REPORT TO THE
TOWN BOARD

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

Following the abrupt resignations of Councilmembers Standaert and Flood, on November 7, 2022, which in turn followed the resignation of the Town’s former Information Specialist (The Employee) and subsequent press reporting on the facts behind it, Councilmember Morelli asked my office to conduct an investigation into the entirety of the circumstances leading up to the resignations, and prepare a report to the Board. Specifically, Mr. Morelli asked that I determine the extent of the political work that was done on Town time and with Town resources, and that I provide a full accounting of what transpired over the course of many months, and determine what abuses of power and of public offices occurred, and provide a detailed report surrounding the issues leading up to the resignations. He asked that I specify political efforts that may have occurred on Town time and with Town resources, aided by Town employee and elected officials. He also asked that I provide details surrounding the April 27 2022 police report of an alleged assault and inquired as to whether there was collaboration by office holders, including whether any provable facts would merit removal of any office holder under Public Officer’s Law §36. [see November 7, 2022 Town Board meeting, at 1:10.]

The events immediately precipitating the separation and resignations are explained in an October 17, 2022 memorandum to the Board, with exhibits, that provided the background material in support of the approval of a separation agreement with The Employee that placed him on 90 days leave in exchange for an irrevocable letter of resignation, effective January 10, 2023. see Exhibit 1 to this report.
administrative staffer at a local paving company that had been misdirected to her for political purposes by the Town’s employee, this office began to examine Town telephone records. The Employee involved is no longer so employed, and he will simply be referred to herein as “The Employee” for the purposes of this report, which focuses on the conduct of elected officials. The review of telephone records was accomplished using existing administrative rights under the recently installed VOIP telephone system, which was installed in late 2021, and went “live” on December 13 of that year. The fact that there were an extraordinary amount and duration of telephone calls between The Employee’s extension at Town Hall and Ms. Standaert’s cell phone initially came to light during a review of records with Vaspian Support staff in response to an unrelated request for assistance by the staff contact with administrative rights to the system in the spring of 2022. We were asked to review the calling history for all phone calls within Town Hall based on duration to determine if there was a malfunction, a problem with hanging up the receiver, or other anomaly due the extraordinary length of calls to and from two telephone numbers in particular. A cursory review showed that there was no malfunction, and the matter was not analyzed further until after the August 15, 2022 Town Board meeting, when it became clear publicly that The Employee was working subversively against the Supervisor using his Town Hall office.

Although, by August 2022, it was widely known that The Employee was aligned politically with former council member Standaert, the sheer volume of telephone calls, both in number and duration, over an extended period of time, going back to at least December 13, 2021, was eye opening.

Following that meeting, the call history from April 4, 2022 was reviewed and showed clearly that The Employee had contacted Ms. Standaert numerous times that morning, contemporaneous with forwarding the voicemail message appropriately, to me. Based on what was known about the use of email to misdirect the April 4 Voicemail referenced in Exhibit 1, I asked the Supervisor to authorize a review of selected email accounts, including that of Former Councilmember Standaert. N1 The results of that review demonstrates that while the actions of The Employee and then Councilmember Standaert relative to the January 7 and January 10 documents, which are the primary subject matter in Exhibit 1, are perhaps the most glaring examples of the misuse of the employee’s time and Town resources; these facts are merely a portion of a pattern of conduct which involved another elected official to one degree or another, began long before it was previously understood, and involved the use of public offices to impede governmental functions as well as an effort involve or enlist rank and file employees in an effort to undermine the Town Supervisor for political purposes.

N1 Section 511 of the Town’s Employee Manual clearly provides that all Town email, telephone and computer files and records are owned by the Town and reviewable with or without notice.

As will be detailed more fully below, the sheer volume of telephone calls between Ms. Standaert and The Former Employee demonstrated an alliance or relationship which far exceeded any governmental purpose or work on Town projects or initiatives. For example, 18 of the longest 25 calls on the Town wide telephone system between February 7, 2022 and March 29, 2022, were between the employee’s extension and former Councilmember Standaert’s cell phone. Telephone records demonstrating the amount of contact from the Vaspian system’s live date of 12/13/21 and 9/29/22 are identified in Exhibit 2). These records show multiple calls between Ms. Standaert and The Employee per day, often multiple calls over the course of an
hour or two. Sometimes, they involve up to 10 calls per day. In total, Councilwoman Standaert spent 185.2 hours on the telephone, during business hours, with The Employee, between December 13, 2021 and September 29, 2022 for no discernable business reason. Based on The Employee’s rate of pay, these hours represent $9,858.21 in salary and benefits for the 185.2 hours of time diverted from Town Business to politics. And these are just calls utilizing The Employee’s office telephone extension, and do not include cell phone usage during the day, or calls from the Highway Department during business hours when The Employee spent large blocks of time in that office as detailed below.

I

CONVERSION OF EMPLOYEE’S TIME FOR POLITICAL PURPOSES

Firstly, the effort to convert The Former Employee’s time away from his job duties and towards political work for Councilmember Standaert actually began in November 2020, and initially comprised the conversion of his time, on a nearly fulltime basis, which ultimately began on December 8, 2020.

On November 3, 2020, at 7:04PM, The Employee “formally” requested, for the first time, that he be allowed to work remotely, or to work from home (WFH) as a result of the ongoing covid-19 pandemic. The request was perplexing from the start. Firstly, The Employee initially asserted that the request was based on the following:

"At my annual physical on Monday, November 2, 2020, my primary care provider expressed his serious concerns about my potential exposure to COVID-19 due to my underlying health conditions."

He attached a scanned “letter". The 3-sentence note did not indicate what condition The Employee had, or why it made him vulnerable to the covid 19 virus, but simply stated that “if it is feasible to allow (The Employee) to work remotely, he should be permitted to do so.” However, the note is dated August 18, 2020, and had nothing to do with “a recent” physical exam on November 2. Moreover, the pandemic had been much more florid in the late spring and early summer of 2020, and there was little or no indication of a winter resurgence of the incidence of the virus in early November. Further, The Employee, himself, had been observed walking throughout Town Hall, visiting other offices, without any particular regard for cloth masking, throughout the summer and early fall. Therefore, neither the timing, nor the substance of the request seemed logical at the time. Moreover, if he was actually advised in August that he should not be in an office environment for health reasons associated with the pandemic, why would he wait until November to raise the issue?

What became clear through subsequent events, however, was the relationship of this request to an upcoming vacancy on the Town Board. Within 2 weeks of the request, then-Councilmember James Whalen submitted a letter of resignation, opening up a key vacancy on the Town Board. Mr. Whalen’s resignation letter is dated November 19, 2020, (Exhibit 3) was to be effective January 1, 2021, and cites family plans to re-locate out of town the following year. The timing of this resignation also did not seem logical at the time. If Councilmember Whalen planned to move out of town the following year, why not simply leave the Town Board then? In
fact, in July of 2021, Mr. Whalen applied for a pool permit at his Clifton Park home and remains in the home within the Town to this day. It now seems clear that The Employee’s need to work remotely was more related to his urgent need to help and advise Councilmember Standaert on obtaining the nomination for a political ally within the local G.O.P. Committee to fill the vacancy which Mr. Whalen’s upcoming resignation would create, more than to any health condition. And it now appears that Mr. Whalen resigned to make way for someone, or some other reason, that he was not willing to state.

But that nomination did not take place until January. At the time of the request, the Town policy was to keep the local governmental functions fully staffed, and Clifton Park did not broadly engage in the “remote” work rules which curtailed the functioning of so many municipalities and, the state government, in 2020 and continues today in many cases.

Because The Employee was generally known to have had a health condition in 2019, and since he had referenced an individual health concern as a basis for his request, the Town’s outside HR consultant, Ronni Travers recommended that we treat the request under the Americans with Disabilities Act, which was a widely discussed topic in legal circles vis-à-vis the pandemic at the time. In order to do so, the statute and it’s interpreting regulations provide that an employer is entitled to know the specific nature of the ‘disability’ sought to be accommodated, and to then engage in an “interactive process” with The Employee to determine if it can reasonably be accommodated, and whether there are more narrow means of accommodation than the one requested.

Over the next 5 days, The Employee was put in direct communication with Ms. Travers, who provided him with medical forms for execution, which would respond to the information required to assess the actual disability we were asked to accommodate. He was also asked a series of questions concerning the tasks he believed he could accomplish remotely, those he could not, and his recommendation as to who could and should cover those aspects of his job duties which could not be done remotely. He was also asked how long he believed he needed to be away from the office. He did not produce any medical information until December 3, 2020. When he did, he produced a medical report that was completely contradictory. Unfortunately, Ms. Travers had used one of her existing Family and Medical Leave forms and did not generate an ADA request form in this instance.

Documents and emails relevant to the application to work remotely are contained in Exhibit 4 although specific medical the information is not included for HIPPA compliance reasons.

Only Ms. Travers received the report, which was kept compartmentalized for HIPPA reasons. We were advised that the report was sufficient for medical leave. However, when later asked about the actual diagnosis and treatment outlined in the report accompanying the FMLA form, she advised that she had not actually read it, and confused the application with one for an
FMLA leave without pay, the standards for which were defined and reduced from the ADA standard which was actually being requested.

The Employee did not answer any of the operational questions, nor provide the durational limits to the request until December 7. When he did, he asked that he be designated to work remotely “for six months, or until successfully vaccinated.” Subsequent investigation now shows that The Employee colluded with Councilmember Standaert in responding to each and every email and dialogue with the Supervisor and myself from November 3 through December 7, and that they worked together to provide answers to our questions and inquiries throughout the “interactive process” that we were attempting to engage in in good faith.

Moreover, the record shows that Ms. Standaert was simultaneously putting pressure on Ms. Travers to increase Covid-related leave opportunities and expanded interpretation of Covid-related guidance and directives under federal guidelines. When I subsequently asked Ms. Travers her analysis of the medical documentation, she repeatedly confused the standard for FMLA leave, with the ADA accommodation which we were analyzing, and said that she hadn’t looked at the medical documentation that closely, because she was considering the application as one under the FMLA, as that was the form that was submitted.

During the afternoon of December 8, 2020, within 24 hours after providing answers to the operational and durational aspects of this “interactive process”, The Employee was verbally advised that his request to work remotely was being granted, and he gathered his belongings and left the building. Not until the following day, at 4:41 pm was the formal determination emailed to him, incorporating his requested duration – “6 months or until successfully vaccinated,” among other stipulations and conditions concerning work protocols which also had been derived from the dialogue between The Employee and the Supervisor over the previous month. The record thus shows that the request, when fully submitted, did not match the original reason given for it, and was surreptitiously supported by Councilmember Standaert behind the scenes, rather than in her official capacity as a Board member. It was also being followed closely by the Highway Superintendent, who, sent him an email congratulating him on now “working from home” and asking to “bend his ear” on an unstated matter on December 9, at 9:00 A.M, even before The Employee had received the formal determination. (Exhibits related to the Highway Superintendent are contained in Exhibit 5)

Then, on December 20, 2020, he was seen at a large public gathering at a breakfast held at the Elks Club. On January 28, 2021, he was in a committee room setting at the local GOP meeting held to decide the nomination to fill the Town Board vacancy left by Mr. Whalen’s abrupt resignation, representing Amy Flood in the counting room where ballots were collected and counted, along with Highway Superintendent Bull, and Ms. Standaert. This is an inappropriate role for a Town Employee to play in a political setting, and violates the spirit, if not the letter of, the Town’s Ethics code which prohibits employees from acting as officer of a political committee. However, the full implication of this role was not understood at the time. In retrospect, it is now clear that The Employee had become engaged in Town Board politics, and that he had been attending public meetings and gatherings which were entirely inconsistent with his application and stated need to work remotely. For instance, during the ADA’s “inter-active process, the Supervisor explored relocating him to a private office in Town Hall, away from the open area of the Supervisor’s suite with its necessary contact with others. He rejected this more narrow accommodation, stating that he needed to more completely isolate, but then attended political gatherings and events for the benefit of Ms. Flood while ostensibly working “remotely”.
Further, Mr. Whalen and his spouse actively supported the nomination of Ms. Flood to fill his vacated seat and even “Zoomed” into the meeting where the Flood nomination in the Republican Committee was determined. We attempted to talk with Mr. Whalen about the inconsistencies surrounding the stated reason for his resignation for this report, to determine if there was any political pressure placed upon him which resulted in his resignation from office, or other factors relevant to the report. The former councilmember then retained counsel and refused to speak with us.

