

**BOROUGH OF HILLSDALE
RESOLUTION 22198**

**RESOLUTION OF THE BOROUGH OF HILLSDALE,
COUNTY OF BERGEN, NEW JERSEY OVERRIDING THE
MAYOR’S VETO OF PORTIONS OF ORDINANCE NO. 22-16 AN
ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 63 OF
THE CODE OF THE BOROUGH OF HILLSDALE, COUNTY OF
BERGEN, STATE OF NEW JERSEY, IN ORDER TO REVISE THE
TABLE OF ORGANIZATION OF THE POLICE DEPARTMENT**

WHEREAS, the Borough of Hillsdale, in the County of Bergen, New Jersey (the “**Borough**”), duly adopted Ordinance No. 22-16 on October 11, 2022 amending Chapter 63 and revising the table of the Hillsdale Police Department (the “**Ordinance**”); and

WHEREAS, *N.J.S.A.* 40A:60-5(d) provides that every ordinance adopted by a municipal council shall, within five days after its passage, Sundays excepted, be presented to the Mayor by the Borough Clerk, and the Mayor shall, within ten days after receiving the ordinance, Sundays excepted, either approve the ordinance by affixing his signature thereto or return it to the municipal council by delivering the ordinance to the Borough Clerk together with a statement setting forth his objections thereto or any item or part thereof; and

WHEREAS, on October 11, 2022, the Clerk of the Borough (the “**Borough Clerk**”) presented the Ordinance to the Mayor of the Borough (the “**Mayor**”); and

WHEREAS, on October 21, 2022, the Mayor delivered to the Borough Clerk a statement, a copy of which is attached hereto as *Exhibit A*, setting forth his objections to portions of the Ordinance regarding “increases the maximum number of officers from 20 to 23 by virtue of an increase in sergeants from five to six, and an increase in patrol officers from 12 to 14”. The Mayor specifically indicated that he approves all other parts of the Ordinance; and

WHEREAS, *N.J.S.A.* 40A:60-5(d) provides that the Borough Council may override the Mayor’s veto if, upon consideration of the ordinance following its return, the Borough Council resolves to override the veto, with no less than two-thirds of its membership concurring,

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE BOROUGH OF HILLSDALE, IN THE COUNTY OF BERGEN, NEW JERSEY (NO LESS THAN TWO-THIRDS OF ITS MEMBERSHIP AFFIRMATIVELY CONCURRING) AS FOLLOWS:

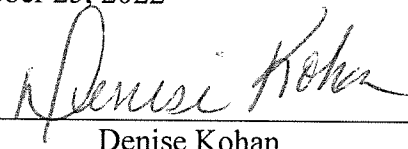
Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

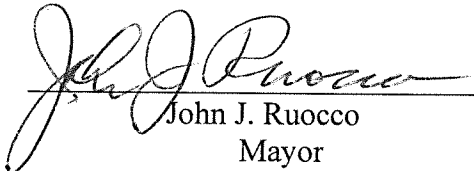
Section 2. The Borough Council, in accordance with the statute, hereby overrides the Mayor’s veto of a portion of Ordinance No. 22-16 and the Ordinance shall become effective in accordance with applicable law.

Section 3. This resolution shall take effect immediately.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony		X	X				
Escobar, John			X				
Horvath, Zoltan			X				
Lundy, Abby	X		X				
Pizzella, Frank			X				
Trochimiuk, Janetta			X				
Ruocco, John							

Adopted: October 25, 2022

Attest: 
Denise Kohan
Municipal Clerk


John J. Ruocco
Mayor



JOHN J. RUOCCO
Mayor

380 Hillsdale Avenue
Hillsdale, New Jersey 07642
201-666-4800 (main)
201-497-1520 (direct)
jrulloco@hillsdalenj.org

Friday October 21, 2022

To: Borough Clerk Denise Kohan &
Hillsdale Borough Council

Re: Ordinance No. 22-16: An Ordinance Amending and Supplementing Chapter 63 of the Code of the Borough of Hillsdale, County of Bergen, State of NJ, in Order to Revise the Table of Organization of the Police Department

Pursuant to NJ Statute 40A:60-5, I hereby return Ordinance No. 22-16 to the Borough Clerk and Borough Council unsigned within 10 days (Sundays excepted) after it having been presented to me by the Borough Clerk for signature. In so doing, I wish to make clear as permitted to me by law that my objection applies ONLY to that portion of the Ordinance which increases the maximum number of officers from 20 to 23 by virtue of an increase in sergeants from five to six, and an increase in patrol officers from 12 to 14. I approve all other portions of the Ordinance.

The reasons set forth in favor of adopting said Ordinance were based on providing flexibility and speed for the Department to respond to resignations or retirements in the future. No hypothetical or anticipated instances were advanced to necessitate an increase. At the sergeant level, the Department is operating with only four and thus is already authorized to add an additional sergeant.

It was said that the past practice of relying on an ordinance to change the Hillsdale legal Code to accommodate future increases in staff would be too time-consuming and unwieldy. I find that argument unconvincing since the minimum number of days from ordinance introduction to ordinance adoption need only be 10 days and the usual 20-day wait period after adoption can be overridden and circumvented by Council.

The Borough has for many years closely managed the staffing level of the Department via ordinance without any harmful effect, accommodating the need for a change smoothly and quickly. Increasing the legal cap on the total Department from 20 officers to 23 in one sweep to provide flexibility for some future unspecified need, as this Council has done, makes future increases solely a function of passing a resolution. **Thus, it eliminates the need for a public hearing (as would be required when such an increase is adopted via an ordinance.) That means that an increase could be proposed and enacted with little-to-no advance notice to the public.** Indeed, a resolution to increase staffing could be proposed and adopted within minutes of each other, without even appearing on the Council's published agenda. That approach fails to recognize sufficiently that police staffing decisions have an enormous effect on the Borough's budget. The hiring of a single junior officer entails a willingness to spend several millions of dollars of appropriations over the working life of that individual. Even when discounted into today's dollars, it is on par economically with a multi-million-dollar capital investment.

Decisions of that magnitude deserve the extra consideration, due diligence, and publicity that a change via ordinance would require, as is presently the case.

Council's action raises the interesting question: "If Council is willing to increase the cap to an arbitrary level in the name of flexibility and make staffing increases subject only to the passage of a resolution, why even bother to have any legally codified caps on the size of the Department?" While that question might give rise to charges of exaggeration, the answer should be clear: municipal decision-making over so important a matter should be treated with a high level of consideration and an opportunity for public comment. Moreover, having the law specify a cap would discourage municipal officials from ignoring a sound policy control which they might otherwise find tempting to disregard.....which is why using "flexibility" as an argument to support the arbitrary increase in the legally stipulated caps is flawed and undesirable.

I urge the Council to reconsider their decision and weigh the alternative approach that I publicly suggested to them, namely, keeping the levels where they are now but adding the following language to the Code: ***"Any of these limits may be exceeded at any time for a period of up to 6 months to accommodate announced or expected resignations or retirements where hiring is deemed necessary by the Police Chief and Borough Administrator in advance of the actual or effective date of departure."***



(signed) John J. Ruocco

CC: Borough Attorney Mark Madaio
Borough Labor Attorney Ray Wiss