CITY OF SARATOGA SPRINGS

SPECIAL CITY COUNCIL MEETING

March 31, 2021

MEETING HELD VIA ZOOM

PRESENT:

Meg Kelly, Mayor
Lisa Ribis, Secretary to the City Council
Robin Dalton, Commissioner
Anthony Scirocco, Commissioner
John P. Franck, Commissioner
Michele Madigan, Commissioner
Vincent DeLeonardis, City Attorney
Matthew Veitch, Supervisor
Tara N. Gaston, Supervisor
MAYOR KELLY: Good evening. Welcome to Wednesday, March 31st special City Council meeting.

There are no public hearings this evening.

Roll call, please.

SECRETARY RIBIS: Commissioner Franck?

COMMISSIONER FRANCK: Present.

SECRETARY RIBIS: Commissioner Madigan?

COMMISSIONER MADIGAN: Present.

SECRETARY RIBIS: Commissioner Scirocco?

COMMISSIONER SCIROCCO: Here.

SECRETARY RIBIS: Commissioner Dalton?

COMMISSIONER DALTON: Present.

SECRETARY RIBIS: Mayor Kelly?

MAYOR KELLY: Here.

SECRETARY RIBIS: Supervisor Veitch?

SUPERVISOR VEITCH: Here.

SECRETARY RIBIS: And Supervisor Gaston?

SUPERVISOR GASTON: Here.
MAYOR KELLY: Please rise for the
Pledge of Allegiance.

I pledge allegiance to the Flag of
the United States of America, and to the
Republic for which it stands, one Nation
under God, indivisible, with liberty and
justice for all.

Next on the agenda is our public
comment period. The council's resolution
to address police reform was uploaded to
this agenda on Monday.

Remember if you are watching the
meeting, please watch it over -- go over
to our website to watch this, that we can
only have 100 participants in the meeting
at a given time. Therefore, once you
have finished your comments, you will be
removed from the meeting if others are in
the waiting room.

Please keep your comments brief, up
to two minutes. No one is allowed to
yield their time to anyone else. Please
be respectful and address the council as
a whole.

As a reminder, public comment is
a -- is not a dialogue or discussion with
the council members. However, at the end
of this public comment period, any member
of the council may respond.

Please raise your hand in Zoom if
you would like to address the council.
Look for it in the participants or
reactions area of the toolbar on the
bottom of your Zoom window.

We will call your name, ask you to
unmute, and turn your video on. Before
you begin, state your name and the city
or town where you reside.

We'll open up public comment. The
first person I see is Terry Diggory.
Please unmute and turn your video on.

TERRY DIGGORY: Thank you, Mayor.

My name is Terry Diggory. I'm a
resident of Saratoga Springs. And I was
a member of the police reform task force.

Statements by city council members
and the city attorney have created public
understanding that the intention of the
city council resolution is to accept all
fifty recommendations of the police
reform task force. If this understanding is not correct, it is the duty of the city council to clarify its intention before voting on the resolution.

Unfortunately, the wording of the resolution itself is ambiguous. Certain task force recommendations, notably number 32, 39, and 40 are hedged in the resolution with such negative language that a reader might assume they are not being accepted. However, what it means to accept is given such a broad interpretation in the resolution that there should be no obstacle to moving all fifty recommendations forward to the stage of review and implementation specified in Section 5 of the resolution entitled next steps.

Again, if that is not the intention of the city council, they have a duty to make that clear to the public before voting on the resolution. A favorable vote should mean that all fifty recommendations have been accepted.

Thank you.
MAYOR KELLY: Thank you.

Molly Dunn, please unmute and turn your video on.

MOLLY DUNN: Molly Dunn, Saratoga Springs.

The people of Saratoga Springs deserve better than this. We deserve to be listened to and we deserve to be heard. We deserve the truth. A mother deserves to know what happened to her son who died from the injuries he received after being chased into an alleyway by four police officers. She deserves an investigation. And Daryl Mount deserves justice.

As a community, we deserve a civilian review board now. But instead, what do the people of Saratoga Springs get? Instead, we are lied to by the former police chief saying an investigation looking into the police officers surrounding Daryl Mount's case had occurred when no investigation, internal or external, ever took place.

Instead, when we demand a civilian
review board, city council refuses to commit to implementing one. Instead, we have a city attorney who misled the public by saying we would need to change the city charter in order to have a CRB when in fact that is not true at all.

Instead, we have the current police chief who was also a member of the task force have his officers write their own 80-page report on the state of their own policing, a report that has nothing to do with racial justice. And worse, he compiled this report without the knowledge of the task force, a task force that he was on.

Instead of discussing racial justice in our city, we have city council commissioners sitting here in these meetings touting how great the water is here and how clean the streets are.

The people of Saratoga Springs deserve better than this. Daryl Mount and his family deserve better than this. And I'm not sure why you're not listening to us. Our voices will only get louder
because we all know that we deserve
better than this.

    MAYOR KELLY: Thank you.

    Elizabeth Zack?

    ELIZABETH ZACK: Hi. I hadn't
prepared any remarks, but I would like to
say it -- it occurred to me today that
one of two things have taken place here.

    One is that the city council has not
shown interest or been in tune with
what's been happening with the police
task force committee. I as a citizen
have been attending all -- most of the
meetings and the civilian task force --
or the civilian review board has been an
issue that has been brought up for -- for
months now. And to see a final
resolution from the city council that
says I don't know if we can, here's what
we face -- here are the challenges we
face in -- in implementing that, without
really for -- having a firm stance on
whether or not they will actually rise to
the challenge of -- of doing so is --
that -- that's startling to me.
And the second thing that I will note is if -- if -- if they -- if you weren't in tune with that, if you hadn't been -- which I mean, if -- if you hadn't been aware of that being an issue or something that was brought to light, the second thing I could note is that -- that you just were -- were deaf to this and didn't really take this seriously. And are using your last couple of days and weeks -- I mean, we've had three draft resolutions from the city council in the last week about how to deal with primarily the civilian review board, and I -- I just feel like it's a lot of stall tactics on your end to -- to see that this not get implemented.

And that's a shame. That's a shame on you as the city council. And I'd like to think that I -- I will reiterate what Molly said a hundred percent, I stand by everything she said. Shame on you. And -- and I -- this is what -- these are our voices. I'm -- I'm a citizen here and I would like to see a civilian review
board part of the --

MAYOR KELLY: Thank you. Thank you.

You're --

ELIZABETH ZACK: -- resolution --

MAYOR KELLY: -- time is up. Thank you.

you.

Michael McQueen?

MICHAEL MCQUEEN: Hello. Can you see me?

MAYOR KELLY: I can. Thank you, sir.

MICHAEL MCQUEEN: Thank you. I'm a student at Skidmore even though I'm currently not on semester right now, I'm not on campus.

Saratoga Springs is one of the few places that means the most to me in my life. I was in Tennessee, I have relatives there, and I was part of the George Floyd movement there.

When I came back to Saratoga, I was proud to see that people are now speaking up about the Daryl Mount case because we know the SSPD is censoring information.

We also know that there are three
recordings they have refused to make
public which is embarrassing.

Molly is right, I -- I congratulate
the prior people who spoke on that
because it is a joke. We deserve to know
what happened. We know what happened,
but they're not making it public because
it doesn't take eight years to make it
public. We know their stalling the
commission because a conspiracy happened.
If you take it to a court, that would be
conspiracy.

That is it.

MAYOR KELLY: Thank you.

Alice Smith, please turn your video
on and unmute.

ALICE SMITH: Thank you. My name is
Alice Smith. I live in the City of
Saratoga Springs.

First, I would like to commend
Commissioner John Franck for speaking --

MAYOR KELLY: Can I stop you right
there. If anybody wants to talk to the
council, please address the council as a
whole.
Thank you.

ALICE SMITH: Okay. I am addressing it to the council --

MAYOR KELLY: Thank you. Address everyone as a whole. Thank you.

ALICE SMITH: As a whole, I would like to commend whatever commissioner spoke in favor of this -- establishing a citizens review board. I won't say any names.

Research shows that a CRB in some cities have failed, as another commissioner mentioned. However, the research also shows a great success in other cities when it is done correctly.

The citizens review board is not meant to be an anti-police agency. In fact, there were a lot of positive comments about our police force. A citizens review board also has another important function, which is to give residents a voice in government. Residents in Saratoga Springs have no voice in government. They can speak for a whole two minutes at a city council
meeting, then the comment is as good as a little wrinkled piece of paper in the garbage bin.