Moreover, when COVID-19 vaccines became available in January 2021, they were limited to Senior Citizens 65 and older. By Bulletin dated February 5, 2021, Governor Cuomo announced a new list of “co-morbidities” which for the first time listed a condition potentially relevant to The Employee, making him eligible for early vaccines. Because seniors were having considerable trouble making appointments for the vaccine online, certain town staff became adept at getting appointments for eligible residents who needed them. When the Town inquired, on February 19 as to whether The Employee had successfully navigated the online appointment system, and asked whether he had an appointment, he initially resisted answering at all, then provided a timeline involving appointments made at a distant location, which would not be complete until late May. Staff obtained local appointments for him much earlier and he initially resisted them, even refusing to tell us whether he had kept the appointments in the Capital District that we made for him much sooner. Ultimately, he did utilize the appointments obtained, and returned to the office on April 19, 2021.

Further, notwithstanding the fact the Supervisor approved The Employee’s work from home request within 24 hours after receiving his answers to interactive process inquiries, The Employee had filed a charge of discrimination with the Federal Equal Employment Opportunity Commission on February 17, 2021. The charge alleged that he had been discriminated against under the Americans with Disabilities Act because he was not allowed to work remotely, and that the Town had failed to engage in this interactive process required by the statute and its interpreting regulations. The charge included demonstrably bad faith allegations, such as that both Open Space Coordinator Jennifer Viggiani and myself as the Town Attorney had been authorized to work from home while he was not. The filing also contained false COVID-related allegations which later became such a hallmark of Councilmember Standaert’s attempts to undermine the Supervisor.

The filing was seen at the time as a strategic/defensive filing designed to prevent the Supervisor from directing the work of this employee, since any directives or admonishment would then be alleged to be “retaliation” for his having filed a charge of discrimination.

What was not known at the time, was that Councilmember Standaert had supported and colluded with The Employee in connection to the charge as part of her scheme to insulate him from direct supervision by the Supervisor and the Town, and to convert his time to work exclusively for her on matters of politics, which then took the almost exclusive form of undermining the Supervisor from within. He filed a second complaint on April 27, 2021, immediately after returning to the office, alleging, among other things, that the facilitation of his vaccination appointments was a “retaliation” against him for filing the first complaint, notwithstanding the fact that the original request was that he work from home “for six months, or until successfully vaccinated.” (Exhibit 4, the ADA determination dated December 8, 2020.) I attempted to brief her on these filings in the early summer of 2021, and she waved me off, stating in substance that she “was keeping her distance from such claims.”
Why would a Town Board Member decline information about claims made against the Town, especially by an employee that she is known to be close to politically? After all, if the Town had violated the Americans with Disabilities Act by discriminating against such an employee, then in her capacity as a Board member wouldn’t she be in a position to see to it that it was properly dealt with, or at least bring attention to the fact that it should be? It clearly appears from the record that it was because she already knew all about the filings from The Employee. The EEOC filings are referred to in the separation agreement referenced in Exhibit 1 and were completely dropped and waived. At the Time, however, based upon advice of outside labor counsel defending against the charges, the Supervisor was effectively prevented from exercising direct and timely supervision over The Employee. Instead, it was decided to keep a file on dropped balls and missed assignments for future reference. As expected, when the Supervisor later took action against The Employee in April 2022, he alleged “retaliation” for the EEOC filings, and Councilwoman Standaert attempted to have Bond, Schoeneck and King take over the enforcement of the Employment action under false pretenses. (see PG. below)

As additional accommodation for The Employee, however, the Supervisor provided The Employee with a private office, removed from the open area in the Supervisor’s suite, when he returned. Then from that office, with the door closed, The Employee then proceeded to delay, and push off, and then outright ignore many assignments and requests for action from Town Departments, and staff for help within his area of responsibilities. From this point on, he primarily responded only to Ms. Standaert, working on her priorities, and communicated with former Councilmembers Standaert and Flood and the Highway Superintendent on a timely basis.

The record now shows that he began to ghostwrite statements, correspondence and even substantive emails for Ms. Standaert. These included even routine comments thanking volunteers for the “GREEN Committee” or “Tree Committee,” with instructions to make the remarks during the “communications and comments” stage of Town Board meetings, including remarks intended to attribute the success of the Town Center Planning to these committees. He also wrote “talking points” regarding the debate among the Board for the designation of ARPA funds in October of 2021, absent of any role for the “Information Specialist” title in budgetary matters.

He also researched and wrote comments for Ms. Standaert on numerous occasions. One of these incidents was regarding the use of soccer fields when Ms. Standaert’s son’s team was locked out of school fields for football practice during the pandemic. The Employee was asked to research legal theories that could be used to require the soccer club to yield some field time to the Shen Football Team, notwithstanding the absence of any legal role under his title.

One area that was within The Employee’s job description was responsibility for publicizing town events, programs and initiatives. However in the Summer of 2021, it became clear that only events and initiatives featuring Councilmembers Standaert, Flood and Walowit, as well as the Highway Superintendent were being given any publicity on the Town’s social media pages which he controlled. In addition, on Ms. Standaert’s behalf he even drafted the text included in an email that she sent to me on February 8, 2022, to assign me to work on an area within his assigned tasks arising out of an IT audit by the State Comptroller’s office. (Exhibit 4)

One of the priorities that Ms. Standaert did undertake was the formation of the “The IT Advisory Committee,” (the IT committee) formed by Resolution No. 147 of 2021. Through budgetary votes initiated by Councilmembers Standaert, Flood and Walowit, and passed unanimously, were two substantive initiatives, the VOIP phone system, which was awarded on
June 7, 2021, and the parcel-based software system, used by the Planning, Building, Zoning, and Assessor’s Departments for their respective informational needs regarding all real property within the Town. While the Board members supported these initiatives from a funding standpoint, many of the tasks required to keep both projects moving, from the procurement process towards contract award, and implementation, fell within The Employee’s job description.

The new telephone system underwent a tortuous procurement and implementation process, which, in total, took a full year under The Employee’s ostensible supervision, and was completed and implemented by going “live” on December 13, 2021. It was during a handoff conference call from the vendor with The Employee, as lead contact for the Town, and the Administrative Assistant in the Town Attorney’s office, that administrative rights and the use of the Town’s ability to monitor the system was explained. It was reported to me that The Employee was apparently uninterested in the call, asked no questions, and did not appear to be paying attention, ostensibly assuming that the Administrative Assistant, who had already backed up, or “pinch hit” for so many tasks for him, would once again do so with the phone system. The latter project, the CitizenServe parcel-based software system, was procured later, and underwent implementation beginning in January 2022. Both of these major projects revealed the extent of The Employee’s sloughing off of Town functions, clearly.

As a review of the April 27, 2022 Notice of Discipline shows, The Employee by this time was avoiding any serious work within his job description- keeping up appearances by attending meetings, sending emails on these and other ongoing projects, but when actual action was required, more often than not he would wait long enough for others to get the job done, or call in sick when critical meetings or installations were scheduled to occur. By the first quarter of 2022, the Supervisor’s office and my office had received complaints from several departments within the Town, with one Senior Department Head asking me if I thought deliberate sabotage of Town functions was a possibility. At the same time, it was reported, and witnessed, that The Employee was spending large amounts of time in his office, with the door closed, talking on the phone, or spending mornings in the office of the Highway Superintendent, all while requests for action or assistance with the information technology functions or the informational needs under his purview were ignored. The subsequent review of the Vaspian phone records show that the party with whom The Employee was spending so much time on the telephone with was Former Councilmember Standaert. In late March and early April, it came to light that invoices on the Town’s Laserfiche storage system, the Cloud Backup for ALL TOWN HALL DATA, as well as the Vaspian VOIP telephone system itself, were simply ignored to the point the town was within days of losing these critical services. At the same time, while not paying the phone bills, The Employee and Ms. Standaert were later found to have spent 185.2 hours on the telephone together, between December 13, 2021, when the VOIP system went live, through September 29, 2022. That averages out to 4.74 hours per week for 39 weeks, and includes multiple calls of over an hour each, enough to draw the attention of the system manager to contact the Town to inquire whether there was a malfunction. It also includes multiple days when there were up to six separate calls per day, such as January 6, January 7, April 4, etc. when there were particularly “hot” opportunities to attack the Town Supervisor politically.

With the pattern of conduct identified herein, it appears that these calls and time spent together on matters of internal politics did not just start on December 13, 2021, when the Town’s ability to track the phone system internally with the VOIP system began, but likely occurred at least a full year earlier, with the machinations leading up to and following Mr. Whalen’s
resignation from the Board. Thus, it is simply not knowable the degree to which the Council woman stole time, wages, as well as resources from the taxpayer for subjective and personal political purposes. For instance, during The Employee’s time working “remotely” he received approximately $33,087.00 in wages and benefits. While there is no way to know how much of his time during those months was spent on solely political purposes to benefit Ms. Standaert, it is not logical to assume that those types of phone calls and meetings began on the day that the Vaspian VOIP phone system initiated in December 2021. If he spent even a consistent amount of time on those purposes during the 19 weeks he was out of the office, that would at least support an additional $5,000 or so.

The issuance of the April 27th NOD was delayed by at least six months by the filing of the bad faith EEOC complaints which prevented the Supervisor from acting sooner, on advice of outside counsel defending those actions. Had The Employee not been working directly with Ms. Standaert, had she not been working behind the scenes to support his efforts to slough off job duties in favor of political work, the NOD might well have been a much more benign counseling memorandum, with a far shorter list of failures, and corrective action to bring The Employee back into line with his job duties might have been accomplished.

II
PERSONAL ATTACKS AND SMEARS

Exhibit 1 to this report describes the collusion between Councilwoman Standaert and the Employee relative to a “letter to Phil Barrett, and a “prepared statement” utilized by the Council woman to smear the Supervisor relative to an incident of January 6, 2022, as follows:

“Following the August 15, 2022 Town Board meeting, the Supervisor asked for an investigation into the extent to which Matt Andrus was working with political adversaries on the Town Board to undermine him, and doing so on Town Time, with Town equipment.

During a formal investigation interview on September 30, 2022 Mr. Andrus denied ever speaking to Councilmember Amy Standaert relative to a voice message recorded on April 4, 2022, and played so dramatically at the August Town Board meeting to imply wrongdoing on the Supervisor’s behalf. Mr. Andrus acknowledged that Councilmember Standaert and Supervisor Barrett were adversaries who “do not speak,” and asserted that he had forwarded the electronic voice message (from a receptionist at Peter Luizzi Brothers) to Councilmember Standaert, but never spoke to her at the time, or in August, about the voice message, and was “as surprised as anyone” when it was used politically against the Town Supervisor, his direct supervisor.

However, he did admit to helping Councilmember Standaert write the incendiary and politically charged “prepared statement” read at the January 10, 2022 meeting relative to the Supervisor’s appearance in the parking lot at the Common during a COVID test kit distribution event. He could not recall details of his contribution to the commentary, stating that he would need to review his files or notes. Therefore, an investigation ensued into electronic records owned by the Town. It was determined that on January 10, 2022, Councilmember Amy Standaert forwarded a 6 paragraph ¾ page draft version of the “statement” to Mr. Andrus at 10:24am with the request “please proof read”. One hour
later, at 11:24am, Mr. Andrus forwarded a 13-paragraph version, covering 2 full pages, and adding much more incendiary and politically charged language to the document, which became the "prepared statement" that Councilmember Standaert read at that evening's Town Board meeting.

The review thus far has also determined that on January 7, Councilmember Standaert forwarded a draft, Subject: "As discussed" of the "prepared statement" to Mr. Andrus at his workstation, and at 5:05 o'clock on January 7, he sent a second version of the document, Subject: "per your request", which was much more florid and politically charged than the first and adding a string of media contacts to the CC's. Then Mr. Andrus placed the 10th call of the day (10 minutes) to Councilmember Standaert at 5:08pm, having already spoken for a total of 80+ minutes on January 7th prior to sending out the "as discussed" statement.

Moreover, electronic records also show that Mr. Andrus forwarded the 9:39am April 4 voice message to me for proper handling at 9:54am on that date, and, also forwarded the recording, inappropriately, to Councilmember Standaert at 11:05am on April 5. Telephone records show that at 9:41am on April 4 Mr. Andrus initiated a phone call to Councilmember Standaert and again at 9:54am when they apparently spoke for 26 minutes. They spoke again that day at 11:17am, 1:19pm and 3:37pm for a total of 92 minutes (on 4/4). It is simply not credible that Mr. Andrus received this voice message, which he reportedly forwarded to me for proper handling "as it conflicts with prohibited activities as listed in the employee handbook," then spoke to Councilwoman Standaert, (an acknowledged political adversary and opponent to Supervisor Barrett to whom she "doesn't speak"); spoke to her at length all day long, but not about this call and how it could be used politically to undermine his direct supervisor. In fact, it was only used for political purposes, 4 months later, consistent with the January 10 diatribes.

