

THE GENEVA CITY COUNCIL

JOURNAL OF PROCEEDINGS

SPECIAL COUNCIL MEETING

October 22, 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. Burrall, Clr. Regan, Clr. Pealer, Clr. Camera, Clr. Pruet, and Clr. Salamendra

2. POLICE ACCOUNTABILITY BOARD DISCUSSIONS

Mayor Valentino told everyone that they will be starting at section 15-7 tonight, looking for any input or modifications based on the information received.

When talking about the complaint being anonymous, Clr. Salamendra said that she feels it is very important to have anonymity. Clr. Camera said he would like to see the complainant sign some sort of oath that the information they are giving is true, even if they are anonymous. Clr. Pruet said that the PAB member accepting the complaint could provide the person with a separate attestation to sign with their complaint, and Clr. Camera said there could even be a box to check.

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

MOVED THAT in § 15-7(6) insert the words “except where the complainant has elected to remain anonymous” at the end of the sentence; § 15-7(5) delete one comma after third PAB.

MOTION CARRIED UNANIMOUSLY

Clr. Regan said she would rather allow anonymous complaints and leave it to the PAB to determine the truth of what they are hearing. Clr. Burrall said that the complainant is only anonymous until the process begins. He can see a third party being anonymous, but not the affected person. Clr. Pealer noted that the complainant needs to be contacted to get more information. He said their name can be kept confidential by the board members. Clr. Salamendra told everyone that the civil rights attorneys don't feel a signature needs to be included on an anonymous complaint, noting that the complainant could be a person driving by the incident.

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

MOVED THAT in § 15-7(7) remove entire paragraph

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

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

MOTION CARRIED

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

MOVED THAT in in § 15-7(7) change wording to read “Formal PAB review procedures concerning a complaint of misconduct will commence when a PAB member confirms receipt of the complaint or the complaint having been signed by the complainant.

ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Camera, Clr. Regan, and

Mayor Valentino

Nay – Clr. Salamendra, Clr. Pealer, and Clr. Pruett

MOTION CARRIED

Clr. Burrall referred to a time limit that Mr. Bove had mentioned, and he asked where that should be inserted. Mr. Bove said he is not prepared to do that at this time, and he will bring it forward at a later date.

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

MOVED THAT in § 15-7 add the wording “shall endeavor to have” no more than one

ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Noone, Clr. Burrall, Clr. Camera, Clr. Regan, and

Mayor Valentino

Nay – Clr. Salamendra, Clr. Pealer, and Clr. Pruett

MOTION CARRIED

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

MOVED THAT in § 15-8(1) time for the investigation to be completed changed from 30 days to 90 days

ROLL CALL VOTE: Aye – Clr. Gaglianese, Clr. Noone, and Clr. Pealer

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

Mayor Valentino

MOTION DEFEATED

City Manager Gerling told council that Chief Passalacqua would prefer to have 60 days to respond to prevent the city manager from continually needing to provide an extension if needed.

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

MOVED THAT in § 15-8(1) time for the investigation to be completed changed from 30 days to 60 days

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

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

MOTION DEFEATED

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

MOVED THAT in § 15-8(1) time for the investigation to be completed changed from 30 days to 45 days

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

Nay – Clr. Salamendra and Clr. Regan

MOTION CARRIED

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

MOVED THAT in § 15-8(4) Capitalize “officer”, and insert “New York State” before “Civil Service Law.”; in (5) insert “the” before New York State Civil Service Law; in (5) insert “applicable” before “Collective Bargaining Agreements” and chief requests 60 days to complete GPD investigation.

MOTION CARRIED UNANIMOUSLY

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

MOVED THAT in § 15-9(1) insert language at the end of the item “The PAB shall provide the Chief prompt notice of the outcome of this vote, including, whether the PAB will conduct its own supplementary investigation”; (3) replace “possible” with “practical”; (9) capitalize “Officers”, insert “the” before New York State Civil Service Law”; (9) Insert “applicable” before Collective Bargaining Agreements.”

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

Nay – Clr. Pealer, Clr. Gaglianese, and Mayor Valentino

MOTION CARRIED

Mayor Valentino said he learned a lot from the police reform group discussion last week saying that there are 75 general orders that the police department operates by, and the chief complies with all of them based on what happens in his command. Clr. Pealer said that this is good for transparency for the chief to act first and eliminate the need for a PAB decision.

ACTION TAKEN by Clr. Noone; seconded by Clr. Pealer
MOVED THAT in § 15-9(9) remove the first sentence
ROLL CALL VOTE: Aye –Clr. Noone, Clr. Pruet, Mayor Valentino, Clr. Gaglianese, and
Clr. Pealer
Nay – Clr. Camera, Clr. Salamendra, Clr. Burrall, and Clr. Regan
MOTION CARRIED

ACTION TAKEN by Clr. Salamendra; seconded by Clr. Regan
MOVED THAT in § 15-9(9) insert “The Chief shall await completion of the PAB
investigation, determination, and recommendation for discipline, if any, before
imposing discipline on an officer, unless the chief determines law or exceptional
circumstances require discipline to be imposed earlier”

ACTION TAKEN by Clr. Camera seconded by Clr. Regan
MOVED THAT in § 15-9(9) amend the above proposal to include “general orders”
ROLL CALL VOTE: Aye – Clr. Pealer, Clr. Camera, Clr. Gaglianese, Clr. Noone, Clr. Pruet,
Clr. Burrall, and Clr. Regan
Nay – Clr. Salamendra and Mayor Valentino
MOTION CARRIED

ROLL CALL VOTE (on original proposal)
Aye – Clr. Pruet, Clr. Camera, Clr. Salamendra, Clr. Burrall, and Clr. Regan
Nay – Clr. Gaglianese, Clr. Noone, Mayor Valentino, and Clr. Pealer
MOTION CARRIED

3. ADJOURNMENT

ACTION TAKEN by Pealer; seconded by Clr. Salamendra
MOVED THAT the meeting be adjourned at 8:14pm
ROLL CALL VOTE: Aye –Clr. Noone, Clr. Gaglianese, Clr. Salamendra, Clr. Regan, Clr. Burrall,
and Clr. Pealer
Nay – Clr. Camera, Clr. Pruet, and Mayor Valentino,
MOTION CARRIED

Lori Guinan

City Clerk