

Minutes of the Council Meeting of the Borough of Hillsdale held at 5:00 PM on Wednesday, May 20, 2020 via:

Special Council Meeting  
Wed, May 20, 2020 5:00 PM - 7:00 PM (EDT)

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The meeting was called to order by Mayor Ruocco who also led the Salute to the Flag.

**OPEN PUBLIC MEETING STATEMENT:**

This is a meeting of the Hillsdale Borough Council on this 20th day of May, 2020. Notice of the time and place of this meeting has been provided to The Ridgewood News and The Record; a copy was posted on the Borough Website and on the Electronic Board and provided to any interested parties.

Please notify the Municipal Clerk for any disability requirements necessary for attendance at Mayor and Council meetings. Please silence all cell phones.

**ROLL CALL:**

Council Members DeRosa, Council President Horvath, Lundy, Trochimiuk, Mayor Ruocco, (Borough Attorney Mark Madio, BA Christopher Tietjen, Borough Clerk Denise Kohan)

Absent: Councilmember Escobar and Councilmember Pizzella at the time of roll call, but Councilmember Pizzella joined the meeting later where noted

Mayor Ruocco advised the public that this meeting will begin with an executive closed session. We expect to be in the closed session for approximately 1.5 hours.

**ADJOURN TO CLOSED SESSION:**

R20108 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 – *Operations of Stonybrook Swim Club/Summer Camp/Contracts Involving Stonybrook Swim Club/Furlough Opportunities for Borough Employees*

**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 N.J.S.A. 10:4-12(b) 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 – *Operations of Stonybrook Swim Club/Summer*

*Camp*

X (7) Matters relating to litigation, negotiations and the attorney-client privilege – *Contracts involving Stonybrook Swim Club*

X (8) Matters relating to the employment relationship – *Furlough Opportunities for Borough Employees*

\_\_\_ (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 Councilmember Lundy Second Councilmember DeRosa

Ayes: Council Members DeRosa, Council President Horvath, Lundy, Trochimiuk

Nays: none

Absent: Councilmember Escobar, Councilmember Pizzella

Council member Pizzella joined the Closed Session after it started.

**RECONVENE REGULAR MEETING:**

Motion to reconvene Councilmember Lundy Second Councilmember DeRosa

Ayes: Council President Horvath, Councilmembers Lundy, Pizzella, Trochimiuk, DeRosa

Nays: none

Absent: Councilmember Escobar

**DISCUSSION:**

**PUBLIC COMMENT** (Time limited, new topics only, one topic per speaker):

Mayor Ruocco said that he is limiting the time for each speaker to three minutes and one topic only and it also being a new topic. If someone has already expressed your views perhaps pass up that opportunity.

Councilmember Lundy asked if we could let the Rosemary Metz that Chairperson of the Pool Commission to speak first?

Ms. Metz said that she would like to hear what the public has to comment first before she speaks if that's ok?

The Mayor said of course that is your choice.

Robert Pytel – 58 Crosely Terrace - Thank you Mayor and the Town Council. My wife and I have lived in Hillsdale for 41 years in the same house. We and our 3 daughters have been life guards and members of the Stonybrook Swim Club since 1980. In the late 80's Stonybrook was in deep financial trouble. Bob Elder appointed me to a citizens committee to study and recommend what could be done to save Stonybrook. I put together a financial strategy which was adopted by Council. 7 acres of land was sold that now holds the condos to pay off the debt, build a new club house and take down the unsightly cabanas and add additional pools to the complex. Consistently Stonybrook is voted the best swim club in Bergen County. I watched with great concern the Council Meeting of February 24, 2020 the CFO made a presentation about Stonybrook finances and the transfer of approximately 3 million dollars of Stonybrook funds to the town reducing Hillsdale taxes. My greatest concern that multiple councilmembers stated that if Stonybrook cannot support itself then it should be closed. Stonybrook is the crown jewel of the swim clubs in Bergen County. Stonybrook provides relaxation and pleasure to our senior citizens who have paid Hillsdale taxes for many, many years. If every town benefit needs to be self-funded then where does the \$713,000 come from for the library? Where does the \$200,000 for the playgrounds come from? I am not here to question the need of a library and our playgrounds. We clearly need them. I am here to say that Stonybrook is an immense asset to Hillsdale. I have total respect for what each of you must do. I did review the 2020 Hillsdale Budget. If I am correct the total budget of Hillsdale is 15 million dollars. If Stonybrook needs \$100,000 to balance a budget, that is less than 7/10<sup>th</sup> of the annual town budget. Our land and our open space in Hillsdale is scarce priceless and irreplaceable if ever lost. Mayor and Council, I implore you to figure out how Stonybrook operating even if it means 7/10<sup>th</sup> of the town budget.

