EXECUTIVE SUMMARY

Date: February 13, 2023
To: Town Board
From: Tom McCarthy
Town Attorney

RE: Timeline of facts and circumstances surrounding the Joint Resignations of Town Board members on November 7, 2022

This report documents the following facts, together with reasonable inferences and implications of facts known and provable, the documents, Emails, meeting minutes, and in some cases public statements of Town Board members and elected officials demonstrate the following provable facts and assertions:

1. Former Council member Amy Standaert acted to convert the time and Town resources associated with an employee of the Town to personal and political gain for herself and her political allies, and did so in her capacity as a Clifton Park Town Board member.

These actions included the following specific acts and patterns of acts:

(a) Mrs. Standaert colluded with The employee to leave the Town Hall Offices and work remotely under fraudulent circumstances, including the submission of a fraudulent application to work remotely under the Americans with Disability Act. The employee was out of the office from December 8, 2020 through April 17, 2021. He utilized this time away from the office to help Amy Standaert secure the political nomination of Amy Flood to join the Town Board.

(b) The Town’s new Voice-over-internet phone system was installed and went “live: on December 13, 2021. Between That date and September 29, 2022, Council member
Standaert spent some 185.2 hours on the telephone with the employee for no discernable business reason, averaging 4.63 hours per week, often with up to ten calls between the two in a day. This totals $9858.21 in wages and benefits stolen from the taxpayers.

(c) Council member Standaert colluded with the employee to file false charges of discrimination with the Federal EEOC in an effort to limit and restrict the Town’s ability to properly supervise and direct The Employee’s work. For one period in which a snapshot analysis was done, records showed that 18 of the longest 25 calls on the Town’s phone system between over a two month period were between the employee’s extension and Amy Standaert’s cell phone. The sheer volume and length of these “extended” calls caused the VOIP vendor to inquire if there was a malfunction or error in the extension.

(d) Mrs. Standaert also colluded with the employee to make false claims concerning Supervisor Phil Barrett’s appearance in the parking lot at the Town’s test kit giveaway at the Clifton Common on January 6, 2022, and used the employee to draft incendiary political charges and allegations against the Supervisor, using his Town computer, phone and email system.

(e) Ms. Standaert colluded with The Employee to make false charges and allegations against the Supervisor by claiming that, on April 27, 2022, the Supervisor physically assaulted The Employee while serving a Disciplinary notice within the Town Hall offices, and colluded and encouraged the employee to file a fraudulent police report with the Saratoga County Sherriff regarding same.

(f) These actions were taken for personal and political gain, in an attempt to force the Supervisor from office. Taken separately and together, these actions constitute official misconduct and abuse of office, and likely meet the standard of Intentional conduct sufficient to justify judicial removal from office pursuant to Public Officer’s Law, section 36.

(1) Highway Superintendent Dahn Bull applauded and supported these efforts, and took official actions to limit effective communications with the Supervisor, and to isolate and circumvent the Town Attorney’s office in contravention of NYSTL 20 (2).

(a) Highway Superintendent Bull acted unprofessionally on February 22-23 2022 by refusing to meet with the Town Attorney to clarify glaring omissions in a procurement proposal to expend some $1,300,000 on five separate, fully loaded and equipped plow trucks for the Highway Department, which was the proximate cause of the Town Board’s retention of the Bond Schoenick and King Firm (BSK) on May 16, 2022.

(b) BSK’s sole finding, after an internal investigation costing $15,845.50 over the summer and Fall of 2022, is that the Superintendent also acted unprofessionally toward a support staff member in my office on March 2-3 2022, as well as previous occasions when the Superintendent had yelled at or otherwise raised his voice to that Staff member due to her role in accumulating backup material to support Town Board resolutions necessary for the Business of the Town.
(c) The retention of BSK included ulterior motives to divert attention away from the Highway superintendent’s actions and to cover up the extent to which The Employee’s time and Town communication resources were diverted to sole political purposes.