These acts represent clear insubordination. Coupled with the fact that they were accomplished on Town time, with Town equipment and communication systems, they are clear violations of the Town's Policies and Procedures Manual. Further, dishonesty about a material fact, during formal questioning represents untrustworthiness. These actions, singularly and together, are all clear grounds for termination and would have been so proved in forthcoming proceedings. As a result of negotiations with Mr. Andrus' counsel, with these facts in mind, we agreed to place Mr. Andrus on 90 days paid administrative leave and he agreed to submit an irrevocable letter of resignation. The agreement representing these negotiations is before you tonight.

The memorandum focused on the insubordination of The Employee in participating in political attacks upon the Supervisor, and in doing so on Town time with Town computers and email, et cet., but did not focus on the substance of the attack. The two documents at issue are exhibits to the memoranda. Reviewing them in chronological order shows how The Employee exaggerated and embellished the facts to create his "spin" and turn the event into a smear. Initially, the Councilwoman's "first draft" of the April 7 letter is on one page, and accuses the Supervisor of standing in the parking lot of the Senior Center without a cloth mask on after having tested + for covid-19. It also accuses him of having been in Town Hall the morning of January 3, 2022, as well as the week before, stating "I have confirmation from multiple town hall employees that you were in the building on Monday, January 3, 2022. I have confirmation from
multiple employees that you were in Town Hall at various times the week of December 27-30”, and asks a series of accusatory questions concerning his positive test. After forwarding the draft to The Employee to “please proofread”, he returned it to her an hour or so later. Now, the letter couches the accusatory questions in the commonly used literary trick: “people” are asking questions. “I have been contacted by concerned residents and town employees who are asking questions and you are the only one who can provide them.” The letter then adds 9 “cc’s, including the Town Board, County Board of Supervisors, and seven different media outlets, including the one where the Employee’s spouse was working in the newsroom. Telephone records also show that The Employee called his wife’s newsroom no less than 4 times that morning in efforts to use that connection to generate negative publicity against the supervisor.

By the Board meeting 3 days later, The Employee had put a dramatic “national,” spin on the allegations, noting that, as the Chief Executive Officer for the Town, The Supervisor had issued guidance as required by the State Health Department during the height of the pandemic. And so The Employee’s ghost-written “prepared statement “ for the councilwoman then tried to make the comparison with various national politicians who had flouted strict, prolonged, and unnecessary covid protocols, i.e. Gavin Newsom at The French Laundry, etc. Exhibit 1.

But the facts were pretty basic: The Supervisor came to work early on the morning of January 3, 2022, and felt increasingly like he may be getting sick. According to Jean Speigel, the Confidential Secretary in the Supervisor’s Office, he left the building at approximately 9:30 A.M. and called her later that morning to advise that he had taken a test, with positive results, and that he was not coming back to the Office. He asked her to pick up keys to a Town vehicle which he had left on the windshield of the car in the parking lot because he didn’t want to come back in the building due to a positive covid test. I spoke with the Supervisor about this issue at the time as well, and he confirmed these facts. Neither myself nor anyone I spoke to recalled him re-entering the Building that morning, and we uncovered no electronic, contemporaneous, record of complaints or other documentation showing otherwise. So, the record and, in my opinion, the credible evidence shows that the Supervisor received a positive test result on Monday morning, and isolated himself. He attended the test kit giveaway because he wanted to ensure that the event went smoothly, and he remained isolated in the parking lot throughout the event. The picture that Ms. Standaert took of him in the parking lot showed him alone, and far away from others. When she was dissatisfied with some of the coverage that her attack generated, the Councilwoman complained to Kathleen Moore of the Times Union, who confirmed that the TU’s photographer had been at the test kit giveaway at the Senior Center, and that The Supervisor had been alone in the parking lot, “far from the giveaway line.” (Exhibit 6)

So, for Councilwoman Standaert, the story morphed again. Councilwoman Walowit advises that she was told that the Supervisor had worked all day, feeling sick, and was tested at night. While at the event, he had called the Town’s Director of Security over to his car, speaking with him through the driver’s window cracked open, in close proximity. She also told her that a mechanic at the Buildings & Grounds Department had assisted the Supervisor with a flat tire, also resulting in close proximity. He then returned to Town Hall and “walked around the building”, sick, with a recently received positive test result. I spoke with Lou Pasquerall about these allegations, who confirmed that the Supervisor was never “within 50 feet” of anyone throughout the event.

This was not the first, nor the last, time that the councilwoman would use town employees, including Department Heads, in political attacks against the Supervisor. In fact, it
clearly appears that all of the references to “I have confirmation from multiple town hall employees” really meant “[The Employee] told me.” . Other than a few residents who may have both attended the event and watched the Town Board meeting of three days earlier, it seems doubtful that anyone outside of Ms. Standaert’s political circle was particularly aware or concerned with the Supervisor’s status, and we found no contemporaneous record to the contrary. We found no evidence to support the ghost-written assertion that “I have been contacted by concerned residents and town employees who are asking for answers”, …as the final version of the January 7, 2022 letter alleged. However, in another stunning act to implicate town hall employees, the Councilwoman blind copied the entire workforce, with her letter, along with the press, when it was released that evening, so that all employees were greeted with this vitriol first thing on the morning of January 8, 2022.

For these reasons, the entire episode simply smacks of a political smear, combining the use, and overuse, of pandemic fear to whip up political opposition to the Supervisor by grossly exaggerating the fact that the Supervisor felt he should attend the test kit giveaway, as long as he remained isolated from close contact with anyone.

As referenced above, by 2022, the experience of many employees and Department Heads was that emails and voicemails to The Employee were slow walked, delayed, or ignored, to the point where others, usually the Administrative Assistant in my office, were called upon to perform work within the Information Specialist’s purview, and not the Legal Department. At the same time, he could be seen through the window of his closed door, on the telephone, for seemingly the entire day. Department Heads reported going to his office in the morning, finding him busy on the office phone, they would retreat and return later in the day to follow up, only to find him assuming the same posture, leaning back in his chair and talking on the telephone indifferent to responding to their unanswered phone calls or emails.

Dating from his time working out of the Supervisor’s suite, The Employee arranged for annual sexual harassment training sessions as required by New York State. In 2022, the Employee only set up the sessions for the Highway Department, leaving all of Town Hall out of compliance for 2022. The Supervisor was able to arrange for a new Human Resource firm to conduct the required training sessions in December, avoiding a potential regulatory liability by a matter of weeks.

By the Spring of 2022, it was also noticed and commented on by many, that The Employee, more and more, was spending large blocks of time in the Highway Department offices across the parking lot from the Supervisor’s Office, for no discernible business reason.

While the Notice of Decision had originally been written as a counseling memorandum intended simply to communicate that The Employee needed to respond to Town departments upon requests for assistance within his areas of responsibility, it was modified to impose a 2-day suspension due to an alarming acceleration of misdeeds, and failures, including the management of invoices for critical systems within the town. Further, he had begun to ignore or slow-walk his responses, even to emails directly from the Supervisor’s office, in fairly obvious insubordination. By serving the April 27th Notice of Discipline, the Supervisor hoped to be able to end this bifurcated arrangement, where The Employee appeared to be working for Ms. Standaert, and not the Town. Instead, the two “doubled down” on their personal attacks. Based on his recent tendency to ignore communications directly from the Supervisor’s office, the Supervisor decided to serve the April 27 Notice of Discipline on The Employee in his own office, rather than ask
that he report to the conference room and risk his simply leaving the building, which would have escalated the situation.

The Supervisor’s concern against an unnecessary escalation of the situation was understated. The Notice of Discipline was served near the close of business on April 27, 2022. The Administrative Assistant in my office and I were present in the outer office of our suite, observing to the extent possible through the door’s rectangular window. Just after I went into the inner office, the Supervisor followed The Employee into his office from the copy room and left in a matter of seconds. On May 10, Councilmember Standaert emailed the other Town Board members, excluding the Supervisor, a dramatic report that she was “advised by counsel” to the inform the rest of the Board about a verbal complaint that she had received, that The Employee was “just physically harassed by Phil Barrett”. Ms. Standaert’s email, and dramatic handwritten notes are attached in Exhibit 6. I was copied on the email with the attachment and immediately noticed how the story had subtly changed from the handwritten notes taken just after a 4:56pm phone call on 4/27, stating that the Supervisor had “physically pushed with his hands and body” into his office. By 13 days later, this had changed to “physically harassed.”

The purpose of the email was to dramatically advise the Board that according to our handbook, “we the Town Board,” are responsible for reviewing this matter. Never stated was who the “counsel” was who was now advising the Town Board on such politically charged accusations, for she never consulted, or spoke with, me or any Deputy Town Attorney on the matter. By changing the complaint to “physically harassed”, Ms. Standaert was conflating two different concepts, the bona fide pathways necessary to investigate true physical or sexual harassment allegations against a CEO, with this claim of physical assault.

Because John Scavo was allegedly implicated in the event as an after-the-fact witness, I asked him about Ms. Standaert’s description of his involvement on May 11. My notes of that interview are also contained in Exhibit 6 as handwritten notes on the incoming email. Essentially, John disputed almost all of the statements attributed to him by the councilmember and told me that his door right down the hall was open at the time, and that he heard nothing consistent with any physical contact of any kind.

When the Administrative Assistant in my office learned of the allegation that there had been a physical altercation of any sort, she wrote down her recollections on 3 note sheets, which were written within a couple of days of the event. These notes are also contained within Exhibit 6, and are in the BSK report as Exhibit C-7. Critically, the Administrative Assistant recorded that she saw the Supervisor lean into the office with the NOD in hand, then return out, without it. She observed that the Supervisor never even entered The Employee’s office. Subsequently reviewed telephone records confirmed that The Employee called Ms. Standaert, and spoke for 10 minutes at 4:55PM on 4/27/2022. Incredibly, The Employee then went to the Saratoga County Sheriff and reported that the Town Supervisor had assaulted him but stated that he “did not want it investigated, just documented.”

The Employee then contacted Wendy Liberatore, telling her that the Supervisor had “assaulted” him, and that there was a “Police Report” on the incident that she could obtain by FOIL. She apparently foiled any police report with the two individual’s names on it, but the report was not released by County Sheriffs because nothing in it was verified. The Employee then foiled the report, himself, which he could get as an “involved party.” He then gave the one-sided report to the reporter as if it documented a major episode of workplace violence, that could

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then be used politically against Supervisor Barrett. When the Supervisor became aware of the police report, he issued a Notice of Discipline charging The Employee with making a false report, which is a violation of Section 407 of The Employee manual. **Exhibit 4.** The Notice of Discipline was issued to quickly and decisively respond to what was clearly an unprecedented series of events, with full knowledge that the truth or falsity of the allegations would need to be proven at a Section 75 Civil Service hearing.

Instead of receiving the 4/27 Notice of Discipline and responding to it as a “wake up call” to do his “day job”, The Employee responded by making what is now provable as a demonstrably false police report claiming that there was a physical assault rising... all in the furtherance of Ms. Standaert’s personal agenda to damage the Supervisor politically. The Employee then retained counsel and demanded a hearing pursuant to Civil Service §75.

On June 13, the Supervisor placed the matter on the Town Board agenda for the required Town Board appointment of a hearing officer to make factual findings on the 4/27/22 Notice of Discipline. As soon as that hearing was held, the Town intended to proceed with the same process for the 2nd Notice of Decision dated 5/3/2022 charging The Employee with filing a false report. However, by a vote of 3-2, the majority of the Board, led by Councilmember Standaert, voted down the resolution appointing the hearing officer without comment or debate. Without the designation of a hearing officer by the Town Board, the appointing authority for all employees, the Town had no forum in which to prove the allegations contained in both Notices of Discipline. Ms. Standaert later complained to the Bond, Schoenick and King firm that the allegations surrounding the April 27 incident were not “investigated”, but she led the Board majority in voting down the appointment of an independent hearing officer, Attorney Carolyn George of the Coopers, Erving and Savage firm in Albany, that would have had jurisdiction to make factual findings and recommendations to the Board on those and other charges in a timely fashion.

Separately, there were other actions taken, in which Ms. Standaert used her office in ways to damage the Supervisor, at the expense of governmental process and Town staff’s time and resources. One of these was Resolution No. 249 of 2021, submitted by The Employee to my office with instructions not to edit or alter the initial employee-written draft as submitted. The resolution was submitted ostensibly to acknowledge a minor change to the Open Meetings Law adopted by the Legislature earlier in 2021.