Colleen Ennis (no address given)– I once worked for the Borough of Hillsdale and called it my home away from home. I spent 10 years as Tax Collector and CMFO in Hillsdale from 1997-2007. The purpose of my involvement today is not to question the opening or closing of Stonybrook Swim Club but attest to the character and work ethic of Patty Hughes. It is my understanding that no decision is being made tonight in regards to staffing but I would like to put on record my thought for future consideration. Patty has been an employee for the Borough for

over 20 years. During this time, she has served in many capacities. Patty was originally hired to audit the Stonybrook membership records. Because of her performance she was then offered a full-time position. Patty is a great ambassador of the town and was recently recognized for her accomplishments. I understand the predicament that Stonybrook is in due to lack of revenue. Nobody is irreplaceable but I can guarantee that you will not find anyone to be able to fill her shoes. I suggest the following, see if anyone is interested in being furloughed or cutting salaries for a period of time. It is not fair that Patty is not offered the benefit of a contract. Seniority and versatility should be considered. In closing I ask that you take care of the Boroughs crown jewel.

John Marzano – 8 Melville Rd – I would like to offer my congratulations to Mr. Pytel and I agreed with your assessment. 6 years ago, I moved to Hillsdale. Stonybrook Pool made me choose Hillsdale and the opportunity to train with the swim team, Phoenix Aquatics. Because of the opportunities my children have had with swimming with Phoenix they are both highly recruited by colleges. It made them special and it made them able to reach their goals. Many families rely on the pool to make their kids special as swimmers to go to college.

Elizabeth Santos – 32 Hillsdale Avenue - I have been in contact with the Mayor and Councilmember Abby Lundy this week and I want to thank both of them for talking to me in discussing the fate of Stonybrook Pool. I want to reference the social media post that was made by the Coach of Phoenix Aquatics and how it was posted for self-interest. What I do want to let people know is that Don Wagner is not out for himself. Yes, this is for his livelihood and it is a big deal if his club can't run. But he is looking out for our children. There are many children in Hillsdale that swim for him and other local clubs.

Nicole DeGruccio- 74 Kinderkamack Rd – I'm not only a resident but I am also a realtor a lot of the buyers that I am working with and have worked with look to Hillsdale for a number of reasons. One is always Stonybrook. Its highly attractive to people looking to purchase.

Anna Casale – 96 East Liberty Avenue – We purchased here because of the pool. I would hope that maybe we could hold off a week or so until we get better answers in regards to the pool. I just want to echo a lot of Mr. Pytel's sentiments that we have other options. There are some options of having the schools Blue Jean Ball at the pool – what a wonderful idea of having it at an outdoor location. Maybe having a drive in at the pool is another option. I think there are options and we want to be a part of those options.

Danielle McMaron – 32 Forest Drive – I am a new resident, we moved here in August 2018. I lived in a neighboring town and chose to move to Hillsdale because of its welcoming community. Part of that community is Stonybrook. Stonybrook is the highlight of my children's life. I really want you to consider maybe shipping some funds to support Stonybrook. So many families rely on it and have a wonderful time and people bond. Let's try to brainstorm to save Stonybrook.

Rich (Unaudible) 211 Forest Drive – I echo everyone's sentiments. What guidance are you looking for from the Governor for Stonybrook that other town pools have that can make the decision to open. Mayor Ruocco stated that right now the Governor prohibits the opening of town pools. He (the Governor) would have to modify that or do something special to allow pools to open. I have sat in many meetings with the Governor's staff and other mayors have been pressing him for answers. The latest information is that he won't be issuing any guidance in the near future. We don't know the restrictions that pools would have to operate under. I have been a member myself and my children learned to swim there. Please keep in mind that the great majority of Hillsdale residents are not members of Stonybrook, the majority of its members are out of towners. That does not diminish what Stonybrook means to the town. I just can't answer what conditions the Governor is going to impose.