During the last meeting, we all listened to an elaborate garbled explanation about our unique city government and the reasons why it cannot be approved.

I'm sure our city attorney could also come up with a lot of good arguments in support of the citizens review board if our mayor requested him to do so.

This message I was getting from those opposed during the last meeting -- during the last meeting was, yes, we would like a citizens review board, but we will be in charge of anything you do, which defeats the whole purpose of the citizens review board.

This is never going to go anywhere if you do not take the first step and form the citizens review board. As suggested, the details can be worked out. Saratoga has to move forward. Hopefully for those who do not care to have a
citizens review board, the incentive of
funding of might make a difference in
their decision.

Thank you.

MAYOR KELLY: Thank you.

Adam Tinkle?

ADAM TINKLE: Hello. Adam Tinkle,
Saratoga Springs postal code, town of
Greenfield.

Last week, well over forty-five
community members spoke to this body with
a unanimous message to adopt and
implement the whole 50-point plan the
task force produced.

We said that's what the Governor's
Executive Order 203 demands of the
council, and we said that that is what is
right. Adopting and implementing, not
giving line item vetoes to the police or
accepting for consideration or attempting
to wriggle out of even giving the
implementation body the chance to work
through any issues that might arise with
the -- in relation to the law which was
the proposal of once council member.
I heard a different commissioner acknowledge after that public comment period the unanimous discomfort with the weak language of consideration rather than implementation. And yet a third commissioner say that reform was a longtime coming.

And I heard the Mayor charge the city attorney with revising the resolution. But given the miniscule and cosmetic changes to this new resolution draft, you would think the tone of public comment was actually the last resolution draft was perfect, when we know that, in fact, the last public comment period forty-five people said exactly the opposite.

As the last four commenters, Molly, Elizabeth, Michael, and Alice said, this new resolution draft represents a failure of accountability, a failure of transparency, and a failure of imagination about how we might get to implementation of the forty -- of the four points from the 50-point plan that
the current resolution still hedges on.

A ban on military weapons and vehicles, recommendation 39, was a direct response to the tragic events of July 30, 2020. The spirit of recommendation 39 is to ensure that militarized tactics are never again employed on peaceful demonstrators. But the council's current resolution shows that they have no problem with inviting an armored tank to a peaceful protest.

The resolution notes that the council doesn't have the authority to ban the sheriff's department from entering the municipal boundaries of the city. Here, as elsewhere, the resolution willfully distorts and misunderstands the modest, moderate, and research-backed 50-point plan.

On July 30th, Chief Crooks and Commissioner Dalton authorized and invited the sheriff's department to bring their riot gear, their pepper bullets, and their tank to use against peaceful protesters. The county's own police
reform report acknowledges they did so.

And I encourage everyone here --

I appear to have been muted. Nope,

I'm unmuted now.

COMMISSIONER DALTON: Meg, we can't

hear you.

ADAM TINKLE: I just --

MAYOR KELLY: Lisa, can you unmute

and turn your video on.

Adam, you're done. Thank you.

LISA BARBARINO: Hi.

MAYOR KELLY: Can I have Adam and

Michael turn your videos off. And -- and

we need to make more room so if people

can sign out because we have people in

the waiting room. So please sign out

once you're done with your comments so we

can get other people in the waiting room.

Thank you.

Lisa, I'm sorry, go ahead.

Lisa Bar -- Barbarino? Can you

unmute and turn your video on. Lisa?

LISA BARBARINO: Hi. Can you hear

me now?

MAYOR KELLY: I can. I can't see
you, though.

LISA BARBARINO: Yeah. Let me see.
It wasn't allowing me to start my video.
It is now.

Hi, I'm a resident of Saratoga
Springs. I'm also a teacher and a public
servant. So I really relate to the -- to
police officers on many levels. We -- we
operate -- I'm a high school. We operate
in -- in some similar circumstances. We
are public servants, we're paid by the
tax payers.

And I'm so disheartened that this
council has not recognized that you
couldn't operate a school without school
board or certainly wouldn't want you.
And why would you want to operate a --
a -- a police force that doesn't have any
oversight, or certainly doesn't have
oversight from the -- the community. I
mean it just reeks of trying to hide
practices that the community might not be
in favor with.

And you know in my experience of
many, many decades as a teacher, a school
board doesn't -- doesn't operate --
doesn't get involved in day-to-day
operations, they don't really interfere.
But they're there when we -- we need --
when there are crises in the community,
the school community, they -- they
oversee budgets and hiring and firing,
and they look at data. And -- and they
serve to protect the community.

And -- and I can't imagine why
you're not -- why this council has had
such a callous response to a task force
that has worked for weeks, possible
months, I'm not sure, to -- to put in a
better -- better oversight for our
community, just to make it a better place
to live, a safer place for all.

And -- and I'm sorry you haven't
adopted this plan in full, especially the
community review board. It -- it's --
it's really disheartening.

Thank you.

MAYOR KELLY: Thank you.

Claire Burnett, please turn on your
video and unmute. Thank you.
CLAIRE BURNETT: Hi. My name is Claire Burnett and I live in Saratoga Springs.

I would just like to add to the comments as to why we should implement a civil review board.

On October 3rd, 2013, Daryl Mount was taken to the intensive care unit of Ellis Hospital after he supposedly fell from a nineteen-foot platform after a police chase.

A noted forensic pathologist reviewed photographs, x-rays, and Albany Medical Center records that concluded that Mount's injuries, which were primarily limited to severe facial wounds to one side of his face, were characteristics of one -- what one would suffer from an assault and not from a fall.

Veitch, himself, the police chief who got to retire in 2019, admitted that he lied to a reporter about conducting an internal investigation. There was no apology to Mount's family, no
acknowledgements of the prior evidence of assault, and quite frankly, it could happen again without a civil review board.

Please put aside politics and think about the people who you were elected to serve. And I know that it must be so tiring to hear that over and over and over again. But we are begging you. We have a chance to make some major changes. And please let it be now. Please approve the civil review board.

MAYOR KELLY: Thank you.

CLAIRE BURNETT: Thank you.

MAYOR KELLY: John Schroeder, please unmute and turn your video on.

JOHN SCHROEDER: John Schroeder, Saratoga Springs.

I urge the city council tonight to adopt and implement all 50-points of the task force's plan. We have heard and seen our community demand a civilian review board. And no amount of obfuscation, delay, or excuses will prevent that from happening.
I comment John Franck's courageous position on passing --

MAYOR KELLY: Can you please -- I'm going to stop you there.

JOHN SCHROEDER: And I can only hope that --

MAYOR KELLY: Sir -- sir -- sir -- sir, can you stop for a minute? You're going to use your time up with me talking over you. So do you want to stop for a minute and listen to me?

I'm going to say it again to everybody on here. Please address the council as a whole.

JOHN SCHROEDER: Okay.

FEMALE SPEAKER: That's bullshit.

JOHN SCHROEDER: I would be happy to do that.

I would like to address my comments to the council as a whole.

MAYOR KELLY: Thank you.

JOHN SCHROEDER: I commend John Franck's courageous position on passing the entire plan. And I can only hope that at least two other commissioners
show the same integrity tonight.

Thank you, Mayor Kelly.

MAYOR KELLY: Thank you for your comments.

Sarah Marlin?

SARAH MARLIN: Hi, my name is Sarah Marlin.

Last week, over forty people spoke nearly unanimously on the want for the 50-point plan to be adopted and implemented.

This past weekend, there was a call to action in Congress Park that was also met with a significant turnout from people across the Saratoga community in support of adopting and implementing all fifty points of the task force's plan.

This third draft resolution is not sufficient. What is sufficient is following the executive order and adopting and implementing all fifty -- all of the 50-point plan.

Civilian review boards are found throughout New York State and across the country. They are for the betterment for
the community as a whole. It's ill-informed to see them as a mechanism that situates the police versus the community. Instead, CRBs build trust, transparency, and accountability between all members of the community and the police force. If the police are doing their jobs to protect and serve all people, then great, the CRB maintains the transparency. But if they aren't doing their jobs correctly, the community must be able to hold them accountable.

Again, this third resolution importantly and to huge concern ignores the demands of abandoning no-knock warrants, the diversion of seized assets from law enforcement budgets to social services and ban on military weapons and vehicles.

Why are you so unwilling and unable to commit to the community that the militarized tactics used on peaceful protesters as seen on July 30th, an exemplary evening of over policing and excessive use of force, will never happen
again.