The statute provided that any proposed rule, local law, or policy of the Town, that would be scheduled to be the subject of discussion by the Board, be posted on the website at least 24 hours before the meeting so scheduled, “to the extent practicable.” The previous version of the law simply provided that those proposed laws or policy changes should be posted on the website to the extent practicable as determined by [the Town]. The statutory change did not affect Town procedures, which has been to post changes to local laws, rules, regulations, or policy the Friday before the Town Board meetings since before 2007. When both my office and the Town Clerk questioned the need for the resolution we were shut down.

The resolution including gratuitous language praising the transparency and openness goals of the Open Meetings Law, and required “all relevant documents and resolutions” to be so posted. The resolution, written, submitted, and deemed necessary without input or consultation with the Town Attorney’s office, marked another aspect of the political effort underway: to circumvent, marginalize and limit the role of the Town Attorney’s office in the process of
drafting resolutions for the Board. The fact that the resolution was viewed as something more than an acknowledgment of a real change to the State’s Open Meetings Law is demonstrated by an email from The Employee to Councilmember Standaert warning that, “FYI, Meg already has a copy of the law and knows this was coming down the pike.” Exhibit 4. The Administrative Assistant in my office had told me about it when The Employee himself had passed her in the copier room and waved the pending legislation at some point in the summer telling her that “big changes” were coming with the way she handled agendas.

Councilwoman Walowit has advised us that the actual purpose of this resolution was to see if there was anything in the backup documents behind the resolutions which “could be used to attack Phil or Tom at the meetings.” When I attempted to explain to Ms. Standaert that the “all relevant documents” standard would unduly burden the Town Board packets with numerous pages of contract, bid, specifications, and all manner of unnecessary pagination for many meetings, and slow down our office’s ability to track, accumulate and publish routine business for the Town departments, my advice was ignored. [Town Board meeting of November 1, 2021].

We are told that the three allied Councilmembers then proceeded to discuss each agenda packet published on Fridays, all weekend long, to see if there were any documents contained that could be used to attack the Supervisor publicly at the Monday night meetings. Later, it became obvious that The Employee, and the Highway Superintendent were text messaging specific board members during the Town Board meetings, providing substantive advice on Board business and discussion, all in flagrant violation of the Open Meetings Law.

In response to this added logistical burden of the new standard, my office made one minor adjustment, by moving the submission deadline from noon on Wednesdays to 5:00 pm on Tuesdays. The record shows some strange examples of these “gotcha” attempts, such as when I drafted an innocuous amendment to the Town’s sign law in April 2022, following a suggestion made by a resident at the previous Town Board meeting’s Public Privilege. New York State had changed the calendar for primary elections, which necessitated a minor change in the local law regulating the duration that political signs could be up. Instead of simply consulting with me on whether there were any pitfalls or unknown implications of the change, The Employee and Councilmember Standaert worked up a series of six questions designed, it now appears, to somehow embarrass the Town Board. (Exhibit 4); they didn’t. The Employee and Superintendent Bull did the same thing related to the fee structure for street opening permits the same month. (See below)

Dating from the pandemic period of late 2020-2021, Councilmember Standaert was known to be in contact with employees who had expressed concerns relative to the Pandemic Policies within the Town and did receive some emails from employees on this topic. She had also received at least one complaint about salary and compensation and became involved in the re-organization of the Transfer Station with its integration of The Employees at that facility into the broader staff for the Buildings and Grounds Department following the retirement of its Transfer Station Supervisor, in November of 2020.

Prior to January 7, 2022, Ms. Standaert had also cultivated individual employees as part of her roles as “liaison” to individual departments, as well as within certain areas of the Budget process. For instance, the Director of Parks and Recreation had an egregious record for Time and Attendance, and this caused stress in the Parks Office on multiple occasions. The Supervisor was well aware of the problem, and had taken actions to try to correct the issue, but this also resulted
in Council member Standaert working with Parks staff. At some point, the staffing shortage did cause enough stress to reduce one of the employees in the department to tears as she expressed frustration with the capacity of the office to execute its functions and implement all of the programs on its agenda without a full staff due to the Director’s absences.

Separately, another employee wrote to Ms. Standaert her that she was “sick to her stomach” when the budget process revealed that she did not get a large salary raise that she had requested.

In June 2022, the email record also shows that The Employee forwarded to her the complaint tip line email address for the Office of State Comptroller to make complaints about municipal bidding or procurement issues. Later in the summer the Buildings and Grounds staff, and the CSEA representative, received contact from that office investigating a wildly false complaint that had apparently been made by the Council member about the Town’s bathroom cleaning contract for Town Parks with Margo Kasky, dba “Mater’s”. I had reviewed the contract and its procurement under the applicable State and local procurement laws back in 2008 and found them to be proper. So, on a contract involving a longtime employee, which had been renewed several times, and which she had voted for without any questions or concerns, the council member was willing to call an employee’s integrity into question in order to see if there was something to be used to “get Phil Barrett”. (EXHIBIT 6)

On several occasions in 2022 Ms. Standaert and The Employee would stage visits for her, sometimes with Ms. Flood, to Town Hall distributing large platters of bakery cookies to employees to “let them know they are appreciated.” The Employee was always in attendance at these tours, using his phone for pictures, which staff would then be told to pose for and which would be published immediately to Facebook promoting Former Councilmembers Standaert, Flood and, on occasion, Ms. Walowit. The effect was to use Town employees as props for social media promotion of Ms. Standaert. These pictures are now all deleted from the Town’s social media platforms and cannot be Exhibited here, but many of them showed awkward expressions on employee’s faces.

Several employees have reported that former Councilmember Standaert’s visits to departments within Town Hall came to be perceived by many as attempts to more or less overtly recruit individual employees to “Team Amy”, as opposed to a “Team Phil.” Council woman Walowit recalls numerous telephone conversations in which Ms. Standaert would list out specific employees and discuss which “Team” this or that employee was thought to be on.

The Administrative Assistant in my office experienced this aspect of the council member’s modus operandi in a starkly clumsy fashion in November 2021 when Ms. Standaert publicly announced at a Town Board meeting that she would meet with her, ostensibly so she could understand the basis for a proposed promotion within the office. During the conversation, Ms. Standaert cautioned against leaving a unionized title for an appointed one, stating that “you need union protection”, emphasizing that all employees needed to be “protected” from the Supervisor, and telling the Administrative Assistant that “you are being used as a pawn”. The mental impression made was, “perhaps, but by [you], not the Town Supervisor,” with whom she always had a positive working relationship. Ms. Standaert also made numerous entreaties to CSEA representatives, by report. For instance, it is known that she had approached CSEA leadership to lobby the Union to file a grievance against the Supervisor over the January 6 incident at the Covid Test Kit giveaway.
On February 28, 2022, the Highway Superintendent submitted a memorandum to the Town Board, with cc’s to the Town Clerk apprising the Town Board that he would be seeking new counsel to represent the Highway Department, in all of its day to day activities, because he needed a “trustworthy” and “ethical” attorney available to him, who he could count on for “honest” advice for such matters. After I left Town on a vacation trip that he had been apprised of, he sent what I considered a highly inappropriate email to the Administrative Assistant in my office which ultimately led to the April 4, 2022 memorandum in which I discussed the impropriety of attempting to circumvent the Office of Town Attorney, to which I had been duly re-appointed only 4 months previously, by the then-current Town Board. (See below) In that memorandum, I specifically asked all the board:

“As for my work for the Board, as well as all departments and operations within the Town, if the Board is aware of any instances when I have not been “trustworthy” or “available”, or have failed to provide “ethical” or “honest” legal advice, please do let me know any such areas or instances.

If there are no such files, issues, or projects in which my advice, work, or the solutions I provided has failed in any of these areas, then perhaps the charge of being less than “professional” as the Highway Superintendent made in the March 3 email to my administrative assistant is misplaced.

The concerns relative to the March 2 email and meeting took less than one page of an 8-page document, the primary focus of which was the Highway Superintendent’s extra-legal attempt to circumvent and isolate the office of the Town Attorney for all day-to-day operation of the Highway Department, and some laxity with compliance with procurement law and policies. The memorandum really spoke to the Highway Superintendent’s attitude of having 3 votes for a procurement or policy in his pocket, and therefore a refusal to work with either the Comptroller, Town Attorney, or anyone else on following procedures, beyond that.

While researching the memorandum relative to the duties and responsibilities of my office to provide legal services for all Town Departments’ day-to-day operations, I had determined that, if the board went forward with the Superintendent’s stated intent to retain his own counsel for those purposes, then an Article 78 lawsuit would be proper, and would be successful, in upholding the powers and responsibilities of my office.

The next meeting following the issuance of the memorandum, on April 11, Councilmember Standaert moved the Board into executive session under Public Officers’ Law 105 F which provides:

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the general area or areas of the subject or subjects to be considered, a public body may conduct an executive session for the below enumerated purposes only, provided, however, that no action by formal vote shall be taken to appropriate public moneys:

f. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline,
suspension, dismissal or removal of a particular person or corporation.

The motion, as heard on the audio of the meeting, was as follows: “Mr. Supervisor, I would like to make a motion for the Town Board and Town Clerk to enter into an executive session for the purpose of discussing a Town employee under New York State Public Officers’ Law Article 105.”

The motion, was not discussed with me, the Supervisor or the Deputy Supervisor in advance, and caught me by surprise. Taking the statute under which the motion was made literally, I concluded that Councilmember Standaert was taking a position on the April 4th memo and taking a personnel action as a result. Instead, on the apparent advice of HR Consultant Travers, Councilmember Standaert had intended to discuss a paid mediation to resolve the “disputes” between my office and the Highway Superintendent. Since I believed then, and believe now, that the only issue that the Highway Superintendent had with my office was that he considered me to be responsive to the Town Supervisor and therefore, on “Team Phil” as opposed to “Team Amy”, I didn’t believe mediation was in any way necessary. If there was a role for 3rd party, it was a Town Board matter. Or, for that matter, something that Ms. Travers herself could inquire of and determine if there was an issue that could be resolved through negotiation/mediation, in her role as an HR professional. It is important to note that at no time did Ms. Standaert ever speak to me about the April 4th memo, the intimidating meeting she held with the Administrative Assistant in my offices on March 3rd, or what I thought the problem might be, and how it should be addressed. Neither did she contact me with any examples of the Town Attorney’s office acting unprofessionally, or in any “untrustworthy” or “unethical” fashion toward the Superintendent or his department, as I had asked.

In fact, Councilmember Standaert had not spoken to me at all, by phone or in person, since I met with her for 3.5 hours on 12/22/21 at Mocha Lisa’s Coffee Shop in Clifton Park. While the record is replete with Ms. Standaert referring to having “counsel,” or taking an action described in this memo “on advice of counsel”, none of these discussions was with me or a member of the Town Attorney’s Office.” It is my understanding that this, at times, referred to a relative, or an in-law, with whom she discussed Town Board business, rather than the duly appointed Town Attorney. She also acted in Executive sessions based on advice from an HR consultant rather than the legal office charged with rendering such advice.

Thus, the April 11 Executive session devolved into a classic episode of Hanlon’s Razor, (https://en.wikipedia.org/wiki/Hanlon%27s_razor) with all parties to the session confused and operating on erroneous information and assumptions, as I tried to explain later in a subsequent memo to the Board, dated April 17, 2022. What I did not detail in the April 17 memo, is that the litigation reference I used in the session also referred to the potential Article 78 regarding the Highway Superintendent’s stated intent to circumvent the Town Attorney’s office I had researched earlier.

Then, as is detailed above, The Employee’s missed assignments and failure to do his job, or even to pay bills to vendors under his areas of responsibility reached critical mass, and the Supervisor authorized and served the April 27, 2022 Notice of Discipline. By this time, The Employee apparently felt so politically empowered, and the mindset to “get” the Supervisor had so permeated the thought processes of The Employee and the council member, that they decided that a claim that the Supervisor had somehow bumped into The Employee in his door way could
be exaggerated and extrapolated into a report of assault and battery to local law enforcement, as outlined above.

Thereafter, Councilmember Standaert reacted to the concerns expressed in the April 4th memo by ignoring its primary focus on the appropriate office for legal services within the Town and focusing instead on my description of the toxicity of the Superintendent’s March 2nd email, and deflecting attention from that issue by insisting that Town Hall had a widespread “toxic work environment,” (not the Highway Department) that needed a full-blown workplace investigation by outside counsel. On Friday, May 13 (3 days after the submittal deadline for resolutions imposed as a result of Resolution 149 of 2021), she submitted a fully written resolution to retain Bond Schoenick & King to conduct such an “investigation” at the rate of $375.00 per hour.