Bo Petcovich – 115 Everdell Avenue – I think what the bigger concern here is the concern is that if we don't open the pool this year what does next year look like? Will you vote to not open the pool next year? What does the future hold? I would like to hear each councilmember comment. Mayor Ruocco said tonight's discussion and meeting is just designed to focus on the 2020 season. Rest assured every member of the council wants Stonybrook to succeed. We have spoken to experts to help give us ideas to increase the revenue of Stonybrook. That was back in February and then disaster struck. The Governor put out his executive order and we don't know when pools will be ok to open. We would like to open the pool on a better financial footing. Right now, the pool has limited surplus resources to rely on if needed to add to its revenue.

Matt Morrison – 103 Conklin Avenue – I want to agree with you Mayor and I also want to thank Mr. Pytel. I want to echo some of the other community members. We love the pool and want it to continue forever. I don't think this year we would join because there are too many unknowns. Having it open if it added more financial strain on it would be a mistake. I agree with those that want to keep the pool functional for the long term. It's the pride of the town.

Julius Schwartz – 50 Pascack Road – I want to echo what other people have said. We really have the ultimate pool in Bergen County. There are going to be fixed costs with the pool no matter what happens. Have you considered taking a poll of those that want to join so you can get an idea of what the liability would be if it were to open? Mayor Ruocco said the paid membership is well below what it was last year. We had expressions from

people that said they would join but again its not enough. It hasn't resulted in paid fees. This is what the Council discussed in closed. If we were to make a decision vs if we were not to make a decision, it puts us in a deeper hole because people are saying that they are not going to join even if the Governor allows the pools to open subject to a number of conditions. My wife and I have decided in our age range that we are not going to join this year. This is a personal decision. I respect those that want to join. Mr. Schwartz asked if the pool is going to be closed, are the reserves going to be carried over into the next year and I already prepaid for my membership this year. Mayor Ruocco said you will be refunded. Yes, there are a number of reserves. Its approximately \$63,000 in surplus. There are other things that can be done to bring things back to an even keel at the start of the next season. Over the years the pool commission allowed money to go over to the Borough Account, that was done many years ago and many years in a row. That stopped several years ago. It was done with the full knowledge of the pool commission and the full knowledge of the Council. Everyone said yes to that. In hind sight was it the smartest decision, probably not? I'm fiscally conservative, I am of a mind that you make money and you sock it away for a rainy day because you never know when you're going to need it. I can't pass judgement now in 2020 on what was done many years ago.

Ted Panagopolous 77 Baylor Avenue- There are a lot of messages flying around social media. The perception right now is that the town is looking to sell Stonybrook. So, my question is, has the Council had any discussions with developers for the sale of that property or is this simply just a rumor. Mayor Ruocco said its just a rumor.

Jason Bashara – 11 Watson Place- In regards to the maintenance contract that you stated in another meeting is about \$175,000 to maintain the pool for the summer. Has the Borough Attorney had time to look at that contract to see if there is any way to eliminate that contract to minimize the cost to the town? Which would be a huge cost savings. Even if the pool were to open, if the Governor were to allow it, it would be so minimal when it comes to membership. Would you be able to breach that contract? Has there been any progress on that? Mayor Ruocco said he cannot comment on that as it pertains to contract matters but we discussed that in closed session.

Rosemary Metz – 105 Baylor Ave - I am the Chairperson of the Pool Commission and a member of the pool. My children work at the pool and have for many years. We value the club and want to make it work. I support the statements that have been made. Stonybrook has covered its expenses even in the event of difficult time. We have given the town money when we were making money. Now the pool is in a bit of difficulty. Be rest assured that the commission will do everything it can to maximize the revenue in 2021 and make it an even better swim club. I want to mention if Patty is to be furloughed, I hope that it is only for a limited amount of time. She is an invaluable person and an asset and should be treated as such. I also want to speak to those that are out there that want to give ideas. Please come to our meetings, we have them once a month, the second Wednesday of the month.

Mayor Ruocco thanked everyone that joined us tonight. At this point he closed the Open Public Comment Period.