None of these asks, CRB included, are radical ideas. It is no longer a demand to put Saratoga as a leader of police reform, but to catch up with the work of many cities and towns across the country in the fight for racial justice.

As stated by other folks, the tremendous seven-month plus work of the task force has been well researched, thought out, and well organized. The community has been organized in demanding you, the city council, adopt and implement the 50-point plan.

Now, I am demanding you, city council, elected by the people to serve the people, not the police, to be organized, follow the executive order, and adopt and implement all fifty points of this plan.

Thank you.

MAYOR KELLY: Thank -- thank you.

Samantha, please unmute and start your video.

SAMANTHA ENGELMY: Hi, my name is
Samantha Engelmy and I live in the City of Saratoga Springs.

If I do recall last week, one of the commissioners shared with us -- or multiple commissioners shared that they had something to the effect of inboxes full of emails opposed to civilian review -- review board, and that these emails would be admitted into public comment.

I'm concerned that the commissioner or commissioners who mentioned this were giving the same weight, if not more weight, to these emails, than the voices of the community members who have been showing up and giving comments for months.

This is the second week in a row that the city's Zoom account could not even hold the number of people hoping to log on to speak in favor of the civilian review board, while those opposed could not be bothered to even attend a single meeting or formally submit a public comment in the proper form as listed on
the city website.

Thank you.

MAYOR KELLY: Thank you.

Mel Boxer, please unmute and turn
your video on.

MEL BOXER: Hi there. Mel Boxer
from Clifton Park. Thanks so much for
calling me onto the call.

And I just wanted to reiterate
pretty much what everyone else is saying,
is that it is imperative that we adopt
and implement all fifty points across the
board. And don't -- do so in such a way
that it's not so ambiguous as to how
we're going to implement them.

And I -- I wanted to make it know
that there -- I personally am very
passionate about the civilian review
board, specifically because I served as a
juror on an attempted murder case, and I
saw a lot of camera footage from body
cams from the different officers. And I
can tell you from those cameras, there
are people that are on our force that
have not handled cases appropriately.
And it is imperative that we make sure that if we have anybody on the force that is not doing their job the way they are supposed to, that we can review it and therefore address it.

Not only will that help protect the community, but it will also help protect the other officers.

MAYOR KELLY: Thank you.

MEL BOXER: That's it.

MAYOR KELLY: Thank you.

Ron Kim, please turn your video on and unmute.

Ron Kim, are you there?

RON KIM: I am. My video is somewhere -- thank you, Mayor.

My name is Ron Kim. I live at 9 Martin Avenue.

First, thank you, city council members, for your service. I also want to particularly thank the police reform task force, they I know spent countless hours.

I -- I just ask the city council to pay attention to Executive Order 203
which started this process. It says that you were to charge a -- committee, which you did, to adopt an implement recommendations.

And then it says, the -- the plan that they come up with shall be offered for public comment which is what we're doing here now.

And then it says that the legislative body, the city council, shall ratify or adopt. There is no conditional language. Shall ratify. If the city council doesn't ratify all fifty, here's what's going to happen. We're going to get sued, the city's going to get sued. Lawyers are going to be -- we're going to have to hire lawyers and taxpayers are going to be essentially on the hook for essentially not following the law. We need to follow the law here.

And it's very clear, liberal judges, conservative judges of every stripe, will tell you, shall doesn't give you conditional discretion. It says you do something.
So it says you shall ratify or adopt, and I'd encourage you to do that and -- and essentially follow the law.

Thank you, Mayor.

MAYOR KELLY: Thank you.

Suzanne, please unmute and turn your video on.

You're -- you have to unmute.

SUZANNE KWASNIEWSKI: Thank you, Mayor. Thank you, Ron Kim. I'd like to note that Kim served as public safety commissioner and served the city well.

I believe it is morally reprehensible and fiscally irresponsible for this council to not ratify this. State aid and federal aid is at risk.

In 2019, municipalities paid over 300 million dollars out for police misconduct. New York City paid 175.9 million.

To continue to not have a civilian review board opens the city up to further liability. And it's just wrong.

Thank you.

MAYOR KELLY: Thank you.
Hollyday Hammond, please turn your video on.

HOLLYDAY HAMMOND: Hi everyone.

After somebody referenced the number of emails that were received about, you know, opposing some of the recommended reforms. So MLK Saratoga ask people to email city council and as of this morning -- or as of tonight, over 220 emails were sent through our website.

And in addition to that, the task force held fifteen meetings all of which included public comment. They had community forums, they established twelve subcommittees that met endless hours. They had meetings with various groups, stakeholders. They did a survey that 1,450 people -- no, sorry -- 1,450 people, yeah, responded to in full. And of those, over 300 included testimonials about negative experiences they had with law enforcement, many of which was Saratoga Springs Police Department.

But the point is not to emphasize what Saratoga Springs Police Department
has done wrong, it's that there's a
history that leaves people feeling
distrustful. And the people who oppose
reform and oppose a civilian review board
have not been harmed so their -- their
letters should not carry as much weight
as those who have been harmed.

The only way we're going to begin to
rectify past harm and prevent future harm
is to listen to the people.

MAYOR KELLY: Thank you, that's
time. Thank you.

Anybody else want to public comment,
please raise your hand.

MALE SPEAKER: Yes, please.

MAYOR KELLY: Charlie Samuels, is
that you?

CHARLIE SAMUELS: Yes, it is.

MAYOR KELLY: Okay. Please turn
your video on and you're unmuted already
so I -- I don't know where you are,
though.

CHARLIE SAMUELS: I should be coming
in soon.

MAYOR KELLY: Okay.
CHARLIE SAMUELS: Start my video, all right. Sorry for the delay.

MAYOR KELLY: There you go. Nope, no worries. Go ahead.

CHARLIE SAMUELS: So thank you so much for having this meeting and holding this meeting. And thanks for your service, everybody.

Well the main -- my memory about a year ago really sort of is analogous to what's happening now. And that is I covered the police covering the Black Lives Matters in front of the post office. And the police, all of them, including Shane Crooks, took a knee. And I saw solidarity there and I thought that was awesome, what a great start to the new, you know, police chief.

Now what I just want to say about -- about this police reform plan is it is not the community versus SSPD. This plan is the exact opposite. If you adopt all fifty of the recommendations, then the community and the police will -- will make -- you know, will be much more
cooperative together and closer to each other and we will all benefit, not just in the community, but financially as well.

So thank you.

MAYOR KELLY: Thank -- thank you.

Can I ask people to sign off and watch us on the website, again, because we have people in the waiting room that we cannot get in.

So I see a couple of you are just hanging on after you spoke. If you could sign off and just sign on to the website. Thank you.

Lale Davidson?

LALE DAVIDSON: Hi there. I'd like to thank the council for their work.

And I did look at the resolution and I thank you for some of the changes, like, you know I like that you changed that the implementation committee would be appointed by the Mayor instead of the public safety commissioner. Although, I would be more comfortable if it was, you know, two recommendations from each
commissioner, you know, and that the recommendations were taken from, you know, came from nominations that came from the community. That would make me feel that it was a much more democratic process that would transcend personality.

But I wanted to make a point, you know, I -- you know, I agree with everybody that really, you know, it's a little confusing because on the one hand, your -- your resolution says we are accepting the -- and identifying the task force recommendations. But then, you know, you've changed some of the things, like number 1, the very, very first thing on this list of the original recommendations was to acknowledge, apologize, reconcile, and review.

And I -- I just want to say, you know, an apology doesn't cost any money at all. There's no law that would get in the way of that. And it would go a long way towards establishing trust.

And so the removal of that, and then a resolution that says, yeah, we --
we're -- we're -- we accept this -- these recommendations, but we're going to change the language, you know, it's just -- it's not doing that really important job that we need of establishing trust.

So you know, I want to thank you for, you know, the care you've taken and the movement that you've come -- like, I think you're coming towards us and that's really great. I just wish that you would come the rest of the way.

Thank you.

MAYOR KELLY: Thank you.

Ed Mitzen, please unmute and turn your video on.

MALE SPEAKER: Yes, I'd like to say something.

MAYOR KELLY: Thank you.

EDMITZEN: Hi everybody. Really quickly. I just -- first of all, I want to thank the commission. You guys have a thankless job and you put in a ton of hours for very little money and -- and -- and get yelled at a lot, so I emphasize
with what you're trying to do.

And you know I'm one of those people
that feels if black lives matter and blue
lives matter aren't mutually exclusive --
and I -- I agree wholeheartedly with what
Charlie said recently, who I don't know,
but I thought it was great what he said
about a partnership between the community
and the police.