Further, in describing the need for the Bond, Schoeneck, & King firm at the May 16th meeting, the council member indicated that she had “spoken to many attorneys… and am advised that we should go outside our geographic area” for counsel. None of these “attorneys” offering counsel and advice to the Town Board member, who apparently controlled a majority block of the Board, were Town Attorneys appointed to provide such advice. Subsequent to the joint resignation of the two board members and the separation of the Information Specialist from his employment, the Supervisor asked Ms. Travers to meet with him and determine the role her advice had played at various points outlined here, including the role that she played in advising Councilwoman Standaert on the propriety of the executive session, and whether she had actually advised that a paid outside mediator was an appropriate process for resolving a political dispute among office holders. Despite having her principal place of business in Glenville, well within the circulation of the Daily Gazette, where several prominent stories concerning the Human Resource and political disputes in Town had been reported, Ms. Travers professed to be ignorant of the Town Board resignations and other disputes as reported in her local paper. Then, on November 21, 2022, Ms. Travers emailed the Supervisor, and denied having been in contact with any of “the individuals no longer with the Town”, even though the supervisor’s inquiry was much broader than that. The Town’s then-current HR consultant then refused to meet with the Supervisor concerning the HR issues that had occurred with the Town, over the past year and a half, and was discharged. (Exhibit 7)

So while a Town Board resolution was ultimately submitted to retain outside counsel to investigate a supposed hostile work environment at Town Hall, based upon the April 4 memo, no effort was made to seek outside review of the primary legal opinion contained within that memorandum, and its premise that the established office of the Town Attorney has the statutory duty and obligation to provide day to day legal services to all Town Departments, including the Highway Department, with commensurate cooperation from those departments.

Furthermore, no effort was made to investigate whether I had acted without trustworthiness, unethically, or without necessary expertise in Highway matters as the Highway Superintendent had alleged on February 28. These items were the real subject matter of the April 4th memo, which according to the minutes and video recording of the May 16th meeting, was what was supposedly under review. In response to my question at the meeting, which I attended by “Zoom” due to a positive covid test late in the previous week, council member responded that the scope was the topic of hostility contained in the April 4 memo. But in a Times Union article published that morning, 14 hours before the meeting, and obviously sourced by the council member contacting the press, the paper’s headline informed readers that “Clifton Park Town Hall beset with toxic work environment allegations,” with a sub-header “An Employee filed
a police report against Supervisor Phil Barrett; the planning Board chairman resigned he said over pressure from Barrett on Chick-Fill-A”. A Daily Gazette Story, also dated May 16 but written after the Board meeting, led with the allegations by the councilwoman that the toxic atmosphere being investigated included the April 27 Allegations from The Former Employee concerning the alleged assault. Moreover, councilmember Standaert was also quoted in the Daily Gazette article as saying that, “we believe the hostile work environment must not be ignored, and it must be investigated... I don’t want politics to come into play here.”

But the April 4 memo obviously did not reference the April 27, 2022 Police report of an alleged assault by the Supervisor, and Former Planning Board Chairman Rocky Ferraro gave an interview to the Gazette on May 20 in which he told the paper that the reasons for his leaving the Planning Board were isolated, and that he “hasn’t witnessed any workplace hostility.. That’s something I’m unaware of. It was very coincidental, apparently. There was no cause and effect, no relationship.” (emphasis added)

The resolution to retain Bond Schoeneck and King (BSK) passed 3-2 on May 16, and the signed retainer agreement was sent to the firm electronically on June 1, 2022. By conflating completely different topics to the Times Union than what was actually under review, by ignoring the main topic of the April 4 memo to focus on one page of the document, and by misdirecting the press and public about the reason for the retention of BSK Councilwoman Standaert demonstrated that the firm’s hiring was actually all “politics” and nothing else.

THE BSK REPORT

Notwithstanding the very public steps taken by the Town Board majority, and highly public statements concerning the gravity and urgency of the “toxic work environment” at Town Hall, the Bond, Schoeneck, King firm was given exactly nothing to do for over two months. This highlights the lack of seriousness of the “investigation”, as it is a guiding principle of employment law that adverse employment complaints are to be investigated on a timely basis.

Councilwoman Ms. Walowit advises that she met with Ms. Standaert at Town Hall on a weekend shortly after the May 16 meeting, and participated in the drafting of a letter to BSK at that point, which would have immediately assigned the firm all matters relative to The Employee, but the letter was never sent. Therefore, it appears that one clear purpose of the firm’s retention was to assume control over the Town’s disciplinary actions relative to The Employee. However, when Ms. Walowit inquired as to the status of the letter, she was repeatedly told that The Employee advised that it be delayed.

On July 15, Mr. Morelli forwarded the April 4 memo to Hillary Moreira of the BSK firm, who was the partner in charge of the “investigation”. His email forwarding the document copied the Town Board members. This apparently forced Councilwoman Standaert’s hand, and on July 21, she covertly forwarded a memorandum entitled “Circumstances to Investigate”, to BSK, in which she then sought to assign the firm all of the matters surrounding the former Information Specialist, including the alleged assault, the EEOC complaints, two separate and minor HR issues that had already been investigated and closed, as well as a vague and unspecified concern over “other complaints”. The EEOC complaints filed by The Employee were received through electronic means, password protected, directly to the Comptroller’s office, and were never filed in the Town Clerk’s Office, nor distributed to the Board, and she had specifically waived me off when I attempted to brief her on those matters in the summer of 2021. Her relatively detailed knowledge of the substance of those filings demonstrates that she was colluding with The
Employee on those issues, as well, **actually discussing and cooperating with an employee in an adversary proceeding against the Town**. Moreover, the premise of the document betrays the effects of operating without legal advice, as it assumes that the Town should be investigating the claims, when in fact it was the EEOC who was supposedly to do the investigating. (Their backlog of two years always precluded the hope that the investigation would conclude on a timely basis, which was likely one of the reasons that forum was chosen in the first place.)

I met with Ms. Moreira via Zoom on July 26. My comments to her are outlined in the first 14 pages of the BSK report, including my belief that the entire issue with the Highway Superintendent is the result of his political opposition to the Supervisor, as well as the simple fact that the references to his March 2nd email was not a “workplace complaint” requiring investigation, and that if anyone had such a complaint it would be the Administrative Assistant in my office, and not myself.

The Highway Superintendent was not interviewed by BSK until September 11, almost 4 months after the then-board-majority voted to retain the firm for such a purpose. His interview is summarized on pages 28-34 of the report. There, the Highway Superintendent states that he intended to retain his own attorney because he does not trust me to provide him with accurate advice. As examples, however, he cites to an issue with the abandonment of 580 feet of unused paved roadway known as Plank Road, which occurred in 2022, specifically referencing the September 19, 2022 Town Board meeting, my opinion transmitted to him on September 7, that by refusing to communicate with elected and appointed officials, he was demonstrating persistent and “astonishing immaturity,” and the logistics that my office goes through in preparing Town Board packets. He took great offense when we asked all departments to adjust submittals when any staff are scheduled to be away. The occasional schedule changes are requested of every department in advance, and we have received no complaints from any other department head. Other than an obscure, out of context, reference to an incident eight years prior when he alleges that I told him I would have voted for another candidate when he was initially hired in 2014, (I didn’t), the Superintendent had no basis, beginning in November of 2021, to believe that his department needed separate counsel. Nor did he provide a basis for his assertion, on February 28, 2022, that he lacked an attorney available to the department who is “trustworthy” and one who can “provide ethical and honest legal advice.” Given 5 ½ month since I asked:

“As for my work for the Board, as well as all departments and operations within the Town, if the Board is aware of any instances when I have not been “trustworthy” or “available”, or have failed to provide “ethical” or “honest” legal advice, please do let me know any such areas or instances.

If there are no such files, issues, or projects in which my advice, work, or the solutions I provided has failed in any of these areas, then perhaps the charge of being less than “professional” as the Highway Superintendent made in the March 3 email to my administrative assistant is misplaced.”

The Superintendent’s best answer to that question is that we changed the deadlines for all departments if a vacation would interrupt the established flow of work for my office, and that he had a “philosophical disagreement” with the wording of a New York State statute which I advised was applicable, and which gave him **more authority, not less**, because I advised that a
Highway Superintendent has the authority to act under the statute without the approval of the Town Board.

Further, the BSK Report actually provides the real answer to the truck procurement imbroglio – he believed that I was “playing games” with his trucks because he believed that the Supervisor opposed the purchase. BSK Report, p. 32. But the report and the facts, make clear that he had simply not submitted enough information for us to write an intelligible resolution authorizing a $1.3 million acquisition, and that as soon as he revised his submission, he was able to complete it in one day. Thus, the BSK report also confirms that the entire motivation behind the March 2nd email, on which the Board used to predicate the need for the investigation, was completely without basis. In the report, the Highway Superintendent admitted to BSK that he knew the email was unprofessional, that he knew it was wrong when he sent it, and that the email had nothing to do with the Administrative Assistant, to whom he sent it, she just happened to be in the “crossfire”.

Ms. Standaert did not sit for her interview with BSK until September 7 and 9, 2022, nearly 4 months after she engaged the firm so publicly. In the interview summarized at pages 22-28 of the BSK Report, Ms. Standaert confirms a number of things, including the timing of the political split with the Supervisor in May 2020, if not exactly the basis. Therefore, while she told Ms. Moreira that the imbroglio over the Highway Superintendent’s truck purchase in late February of 2022 was the “final straw” between my office and the Supervisor, she never points to a single “file issue, or project where my advice, work, or the solutions I provided had failed” to be trustworthy, ethical, or competent as I had asked for in the April 4th memo 5 months prior; that had occurred before the Superintendent decided he would no longer work with my office.

No one ever identified what the “first straw” was.

Ms. Standaert’s interview also confirms that the February 21st truck procurement documentation submitted by the Superintendent was incomplete (pp 26), and that as a “liaison” to the Highway Department for the Board, she was obviously interested in the acquisitions for that department. Ms. Standaert confirms that the March 2nd email to the Administrative Assistant in my office was inappropriate and unprofessional, as was the fact that the Highway Superintendent had taken out his angst with me on that Administrative Assistant, essentially beating up on staff because of a political dispute with myself, the principal. BSK Report, p. 27

Finally, after publicly complaining about a widespread toxic work environment in both Capitol Region newspapers as the reason for the investigation, Council member Standaert pointed to 2 examples: a closed review of a complaint that a security guard had made about me over a 2019 incident, and the disciplinary situation with the former Information Specialist, which did not arise, as far as she was concerned, until late April 2022. pp. 28. According to footnote 9 to the report on pp. 28, the only reason that BSK did not take over the “investigation” into the merits of The Former Employee’s claims made in the EEOC matter, and, by extension, assume control over the disciplinary hearings on the Notices of Discipline is that by the time the firm had gotten around to interviewing the officials directly involved in the subject matter of the April 4th memo, Councilmember Walowit had determined that what the Board majority was doing was simply a political effort to force the Supervisor not to run for re-election based on untruths, lies and misinformation, and changed her vote on key issues, including allowing the Section 75 disciplinary hearing against The Employee to go forward. (See the Daily Gazette Article dated November 5, 2022).
The BSK Report was received by the Town Board on December 10, one month after the joint resignations of the two former councilmembers. According to Footnote #9 to the report, on page 28, the firm did not assume control of the investigation in the former Information Specialist because of his resignation and the separation agreement dropping all defenses to the Town’s Notices of Discipline, including the charge that he had fabricated the Police Report of April 27.

Therefore, it seems clear that had the Town Board majority continued successfully to stonewall the disciplinary process relative to The Former Employee managed by the Town Attorney’s office, that the BSK firm would have expanded their “investigation” to include these matters, and the “workplace investigation”, that had been completely slow-walked for 4 months, with an ultimate price tag to the taxpayers of $15,845.50 would have extended fully into the 2023 election year, with the council member continuing to insinuate to the press and public that there was a widespread “toxic work environment” at Town Hall for which the Supervisor was responsible, and not the political effort that she had created, all while illegally converting The Employee’s time and resources to those efforts. Therefore, it appears that The Employee’s advice that the BSK investigation be delayed and slow walked may have been designed to provide the Councilwoman with a campaign issue during campaign season in 2023.

