desires to undertake a closed session discussion of a potential settlement of the aforesaid pending disciplinary matter prior to the commencement of the Disciplinary Hearing and there is no way to provide the necessary and required 48-hour notice of said meeting to the public; and

**WHEREAS**, pursuant to NJSA 10:4-9: “Upon the affirmative vote of three quarters of the members present a public body may hold a meeting notwithstanding the failure to provide adequate notice if: (1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and (2) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and (3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in section 3. d. above, and also by notifying the two newspapers described in section 3. d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and (4) either (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided, it nevertheless failed to do so.

**NOW THEREFORE BE IT RESOLVED**, by the governing body of the Borough of Hillsdale, State of New Jersey, that the Borough of Hillsdale shall undertake an Emergency Meeting at 4:00pm on March 18, 2025 of the aforesaid potential settlement, by electronic means, and finds as follows:

1. A meeting is required in order to consider the aforesaid settlement and the matter is of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest due to the fixed, pending, Disciplinary Hearing Date;
2. A delay in the Disciplinary Hearing is not possible due to scheduling issues and the need to move forward with the disciplinary process in a manner proscribed in the proposed settlement and any delay for the purpose of providing adequate notice would likely to result in substantial harm to the public interest;
3. Notice of the meeting has already been provided and has been posted on the Borough website and all other standard means of notice including the posting of written notice of the same in the public place described in the statute and also by notifying the two newspapers via Email;
4. The Governing Body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided.

**BE IT FURTHER RESOLVED** that, upon the vote of  $\frac{3}{4}$  of the members present the aforesaid Emergency Meeting may commence.

Motion Trochimiuk Second Osso

Ayes: Councilmember Colletti, Fox, Mazza-Chiong, Council President Osso, Ruocco, Trochimiuk

Nays: none

Mayor Sheinfeld had the Borough Attorney explained how the Council was able to bypass the normal meeting notice requirement. Borough Attorney Madaio explained that meetings usually are required to provide 48 hours notice, however under NJSA 10:4-9, upon the affirmative vote of three quarters of the members present a public body may hold a meeting notwithstanding the failure to provide adequate notice if: (1) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and (2) such meeting is required in order to deal with matters of such urgency and importance that a delay for the purpose of providing adequate notice would be likely to result in substantial harm to the public interest; and (3) notice of such meeting is provided as soon as possible following the calling of such meeting by posting written notice of the same in the public place described in section 3. d. above, and also by notifying the two newspapers described in section 3. d. by telephone, telegram, or by delivering a written notice of same to such newspapers; and (4) either (a) the public body could not reasonably have foreseen the need for such meeting at a time when adequate notice could have been provided; or (b) although the public body could reasonably have foreseen the need for such meeting

at a time when adequate notice could have been provided, it nevertheless failed to do so. Since the hearing is scheduled tomorrow and the possibility of a settlement that was just brought forward today, the public body could not have foreseen the need for such meeting at a time when adequate notice could have been provided therefore the Borough Clerk followed the proper procedure by notifying at least two newspapers and posting the notice in the normal public location for meetings.

**PUBLIC COMMENT:** (time limited to 3 minutes any topic-please state your name and town of residence for the record)

Mayor Sheinfield opened the Public Comment portion of the meeting, but seeing no one wishing to address the Mayor and Council, he closed this portion of the meeting.

Mayor Sheinfield looked for a motion to go into closed session.

**ADJOURN TO CLOSED SESSION:**

[25104](#) To provide for a meeting not open to the public in accordance with the provisions of the New Jersey Open Public Meetings Act N.J.S.A. 10:4-12 –*Police Personnel*

**WHEREAS**, the Borough Council of the Borough of Hillsdale is subject to certain requirements of the Open Public Meetings Act N.J.S.A. 10:4-6 et seq; and

**WHEREAS**, the Open Public Meetings Act, N.J.S.A. 10:4-12 provides that an Executive Session not open to the public may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Borough Council of the Borough of Hillsdale to discuss in a session not open to the public certain matters relating to the item or items authorized by and designated below:

- (1) Matters required by law to be confidential.
- (2) Matters where the release of information would impair the right to receive funds.
- (3) Matters involving individual privacy –
- (4) Matters relating to collective bargaining –
- (5) Matters relating to the purchase, lease or acquisition of real property or the investment of public funds.
- (6) Matters relating to public safety and property –
- (7) Matters relating to litigation, negotiations and the attorney-client privilege – *Police Personnel*
- (8) Matters relating to the employment relationship –
- (9) Matters relating to the potential imposition of a penalty.

**NOW, THEREFORE BE IT RESOLVED**, by the Council of the Borough of Hillsdale assembled in public session this date that an Executive Session closed to the public be and the same is hereby authorized for discussion of matters relating to the specified items designated above. It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Borough Council that the public interest will no longer be served by such confidentiality.

Motion Fox Second Colletti

Ayes: Councilmember Fox, Mazza-Chiong, Council President Osso, Ruocco, Trochimiuk, Colletti

Nays: none

**RECONVENE REGULAR MEETING:**

Motion to reconvene Ruocco Second Colletti

Ayes: Councilmember Mazza-Chiong, Council President Osso, Ruocco, Trochimiuk, Colletti, Fox

Nays: none

Seeing no other business to address the mayor looked for a motion to adjourn the meeting.

**ADJOURNMENT:**

Motion to adjourn Ruocco Second Osso

Ayes: Council President Osso, Councilmember Ruocco, Trochimiuk, Colletti, Fox, Mazza-Chiong

Nays: none

Denise Kohan, Municipal Clerk

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Approved as Presented