Just really quickly, I recruit a lot
of people of color to this area and --
for business. And many of them -- pretty
much all of them have had the same
reaction, that this is a very inclusive
community. They're very aware that while
they're in the minority, that they are
welcome, they don't feel like they stand
out. And I think we have a tremendous
leg up on a lot of other communities our
size around the country. You know, we
have good people that want to do the
right thing.

I -- I've read the 50-point plan
and -- and you know I can't argue with
it. My only comment would be that
because we've got such a good standing right now, for the most part, anything that we can do to -- provides full transparency to the community is only going to make it easier for me to recruit people here and for people to feel welcome here.

And I don't think that that's anti-police. I have many friends in the police department, they're great people. But any time you're providing full transparency to -- to -- to people, I think it's a good thing.

So thanks for all you're doing. And I'll shut up. Bye.

MAYOR KELLY: Thank you.

Rhianna Stallard, please unmute and turn your video on.

Rhianna, are you there?

RHIANNA STALLARD: Yeah, I'm trying to get my video.

MAYOR KELLY: There you go.

RHIANNA STALLARD: Hi.

MAYOR KELLY: All right.

RHIANNA STALLARD: I thank you all
for your time.

And I guess I want to -- I just really question what -- what the future will bring and the decisions that -- what the resistance is, right? Like, why actually is there resistance to this? Why is -- why is this such a -- why is this such an issue? Why is this such a battle. Why is not every single commissioner just excited about reform and making this place, this community, safer and more transparent for everyone and more inclusive and more inviting.

And I -- I -- I guess I just feel really saddened that -- that there's such pushback. Or that there's even need for all -- all of this energy and all of these meetings and all the rallies.

And I would just love to see -- yeah, I think that if there's -- if there is interpersonal resistance that that might mean more education is needed and more curiosity and open-mindedness.

So thank you and I hope that you can all approach with, yeah, more curiosity.
Thanks.

MAYOR KELLY: Thank you.

Andrew Beatty? Andrew, please unmute and turn your video on.

ANDREW BEATTY: Hi, thank you.

I've spoken here before so I'm not going to rehash the old comments that I've made in the past regarding issues that I've identified with the city's previous settlements on police misconduct and -- and the fact that at various times, those crimes have gone unpunished.

I would like to ask where the city and -- and the police department found the budget to produce an eighty-page document apparently arguing why we shouldn't follow the executive order or argue in counter to the content of the task force's report that there's -- under the executive order, there's no option to not adopt or ratify.

Just something that occurred to me.

Food for thought. So thank you very much for your time.
MAYOR KELLY: Thank you.
Eric Lawson, please unmute and turn your video on. Thank you.

ERIC LAWSON: My name's Eric Lawson. I live in Saratoga Springs. And I was the one who was responsible for drafting the original civilian review board proposal that Commissioner Martin (ph.) was presented with. And I've followed it fairly closely ever since then.

And during this journey, I've reached out to city officials, including Commissioner Dalton and the city attorney. But so far these gestures have not produced any serious conversations. But I think I know what has happened.

I like many others in the community view the civilian review board as representing a significant benefit to the residents, visitors, and employees of the city including its police force. It's nonsectarian or should be.

Unfortunately, some have adopted an adversarial view of the civilian review board. Rather than a consensus forming
to adopt the civilian review board and
make it work for the benefit of everyone,
strategies have developed to delay its
implementation, misconstrue its
provisions, and deliberately cast it in a
negative light.

For example, at the present time,
the last resolution proposed creating yet
another committee to study the civilian
review board in spite of the extensive
vetting it received at the hands of the
task force.

Then there are specific questions
being raised about the legality of the
civilian review board, questions that
could be resolved by joint conversations
occurring after the adoption of the CRB
model.

In a recent communication I sent to
the city attorney and to Commissioner
Dalton, I went into some detail as to how
those matters could be addressed. And --
but they should not be used a reason to
delay the adoption of the civilian review
board.
So I urge that that happens without further delay.

Thank you.

MAYOR KELLY: Thank you.

Lexis Figuereo, turn your video on, please, and unmute.

LEXIS FIGUEREO: Yep, Lexis Figuereo, Saratoga Springs.

For one, I want to say that this whole thing is supposed to be about reimagining police -- policing in New York State. Without a civilian review board, you cannot reimagine anything, you're just adding a few little policies and that's it. Little tweaks here, tweaks there.

And also let me say, as a black person who's been in Saratoga Springs since I was seven years old, thirty-four years old right now, I've had many dealings with the police officers that were not good whatsoever since I was eleven years old. And those aren't made up lies. And I personally did not -- I did not put in any complaints either
because I wasn't -- I didn't feel safe
enough to put complaints in. So I never
put a complaint in either.

Nowadays people are putting comments
in now because people are feeling a
little more safe to do things. A
civilian review board would have a place
for people to be able to come, to be able
to speak, to be able to view anything
that they have any problems with. They
also would do nothing but provide
transparency for the people.

And once again, we will say that you
cannot say that we can trust this police
and that this police force is so good
when once again you have a murder of a
boy that is still uninvestigated, and
nobody knows anything about it. And
everybody knows that's what you guys did.
Plain and simple. And we are going to
call it out.

And also as far as this meeting,
this meeting is of the people. This is
not a Meg Kelly's meeting. I don't know
why you think that you can tell people
not to call commissioners out --

MAYOR KELLY: Sir -- sir --

LEXIS FIGUEREO: -- commissioners --

MAYOR KELLY: -- sir, you need to --

you need to stop, okay?

LEXIS FIGUEREO: What's that?

MAYOR KELLY: You know the rules.

You've been here before. So just stop.

LEXIS FIGUEREO: It would --

MAYOR KELLY: You don't call anybody out.

LEXIS FIGUEREO: That was never the rule before --

MAYOR KELLY: And you don't call anybody out.

LEXIS FIGUEREO: That was never the rule before.

MAYOR KELLY: Okay, so you're done.

Thank you for your comment.

LEXIS FIGUEREO: Cool, thank you.

Bullshit.

MAYOR KELLY: Pam Jacobs, please unmute and turn your video on.

PAM JACOBS: Hi there. My name is Pam, I live in the Bronx. I'm speaking
on behalf of my best friends tonight who
are multigeneration Saratoga Springs
residents, both white people and black
people.

This is not the police -- this is
not the people versus police. This is
the people versus racism. Any act that
thwarts, subverts, contravenes, or -- or
contravenes the will of the people set
forth in the 50-point plan is racist.
Placing limitations on the hot button
points is powerplay, immoral, and racist,
and should be subject to review by the
civil liberties union.

Not only have you not met your
obligation as a body in service to the
public, you've insulted the people. By
your language -- and by your language and
action have cemented the probability of
further harm to your communities of
color.

Thank you, very much.

MAYOR KELLY: Thank you.

Martel Catalano, please unmute and
turn your video on.
MARTEL CATALANO: Hi, I'm Martel Catalano, Saratoga Springs --

MAYOR KELLY: Can you -- can you speak up? I can hardly hear you.

MARTEL CATALANO: How's that?

MAYOR KELLY: A little bit better. Just use a -- your outside voice.

MARTEL CATALANO: Yeah. Saratoga Springs -- downtown Saratoga Springs.

I just really want to echo what everybody's been saying so far. This is my first one of these meetings, I haven't been able to make past meetings. And as somebody who lived in Saratoga from 2007 to 2011 as a Skidmore student, and then chose to return to Saratoga in 2015 as a place where I wanted to live and work and raise a family, I'm just so disappointed in this city in the -- within the last year, what I've been seeing, what I've been hearing.

I've read the fifty points and I've heard multiple people in this conversation say that there were, like, something -- a bunch of emails about
resistance to these points or this --
this task force. But like where are
those people? If there's so much
resistance, where are they tonight?

I haven't heard -- I mean, I had to
leave the room for a minute, but I
haven't heard any. And it just seems
like -- it just doesn't look good for you
guys. And it doesn't look -- it seems
like there's something to -- to cover up.

I just don't see any resistance. So
that -- I -- I just wanted to echo that
and really, you know, what Mr. --
somebody said earlier about this being a
thankless job, I do commend you for
taking this job, but you know, it is the
job. So that's all I'll say.

Thanks.

MAYOR KELLY: Thank you.

Davia MalcoLm, please unmute and
start your video.

DAVIA MALCOLM: Hello, my name is
Davia Malcolm. I was born and raised in
Saratoga. I currently live in Albany.

