BOROUGH OF HILLSDALE
RESOLUTION 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 DISIPLINARY MATTER WITH POLICE CHIEF SEAN SMITH PRIOR TO A DISIPLINARY 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 ¾ of the members present the aforesaid Emergency Meeting may commence. .

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
Colletti, Robert			X				
Fox, Justin			X				
Mazza-Chiong, Melissa			X				
Osso, Clemente		X	X				
Ruocco, John			X				
Trochimiuk, Janetta	X		X				
Sheinfield, Michael							

Adopted: March 18, 2025

Attest: Denise Kohan
Denise Kohan
Municipal Clerk

Michael Sheinfield
Mayor