

TOWN OF BYRON BOARD MEETING
May 20, 2024

The Byron Town Board Meeting was called to order by Deputy Supervisor Kent at the Byron Town Hall at 7:00 p.m. with the following people present:

- Deputy Supervisor..... Josh Kent
- Councilman.....Martin Dilcher
- Councilman.....Fred Klycek
- Councilman.....Jeff Thompson
- Councilman.....Nathan Knickerbocker
- Highway Superintendent.....David Leaton
- Town Clerk.....Kristy Murphy

Public: Barbie Starowitz Renee Mccartney Shannon Thompson Jim Lamkin
Eric Richenburg Marilyn Weinert Peter Yasses Terry Maid

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was led by Deputy Supervisor Kent.

IN LIEU OF BENEFIT:

Councilman Thompson and Councilman Dilcher called the special meeting which needed to be scheduled within 10 days by the supervisor to discuss the attempt not to pay the Town Clerk her in lieu of benefit. The Supervisor stated at a previous meeting that the check was illegally signed by her to catch up the in lieu of benefit to the Town Clerk. Councilman Thompson wanted to be clear it was not an illegal transaction. There is money in the budget, it just needed to be moved into the proper account. Councilman Thompson stated that he was unaware of when Supervisor Hensel called Baldwin Business Services, the Town accounting firm, to stop payment on the Clerk’s payroll check so she would not get paid her in lieu of benefit. Supervisor Hensel contacted the accounting firm sometime after the last board meeting, and after the resolution was put in place to pay the Town Clerk her in lieu of benefit. He also stated that as of today, the Clerk was paid up to date in regards to the in lieu of benefit. Councilman Thompson advised the board he invited the accountant to the next scheduled Town Board meeting on June 12 to go over needed transfers.

MOTION OF NO CONFIDENCE:

Councilman Thompson made the following Motion of No Confidence in the Town Supervisor, Candace Hensel:

Supervisor Hensel has underhandedly acted in contempt of the wishes of the majority of the Town Board on numerous occasions in her short tenure in her role.

Specifically,

- 1) Supervisor Hensel has knowingly and willfully defied Board resolutions relating to the payroll of the appointed Town Clerk, Kristy Murphy, due to personal feelings regarding in lieu of payments as stated in multiple Board meetings this year ;
- 2) Illegally entered the Town Clerk's vault and removed boxes of documents related to Water District #7 after a very clear discussion about Town Law and document control by the Town Clerk in the April 24, 2024 Board meeting;
- 3) Independently changed the pay amounts different and lower than what was approved by the Town Board to be advertised, resulting in questioning of the Board by Town residents;
- 4) Acted in an obstructive manner requesting that the accounting firm stop payment of in lieu of payments prior to the May 8, 2024 Board meeting to the Town Clerk due to budget concerns, and made no resolution to move monies knowing that the Town Clerk's pay would be disrupted and short again. The other Board members were not notified of this change request and it was only found out during a budget discussion by Councilman Thompson with the accounting firm. After learning of this on 5/10/24, Councilman Thompson and Councilman Dilcher immediately requested a Special Meeting in writing and via e-mail to move monies in the budget so that payroll would not be disrupted;
- 5) And has spread misinformation about the nature of these topics due to her inability to conduct board meetings in a calm and professional manner causing mass confusion among Board members and residents that has resulted in a culture of hostility at the Town board meetings.

In short time as Town Supervisor, Ms. Hensel has ignored the Board majority and acted in a rogue manner independently from the majority's decisions and shown a clear lack of professionalism expected from this role. Supervisor Hensel has allowed town residents to rummage through the vault that contains confidential information and access town computers as she began her role as Town Supervisor in January 2024, with no communication with the Board that assistance was needed. Supervisor Hensel has shown numerous disrespectful mannerisms towards other Town Board members including comments under her breath, eye rolls, negative facial expressions, and rude comments directly to Board members with on in particular telling a Board member "Oh shut up, will you" a the April 24, 2024 Board meeting. She stated at that same meeting that there are things that she wants to do differently than in the past and not quite "business as usual" and if there are people that don't like that, she will continue to pursue those things with or without the board members and there are things she can do without them having to do things. "Good thing, I guess", she states as she wraps up this comment. This statement in combination with all of the above has led Board members to believe that this noncompliant behavior will continue in the future, resulting in this vote of no confidence. This list only contains some of the most significant infractions.

