

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

November 30, 2020 – 6:00 PM

Per Executive Order No. 202.1, this meeting took place via videoconference, and was viewable on the City of Geneva, NY YouTube channel:
[YouTube.com/cityofgenevany](https://www.youtube.com/cityofgenevany)

Presiding – Steve Valentino, Mayor

1. ROLL CALL

Present: Clr. Gaglianese, Clr. Noone, Clr. Salamendra, Clr. Regan, Clr. Pealer, Clr. Camera, Clr. Pruet, and Clr. Burrall

2. POLICE ACCOUNTABILITY BOARD DISCUSSIONS

Clr. Camera said he would like to clean up the wording in section 15-16 that talks about retaliation. Clr. Salamendra said she does not agree with this as police already have a mechanism to police people. She said she is opposed to this balancing of the sides when the purpose of this board was to deal with police accountability.

ACTION TAKEN by Clr. Camera; seconded by Clr. Pruet

MOVED THAT § 15-16 (1) and (2) be amended to remove the last sentence “Retaliation includes but is not limited to: disparate treatment, harassment, intimidation, stalking, threats, and assaults” with that sentence becoming a new item #3; (2) be amended to remove “or any other person against complainants, witnesses, PAB members, GPD Officers, and employees” and add the word “against” after “employees”; move current item 3 to new item 4.

ROLL CALL VOTE: Aye –Clr. Burrall, Clr. Regan, Clr. Pruet, Clr. Pealer, Mayor Valentino,

Clr. Gaglianese and Clr. Noone

Nay – Clr. Camera and Clr. Salamendra

MOTION CARRIED

Clr. Regan said she has a procedural request to replace the wording in section 15-3(1)(c) as there was no formal vote to take it out, so she would just like to see the original wording put back in. Clr. Camera said that this wording is old, and he would like to see it reworded.

ACTION TAKEN by Clr. Regan; seconded by Clr. Pruett

MOVED THAT § 15-3(1)(c) be replaced with original wording “Members of the Board and their immediate family shall not be currently or formally employed by the GPD. No more than one (1) member of the Board at a time may be a former law enforcement officer with an agency other than the GPD or an immediate family member of a person formerly employed in non-GPD law enforcement.”

**ROLL CALL VOTE: Aye –Clr. Salamendra, Clr. Burrall, Clr. Camera, Mayor Valentino,
Clr. Regan, and Clr. Pruett**

Nay – Clr. Gaglianese, Clr. Noone, and Clr. Pealer

MOTION CARRIED

ACTION TAKEN by Clr. Regan; seconded by Clr. Salamendra

MOVED THAT in § 15-3(1)(c) be amended to read “The Board shall have no members who are currently or formerly employed by the GPD or their immediate family members. The board shall have no more than one (1) member of the Board at a time be a former law enforcement employee with an agency other than the GPD or an immediate family member of a person formerly employed in non-GPD law enforcement.”

Clr. Gaglianese said he disagrees with removing wording allowing even one law enforcement officer on the board as other communities are allowing it, and he doesn't understand why we have to be different. He said that council makes the decision who to put on the board, so there is no need to put any restrictions. When councilors were trying to clarify what immediate family members would include, Clr. Salamendra reminded everyone that definitions are located in the first section of the law. Clr. Pealer questioned if the law needed to define law enforcement officer as well.

ACTION TAKEN by Clr. Salamendra; seconded by Clr. Regan

MOVED THAT the above motion be amended to read “The Board shall have no members who are current or former employees or their immediate family members of any law enforcement agency.”

**ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Salamendra, Clr. Regan, Clr. Burrall, and Clr. Camera
Nay – Clr. Gaglianese, Clr. Noone, Mayor Valentino and Clr. Pealer**

MOTION CARRIED

(roll call on the motion as amended)

**ROLL CALL VOTE: Aye – Clr. Regan, Clr. Camera, Clr. Salamendra, Clr. Burrall, and Clr. Pruett
Nay – Clr. Gaglianese, Clr. Noone, Clr. Pealer and Mayor Valentino**

MOTION CARRIED

Clr. Gaglianese said he would like to change the name to Civilian Review Board to soften it up and show we are not out to get the police department. He said that the board is supposed to protect both civilians and police officers and bridge the gap. Clr. Burrall voiced his concern that people searching our website may have trouble figuring out what the Civilian Review Board is for. Clr. Pruett said he wouldn't mind changing the name to Police Review Board since the board will be doing a lot of review in addition to holding police accountable. Clr. Salamendra said that it is a problem that we can't say accountability and police without saying we are going after the police.

ACTION TAKEN by Clr. Gaglianese; seconded by Clr. Pruett

MOVED THAT the name Police Accountability Board be amended to "Civilian Review Board"

ACTION TAKEN by Clr. Pealer; seconded by Clr. Gaglianese

MOVED THAT the above motion be amended to read "Police Review Board"

ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Burrall, Clr. Gaglianese, Clr. Noone, Mayor Valentino, and Clr. Pealer

Nay – Clr. Salamendra, Clr. Regan, and Clr. Camera

MOTION CARRIED

(roll call on the motion as amended)

ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Burrall, Clr. Gaglianese, Clr. Noone, Mayor Valentino, and Clr. Pealer

Nay – Clr. Salamendra, Clr. Regan, and Clr. Camera

MOTION CARRIED

Attorney Emil Bove told council that the new local law will need to have all references to the Police Accountability Board or PAB changed to Police Review Board or PRB.

ACTION TAKEN by Mayor Valentino; seconded by Clr. Pruett

MOVED THAT § 15-2(5) be amended to add "based on information from complaint investigations" at the end of the paragraph.

ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Burrall, Clr. Gaglianese, Clr. Noone, Mayor Valentino, Clr. Camera, and Clr. Pealer

Nay – Clr. Salamendra and Clr. Regan

MOTION CARRIED

ACTION TAKEN by Clr. Pruet; seconded by Clr. Camera

MOVED THAT § 15-3(2) be amended to add an item “D” to read “Mayor shall appoint a city councilor as a non-voting liaison to the PRB in the same process as utilized for all city boards and committees.”

ACTION TAKEN by Clr. Pealer; seconded by Clr. Camera

MOVED THAT the above motion be amended to use the word “may” in place of “shall”

**ROLL CALL VOTE: Aye – Clr. Pruet, Clr. Camera, Mayor Valentino, Clr. Noone, Clr. Pealer,
Clr. Gaglianese, Clr. Burrall, and Clr. Regan**

Nay – Clr. Salamendra

MOTION CARRIED

(roll call on the original motion as amended)

**ROLL CALL VOTE: Aye – Clr. Pruet, Clr. Camera, Clr. Salamendra, Clr. Regan, Clr. Burrall,
Clr. Gaglianese, Clr. Noone, Clr. Pealer and Mayor Valentino**

MOTION CARRIED UNANIMOUSLY

ACTION TAKEN by Clr. Pruet; seconded by Mayor Valentino

MOVED THAT § 15-14(3) be amended to add an item “L” to read “The Board shall report expenses incurred for the reporting period in 2021 and prepare a budget for approval in subsequent years.”

ACTION TAKEN by Clr. Pruet; seconded by Mayor Valentino

MOVED THAT the above motion be amended to read “The Board shall report expenses incurred for the first 12 months and prepare a budget for approval in subsequent years.”

**ROLL CALL VOTE: Aye – Clr. Pruet, Clr. Salamendra, Clr. Regan, Clr. Burrall, Clr. Noone,
Mayor Valentino and Clr. Camera**

Nay – Clr. Gaglianese and Clr. Pealer

MOTION CARRIED

(roll call on the original motion as amended)

**ROLL CALL VOTE: Aye – Clr. Pruet, Clr. Salamendra, Clr. Regan, Clr. Burrall, Clr. Noone,
Mayor Valentino and Clr. Camera**

Nay – Clr. Gaglianese and Clr. Pealer

MOTION CARRIED

ACTION TAKEN by Clr. Camera; seconded by Clr. Regan

MOVED THAT § 15-11(8) be amended to remove the sentence “if said disciplinary action differs from that recommended by the PRB, his or her decision differs from the PRB recommended discipline.”

ACTION TAKEN by Clr. Regan; seconded by Clr. Camera

MOVED THAT the above motion be amended to add the following where the sentence was removed “including how it may differ from the PRB recommendation”

ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Salamendra, Clr. Regan, Clr. Burrall, Clr. Camera and Mayor Valentino

Nay – Clr. Gaglianese, Clr. Noone and Clr. Pealer

MOTION CARRIED

(roll call on the original motion as amended)

ROLL CALL VOTE: Aye – Clr. Pruett, Clr. Salamendra, Clr. Regan, Clr. Burrall, Clr. Camera, and Mayor Valentino

Nay – Clr. Gaglianese, Clr. Noone and Clr. Pealer

MOTION CARRIED

ACTION TAKEN by Mayor Valentino; seconded by Clr. Pruett

MOVED THAT § 15-6(1) be amended to include item “M” to read “NYS Public Officers Law, Article 7, known as the ‘Open Meetings Law’.”

MOTION CARRIED UNANIMOUSLY

Mayor Valentino questioned whose responsibility it is to refer a case to the District Attorney’s Office if criminal conduct occurs. Clr. Pruett said he feels it comes down to who the board reports to and that is council. After some discussion with the city attorney, he said he has no problem with the current wording and does not feel it should be changed.

ACTION TAKEN by Clr. Pruett; seconded by Clr. Noone

MOVED THAT § 15-11(3) be amended to remove the wording “to the Ontario County District Attorney’s Office or the New York State Attorney General’s Office and request their office(s) initiate an investigation” and replace it with “City Council.”

ROLL CALL VOTE: Nay – Clr. Pruett, Clr. Salamendra, Clr. Regan, Clr. Burrall, Clr. Camera, Clr. Gaglianese, Clr. Noone, Mayor Valentino and Clr. Pealer

MOTION DEFEATED

Clr Gaglianese asked if the public hearing could be done at a public location. Mayor Valentino said that needs to be considered, but with current regulations from the CDC it is hard to know what will be allowed at that point.

Mayor Valentino clarified to council an order of procedure. He said that abstaining from a vote can only be done if a councilor has a conflict of interest. He said information can be found in the Council Rules of Procedure. Clr. Pruett said that sometimes he doesn't know what is being voted on and asked what he should do. Mayor Valentino said in that case, he could call for time to discuss the matter for clarification. Clr. Pealer said that if a councilor doesn't understand a motion, they need to ask questions and move to table it if they still don't understand.

When discussing when to hold the public hearing, Clr Gaglianese said council needs to give the public time to look at the document before the public hearing. Clr. Regan said the local law need to be made as available as possible to residents. Clr. Salamendra said this has been put off long enough and needs to come to a vote soon.

3. ADJOURNMENT

ACTION TAKEN by Clr. Pealer; seconded by Mayor Valentino

MOVED THAT the meeting be adjourned at 9:04pm

MOTION CARRIED

Lori Guinan

City Clerk