

Town of Berne Board Resolution of Censure

Resolution No.

At a meeting of the Town of Berne Board duly called and held on the 29th day of June, 2020, the following resolution was presented for consideration and adoption:

WHEREAS in connection with the August, 2019 meeting of the Town Board, board member Joel Willsey requested that “extraordinary security measures” be implemented for such meeting arising from what he believed to be a credible threat against him by board member Dennis Palow,

which alleged threat was a belief by board member Willsey that a weapon could be hidden in the Town Hall prior to a meeting by board member Palow and further,

That safety for Willsey and the public could only be secured by a police officer sweep of the Town Hall for weapons conducted immediately before a meeting, and further,

That a metal detector needed be used to screen anyone entering the building for a meeting, and further,

That access doors be locked and that an armed police officer be posted at the front and back of the meeting room during meetings and that an armed police officer be present in an Executive Session of the Town Board if such session be called, and

WHEREAS on August 30, 2019 board member Palow filed a complaint against board member Willsey alleging a violation of the Town of Berne Employee Handbook (“Handbook”) at section 900-2 where in it is alleged that comments in an e-mail by board member Willsey to Supervisor Lyons constituted discrimination on the basis of Mr. Palow’s status as a veteran, a protected class in the Employee Handbook, and

WHEREAS the Town had an affirmative duty to investigate allegations of discrimination and further upon the advice of the Town Attorney, the complaint was referred to an independent law firm for a review of all of the material elements of the conduct and communications of the parties to the complaint and

WHEREAS a Report by the firm of Roemer Wallens Gold & Mineaux, LLP of Albany, New York dated January 15, 2020 was issued after a full investigation, including but not limited to interviews of both parties to the complaint, and

WHEREAS the Report of the Independent Law Firm concluded, *inter alia*, that it was “Mr. Palow’s military status [that] motivated Mr. Willsey’s seeking additional security measures” and that this conclusion was, “inescapable”, and

WHEREAS the Report further concluded that: “Mr. Willsey’s suggestions are unsupported by

any factual foundation. He has no knowledge of any PTSD diagnosis. He received no specific threat of violence from Mr. Palow, There is no evidence that Mr. Palow was involved in the shooting of a campaign sign on Mr. Willsey's lawn, nor is there any evidence that he is involved in a militia. During the course of this investigation, [the investigating attorney] was unable to uncover any evidence that Mr. Palow ever made reference to his military service in a hostile or threatening manner. Rather, Mr. Willsey's allegations are based in negative stereotyping of military veterans", and

WHEREAS much of the above described conduct by board member Willsey was made public during the course of open meetings of the Town Board and in published letters and communications in local media, said conduct was deemed "troubling" by the investigating law firm, and

WHEREAS the Report concluded that the conduct of board member Willsey was not governed by the Employee Handbook because both the complainant Palow and Willsey are not "employees" but rather elected officials, and thus not subject to discipline under said Handbook's prohibition of discrimination or harassment and,

WHEREAS the Report found that a different conclusion would be reached had Palow and Willsey been employees, and that, "Willsey sought to and succeeded in implementing [a] Town [security] policy on the basis of assumptions and stereotypes regarding Palow's military service. He [Willsey] openly engaged in negative stereotyping with other members of the Board and with the news media," which improper behavior by an elected official of the Town of Berne cannot be ignored or condoned, and

WHEREAS the residents and taxpayers of Town of Berne include many military veterans and their families whose parents, children and other relatives and friends have served their country, and continue to serve their country, in active military duty, and

WHEREAS it is a priority of Town Board of Berne to recognize and strongly speak out against conduct that constitutes unlawful discrimination based on a protected class, and, which erodes the public trust and this board's ability to properly govern.

WHEREAS it is a priority of the Town Board of Berne, that it respects those who have served and who continue to serve our country in the United States military, now, therefore

BE IT RESOLVED, that the Town Board of the Town of Berne does here by censure board member Joel Willsey for the extraordinary and unjustified actions he took to disparage, disrespect and disgrace the active military service rendered by board member Dennis Palow which actions served to humiliate all of the veterans and their families who have risked their lives in service to our country and protection of our freedom.