And I'm not understanding what is so
hard about the fifty -- just accepting it. Like, I don't get it -- the 50-point plan.

I mean, growing up in Saratoga, we saw it every day. There was only three of us in elementary school. Being a brown kid in Saratoga is not easy. I would love to move back to Saratoga, but I have a little boy. I don't want him to be a statistic because we're profiled all the time. And then -- I don't know.

I'm just really disappointed. I love my hometown, but it's just really sad that you guys aren't seeing it.

That's all.

MAYOR KELLY: Thank you.

Chandler Hickenbottom, please unmute and turn your video on.

CHANDLER HICKENBOTTOM: Hi. My name is Chandler Hickenbottom.

I just would like to say that -- I'm going to start off by saying that this entire time I've seen that people of color have been silenced.

It starts off with, again, I'm going
to go back to the first talk about racism
and systemic racism in June. It's
happening today. It's happening with the
fact that you have a 50-point plan that
was created with eight black people on
your task force and you're now silencing
them.

You've continuously silenced people
of color that are your citizens. You
just did it a few moments ago when you
silenced my brother and you deleted -- or
you decided to take him off the call.
And you're continuously doing it now.
And I just don't understand that.

Why can we -- I don't understand
what is the point of doing anything like
this, having public comment in any sort
of way, when we can't even speak. You're
dictating what we can and can't say.
That makes no sense.

We are here to adopt and implement
the 50-point plan, which is what you
should be doing because that is what
these people did for seven months. They
worked seven months to give you a plan
that was flawless, a hail Mary. And you
don't even know how to take it
gracefully.

It's disgusting, honestly. It's
despicable, honestly. And the fact that
Daryl Mount to this day, nothing, there's
been no apology, is disgusting.

So just know that after this, you
have just -- you've -- you've set
yourself -- you've set yourself up
because we will be --

MAYOR KELLY: Thank you. Thank you,
that's your time.

CHANDLER HICKENBOTTOM: -- you will
remember my name. You will say it
correctly --

MAYOR KELLY: Thank you.

CHANDLER HICKENBOTTOM: -- every
single time.

MAYOR KELLY: Thank you.

CHANDLER HICKENBOTTOM: So I'll see
you all this summer --

MAYOR KELLY: Thank you.

CHANDLER HICKENBOTTOM: -- while
fucking up your economy. Have fun.
MAYOR KELLY: Can you please --

CHANDLER HICKENBOTTOM: Yep.

MAYOR KELLY: -- take Chandler off of the call, please?

CHANDLER HICKENBOTTOM: Thank you.

MAYOR KELLY: Thank you.

SAMIRA SANGARE: Hi, Samira Sangare, Clifton Park.

It's really disappointing that we're here today as a community trying to convince elected officials to listen to our voice and the voices that they themselves put in place.

Every single fifty point needs not only to be considered but implemented and carried out.

I don't see why Saratoga can easily shoot rubber bullets and pepper bullets at their community and then not give them what they're asking for. Like how is it easier to harm your community than help it.

MAYOR KELLY: Thank you. Are you done?

SAMIRA SANGARE: As shown in Albany,
it was only take -- it only takes less
than one percent to make the CPRB work.
And not doing this is purposefully
showing your unwillingness to even look
at your community. It shows that our
city officials are not really here for
the people, but for their paychecks that
they receive and the community's dime.

It's sad that the family of Daryl
Mount have to continually, every single
day, with -- go without justice and due
process for their loved one. But the
mayor and police chief continue to cash
in their paychecks, instead of launch a
simple investigation for the murder of
Daryl Mount.

And finally, thank you to Jon Franck
for being the only member on the city
council to speak up --

MAYOR KELLY: We're done. Thank
you.

SAMIRA SANGARE: -- and stand
behind --

MAYOR KELLY: Thank you for your
comments.
SAMIRA SANGARE: -- what the people
want. And that's it.

MAYOR KELLY: Thank you.

Okay, we're going to wrap this up in
about ten minutes. So if you want to
comment, I -- I -- you need to jump in
here now.

I'll turn it over to Kevin Scott,
please unmute.

ROBERT REED: I have something to
say. This is Robert Reed, can you hear
me?

MAYOR KELLY: Robert, you're not on
yet. I have Kevin Scott, please. I'll
get you next, Robert. Thank you.

ROBERT REED: Bob Reed to you, thank
you.

KEVIN SCOTT: Well, this is Kevin
Scott, currently in New York City. And
I've had about four to six years of
experience living and staying in Saratoga
as a student and just as a plain
resident.

One of the things that I kind of
wanted to bring up and just discuss is
the police's own statistics on essentially stopping and policing. We know that for a fact the population of Saratoga, it's black and minority population is no more than maybe ten, fifteen percent. But from 2013 continuing onward to 2018/2020 and so forth, they make up more than half of all stops and arreets by the police in the Saratoga community.

I don't understand logistically how with those numbers we haven't actually moved to implement a 50-step plan.

Furthermore, we have to think long term and economically about why we should be doing this. And one of the big reasons is we need people to come -- more people to come into Saratoga. And ultimately, we're not going to have that if people are uncomfortable coming in to Saratoga and the existing young population is leaving at a record pace.

MAYOR KELLY: Thank you.
KEVIN SCOTT: Thank you.
MAYOR KELLY: Robert Reed, you're
on.

ROBERT REED: What I need to say is a couple of things to all of you --

MAYOR KELLY: Can you -- do you have video, Robert?

ROBERT REED: Do you?

MAYOR KELLY: Do you have video?

ROBERT REED: No, I can't see -- can you see me?

MAYOR KELLY: I cannot see you. That's okay. We can hear you. But I can't hear you now, you're muted.

ROBERT REED: What about now?

MAYOR KELLY: Okay. I can hear you now, Robert. Go ahead.

ROBERT REED: Okay. Bob Reed to you -- to everybody who knows me, after signing their way.

This is what -- the plan in order to -- let's keep one thing in mind. There's four of you being on the city council it's not going to be here in November.

MAYOR KELLY: Robert, you keep cutting in and out and -- and I lost you.
So --

ROBERT REED: Can you hear me now?

MAYOR KELLY: You're -- you're just cutting in and out. I don't know.


Now?

MAYOR KELLY: Yep, I hear you now, Bob. Yep.

ROBERT REED: Okay. The bottom line, what I'm saying, four of you not going to run for reelection in November. And the two people that's on the council that may be. But this is going to be a landmark decision that's going to follow you as to what action you took and how you affect the -- the charter, the Saratoga Springs, and everything in general.

You need to look at that because once you the last -- you going to leave a legacy to whoever's the incumbent, if those are not reelected, to be able to face the very same thing that everyone is saying.

I'm a resident here for almost ten
years. I don't have the same input that those who's been here longer. But I have seen what Saratoga's capable of and I respect the people that I've had a chance to work with that's in the position that you're all in.

But think about that. You're going to be the last person for this resolution 203. If you don't -- if you -- excuse me. When you're not going to come back, and whoever else take your place, you not --

MAYOR KELLY: Thank you.

ROBERT REED: You got it?

MAYOR KELLY: Yep, we're good, Bob.

Thank you.

ROBERT REED: All right. Thank you.

MAYOR KELLY: Yep.

Jane Weihe, please turn your video on.

JANE WEIHE: Oops, I can't start the video. Oops, sorry. There we go.

MAYOR KELLY: It's up, yeah.

JANE WEIHE: Okay. So I -- I want to thank the task force. They didn't
have an easy job doing this in seven
months without any budget to speak of and
working during a pandemic.

I want to thank the city council.
You could have done the politically easy
thing and just passed all these
recommendations as is. But this would
also have been the dishonest thing to do.
So I want to thank you for taking your
job seriously and taking these
recommendations seriously with -- and --
and being straight with all of us as to
which recommendations are not doable due
to legal conflicts with existing law, for
instance, and which may have
complications down the road.

Also, I want to thank Chief Shane
Crooks for his work gathering additional
information. I feel strongly you can
never have too much information, you can
only have too little. And I'm sorry some
have reacted negatively to his efforts.

Thank you.

MAYOR KELLY: Thank you.

Winston Grady?
WINSTON GRADY: Thank you. Thank you, very much, Mayor Kelly, members of the city council.

It's good for me to follow the -- the community member who just spoke.

I'll be pretty brief. The -- I think the community for the most part has spoken with respect to -- the position with respect to the fifty recommendations.

But I do want to raise an issue that some folks have -- have raised and that's with regard to the -- the report, the document, that's referred to as Community Stakeholder Responses, which has a prominent place on the -- the website under the Saratoga Springs Police Reform Task Force.

