

**The Special Meeting of the Mendon Town Board was held at 7:00 PM, Monday, April 21, 2025, at the Mendon Town Hall, 16 West Main Street, Honeoye Falls, NY.**

<b>PRESENT:</b>	John D. Moffitt, <i>Supervisor</i>	
	Cynthia M. Carroll	
	James Merzke	<i>Town Board</i>
	Kimberly Roberts	<i>Members</i>
	Brent Rosiek	

**TOWN CLERK:** Michelle Booth

**OTHERS PRESENT:** Corey Gates, CEO, Peter Doyle, Art Morrell, Andy Zimmer, Gerry Fox, Joe Alati, Bruce Fullerton, Rebecca Kreuzer, Bob Booth, Jamie Lonthair, and several others.

### **Call to Order**

The meeting was called to order.

### **Pledge of Allegiance**

The Pledge of Allegiance was recited.

### **Agenda**

(Resolution 25-165)

A motion was made by Mr. Merzke, seconded by Mr. Rosiek, to adopt the agenda as presented.

Adopted: Mrs. Carroll - Aye; Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

### **Public Comment**

Supervisor John Moffitt invited members of the public to speak, requesting they come to the podium for better audio recording.

- **Andy Zimmer** shared his experience working as a dispatcher for the town from 2021 to 2023. He described a misunderstanding with Andy, the Highway Superintendent, regarding his future employment plans, which led to his position being posted without his knowledge.
- **Gerry Fox**, a former town employee of 22.5 years, spoke about his difficult experiences working under Andy as Highway Superintendent. He described an excessive workload, lack of assistance, and the emotional toll it took on him and his family. Fox expressed that he had to leave his job, forfeiting vacation time, medical benefits, and sick time.
- **Art Morrell**, another former town employee, corroborated the accounts of mistreatment under Andy Caschetta's leadership. He described witnessing

incidents of anger and expressed strong feelings about the negative impact on employees.

## **Communications**

- **Kim Roberts** addressed the recent public statement and subsequent dialogue. She emphasized that the situation should not be mocked and expressed the Board's disturbance at the treatment of employees. She highlighted the importance of employee confidentiality while assuring that the board hears and supports the employees.
- **Supervisor, John Moffitt**, shared a positive story about a young man who had previously performed community service at the town hall and is now doing well in life.

## **Attorney Karlee Bolaños – Discussion with Board**

Attorney Karlee Bolaños discussed her investigation into employee complaints against the Highway Superintendent. She emphasized the credibility and seriousness of the complaints, noting potential liability for the town. Bolaños stressed the need for immediate action to protect employees, recommending the appointment of an administrator to oversee the department and ensure compliance with workplace laws and rules.

The board members engaged in a discussion about non-verbal harassment, isolation, and favoritism issues within the department. Bolaños provided examples and emphasized the importance of addressing these behaviors promptly to avoid potential legal consequences.

## **Budget Adjustments**

(Resolution 25-166)

Mr. Rosiek made a motion to approve the following budget adjustments:

From: A1990.47	Contingent	\$35,000.00
To: A5010.1	Superintendent personnel Services	\$35,000.00

Mr. Merzke seconded the motion.

Adopted: Mrs. Carroll - Aye; Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

## **Highway Administrator - Establish Position**

(Resolution 25-167)

Mr. Rosiek made a motion to establish the position of Highway Administrator as follows:

WHEREAS, the Mendon Town Board is committed to fostering a safe, professional, and well-managed working environment within the Mendon Highway Department; and

WHEREAS, an investigative report presented to the Town Board has made clear that continued interaction between the elected Highway Superintendent and subordinate employees poses a risk to employee well-being and exposes the Town to potential legal and financial liability; and

WHEREAS, the Town Board believes that establishing a firewall between the elected Highway Superintendent and department staff is necessary to minimize these risks for the duration of the Superintendent's term in office; and

WHEREAS, the Town Board recognizes the importance of consistent, structured oversight of internal department operations and interdepartmental communication; and

NOW, THEREFORE, BE IT RESOLVED, that the Mendon Town Board hereby establishes the part-time position of Highway Administrator, with the following provisions:

1. The Highway Administrator shall be appointed by a majority vote of the Mendon Town Board and shall serve a term expiring on December 31, 2025.
2. The position shall be part-time, compensated at \$1,000 per week, and paid bi-weekly from account A5010.1.
3. The powers and duties of the Highway Administrator shall include, but not be limited to:
  - i) Supervising and managing all Highway Department employees, including the Maintenance Mechanic, Mechanical Equipment Operator, Laborer, Highway Clerk, Dispatcher, Seasonal Laborer, Building Maintenance, Highway Secretary, and Foreman.
  - ii) Receiving and delegating all directives from the elected Highway Superintendent, provided that such directives are submitted in written form and delivered via electronic communication or letter.
  - iii) Assuming full responsibility for fleet management, including assignment and usage of vehicles, particularly for any use occurring outside of normal operating hours.

BE IT FURTHER RESOLVED, that all powers and duties otherwise conferred by the Town Board upon the Highway Superintendent under Section 32(1) of the New York State Town Law shall, effective immediately, be transferred to the Highway Administrator for the duration of the Administrator's term.

BE IT FURTHER RESOLVED, that the following restrictions shall apply to the Highway Superintendent:

1. The Highway Superintendent shall not issue directives, orders, or commands to any Town of Mendon employees, except through the Highway Administrator.