It is difficult to evaluate the former council member’s claims to BSK that the tense executive session of April 11th caused her “be afraid of” me, required prescription anti-anxiety medications, and that she has trouble walking into the building and attend meetings where I am present. This is an elected official who had spent over a year conspiring with a Town employee on taxpayer time, to smear, attack, and blindside other elected and appointed officials. She deliberately changed the work flow of my office through an otherwise unnecessary resolution requiring a fivefold increase in documentation required to publish Town Board resolution documents for the sole reason to see if there was something, anything, that could be used to attack others politically. She also colluded with an employee to trump up wildly exaggerated charges related to the pandemic that everyone was trying to navigate. In addition, she colluded with the same employee, under the same circumstances, to cause a false police report alleging that a workplace assault had occurred. She spent some 185 hours on the Town telephone with this employee cooking up ways and means to politically attack the Supervisor and myself, voted against the appointment of a Hearing Officer to hear evidence and charges that the same employee ignored his job for the same purposes, and then complains of needing medical intervention for fear and anxiety because voices are raised and litigation is discussed as a result?

III
USE OF EMPLOYEES
FOR POLITICAL PURPOSES

The consequences of the growing effort to divide the town hall workforce into separate “teams” became apparent when the Parks and Recreation Director ultimately resigned in early June, 2022, and the Board majority asserted a leadership role in directing the interview process for a replacement. Six separate employees submitted applications to be considered, including two who Councilwoman Standaert counted as solidly “Team Amy” employees. This was the decision which was discussed in the weekend ride throughout Rexford, likely in violation of the Open Meetings Law, and ultimately decided in a unanimous vote on August 1, 2022 to appoint Michael Woerner to the position. Although the final vote was unanimous, the deliberations were decidedly not, and, in a completely unprofessional fashion, the 2 “Team Amy “ applicants were each told that the reason each did not become the Parks and Recreation Director, with its
substantial salary raise, was solely due to Councilwoman Walowit’s decision. Moreover, Ms. Walowit was also told that Supervisor Barrett had been the person who told these employees that they were passed over by herself. The result of this unprofessional and unseemly episode was predictable: bad feelings among staff, and just further confusion among town hall employees and board members about the direction of the Board under the then existing Board majority.

At the next Board meeting, on August 15, 2022, Ms. Standaert publicly demonstrated that The Employee was working with her to subvert the Supervisor from his Town Hall Office. As Councilwoman Walowit has stated publicly, the sheer number of untruths, lies and misdirection began to come into focus and she ultimately decided to vote to allow the Section 75 Civil Service hearings relative to The Employee to go forward, so that an independent Hearing Officer could make findings of fact to help the Board determine the truth, at least as to the issues raised in the two Notices of Discipline that had been issued.

We found no other examples of town employees who actively performed political activities for the Council woman or her allies on town time or with town resources as did the former Information Specialist. Several other examples of the Councilwoman implicating employees into specific incidents are not included here, but certainly John Scavo did not wish to be implicated in the false and spurious claim of a physical altercation with The Supervisor on April 27, 2022, nor did Lou Pasquarell wish to be used or lied about relative to the January 6, 2022 test kit giveaway. But the council woman’s multiple references to “many employees have reported”, or “I have confirmation from several employees who” … created confusion and mistrust, especially because the underlying incident at issue always seemed to be a lie or an exaggeration itself. Further, while most town employees did not want anything to do with the political battles among Board members, the “Team Amy”, Team Phil” undercurrent also caused unnecessary confusion and distraction at times. Ms. Standaert also told many outright whoppers about the Supervisor for the purpose of gaining sympathy, either from myself, Councilwoman Walowit, and probably some rank and file employees themselves.

IV
OTHER ELECTED OFFICIALS

When Board members received the narrative report from Bond, Schoeneck, and King, on December 10, the report contained a single recommendation that Highway Superintendent Bull be admonished that his March 2, 2022 email to the Administrative Assistant in the Town Attorney’s office was unprofessional and inappropriate, as were previous episodes of yelling or raised voice at her, which were all simply because of her role in assembling Town Board resolution requests and sufficient backup to support those resolutions. The Supervisor also felt strongly that emails to the Town Comptroller which were revealed during the inquiry were similarly inappropriate, in that they demonstrated intimidation and undue pressure upon a fiscal officer of the Town relative to fiscal matters within his area of responsibility, and those were referenced with the letter recommended by BSK, as well.

Following the release of the letter to Mr. Bull as recommended, Councilmember Morelli asked that I expand this report to include an inquiry into whether there were any facts showing the misuse of office, or Town resources, or participation of the Highway Superintendent in the conversion of The Employee’s time for political purposes, and whether there was any relationship between the Highway Superintendent and the circumstances that led to the
separation with The Employee and the abrupt resignation of former Councilmembers Flood and Standaert.

The primary circumstance which lead to the separation of The Employee, and the resignation of the Board members was the conversion of The Employees time on the job to purely political purposes within the Town offices, which came to light as a result of a review of the Town’s electronic files and records after the August 15 Board meeting.

A review of such records shows that the Highway Superintendent was following the progress of The Employee’s efforts to avoid coming to the office to “work from home” in December of 2020. For instance, at 9:00 am on December 9, 2020, hours after The Employee was told to go home, and before he even received the formal determination, Mr. Bull emailed him, “Amy told me you were working from home now. That’s good to hear! Can I bend your ear early this morning on something?”

Whether and to what extent the Highway Superintendent and The Employee worked together during business hours on the Town Board vacancy and the political process related to filling that vacancy following James Whalen’s resignation, is unknown, but after The Employee’s return to the office in April of 2021, it became well known within Town Hall that The Employee was spending considerable amounts of time at the Highway Department offices. By the spring of 2022, this could be for large portions of any day, up to 3-4 hours at a time, for no discernible business reason. Staff in East facing offices have reported seeing him walking across the parking lot on many mornings, with his morning coffee in hand, not returning to Town Hall until after lunch on many occasions, and visitors to that office have remarked on seeing him there on multiple occasions.

Perhaps because of this in-person interaction, there is not the kind of electronic record demonstrating contacts between the Highway Superintendent and The Employee as there is with the former Board member. Similarly, there is no clear record of his involvement in Drafting the January 7-10 letter or “prepared statement” relative to the test kit giveaway in January of 2022, although he clearly approved of using the pandemic for political advantage. For instance, on January 7, 2022, the Highway Superintendent forwarded the Standaert/Employee written “letter to Phil Barrett” of that date along with email exchanges and letter between Ms. Standaert and Times Union reporters concerning the test kit giveaway allegations with the meme, “I’d like to report shots fired” to an outside recipient using his government email account. Earlier in the pandemic, he had dramatically begun a habit of having his staff drop paper resolution requests on the floor in the vestibule on the Vischer Ferry Road entrance to Town Hall in a gesture meant to imply that staff in Town Hall were not sufficiently following ever-changing COVID protocols relative to cloth masks, etc.

Similarly, as early as June 2020, when Governor Cuomo lifted the mandatory 50% workforce reduction and allowed municipalities to bring their workforces back, the Highway Department immediately rejected the Supervisor’s memorandum outlining re-opening procedures for the Town, sending out email alert stating that the Highway Department would be following its own “reopening protocols”. (EXHIBIT 5). Thereafter, there continued to be an undercurrent of rivalry or dismissal of the Town’s efforts to remain open and fully functioning throughout the various ebbs and flows of the pandemic and its variants, and some of Councilmember Standaert’s efforts at cultivating individual employees had Covid-related themes at times.
There may, in fact, have been correlation between this kind of “pandemic rivalry” and the negative attitude which led to the March 2, 2022 email to my office. During the winter of 2021-2022, the Town still had employees testing positive for the virus from time-to-time, although there always seemed to be higher concentrations in the Highway Department. The Comptroller’s office was responsible for keeping all employees’ time and attendance records, including the administration of New York State mandated leave policy, which provided that “Public employers (regardless of employee count) must provide your employees with … at least 14 days of paid COVID-19 sick leave for use during a period of quarantine or isolation”. Without clear direction from the Highway Superintendent, Highway employees did not seem know the State Law requiring medically supervised test results for the purpose of administering these leave requirements, which led to frustration from time-to time. On February 24, 2022, the Supervisor wrote to the Comptroller and Town Attorney regarding a community spread outbreak in the Highway Department, and reiterated that a positive PCR, medically administered, test result was required in order to invoke the state mandated additional paid leave. (Exhibit 5). Since home test kits were now finally available, some employees had simply submitted a photograph of a positive home test kit result as evidence in qualifying for free paid leave, which photo could obviously be shared among employees or downloaded from the internet.

When the Comptroller shared this direction with the Highway Superintendent in response to a submittal by a Highway employee who had done just that, he apparently took offense to the characterization that it was his department that once again suffered a large workplace-spread outbreak. His response was to forward the Supervisor’s email to colleagues Standaert, Flood, Andrus and Walowit with the 3-word admonition, “Well game on.” at approximately 6pm on February 28, 2022.

An hour later, just before commencement of the February 28, 2022 Board meeting, he distributed his memorandum advising the Town Board that he was retaining separate counsel for the Highway Department, and two days later, on March 2, he sent the subject email to the Administrative Assistant in my office accusing me of “playing games” that Bond, Schoeneck, and King later found to be unprofessional and inappropriate. The timing and the reference to “gamesmanship” may or may not be coincidental, but it may well be that the Superintendent accelerated his aggressive posture toward the Town Attorney’s office in partial retaliation against the Supervisor for pointing out that the Highway Department, for all of the Superintendent’s posturing during the height of the pandemic, was still the only department within the Town to have experienced a work-related community spread during any phase of the pandemic.

Moreover, a review of the entire series of events as outlined here and in the BSK report and its exhibits indicates that I perceived the Superintendent’s February 28, 2022 memorandum to the Board, in which he announced his intent to move forward with his retention of outside counsel for the day to day operations of the Highway Department, too narrowly in the April 4th memorandum, as being solely focused on the procurement issue. The Superintendent had, after all, initially raised the issue of separate counsel in the November 4, 2021 budget hearing, the power point for which is included in the BSK report as Exhibit F-1. While presenting the slides reproduced at page 3, and outlining his request for a separate budget line for legal services for future projects, the Superintendent had made it clear that this was an effort directed towards myself, by “staring me down” during this part of his presentation. I provided a 2-page memorandum dated November 8, 2021 detailing why the initiative was problematic from a legal
standpoint, (Exhibit 5) No board member ever asked me any questions or for more detail, or for separate solutions, and that is where I thought the matter rested until February 28.

It now appears from a review of the events outlined here in a broader context, including the Superintendent’s political alignment with the former councilmembers, and The Former Employee, as well as the large blocks of time that The Employee spent in the Highway Department offices instead of attending to his job duties, that all of these efforts to isolate the Town Attorney’s office was simply because I was perceived as being responsive to the Town Supervisor ("Team Phil"), against whom there was a concerted effort to drive from office. Councilmember Walowit told BSK that after the August 15th board meeting, she stopped taking calls from the former councilmembers because she realized that they were simply concerned with ways and means to “get” the Supervisor. Ms. Walowit has also advised that, following my April 4 memorandum, these weekend and Monday afternoon calls also included discussion on how to “get” myself, at the upcoming Town Board meetings.

Council Woman Walowit also told The Daily Gazette on November 5 that the entire effort, headed by Ms. Standaert, was to force the Supervisor to resign or not run again for reelection. So while the BSK report is dominated by various iterations of the Superintendent and I having “personality” issues, there are no instances of my having used my office to thwart the Highway Department’s activities. However, the record does show instances of the Superintendent using his office to interfere with Town business, apparently for the purpose of highlighting a dissent with me. But none of these events occurred before February 28, 2022, or, for that matter, before the November 2021 Budget hearing at which he first asserted a plan to circumvent my office.

One example of this is with the Plank Road matter which we both referred to in interviews with BSK. I brought the file to BSK’s attention in a supplemental interview on September 21, to show the effect of the Superintendent’s refusal to work with my office. The issue was a quite simple matter, the requested abandonment of a small “user road” known as Old Plank Road, which played out in the summer of 2022, long after his decision to seek “trustworthy and ethical” separate counsel. Unlike the initiative from Greenlight Networks, (see below) the first approach the Town received relative to the issue was a request to the Highway Department. The Superintendent notified me by email on March 4, 2021 of this request, and his own agreement with the abandonment as “this road is problematic for the department to maintain during winter.” Later in 2021 we met with the developer’s engineer, Environmental Design Partnership (EDP).