Deputy Supervisor Kent: Although he has no vote being he is a town resident he is going to speak to the motion that was just made. He explains that bringing up topics without forewarning and making resolutions has become a problem from what he sees. An example of this is tonight's meeting that he was under the impression that he as coming to discuss budget transfers so that is what he researched to discuss. He states that the issue has since been cleared up yet, the meeting

was still called. He asks why this meeting was not cancelled and brought up at the next scheduled Town Board meeting instead. He states he is not saying whether this motion is warranted or not, but the process is what he has an issue with. He states the Board has continued to do fairly significant things at these meetings. The meeting called was not to discuss this issue.

Councilman Thompson: This meeting was called because Supervisor Hensel took it upon herself to go against a resolution to pay the Clerk her in lieu of benefit once again.

Councilman Knickerbocker: He would like to clarify what the vote of no confidence means. He states it does not mean she is removed, it simply states that the board has no confidence that Supervisor Hensel can do the job she is supposed to do. He continues to state that the board would not have to bring up major business in this way if the business was being done. He continued to give an example of why the vote of no confidence is being brought up. It is because Supervisor Hensel herself chose to act in the manner of all the ways that Councilman Thompson just listed.

Deputy Supervisor Kent: When this meeting was booked last week was the meeting for budget transfers or was it to bring up the vote of no confidence?

Councilman Knickerbocker: The meeting was called for a discussion regarding budget transfers. The issue still remains this meeting would not have needed to be called if she did not do this.

Councilman Thompson: Asked Deputy Supervisor Kent - for the four years we spent on the board together how many times did the supervisor act on his own, against a resolution that was made?

Deputy Supervisor Kent: He doesn't have that information. He says the only issue he personally had with the previous supervisor was the appointment of Councilman Dilcher, not because of who it was, but the process in which he was appointed.

Councilman Dilcher: It seems that how Deputy Supervisor Kent feels about Councilman Dilcher's appointment is exactly how Supervisor Hensel feels about the town clerk's appointment. It seems to the board that the reflection shows that Supervisor Hensel is trying to do everything she can to make the town clerk's job as miserable as possible.

Councilman Dilcher proceeds to second the **MOTION** of No Confidence. A vote followed with the following votes:

Councilman Klycek-	AYE
Councilman Thompson-	AYE
Councilman Dilcher-	AYE
Councilman Knickerbocker-	AYE
Vote: Ayes: 4	Nays: 0

New Business:

None

Public Comments:

Eric Richenberg: What happens now with the vote of no confidence.

Councilman Thompson: Clarifies that the motion is just on record.

Terry Maid: On January 3rd when the board found out the old clerk was not here did you all come down to help her?

Councilman Knickerbocker: He personally did.

- Terry Maid disagreed with Councilman Knickerbocker and asked if he came down to help her find emails and passwords since nothing was left? The letter stated she was rummaging through things. Councilman Thompson clarifies he did not say she was rummaging through, he said that people that should not be in the vault were rummaging through things. Terry Maid then asked Councilman Thompson if he had been on the board for fifteen years and claims he has never seen this much chaos, then how did the board allow the new clerk to bring back the old clerk as a deputy. Where do you think the chaos came from? Councilman Knickerbocker tries to clarify that he offered to help Supervisor Hensel and she never reached out to ask for it. Terry Maid then proceeds to state that bringing the old clerk back was like "a kick in the teeth to the supervisor". Councilman Knickerbocker asks Terry Maid why did the supervisor vote yes on bringing her back then?

Kristy Murphy, Town Clerk: In response to the question about bringing the previous clerk back she states that it is the choice of the town clerk whom to appointment as the deputy clerk, the board has no say in who that person is. It is not unheard of to bring back a previous town clerk to train with the new town clerk. The town clerk continues to state she was hired to do a job. As far as she sees it the way to be successful at this job was to bring back the pervious town clerk. Every time she asks a question Debra knows the answer, if she needs to find something Debra knows where it is. The new clerk, in good conscience could not hire someone off the street to be her deputy with the amount of dysfunction in this office. She also states that how could someone new be trained if she doesn't even know what to train them on. The best decision for her and the town as far as the town clerk is concerned was absolutely to hire Debra back.

Eric Richenberg: Since the motion was made, where do we go from here? He hopes there is a plan in place to get to a better place to move forward.

Kristy Murphy, Town Clerk: The previous comment has been made by board members and herself at each meeting. The residents deserve to have these town meeting about town business not all of this.