Mayor Ruocco stated that based upon the discussions that we had in closed by the Governing Body the sentiment was that we would close Stonybrook Pool for the 2020 season as well as the Recreation Program's Day Camp, which relies heavily on Stonybrook. One of the concerns is that we wanted to give the parents that rely heavily on that program the time to come up with alternatives. We discussed a resolution that would support the closing of the pool for the 2020 season as well as the day camp recreational programs.

The Mayor is looking for a motion for this type of resolution that reflects what was said above (inserted is the actual resolution) Borough Attorney said the Council can give their intent and then a resolution will be crafted over the next several days.

Councilmember DeRosa said he just wanted to add that he knows that people are concerned about the fate of Stonybrook. The last thing I want to do is close Stonybrook. Aside from our school systems, Stonybrook it what attracts young people or people of any age to this town. We are in a difficult time right now. The closing of the pool this year will aid in the success of the pool in years to come.

R20109-

## **RESOLUTION DIRECTING THE CLOSURE OF THE STONYBROOK SWIM CLUB FOR THE 2020 SEASON DUE TO BUDGETARY SHORTFALLS**

**WHEREAS**, the Borough of Hillsdale operates and manages the municipal Swimming Pool Complex known as the Stonybrook Swim Club (“Stonybrook”) within the Borough; and

**WHEREAS**, as a result of the COVID 19 pandemic, and pursuant to Executive Order 107, the Governor of the State of New Jersey has declared a public health emergency and Ordered the mandatory closure of all “Non-Essential” Business Operations, including the Stonybrook Swim Club (“Stonybrook”); and

**WHEREAS**, the mandatory closure requirements of Executive Order 107 are scheduled to expire on, or about, June 6 and the Borough and the public are currently without guidance as to whether the Executive Order will be

permitted to expire; if it will be extended; or if it will be modified and the terms of any such modification. Each of these options will impact pool use and opening in different ways; and

**WHEREAS**, as a result of this lack of guidance and predictability as to Stonybrook's opening, both the Borough and the public are unable to make reasonable determinations as to Swim Club opening dates; the terms of opening; the commencement of work necessary to open; the expenditure of funds by the Borough that are necessary to open; the hiring of personnel necessary to open; the payment and collection of membership fees necessary to fund operations; the budgetary impact of membership fees and their shortfall; and numerous other factors; and

**WHEREAS**, these factors make the operation of Stonybrook impossible for the 2020 season; and

**NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:**

1. The Stonybrook Swim Club operations for the 2020 season be, and hereby are, cancelled and Stonybrook shall remain closed for the 2020 season.
2. All membership fees collected to date shall be promptly and fully returned to those persons who deposited funds for the 2020 season.
3. The appropriate Borough Officials are authorized and directed to take all steps necessary to assure the continued safe and proper closure of the swimming pools and other facilities at Stonybrook.
4. The appropriate Borough Offices are authorized and directed to take all steps necessary to cancel all contracts which are dependent on the opening of the Stonybrook Swim Club and/or its swimming pools.

Motion Councilmember DeRosa Second Councilmember Pizzella

Councilmember Lundy wanted to echo the sentiments of Councilmember DeRosa. My intent was never to close Stonybrook completely. By closing it this year we are ensuring the viability of Stonybrook for next year and the years to come. Hearing the rumors about the town selling the pool or the land are just rumors.

Councilmember Pizzella added that you will never ever see me vote to close Stonybrook Pool. My kids and I have had some of the best memories at Stonybrook. Its only to close the pool for this year. Like the other councilmembers stated it is only going to make the pool stronger for the years to come. Stonybrook is an asset to this town. I did ask a question in closed as to whether the competition or lap pool could open only. The company that opens the pool for us could not open just the one pool. The cost would become a bigger problem.

Ayes: Council Members Council President Horvath, Lundy, Pizzella, Trochimiuk, DeRosa

Nays: none

Absent: Councilmember Escobar

**COUNCIL COMMENTARIES:**

No commentaries were given at this time.

**ADJOURNMENT:**

Motion to adjourn Councilmember Lundy Second Councilmember Pizzella

All in favor: Council Members Council President Horvath, Lundy, Pizzella, Trochimiuk, DeRosa

Absent: Councilmember Escobar

**THE NEXT MEETING OF THE MAYOR AND COUNCIL WILL BE**

**TUESDAY, JUNE 9, 2020 7:30 pm**

Denise Kohan, Municipal Clerk

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APPROVED AS PRESENTED