2. The Highway Superintendent shall not meet with any Town of Mendon employees without the Highway Administrator present as a witness.
3. The Highway Superintendent shall turn in all keys to Town of Mendon facilities, excluding the key to their personal office, to the Highway Administrator.
4. The Highway Superintendent shall not have access to any Town vehicles or equipment unless authorized by the Highway Administrator.

Mr. Merzke seconded the motion.

The board discussed the compensation for the part-time position, set at \$1,000 per week. Board member Cynthia Carroll expressed concerns about the cost to taxpayers. Other members emphasized the importance of attracting a qualified candidate and the potential costs of not addressing the current issues in the department.

The motion passed with a 4-1 vote, with Cynthia Carroll voting against.

Adopted: Mrs. Carroll - Nay; Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

## **Highway Administrator - Appointment**

(Resolution 25-168)

Mr. Merzke moved to authorize Supervisor Moffitt to appoint an individual to fill the position of Highway Administrator with a term to expire December 31, 2025, with the compensation to be \$1000.00 per week, paid bi-weekly from account A5010.1.

The board discussed the appointment, with Cynthia Carroll reiterating her concerns about the cost. The motion passed with a 4-1 vote, with Cynthia Carroll voting against.

Adopted: Mrs. Carroll - Nay; Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

## **Highway Superintendent - Personal Improvement Program - Creation**

(Resolution 25-169)

Mr. Rosiek moved to approve the Personal Improvement Plan for the Highway Superintendent, Andrew Caschetta, as outlined by Attorney Karlee Bolaños and the following classes recommended by NYMIR:

- 1- Accountability for Supervisors
- 2- Leadership Competencies
- 3- Corrective Action- Bullying
- 4- Harassment and Discrimination
- 5- NYMIR- Discrimination and Harassment
- 6- NYS Sexual Harassment and Discrimination
- 7- Building an Inclusive Workplace
- 8- Dealing With Conflict - NYMIR
- 9- Coaching to Build Skills
- 10- Dealing With Conflict - NYS

Mr. Merzke seconded the motion.

Adopted: Mrs. Carroll - Aye; Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

## **Monroe County District Attorney's Office - Contact Regarding Highway Superintendent**

This item was moved to be discussed after the executive session.

## **Buildings & Grounds Trailer Purchase**

(Resolution 25-170)

Mrs. Roberts moved to purchase a new 2025 CornPro 14' Single axle landscape trailer, bk, 4MJUB1414SE086857, 79"x14', 5k torsion axle, full/split gates, wood floor, 2 5/16" ball, 5000#gvw, LEDs, including a NYS safety inspection, from Davis Trailer World, LLC, 1640 Main Street, York NY, for a cost not to exceed \$4,656.00, and to be paid from account A1620.4. The Procurement Policy has been followed, and the requestor will be notified of this approval. Cynthia Carroll seconded the motion.

Adopted: Mrs. Carroll - Aye; Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

## **15 Monroe Street - Tree Removal**

(Resolution 25-171)

Mrs. Carroll moved to authorize the purchase of services for the removal of trees at 15 Monroe Street from Quality Tree & Firewood, PO Box 549, Henrietta NY, for an amount not to exceed \$3,600.00, and to be paid from account A1621.4. The Procurement Policy has been followed, and the requestor will be notified of this approval. Mr. Rosiek seconded the motion.

Supervisor John Moffitt explained that these trees were along the property line with a neighbor, some dead, and posing potential risks to the youth center.

Adopted: Mrs. Carroll - Aye; Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

## **Public Comment**

Art Morrell questioned Ms. Carroll's decision-making process regarding the Highway Administrator position and expressed frustration with the current situation.

Jamie Lonthair demanded the immediate removal of Highway Superintendent Andy Caschetta, citing the allegations and investigation findings. She criticized the handling of the situation and called for accountability.

Rebecca Kreuzer, spoke about her concerns regarding the handling of the situation and suggested alternative actions the board could have taken.

Mo Bickweat questioned the legality of establishing a Highway Administrator position and urged the board to seek legal counsel on the matter.

Joe Alati expressed agreement with Ms. Kreuzer, and noted his belief that the issues with the Highway Superintendent dated back further than currently indicated.

Cynthia Carroll left the meeting.

### **Executive Session**

(Resolution 25-172)

Mr. Rosiek moved to enter into executive session to discuss legal matters with Attorney Karlee Bolaños. Mrs. Roberts seconded the motion.

Adopted: Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

(Resolution 25-173)

Mr. Merzke moved to exit the executive session. Mr. Rosiek seconded the motion.

Adopted: Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

### **Authorization to allow the Supervisor to consult legal counsel to clarify the position of Highway Administrator**

(Resolution 25-174)

Motion to authorize the Supervisor to work with legal counsel to clarify the position of highway administrator made by Brent Rosiek, seconded by James Merzke.

Brent Rosiek clarified that this action was not intended to take away duties of the highway superintendent, but rather to monitor that all rules and laws are being followed as recommended in the March 17, 2025 report.

Adopted: Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

### **Authorize for the Supervisor to consult with Attorney about contacting Monroe County District Attorney's Office regarding the Highway Superintendent**

(Resolution 25-175)

Motion to authorize the Supervisor to consult with legal counsel about contacting Monroe County District Attorney's Office regarding the highway superintendent made by Brent Rosiek, seconded by Kim Roberts.

Adopted: Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye

**Adjournment**

(Resolution 25-176)

Mr. Rosiek made a motion to adjourn the meeting. Mr. Merzke seconded the motion.

Adopted: Mr. Merzke - Aye; Mr. Rosiek - Aye; Mrs. Roberts - Aye; Mr. Moffitt - Aye