Because the stretch of roadway under consideration measured 580 linear feet, we decided upon a procedure to use, under §207 of the Highway Law, which provides:

§ 207. Discontinuance of highway

Whenever the town superintendent of any town shall determine that any portion of any highway or street, not within the limits of an incorporated village, which is the terminus of such street or highway, is unnecessary for highway purposes, and said town superintendent may, by an order to be duly entered in the town clerk’s office, direct such highway to be discontinued and abandoned for public purposes. Provided, however, that no portion of such highway to be discontinued shall be greater than one thousand feet

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of the terminus thereof and that the owners of the land on both sides of such highway or street, for the distance it is proposed to discontinue the same, shall, by written petition to such town superintendent have requested the discontinuance thereof.

As such, the statute clearly authorizes the abandonment of the terminus (the end) of any road not greater than 1,000 feet of the terminus thereof” by order of the Highway Superintendent alone, without the necessity of Town Board action. I confirmed this by email on January 27, 2022, to recipients including the Superintendent, in preparation for an upcoming meeting, with EDP, providing a copy of the statute, and making clear that the only real requirement on the developer was a petition requesting the abandonment, signed by the owners of all properties adjoining both sides of the road for the stretch of roadway involved, and that it be less than 1,000 feet. John Scavo and I spoke about the scheduled meeting, and we determined that the Planning Dept. need not be represented, as any submission to the Planning Board was many steps off, and there was no need for three senior staff members to attend a meeting off-site. Therefore, I asked the Superintendent if he wanted to attend, since his department was concerned with the location of the snow-plow turnaround that would need to be created if the abandonment occurred, and I thought he would want to discuss its location and configuration with the engineers who were to be drawing the plans for it. He did not respond to the inquiry. Instead, I later learned, he had advised the developer that he had not felt “comfortable attending the January meeting because “Tom took our Planning Director out of the process, which I believe was inappropriate.”

After going through a painstaking process of obtaining signatures on the petition from the corporate owner of Holiday Inn which owned one property adjoining the road as well as Peddlers Bar and Bistro which owned another, the developer submitted a complete application and petition on June 13, 2022. The Superintendent did not act on the Petition, nor did he then ask any questions of me. Some weeks later, in mid July, representatives from EDP asked me about the status, and I inquired why the Superintendent hadn’t taken it up. At that point, the Superintendent asked me about alternative procedures, which would have involved a completely different process, and would have required the applicant to obtain completely different signatures, essentially starting their process over. See NYSHW 171 vs. 207. Those questions were answered on July 13, 2022, and I offered to write the Highway order effecting the abandonment at that time. (all documents concerning the abandonment procedure are contained in Exhibit 5)

The Superintendent took no action on the application the rest of the summer, alternatively telling the applicant that I had either refused to move it or ignoring their calls altogether. When the developer contacted me directly in late August, I advised the Superintendent again that I would write the legal order for his signature if he wished. By that point in time, The Highway Superintendent simply could not bring himself to communicate with me enough to so much as request that I write the order, and he had his staff member do so. This is what led to the email exchange on September 7, 2022, which appears as Exhibit F-3 in the BSK report.

Apparently, the Superintendent used the entire project file to demonstrate a complete inability to work with me as Town Attorney, for the purpose of renewing, once again, his position that he should be accorded his own separate counsel (See EXHIBIT 5). This time, the suggestion was to work through Assistant Town Attorney Neil S. Weiner, Esq. who (1) has a full-time, 9-5 job at Saratoga County involving trial work, and (2) has no experience or expertise in highway, right-of-way, or procurement matters, or any other discipline of relevance to that department. So, the suggestion was to insert another entity in between myself and the
Superintendent, an attorney who would need to check with me on things related to the Department anyway, for the sole purpose of providing an elected official an end-around so that he did not have to work or communicate with an appointed official.

I later learned that the Superintendent called Mr. Weiner to ask that he assume all of the day-to-day responsibilities for legal advice to the Highway Department, with the permission of the Town Board majority, which was still in place in September. Mr. Weiner declined, since he had no intention of circumventing the duly appointed Town Attorney regarding Highway matters.

From my perspective, I had already written about this concept twice, including in Section 1 of the April 4th memorandum. Now, almost a year after raising this, after receiving two separate legal opinions on the matter, the Superintendent was still insisting on duplicative and redundant mechanisms to avoid working with duly appointed counsel. Therefore, on September 7th 2022, I wrote to him with my opinion, that if he simply cannot work with the duly elected Town Supervisor, and appointed Town Attorney, then he should “resign his office”. (Exhibit 5) The basis of this opinion is that State Law establishes the provision of legal services to a Town Government and for almost a full year, he found himself unable to follow the statute despite having 2 separate legal memoranda on the topic, with legal and statutory references.

When asked by BSK to describe his relationship with me as Town Attorney, the Superintendent didn’t have much to say about any events preceding his attempts to circumvent my office, beginning in November of 2021. Initially, he told the investigator that I had served on the interview panel that considered applicants for the Communications job he was hired for back in 2014, and asserted that, following his hiring back then, I had told him that I disagreed with the decision to hire him and that I had voted to retain another applicant. This did not happen, it makes no sense, and even if it did, that’s a long way to go back to hold a grudge among public officers. The entire record, including input from all those interviewed for the BSK report, shows no discord between myself and Mr. Bull from 2014 until November 2021. What the entire record also shows is that there were no difficulties or disputes between our offices from the time Mr. Bull was appointed Highway Superintendent in 2017 until the November 2021-February 2022 timeframe, and that the breakdown in the “relationship” as described in the BSK report was simply the political decision by the Superintendent to cease working with or communicating with the Town Supervisor, and, derivatively, to cease working with me as I was perceived as being on the wrong “team”.

The Superintendent told BSK that the September 19, 2022 Town Board meeting at which the Board had to Direct him to execute the Plank Road abandonment order shows a “vendetta” against him and that I was trying to “assassinate his character”, and show that he was unqualified to do his job, and he had parts of the Town Board meeting videotape transcribed, apparently by Highway Department staff. The transcript is within Exhibit F-2 to the BSK report, and confirms that he simply threw up roadblocks to executing the abandonment order after I met with EDP on the project in January 2022. These roadblocks included the Superintendent saying that he had a “philosophical disagreement” with Hwy Law 207 because it gave him authority over abandonments without Town Board oversight (?), and … that because the road in question was ostensibly 2 lanes, then it was more than 580 feet long and therefore outside of the scope of HWY 207, which provides the procedure for Highway Department abandonment of “[not] greater than one thousand feet of the terminus thereof.” The transcript shows that the Superintendent deliberately conflated the concept of “square feet” with “linear feet” as part
and parcel of those roadblocks, all to try to show some confusion in the application of this
simple, one-paragraph statute, for the sole purpose of demonstrating disagreements with me in
legal interpretations of Highway Law.

He also was willing to the “slow walk” the application throughout, refused to attend a
meeting because he would have had to meet with me along with EDP on behalf of the Town,
without the Planning Director present even when he had no business purpose to be there. And all
of these actions seem to have been specifically designed to demonstrate an inability to work with
myself as Town Attorney, in the belief that he could isolate or circumvent the office of Town
Attorney, and to create issues that his ongoing request for separate counsel could solve.

There are further examples of the impacts of the Superintendent’s determination to show
that he did not wish to work with members of anyone not on “Team Amy”, and how that
unwillingness impeded Town Business. In August 2021, the Supervisor was approached by
Greenlight Networks who asked about a right-of-way permit to place high speed fiber optic lines,
both above ground with agreements with Verizon and Spectrum for space on utility poles, and in
some cases, underground. They also wished to occupy space in a public building in exchange for
cost free internet services to that building, which was one reason the request was made to the
Town Supervisor first. At the Supervisor’s direction, I worked on a fee schedule that would
reflect market value of the rights contemplated, and in early October, I asked the Highway
Superintendent for the Highway Department’s existing street opening permit for its restoration
specifications, in order to negotiate a fee schedule based on market conditions where Greenlight
was currently operating in Monroe County. I provided Greenlight with a proposed fee schedule,
which they agreed to in principle, and attached the Highway Department’s existing permit
application with the specifications for restoration and inspection that had been provided. I
advised the Town Board of the potential agreement, which had the potential to bring competition
for high speed internet services to Town, along with more cost effective alternatives to cable
television for subscribers and residents. On November 12, 2021, I also advised the
Superintendent that this would be a good opportunity to update Chapter 176 of the Town Code,
which provides for such permits and sets a fee of $150.00 per permit, which seemed to be clearly
obsolete (Exhibit 5).

Rather than work with me on the process and updated fee schedule, (which would have
the effect of bringing significant resources to the Highway General Fund), the Superintendent
worked with The Employee and Councilmember Standaert to develop “Gotcha!” questions for
the November 15, 2021 Town Board Meeting (Exhibit 5). He then slow-walked all of the initial
permit applications from Greenlight, and badly over-calculated the fee schedule without
discussion with myself or the company on how to utilize the worksheets associated with the
permit fees, purporting to change them over $32,000 for a single series of permits., explaining in
an April 13, 2022 letter that “This process was created by the Town Attorney, and approved by
the Town Board, and thus required me to perform the permitting and inspections. I thank you for
your patience as the process established by the Town Attorney is well outside of our current
practices. “ Exhibit 5.

But the draft permit I provided Greenlight attached the existing application documents
containing specifications for the work and restoration, and so entailed the existing process for
permits and inspections. This also required the Town Board to pass a resolution directing him to
act, in this case by issuing the permits, and the company representative came to the Board
meeting and explained the usual and customary application of the permit fee worksheet to arrive
at market value permit fees as intended. The result was a disjointed process, frustrating to the vendor, delaying the work, and losing the opportunity to work cooperatively on the updating of Chapter 176 as a collaborative initiative was lost.

Later in August 2022, when the Supervisor was approached by Verizon with complaints that company representatives had not received any communication or responses to multiple applications for street opening permits to facilitate the installation of FIOS for Clifton Park residents, and had applications for permits ignored or unreasonably delayed, it was determined that a formal “Agreed Upon Practices Audit” would be required under §34 of New York State Town Law, because of the complete lack of cooperation and candor from the Superintendent to both the Supervisor and myself. When the audit was finally initiated in Fall 2022, the Superintendent stonewalled the effort by claiming inclusion of over 1,000 permits which would take an inordinate amount of time to assemble, and by canceling the initial meetings on multiple occasions. This was another one of the 5 Town Board resolutions that Councilmember Morelli mentioned at the December 12, 2022 Board meeting as being required to gain basic cooperation from the Superintendent of Highways.

The Superintendent also refused to provide me with insurance certificates for a vendor involved in a real property damage claim, a routine requirement, for almost 6 months, delaying the processing of an otherwise simple claim, has not responded to emails, and has otherwise allowed personal and political preferences to impede Town of Clifton Park operations.

After the Board members with whom he was politically aligned had spent the better part of two months making public statements conflated his actions and emails with other events to assert or imply that the “toxicity” in Clifton Park Government was caused by the Town Supervisor, in late June 2022 the Supervisor released the April 4 memorandum to the Daily Gazette under the Freedom of Information Act. The memorandum obviously demonstrated that it was the Superintendent all along who had created the controversy. The Superintendent then gave an interview to the paper in which he claimed that he “has had a cordial and honest (sic) working relationship with all my fellow employees, and I have never had a formal complaint against me”. (Daily Gazette, June 27, 2022.)

Finally, following the release of the sole conclusion contained in the BSK report, that his treatment of the Administrative Assistant in my office was “inappropriate and unprofessional”, the Superintendent again told the paper that his relationship with that particular staff member, to whom he referred by name was “great”. “I don’t know why this started, other than to create controversy. Meg and I continue to work well together to this day, and I don’t see why we had to start all of this.”

But the BSK report specifically dealt with the origins of the investigation they were retained to perform, and it was not only the March 2, 2022, email to Ms. Springli which was found to be “unprofessional” on his part. The report specifically found that the Superintendent’s refusal to “engage with” me after I had offered to meet with him on February 23rd about the gaps in the resolution request, was also “unprofessional”. “Had [Mr. Bull] simply spoken with Mr. McCarthy, the allegations at issue in this investigation likely could have been avoided.” BSK report, PP 51.

