

**VILLAGE OF HIGHLAND FALLS
BOARD OF TRUSTEES
RESOLUTION ESTABLISHING A SEPARATE BOARD OF POLICE COMMISSIONERS**

WHEREAS, the Village of Highland Falls currently maintains a police department; and

WHEREAS, pursuant to Village Law § 4-400 and § 4-412, the Mayor and two Trustees currently act as Police Commissioners; and

WHEREAS, the Board of Trustees has concerns about the administration and operational oversight of the Police Department; and

WHEREAS, the Board of Trustees has determined that the Police Department would benefit from the oversight of a Board of Police Commissioners that has extensive professional police experience.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the authority vested in the Board of Trustees under Village Law § 3-308(2), a separate Board of Police Commissioners is hereby established in the Village of Highland Falls, as set forth herein:

Appointment of Commissioners; residency requirements. The Commission shall consist of three (3) members, appointed by the Mayor upon approval by the Board of Trustees. Notwithstanding any other provision of law to the contrary, in lieu of any other residence requirement imposed by law, any member of the Board of Police Commissioners may reside within Orange County, State of New York, or in any county within the State of New York contiguous to Orange County.

Qualifications. One or more members of the Board of Police Commissioners shall be a person or persons with a minimum of 10 years of professional police experience. The Chairman of the Board of Commissioners shall be appointed by the Mayor, upon approval of the Board of Trustees, and shall be chosen from among the Commissioners who have a minimum of 10 years of professional police experience.

Term of Office. Each Police Commissioner shall hold the position for a term of three (3) years from the date of appointment, provided however, that the first term of the first appointed Police Commissioner shall expire on the date of the annual reorganization meeting 2017; the first term of the second appointed Police Commissioner shall expire on the date of the annual reorganization meeting 2018, and the first term of the third appointed Police Commissioner shall expire on the date of the annual reorganization meeting 2019. Thereafter, each term shall be for a period of three (3) years from the date of the annual reorganization meeting.

Compensation. The annual hours and compensation of the Chairman of the Board of Police Commissioners shall be determined by resolution of the Board of Trustees. The other two members of the Board of Police Commissioners shall serve without compensation, except for a stipend determined by resolution of the Board of Trustees. All expenses related to duties as Commissioners shall be reimbursed by the Village upon timely presentation of a voucher thereto.

Powers and duties. The Board of Police Commissioners of the Village of Highland Falls is hereby authorized and empowered:

1. To promulgate rules and regulations governing the operation of the Police Department of the Village and to recommend such other rules and regulations applicable to other departments as shall be necessary or desirable for the public safety and welfare, subject however, to the prior approval of the Mayor and Board of Trustees, subject to any applicable law, rule or regulation.
2. To supervise, control and direct the conduct of the members of the Police Department of the Village of Highland Falls, including but not limited to the Chief of Police, and all matters concerning the operation of said Police Department, including the appointment, promotion, change in status and removal of said members, subject however to the Mayor's authority as set forth in 4-400(1)(e), to any collective bargaining agreement then in place or applicable procedures set forth in § 75 of the Civil Service Law.
3. To prepare and submit a report on a schedule established by the Board of Trustees concerning the budget and operation of the Police Department and to recommend to the Mayor and the Board of Trustees such changes in the methods, practices and procedures involved in the operation of the Department and in the procurement of equipment necessary or desirable to promote the modernization and the operational and economic efficiency of the Department.
4. To promote cooperation between the Police Department of the Village and that of surrounding jurisdictions including the Town of Highlands.
5. To do all things necessary and desirable to achieve the goal of the Board of Trustees to enhance oversight and accountability of the Police Department.

BE IT FURTHER RESOLVED, that the Board of Police Commissioners shall report to and be under the supervision of the Mayor and the Board of Trustees pursuant to Village Law § 4-400(1)(e) and § 4-412(1).

Procedure for meetings of the Board of Police Commissioners.

1. The Chairman shall preside at the meetings of the Board of Police Commissioners.
2. A majority of the Board of Police Commissioners shall constitute a quorum for the transaction of business, but a lesser number may adjourn.
3. No action may be taken except by a concurring vote of a majority of the Board of Police Commissioners.

Duties of Chairman. The duties of the Chairman of the Board of Police Commissioners shall be:

1. To preside at the meetings of the Board of Police Commissioners, and he may have a vote upon all matters and questions coming before the Board, and he shall vote in case of a tie. However, on all matters and questions, he shall vote only in his capacity as Chairman, and his vote shall be considered as one vote.
2. To supervise, control and direct the day-to-day conduct of the Chief of Police and members of the Village Police Department and all other routine matters relative to the operation of such Department between Board meetings, subject however to the Mayor's authority pursuant to Village Law § 4-400(1)(b) and (1)(e).
3. To act as liaison on a routine basis on behalf of the Chief of Police and Police Department with the Mayor and Board of Trustees.

On a motion by Trustee Mellon, seconded by Trustee Aylward, the Mayor declared the Resolution adopted on a roll call vote of 5 ayes, 0 nays

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| Mayor Flynn | <u> x </u> Aye | <u> </u> Nay |
| Trustee Aylward | <u> x </u> Aye | <u> </u> Nay |
| Trustee Mellon | <u> x </u> Aye | <u> </u> Nay |
| Trustee Murphy | <u> x </u> Aye | <u> </u> Nay |
| Trustee Farina | <u> x </u> Aye | <u> </u> Nay |

Dated: June 6, 2016

Regina M. Taylor, Village Clerk of the Village of Highland Falls, does hereby certify that the foregoing Resolution of the Board of Trustees was filed in my office on the following date:

Regina M Taylor 6/7/16

Signature and Date

MAYOR'S STATEMENT: Several issues were raised at the public hearing, which the Board will address tonight.

First: We are establishing the Board of Police Commissioners because we have lost confidence in the current administration to provide us the information we need when we need it to effectively govern the police department. We need to get overtime under control and that has not happened. We need proactive management of risk and of budget issues and we do not have that. We are spending a good deal of our time interacting with the police yet we have not seen the results that we asked for. So, we felt that the current administration would benefit from professional oversight in the form of a professional board of police commissioners.

Second: Having said that, we are not delegating our authority. We will continue to be responsible for the police, with input from the commissioners. We have a lot on our plate and the commissioners will help us not only with our management of the department, but will also free up some time for us to attend to other, pressing Village business.

Third: Although we have been contemplating the formation of a separate board of police commissioners for some time, we have no plans to create any other commissions.

Fourth: Our intent is that if the commissioners receive compensation, that the compensation will be offset by reciprocal savings within the department over the course of the year, such as freeing up the Chief to do more hands-on policing. We have not yet decided on compensation – that will depend on budget and the candidates for the board. We will work with our comptroller and determine what, if any, compensation will be paid and advise the public.

Fifth: As you know we are contemplating merging the departments. If and when we do that the board of police commissioners will be dissolved.

Sixth: Finally, we were asked whether other villages our size have separate boards of police commissioners. There are some who have police commissioners, but that is not the point. This is about the Village of Highland Falls and our desire to add additional professional oversight of the police department for the good of the Village. There is no reason to wait.