Councilman Dilcher: He agrees that the town board should not be arguing. We need to get past the childish things and get back to basics, like the town water and sewer projects, and working with the employees. These meetings have been a nightmare from the beginning. He stated that people unfortunately don't watch these video meetings to get any information they watch because they are a joke. Our town doesn't deserve that. He stated that he really hopes we can get to a good place and start focusing on the town's needs, on the people who are working in the

town, and the water people we are working with because if we don't have the people working in the town we have nothing. He also states that Supervisor Hensel has not brought unity to the table at all. Every time the board does try to make decisions to move forward Supervisor Hensel continues to go against everything the town board votes to do.

Councilman Thompson stated he left the last meeting in May feeling maybe this can be something the board can build on. He continues to say we don't even get any room to breathe and Supervisor Hensel is trying to take the clerk's in lieu of payment again and violating the resolution that was made, and she continues to access the records room without the knowledge of the town clerk, taking what she wants out of the records room and locking it in her office for days. He proceeds to ask the question - how do you move forward from that?

Councilman Klycek: When he first looked at the letter of no confidence his first thought was let's sit down with Supervisor Hensel and talk about things. But, we can't do that privately it's got to be in a public meeting.

Councilman Knickbocker: He has sat down with Supervisor Hensel and talked with her. This is not about whether he personally likes her or not, this is strictly professional. To go to an accounting firm and tell them not to pay an employee what they are entitled to because you don't like it is unacceptable. It is equally unacceptable that in the May meeting Supervisor Hensel told the town there was a \$23,000 deficit and that was not true at all. Per the accountant, the board was told there was money on the line, just not on that line to be used for internal purposes. I cannot have confidence in someone to do the job they are supposed to be doing when they are just not doing it. Each time this issue has been brought up to Supervisor Hensel it gets turned around and she starts questioning why didn't someone do this or that then? Councilman Knickerbocker states it is not their job to hand hold the Supervisor in doing her job. It is, however, our job to help if she asks for help, however she never asks for help.

Jim Lamkin: Although he doesn't disagree with anything that has been discussed tonight, he would like to know where does the town board go from here? The whole board has met tonight without her here. She is not going to be happy when she hears about this and it's going to cause more turmoil. What are you all going to do about this now that you have gotten this out to the public? How are you going to contain what is going to come out of this.

Councilman Dilcher: That is a good question and a start would be to get these meetings back to what they are supposed to be about. He continues to state that when something is agreed upon at these meetings, that is what needs happen and stick to it.

Deputy Supervisor Kent: The bottom line is to start with open communication which has been lacking. At some point there needs to be some stepping back from the "battle line" so to speak on all sides. He states the board doesn't need to trust each other but, you all do need to work together.

Renee McCarteny: It's possible that this motion could open the supervisor's eyes to the bigger issues. Is there such a thing as a mediator between the board and the supervisor.

Deputy Supervisor Kent: He agrees that everyone wants to see the meetings get back to business.

Barbie Starowitz: She would like to know how much the in lieu of benefit amount actually is.

Kristy Murphy, Town Clerk: The amount per year is \$16,031.52 per year. The town clerk also clarified if she took the insurance instead of the in lieu of benefit for a family plan it would cost the town \$30,000.00.

Barbie Starowitz: She would like clarification on the attorney working on the zoning law revisions.

Councilman Knickerbocker: He clarifies that Heath and O'Toole are reviewing the zoning law revisions that Mr. Boylan and the zoning board put in place.

Deputy Supervisor Kent: The revisions were not fully completed last year. Since Mr. Boylan stepped away at the end of the year, Heath and O'Toole have taken over in helping with the zoning and planning board revisions.

Barbie Starowitz: She wants clarification because she thought the example Councilman Knickerbocker used previously about the planning board she thought he was saying that Supervisor Hensel was not doing her job.

Councilman Knickerbocker: He simply was stating change is not bad his issue is with the manner that Supervisor Hensel has gone about trying to change things just going out on her own with no regard for the rest of the board. Then when being asked about it Supervisor Hensel claims foul making it more than what it is.

Pete Yasses: Stated that the conversation about the in lieu of benefit is like kicking a dead horse. The in lieu of benefit is done, this undermining is sickening to watch he states. The Supervisor needs to learn to work with the board. He feels the board is doing a great job trying to deal with all of this. One person cannot move this town forward. He states for the supervisor to continue to act like the victim is not right.

A MOTION was made by Councilman Thompson to adjourn the Byron Town Board meeting at 7:45pm. Councilman Thompson seconded the motion which was carried by the following vote:

Councilman Klycek-	AYE
Councilman Thompson-	AYE
Councilman Dilcher-	AYE
Councilman Knickerbocker-	AYE
Vote: Ayes: 4	Nays: 0

Respectfully Submitted,

Kristy Murphy, Town Clerk