Several of us former task force members signed a -- a letter asking why that document was placed on the website, why it has the prominence that it has, particularly given the fact that it could be read, particularly in a cursory glance, as almost a parallel or adversarial report. Even though we all
agreed as task force members that should
someone feel strongly enough that they
could formally submit a minority report.

So I just have two questions for you
folks, and I thank you for your time.
Can you someone share for the record
who's responsible for -- for getting that
document on the website. And also share
with us the thinking in terms of keeping
the document on the website despite the
car্বs that several of us have raised.

Thank you, very much.

MAYOR KELLY: Thank you.

Anyone else?

KEVIN BENCKENDORF: Yes, Mayor, I
would like to speak?

MAYOR KELLY: Oh, who is that? Is
this Kevin?

KEVIN BENCKENDORF: Yes.

MAYOR KELLY: Okay, Kevin, go ahead.

KEVIN BENCKENDORF: Let me get my
video going here.

MAYOR KELLY: Thank you. There you
go.

KEVIN BENCKENDORF: First of all,
Mayor, and city council, I appreciate you guys very much.

We meet regularly every Tuesday night praying for you guys. We know that you have a very hard job, and we pray for God's wisdom upon you every week that you meet.

I would also like to say that I am so appreciative of the police force in this city. I have lived here for seven years, they are the kindest, nicest people. We interact with them all the time. And I think the problem is with the citizens not understanding the law of the land. And many are breaking it, expecting the police to turn and ignore when they do something wrong, just as we've seen with the way protests happen in areas in the city that are not allowed.

And -- and so I commend you guys and I ask that you do not ratify this referendum.

Thank you.

MAYOR KELLY: Thank you.
Angela McGovern, please unmute and turn your video on.

ANGELA MCGOVERN: Good evening. I'm speaking tonight on behalf of members of the Saratoga Springs PBA in regards to the proposed resolutions put forth by the police reform task force.

While we understand that a lot of time and effort was put into creating this product, we believe that there is a serious lack of effort to understand or obtain any insight as to what our dedicated officers do on a daily basis, how they do their job, or to learn how the policies, practices, and case law precedent govern how we perform our duties.

It is our understanding that task force members were invited by the police department's leadership to attend department trainings and scenario-based drills, and each and every one of them declined. They were also invited by our union to do the same, and we too were met with no response.
This lack of care to get an intricate well -- well-informed look into the roles and responsibilities of the police department does not reflect a desire to foster a community where everyone's voices are heard.

We are asking that you make more of a serious attempt to work together with us to understand how we fulfill our responsibilities. One aspect of policing will never change. That aspect is that we cannot be effective in maintaining the highest level of safety without the community's cooperation and support.

Our members desire both. And we look forward to a day that that becomes a reality. We care not about color, but about protecting the people in the City of Saratoga Springs and -- and protecting them from the evil that we so surely know exists.

As long as this evil continues to exist, policing will remain. We have a job to do, and we intend to continue to protect the people.
As a PBA, our door will always be open. Instead of hurling insults and racial slurs at our members in the middle of a city street, let's find a way to move forward while making sure all parties are heard and understood. Let's become one of the first and few cities in the nation to work together, government officials, law enforcement, and the public, to ensure that the law continues to be upheld and that our beautiful City of Saratoga Springs is a safe place for everyone.

MAYOR KELLY: Thank you. Thank you.

Kristin Dart? Can you unmute -- there you go. Thank you.

KRISTIN DART: Hi. Kristin Dart, Saratoga Springs, member of the Saratoga Springs police reform task force.

I actually wasn't going to speak tonight because I think you all have heard a lot from us, and I spoke the last time.

But I did want to uplift both what Winston raised and also just respond that
the police chief, as you all know, did sit on the task force. We were not made aware of that survey, the responses to it. The only way in which that survey that the police chief conducted that we were made aware of, he told us it was being sent out. We were not informed of the questions, and once we asked for input, the survey was already in progress.

Members of our task force did meet with the PBA president. And every single one of our meetings was open to the public. In fact, we had the majority of one of our meetings with officers -- with an officer from the Saratoga Police Department talk about their training and the practices. And I sat on the training subcommittee and actually applauded our police department for the work that they had done in getting our officers trained beyond what is required of them.

Any single police officer was welcome to talk to task force members. I set up an individual meeting with the
chief to have further conversation. We asked questions and were inquisitive about what the police department did.

And it's really disappointing to hear that the police department did not feel engaged, especially with their leader sitting at the table. And that seems like maybe something that should have come up and that the police chief should have been more vocal about his concerns at the task force level so we could have addressed them.

We did our darndest to work in a collaborative manner. And to be called out in this way just seems really unfortunate, especially at the last minute.

And again it cannot be stated enough. For the first time, we have a majority members of black people leading a movement in Saratoga and --

MAYOR KELLY: Thank you. Thank you, that's your time. Thank you

KRISTIN DART: -- that's really sad.

MAYOR KELLY: Thank you.
Kevin Scott, did you speak already?

KEVIN SCOTT: Yes, I did. I understand if I can't again.

MAYOR KELLY: Right. You can't. I have other people ahead, so we've got to move on.

Daesha Harris, please unmute and turn your video on.

DAESHA HARRIS: Hi, Daesha Harris, Saratoga Springs, New York. I am also a member of the task force.

It never ceases to amaze me how white people continue to center themselves in a conversation that is not about them.

The reason for Executive Order 203 is the murder and abuse of black people. The police are not the center of this. The police are also not alone in having to reform the institution that they work for. The city council has to -- has to do the reform. The library has to do the reform. Every single institution in this city, in this nation, has to do the reform. The difference is police have
weapons that can hurt people.

So please stop centering yourself.

We had a task force of eight black people who worked through a pandemic, and a pandemic of racism. You cannot imagine the amount of grief we had to bear watching people die on a weekly basis and then work on police reform.

Just stop. I can't say anymore.

MAYOR KELLY: Thank you. Thank you.

Brielle?

BRIELLE MASTROIANNI: Hi, good evening. My name is Brielle, I live in Albany, but have very, very dear loved ones who live in Saratoga Springs, Ballston Spa, and Clifton Park.

So I kind of have, like, one question to all of you, except one of you. One of you is all right, hey, J.F., you good. How does it feel to suck so much? Like, suck --

MAYOR KELLY: Oh okay -- if -- if --

BRIELLE MASTROIANNI: -- a lot.

MAYOR KELLY: -- if this is going to be -- go this route --
BRIELLE MASTROIANNI: -- you're kicking people off of the meetings --

MAYOR KELLY: -- we're going to end it right now. Okay, so --

BRIELLE MASTROIANNI: -- you're talking shit --

MAYOR KELLY: Okay, can you mute and --

FEMALE SPEAKER: Like, girl, I can see you sitting there and talking --

MAYOR KELLY: Thank you.

FEMALE SPEAKER: -- and you're not even listening --

MAYOR KELLY: Okay. At this time, we're closing public comment. Thank you for all your comments. And I will --

FEMALE SPEAKER: Mayor Kelly?

MAYOR KELLY: -- I actually will go right --

FEMALE SPEAKER: Mayor Kelly?

MAYOR KELLY: -- to my agenda. And my first item on my agenda is discussion for the resolution regarding New York State Police Reform and Reinvention Collaborative Plan.
I move that the city council approve
the resolution regarding the New York
State Police Reform and Reinvention
Collaborative Plan.

This is a motion; is there a second?

COMMISSIONER DALTON: Second.

MAYOR KELLY: Any discussion? I'd
like to turn it over to Vince DeLeonardis
at this time to just go over the changes
that we did update with.

Go ahead, Vince.

MR. DELEONARDIS: Thank you, Mayor.

So before you this evening is the
third and final resolution regarding the
New York State Police Reform and
Reinvention Collaborative Plan. The
resolution is similar to the one
discussed at last week's special city
council meeting with certain changes,
including the removal of the words "for
consideration" in the second to last
whereas paragraph and in the therefore
paragraph, adding references to
collective bargaining agreements and
contractual obligations in section 5, and
indicating that the independent advisory committee will be appointed by the mayor to provide advice and input on the implementation of the accepted recommendations and to also review the issues identified for a civilian review board.

The resolution now up for a discussion and vote is in conformance with Governor Cuomo's Executive Order 203. I know that there has been some discussion, and I think some confusion, as to what the executive order requires and what it does not.