Ms. Springli, who is now on extended disability, is a true professional who handled the controversy which she was thrown into by the actions of elected officials around her with grace and class throughout more than a year of adversity, and always handled business flowing from
the Highway Department with the same professionalism that she handles all other submissions, as did I. She also received correspondence from the Supervisor, as recommended by BSK, simply advising her of the outcome of their inquiry and its closure. Following the Superintendent’s disingenuous and misleading public statements, especially his public reference to her by name, she responded to the Supervisor with correspondence dated January 31, 2023, which makes her opinion clear. As she wrote, the Superintendent should not confuse her professionalism in responding to and processing Town Board resolutions from the Highway Department on a timely and complete basis with any concept that she considered his actions consistent with a “great” working relationship. (Exhibit 7)

Referring to findings and admissions contained within the BSK’s report, the fact is that Mr. Bull intentionally pressured a support staff member to “get” at higher ups, and then, when asked about it, he denies any problems at all and places blame on others for a controversy he himself created.” id.

II

Conclusion

Councilman Morelli’s charge to me was broad, to report on “all of the circumstances” surrounding the resignations of the two former Board members and the separation of the Former Employee from Town service, and to determine what abuses of office and of Public Offices may have occurred, and whether any of these provable facts would rise to the level of removal from office or, specifically with regard to the false police report issue surrounding the April 27, 2022 service of a Notice of Discipline, would constitute criminal conduct under the Penal Code. We did not look closely at the Penal Code issue because the Town had specifically stipulated against pursuing such charges relative to the former Employee, and so any ancillary prosecution for colluding with the filing of that report by elected officials would not have been indicated.

Section 36 of the Public Officer’s Law provides:

§ 36. Removal of town, village, improvement district or fire district officer by court

Any town, village, improvement district or fire district officer, except a justice of the peace, may be removed from office by the supreme court for any misconduct, maladministration, malfeasance or malversation in office. An application for such removal may be made by any citizen resident of such town, village, improvement district or fire district or by the district attorney of the county in which such town, village or district is located, and shall be made to the appellate division of the supreme court held within the judicial department embracing such town, village, improvement district or fire district. Such application shall be made upon notice to such officer of not less than eight days, and a copy of the charges upon which the application will be made must be served with such notice.

According to the caselaw interpreting Section 36, courts require that removal from office under this section is reserved for officials engaged in self-dealing, corrupt activities, conflict of interest, moral turpitude, and intentional wrongdoing. McCarthy v. Sanford, 3rd Department, 2005. 807 N.Y. s. 2d 431. In West v. Grant, 3rd Dept. 1997, 662
N.Y.S. 2d 863, the Third Department panel determined that a Town Supervisor’s use of his own wholly owned Insurance brokerage for Town business, generating commissions and profits for himself in the process, constituted the type of intentional, self-dealing conduct intended by the legislature to trigger P.O.L. §36 and ordered the Supervisor to be removed from office. Other complaints were found not to have involved the type of intentional, corrupt conduct, and denied the petitions, including in cases where a Highway Superintendent was accused of improperly using snow removal equipment to clear snow in a neighboring Village, or a Highway Superintendent had misconstrued aspects of the Highway Law relative to Road closures. Jones v. Filkins, 4th Dept. 1997, 661 N.Y.S. 2d 167; Salvador v. Naylor, 3d Dept. 1995 662 N.Y.S. 2d 863.

Procedurally, such a proceeding is initiated upon a Petition, with evidence and exhibits, to the Appellate Division, Third Department. The Appellate Division may rule on the Petition, after considering opposing papers and affidavits, or it may order fact finding through a Special Master. Presumably, fact finding by an Independent Hearing Officer pursuant to a Section 75 Civil Service Law Hearing would be accepted as binding upon the facts identified in that adversary proceeding.

The provable facts relative to Councilwoman Standaert are that she converted the time and attention of a public employee from his day-to-day job duties, and to provide “political advice” and work on her sole behalf between December 13, 2021 and September 29, 2022 to the extent of 185.2 hours of time, representing some $9858.00 in salary, wages and benefits effectively stolen from the taxpayers. With Fact finding, I believe that the record would also demonstrate that she also colluded with The Employee to file fraudulent charges of Discrimination with the Federal EEOC, for the purpose of attenuating the Supervisor’s ability to effectively supervise and direct the work of The Employee, thereby giving him “cover”, from early 2021 on, to slough off such job duties in favor of such political efforts. If that finding were made, it means that a Town Board member was working behind the scenes, secretly colluding with an employee, for pursue false charges against the Town in an Adversary proceeding.

The second section of this report details, somewhat exhaustively, the bizarre attempt to turn a routine service of employment-related papers into a claim of a physical assault by the Supervisor. While the evidence in that episode, contained in Exhibit 6, indicate that the former councilwoman thought that the facts occurred after hours and that no one other than The Employee, Mr. Scaivo and the Supervisor were in that section of the building, myself and the Administrative Assistant in my office were here and not too many feet away, with the Assistant having a more or less direct line of vision down the hallway leading into The Employee’s office.

The observations of those two witnesses, what they heard and saw, what they did not hear or see, and a critical analysis of the story as told by The Employee: his report to the County Sherriff that he didn’t want the report investigated, “just documented”, his immediate contacting of a friendly reporter at the Times Union, his “Foiling” the document to provide to her for the purpose of a negative story, all would shed adverse light upon the validity of the claims made.

Moreover, The Supervisor advised that the incident never happened, and immediately authorized a second Notice of Discipline to be served, charging The Employee with filing a false report in violation of Section 407 of the Employee Manual, with full knowledge that it would likely result in a Section 75 Hearing on those charges, with testimony under oath from all involved parties.

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Finally, if the Petition to the Third Department included the other episodes of collaboration and collusion, of trumped up and exaggerated claims against the Supervisor such as the evolution of the January 7 letters into the January 10 “prepared statement”, the forwarding of an innocuous voicemail message from a staff member of a local paving company for the purpose of laying in wait, for over 5 months for a politically “opportunistic” time to use it to “get” the Supervisor, then, in my opinion, the court may well have concluded that the police report was a false document, and that Councilwoman Standaert had colluded with end encouraged its filing for purely political purposes. In my opinion, these facts taken together provide a more than adequate basis for the court to conclude that the Section 36 standard for intentional conduct constituting malfeasance and misconduct was met.

According to Councilwoman Walowit’s public statements, these and the related actions were taken for the purpose of eliminating the Town Supervisor’s choice as to whether and for how long he would remain in Office. “if she could force Phil to resign, or not to run again, it would be to her advantage.” Daily Gazette, November 4, 2022. Then council member Standaert confirmed that her motivation was electoral politics in quotes given for the same article: “The man is evil. Phil Barrett is afraid of me. He is delusional. He is paranoid, and he thinks I want to run against him in a primary. He knows that if anyone can beat him in an election, it would be me.” If the Court considered these remarks and concluded that all of these actions, taken separately and together, were part of a design to force the resignation or retirement of the Supervisor and were intended solely for political gain, they may well ordered Council member Standaert from office.

Moreover, the facts and circumstances outlined above show clearly that a decision was made by Ms. Standaert beginning with the resignation of James Whalen from the Board, to obtain a Board majority to work against The Supervisor. While political and policy disagreements are a part of every day life in democratically elected institutions, this effort was different: There were no policy disagreements. Other than, perhaps large increases in budgetary authorization for the Highway Department, there were no disputes over town policy toward taxing and spending, land use, development, zoning, the Town Center Park funding, the Street light LED project, or any other substantive aspect of the Town Government as it affected residents and constituents. All of the actions and maneuvers by Ms. Standaert focused solely on town hall staff and employees, as well as personal attacks and what has been defined as “smears” in this report relative to the Supervisor. They also included specific attempts to divide Town Hall staff into “teams” in order to reduce or inhibit the Supervisor’s ability to supervise and direct the work of Town hall staff, all with the same goal.

In terms of Mr. Morelli’s direction that this report consider the actions of other elected officials, we reviewed the brief tenure of Amy Flood as a Council member. Ms. Flood is a third grade schoolteacher in the Amsterdam public schools, and she did not participate extensively in dialogue with Town employees. Other than a Quixotic and poorly thought out initiative to introduce deer hunting to Town Parks, and activities with the Town’s Historic Preservation committee, Ms. Flood simply seems to have functioned as intended by those who advocated for her nomination and appointment to the Board: she voted the way Council woman Standaert did on each and every vote for which they had the opportunity to collude, the sole exception being the vote to approve the settlement agreement with The Employee in executive session on October 17, 2022.
The Highway Superintendent remains an office holder represented by the Town Attorney’s office, and no analysis under P.O.L 36 will be made. The record, and the objective facts are that in November of 2021, shortly after the election of Ms: Flood to her two-year term, the Superintendent decided to float the idea of separate counsel for the Highway Department. He thereafter demonstrated a clear and persistent attitude that conveyed the message that his political allies on the Board now constituted a majority, and so long as he had those “three votes”, he would not need to cooperate with staff and public officers at Town Hall relative to Highway Department procurements, hiring, calculation of payments and overtime, or any other “wants” relative to The Highway Department. This included yelling at an Administrative Assistant in my office if she asked him routine questions about resolutions, send intimidating emails to the Comptroller if asked questions about the calculation of overtime hours or other fiscal matters within the Comptroller’s statutory areas of responsibility, and generally act in an unprofessional manner. When he submitted an incomplete and unintelligible request for authorization to spend n$1.3MM on new plow trucks and was asked to meet to go over the blanks in the submission, he reacted by inappropriately intimidating that staff member, but only after I had left Town and was away from the office, recruiting Council member Standaert to assist him in the process. BSK specifically found that his refusal to meet with me in response to my February 22, 2022 request to go over this submission for the purposes of writing a draft resolution on it was also “unprofessional”, and was the precipitating cause of the entire BSK investigation, with its $15,845.50 taxpayer expense. “BSK P. 51.

The facts outlined above also show that the Superintendent approved of the personal attacks, (“I’d like to report shots fired”), and that he was willing to engage in internal disputes with staff if the Supervisor pointed out adverse facts within his department, (“Well, game on”). More to the point, is that he allowed his personal and political preferences to adversely impact the functioning of his department, to the detriment of landowners, developers, and, in the case of projects to deliver high speed, independent fiber optic cable to by Greenlight Networks and Verizon “FIOS”, the residents of Clifton Park. The facts outlined above shows that these efforts were in line with those of Ms. Standaert, and to the same purpose. The Headline editors at the Daily Gazette referred to the actions of Ms. Standaert and The for Employee as a “coup”, but they didn’t even have all of the facts. Daily Gazette, November 4, 2022.

Whether the Superintendent’s actions to isolate my office were part of the coordinated effort to isolate and Town supervisor, or to cease communication with me as a member of the wrong “team”, or just a more basic abuse of power by an official who had an alliance with Ms. Standaert guaranteed to provide him with his “3 votes”, the result led directly to a series of events which wasted untold time and generated significant expenses for the Town. Following the April 4 memorandum, the Board majority diverted attention away from the Superintendent through public statements and, ultimately, the retention of BSK, to investigate a supposed toxic work environment at Town Hall. When the memorandum was released in June, The Superintendent denied having anything but a “cordial and honest” relationship with all employees and staff. After BSK billed the Town over $10,000, to determine, as I had written, in the first place, that the intimidation he expressed against the staff member in my office was “inappropriate and unprofessional”, The Superintendent told the paper that he and [Meg Springli] have a “great working relationship that “continues to this day”, and “I don’t know why all this started, other than to create controversy.” And “I don’t know why we had to start all of this.”
But BSK has already found and determined that why “we had to start all of this”-was because of an abuse of power and unprofessional conduct by the Superintendent was identified to the then-board majority- who used and hijacked the concerns identified in the April 4, 2022 memorandum to to smear the Supervisor again by making false public statements as to the reason behind the hiring of the BSK firm, with the actual intent of protecting The Employee further from a fair and impartial fact finding hearing under Section 75 of the Civil Service Law, which would have exposed the nature and extent of his political activities for Ms. Standaert, or at least the extent to which he was not performing day to day job duties for which he was being paid by the taxpayers.

The ultimate cost to the taxpayers includes $15,845.50 paid to BSK, $9858.21 for time that The Employee spent on the telephone with Ms. Standaert from December 13, 2021, through the end of September 2022, as well as the likely commensurate period of time spend on such political matter while The Employee was working remotely under false pretenses a year earlier, likely totaling much more than which may total at least $5,000. In addition, these events resulted in The Employee being separated from his employment, with a 90-day administrative leave, paid by the taxpayers totaling some $26,227 for wages and benefits. These totals do not begin to reflect the hundreds of hours, staff time, and the time of the Comptroller, as well as elected officials and department heads to deal with and respond to these events, including but certainly not limited to time spent in interviews and document collection for BSK.

According to the public statements of Ms. Standaert and others in Fall of 2022, these entire episodes were driven by electoral politics, for personal and political gain.

Sincerely,

[Signature]

Thomas R. McCarthy
Town Attorney