It should be emphasized at the outset that the clear intent of the order was for local governments to engage community members and stakeholders in an overall effort to improve the policies and practices of the police department and to establish a plan that provides for such improvements. And we have done that.

The order very clearly places the burden and responsibility upon the local
government to develop this plan and to
adopt it by local law or resolution after
offering it for public comment to all
citizens in the city and after
consideration of such comments. The task
force established by the mayor and the
city council was part of the process.
And they worked diligently to establish a
list of fifty recommendations for the
city council to consider.

To suggest, though, as some have,
that the recommendations are actually not
recommendations at all, but are instead
somehow demands that must be followed, is
to misread and misinterpret the executive
order and to misconstrue the very intent
of that order.

To be clear, the council is not
under any type of directive or mandate to
accept every single recommendation
provided by the task force. And I have
personally confirmed this fact with the
deputy secretary of public safety under
Governor Cuomo's administration.

Of the fifty --
MALE SPEAKER: Open mic up. Pure racist.

MAYOR KELLY: Can we -- can we --

MALE SPEAKER: Yep.

MAYOR KELLY: Yep. Thank you.

Sorry, Vince.

I'm going to take everybody off the call if we get another interruption. So let's continue on, Vince, thank you.

MR. DELEONARDIS: Of the fifty recommendations, there are only two which have been identified as items that the city council simply does not have the authority to implement. And they include the recommendation to divert seized assets and the recommendation to somehow ban county, state, and federal law enforcement from entering the city if they happen to participate in the DOD 1033 program.

Does anyone really believe that we would not be in compliance with Executive Order 203 if we do not accept recommendations which we have no legal ability to accept?
Of the fifty recommendations, there were also only two which were identified as simply requiring further review. And they include the recommendation to ban no-knock warrants and to implement a civilian review board. These recommendations have not been rejected, but instead called out for further evaluation.

At previous city council meetings, I have discussed the need --

MALE SPEAKER: Further evaluation by you white mother fuckers, huh?

MAYOR KELLY: Oh, okay --

MALE SPEAKER: You're not black, you're not black. Black lives matter.

MAYOR KELLY: Okay, Lisa. Can we take most of these people off, please? Thank you.

I'm sorry, we're -- give this a minute. We're going to clear the --

MALE SPEAKER: Yes, silence the people who care.

MAYOR KELLY: -- and limit to the council --
MALE SPEAKER: Racist policies don't do --

FEMALE SPEAKER: Don't be racist, don't be racist.

MALE SPEAKER: You can't silence us. You can't silence us. Do what's right. Do what's morally right of --

MR. DELEONARDIS: Shall I proceed, Mayor?

MAYOR KELLY: Wait -- wait a second, Vince, please.

MALE SPEAKER: You cowards, you guys are cowards.

MAYOR KELLY: Okay, everybody just breath.

Okay. Go ahead, Vince, please continue.

MR. DELEONARDIS: At previous city council meetings, I have discussed the need to evaluate a civilian review board to ensure compliance with our city charter and to determine whether an amendment to the charter would be required.

I have also indicated that we will
need to identify any components which may run afoul of existing collective bargaining agreements and New York civil service law.

The components of a civilian review board will need to be determined by the city council including the purpose, scope, and function of such a board. It is only once these components are fully established that we will know the extent to which the charter, union contracts, and state law would be affected.

There are issues with the civilian review board proposed by the task force that the city council will ultimately have to address and evaluate before moving forward, including due consideration of any possible alternatives where appropriate.

For example, the task force has proposed that only a resident of the city can file a complaint with the civilian review board. Why? As we all know, there are times during the year when we have more nonresidents in the city than
residents. Why not allow them the
ability to file a complaint? What about
the department itself or other
departments? If the chief or the
commissioner has an issue with an officer
and wishes to pursue discipline, should
they not utilize the civilian review
board prior to imposing such discipline.
If not, why not? Is the conduct of some
officers really going to be reviewed by
an independent board while others are
reviewed by the department. What about
the ability of a civilian review board to
investigate police conduct even in the
absence of a complaint?

The city council has an obligation
to consider these and other alternatives
to a civilian review board.

What about complaints that involve
or relate to an ongoing criminal
investigation, a prosecution, or a civil
lawsuit. How does the civilian review
board operate is a manner which does not
interfere in those matters? The proposal
submitted by the task force makes
reference to "parallel legal proceedings" and indicates that it will be cognizant of such proceedings but is completely silent on how they will actually conduct their factfinding during those situations. Will they be allowed to subpoena a witness who is already involved in a criminal investigation, a prosecution, or an ongoing lawsuit? These matters need to be addressed and resolved.

The task force has also proposed that the civilian review board will only accept complaints that have been reduced to writing and apparently only on the form referenced in their proposal. Why? What about complaints that are not reduced to writing? There are in fact occasions where the department receives verbal complaints. Should the department investigate those internally while the civilian review board investigates those that have been reduced to writing? What about anonymous complaints?

The task force has proposed that the
civilian review board receive and process grievances regarding the conduct of employees of the police department. What type of grievances are they referring to? Do they mean that any and all conduct will be subject to civilian review and, if so, why? Should the civilian review board be responsible at taxpayer expense for investigating relatively minor infractions or deviations from city policies when we already have HR? Why should other employees of the city go through human resources, while members of the police department go through a civilian review board for the very same conduct?

Other municipalities that have implemented a civilian review board have limited their review to use of force or similar type complaints, recognizing that the police are unlike other municipal employees in that they have the authority to use and exert force. Is this type of limitation appropriate? Has it been considered?
Regarding the board itself, the task force has proposed that it be made up of five members with only one required to have adjudicatory experience. How is that defined? What if the only individual with adjudicatory experience is required to recuse? Then there is no one to assist the board in seeing that matter through to completion.

The proposed civilian review board also calls for the members to engage in mediation. But how are we ensuring that the members are in fact qualified to mediate? What training are we requiring?

MAYOR KELLY: Vince, can you hold up a second.

Commissioner Dalton: You're muted.

COMMISSIONER DALTON: She needs to hit the unmute button.

MAYOR KELLY: I got it.

COMMISSIONER DALTON: I have a little disturbance outside my office. Can you give me one quick second to see what's going on so I can secure the office and continue.
MAYOR KELLY: Okay. All right.
Let -- let us know. Thank you.

COMMISSIONER DALTON: Thank you.

Sorry. One of our officers is addressing
it. We're all set. Thank you.

MR. DELEONARDIS: Go ahead, Mayor?

MAYOR KELLY: Thank you. Continue,
Vince. Than you.

MR. DELEONARDIS: The task force --
the task force proposal also provides
that if there is a recusal, then the
chair must also refrain from voting so as
to maintain an uneven number of voting
members. Why would there need to be a
reduction in voting members? Normally,
and as it is with the city council, if
there is a five-member board, three votes
are required to pass a matter. If one
member recuses, three votes are still
required. Even if two members recuse,
three votes are required.

But under the task force proposal,
there could be a scenario where the
conduct of an officer could result in a
recommendation for discipline based on
three affirmative votes, while the very
same conduct of another officer could
result in a recommendation based only on
two affirmative votes. Does that make
sense? Is that fair? Why not consider
having alternates serve on the board to
address possible recusals.

The task force provides for an
administrative due process hearing. But
it is unclear exactly what this means and
whether this hearing is somehow meant to
replace or supplement the hearing
required by Section 75 of the Civil
Service Law before certain discipline can
be imposed. If it is meant to
supplement, then the question is why. In
other words, why would there be a need
for a civilian review board to conduct an
administrative due process hearing where
they would recommend discipline or
removal only to then require an entirely
separate due process hearing in order to
actually accept their recommendation. Is
that necessary?

On the other hand, the task force
proposal -- on the other hand, if the
task force proposal is somehow intended
to replace the hearing required under
Section 75, then it clearly fails to
provide for the due process required
under that section of the Civil Service
Law.

And I could go on. These are just
some of the issues that need to be
addressed. And none of this is to
suggest that a civilian review board is
either a good idea or a bad idea. It is
simply to point out that there remain
many issues that need to be evaluated and
clarified before moving forward with such
a proposal.

The council has a responsibility to
provide for such evaluation and to
consider all appropriate alternatives
prior to acting in a legislative manner.
This is why the resolution before you
proposes the establishment of an
independent advisory committee who will
assist in conducting this review and
report back to the city council and the
public.

As set forth in the resolution, this committee will be established by the mayor on or before June 1st and will be provided with clear instructions and an appropriate time frame in which to perform their work.

The council will then be in a better position to act on the proposed recommendation of a civilian review board. Again, this is not a rejection of the task force's recommendation. It's simply a recommend -- a recognition that further evaluation is required. And calling for further evaluation, we're saying is needed, does not mean that we are somehow not in compliance with the Governor's executive order.

We are all in pursuit of the same goal here. And I would be proud to compare what we've done with any other municipality, just as I would be proud to compare our police department, the men and women who serve in it, and the work that they do, with any other department
anywhere.

MAYOR KELLY: Thank -- thank you, Vince.

MR. DELEONARDIS: I don't know if there are questions, Mayor, but if there are, I'd be happy --

MAYOR KELLY: So at this time, I'd like to open it up to the council. If anybody has any comments?

Commissioner Franck, do you have anything? No.

Commissioner Madigan?

COMMISSIONER MADIGAN: I do. I have -- I have spent some time preparing some comments. I -- I think it's important.

I know the last couple of meetings were really primarily for me to listen. I didn't have a whole lot to say at the last meeting. I'm confused, I feel like the message has gotten away from us, so I wanted my comments to be short. They're not as short as I'd like, so bear with me. I'd like to read through them.

So I will be supporting our
resolution before us this evening. It's well done, and it directly responds to the recommendations made by the Saratoga Springs police reform task force. And frankly, does exactly what has been requested by the task force to move their recommendations along for action.

I cannot understand all the divisiveness and contrariness or, frankly, why we are being so berated by the public commenters. But I do want to thank the entire task force for your work bringing forward this reinvention plan toward a community-centered justice initiative for the City of Saratoga Springs.

And I want to give special thanks to my appointees, Kristen Dart and Daesha Harris. They have been -- they have my sincere appreciation and they certainly did their job.

I am well-versed with the undertaking before the city council in accepting this plan and the recommendations contained within the
plan. And the resolution before us this evening does just as described by the Governor's Executive Order 203. And it does not put us at risk for future state funding or being sued. I mean, sure, we can be sued, we get sued all the time, but I think we're on very solid -- solid ground.

And we are taking this very seriously. The city council finds that the inclusion and acceptance of the fifty recommendations are required in order to ensure accountability, progress, and transparency of the task force's recommended action items. The resolution outlines at a high level a plan to move forward on said recommendations in our Section No. 5.

It is my firm belief that each of the fifty recommended action items requires further details and a further response. I mean, some of them are going to be very straightforward and will have a very easy response. Some of them are already completed and we will get back to
you with a plan. We tried to outline
some of those details in our first draft
resolution and we were criticized by many
members of the public.

The city council has been working
diligently to respond to the
recommendations, but I will admit I have
found it quite difficult to work in this
draft mode. Every time we print
something for your review, we're berated,
we're attacked, there's protests. You
know, we are trying to take the public
input in, we're trying to read your
comments, we are reading through your
emails.

Most of the emails that were sent
this past week were form emails, which is
fine, I read them, I took note of them.
But some of them were just excellent,
excellent comments that deserved a great
deal of attention. I thank those people
and let them know that each of their
emails were read by me.

But there are so many people
threatening us and demanding, making
demands of the city, threatening our
racing season, and the city council
itself. You know, I'm coming to ruin
your economy, I'm coming to ruin your
racing season. That doesn't hurt me
personally, that hurts everyone. And it
does not allow us to open dialogue and
move your recommendations forward.

I think words matter and making
demands and threats is not listening or
collaborating. It's taking a very rigid,
adversarial stance. Controversial
topics, new ways of conducting business,
reinventing policing in our society,
require comprehensive analysis,
productive dialogue, and realistic
deadlines. No-knock warrants and
civilian review boards are being
discussed on a national level, a state
level, and we're discussing them right
here. This city council is discussing
this, and we are taking these things
seriously. And we are moving the
recommendation forward to determine the
most appropriate civilian review board
for our city at the local level. It's right there in the resolution with a deadline, we're going to get back to you with how we are going to move this forward. And it will include a review of what you have presented to us, the task force, in your recommendations.

This council is being courageous. And with their careful consideration of all fifty recommendations and their willingness to listen and construct multiple drafts to reach some consensus, we are doing exactly what we are elected to do, in addition to all of the other duties this job requires. And there are many.

We are not taking an easy way out. We didn't cave to any one group. We are not afraid. We are not rubber stamping anything. And we're not kicking recommendations down the road. Recommendations, by the way, that came from the committee the council created by appointing two people each.

The city's attorney has spent
endless hours working with us and trying
to get this resolution to reflect this
progress. It is not perfect, and it does
not please everyone, clearly, because
nothing is ever perfect and nor does
anything ever please everyone.

The task force spent months
analyzing, interpreting, debating,
amending the recommendation. The council
has had it less than a month. And yes,
we were following the meetings, I was.
But still to have a final document given
to us on May (sic) 5th, we -- we've done
a lot of work between May 5th and May
31st. Reform takes time and the Saratoga
Springs Police Department is well on its
way.

The timing is so interesting given
that we're all watching the George Floyd
trial and it's incredibly upsetting. And
we just came up on the one year
anniversary of the tragic death of
Breonna Taylor, who was shot dead in her
home by white plainclothes police
officers. As a result of these horrific
acts, we're in the midst of a real wave
of change and I think we are witnessing a
rising tide raising all boats when it
comes to police reform throughout our
country and here locally.

This is a resolution that should be
soundly supported by all members of our
community because it leads us down a real
pathway of dialogue, consensus, and
change.

I expect the police department and
the committee that will be appointed by
the major will further develop each of
fifty items listed in the resolution and
the plan. I believe we will be
referencing this document for years to
come because it is excellent. I
believe -- I -- the document, the
resolution, it covers so much, there's a
section on police policy changes, culture
and training for police, community-
centered reinvention pilot program ideas,
and a whole lot of data analysis,
transparency, and accountability
recommendations.
And each item now needs further review and that is what this resolution states. We need to ensure a proper plan, a proper accounting to the community, and to the police department, so that we're setting them up for success and not failure. And that we're setting our city up for successes and not failure.

I meant what I said at our last meeting. I don't see where we are in any disagreement. But there are four of us on this council who understand just saying making so does not make it so.

And so as a result, we have built into this fine resolution a section 5, called next steps. There will be accountability, there will be action, and it would be best to work with us and stop threatening us. We want to work together. Look to the next city council to support this too. As someone mentioned, many of us are coming off this council and we're coming off fairly soon. Many of us will be gone in just a few short months, but I plan to do what I am
able to lay the groundwork and foundation
for a successful implementation of the
task force plan.

But it's a plan that requires
resources and further analysis, and those
accommodations are included in our next
steps. If you do not like what we are
doing, and want to threaten and demand,
well then I'll be planning for budget
transfers for police overtime services to
handle all the protesting. Each one can
cost anywhere between eight to fifteen to
$20,000. I for one would prefer to put
those funds toward the recommendations
that you've made in our -- in our -- in
your plan. But I can't do that because I
have to ensure, it's my fiduciary
responsibility to the taxpayers and
residents of the City of Saratoga
Springs, to ensure their safety and
ensure your safety if you come
protesting.

So I prefer open dialogue. That's
what I want to say. And collaboration.

Finally, I would like to send this
along to the Governor for comment and
recommendation because I think our task
force did an amazing job and has
presented us a model that can be used
throughout our great state. And I'd like
to know what comes next from the Governor
and his Executive Order 203.

And thank you, very much. I hope my
words meant something. And I -- I hope
they were heard because I'm still baffled
by all -- all the divisiveness. This
council has worked hard to get to this
point this evening.

Thank you, Mayor --

MAYOR KELLY: Thank you.

COMMISSIONER MADIGAN: -- for that
time.

MAYOR KELLY: Thank you,
Commissioner.

Any other comments from the counsel
at this time?

Okay, then I'd like to say, all
those in favor, say aye.

You have to unmute, you guys. Let's
see. Unmute.
IN UNISON: Aye.

MAYOR KELLY: Okay. I have Commissioner Dalton, aye, Commissioner Madigan, aye, Skip, aye -- okay.

All those opposed?

COMMISSIONER FRANCK: No.

MAYOR KELLY: Thank you.

Any abstentions?

The matter passes.

Thank you all for the meeting and have a good night.

We're adjourned.

(Meeting adjourned.)
CERTIFICATION

I, Amanda M. Oliver, certify that the foregoing transcript is a true and accurate record of the proceedings.

Amanda M. Oliver

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Date: April 9, 2021

CC Approved: 4/20/2021
Vote: 5 - 0