

TO: Mendon Town Board
John Moffitt, Supervisor, Town of Mendon

CC: Brian Marianetti, Attorney to the Town of Mendon

FROM: Karlee Bolaños and Kristin Lowe, Outside Labor Counsel for the Town

RE: Complaints Against Andrew Caschetta, Highway Department
Superintendent; and Complaints By Andrew Caschetta Against Employees

DATE: March 17, 2025

Complainants:

Eight (8) individuals including two (2) elected officials, John Moffitt, Town Supervisor (“Supervisor Moffitt”), and Michelle Booth, Town Clerk (“Ms. Booth”); two (2) former employees (“Complainant 1” and “Complainant 2” respectively), and four (4) current employees (“Complainants 3, 4, 5, and 6” respectively) brought internal complaints to the Town of Mendon (“Town”) against Andrew Caschetta, Highway Department Superintendent (“Superintendent Caschetta”).¹ Most of the complaints were submitted during August and September 2024 via an electronic reporting system called “Report It.”

Superintendent Caschetta also brought two (2) internal complaints via the “Report It” system. His first complaint was against Complainant 1, [REDACTED] employee (who resigned effective August 30, 2024), and his second complaint was against Complainant 2, [REDACTED] employee (who likewise resigned effective August 30, 2024).

Respondent:

Superintendent Caschetta is accused of wrongdoing by the eight (8) individuals described above. Superintendent Caschetta, in turn, accused Complainants 1 and 2 of wrongdoing.²

¹ The names of the individual Town Hall and Highway Department employees who brought forth complaints against Superintendent Caschetta have been redacted because they each individually expressed concerns about retaliation for reporting their complaints and/or participating in the investigation. These individuals seemed to be truly fearful of Superintendent Caschetta and were able to reference specific acts of retaliation that they have observed him engaging in.

² Additionally, Superintendent Caschetta filed an external complaint with the New York State Division of Human Rights (“DHR”)/federal Equal Employment Opportunity Commission (“EEOC”) against Complainant 1 on May 2, 2024. Complainant 1 filed an external complaint with the DHR/EEOC against the Town of Mendon and Superintendent Caschetta on August 2, 2024. Assigned counsel from the firm Webster Szyani is representing the Town in both matters, which remain pending.

Summary of Complaints

A. Complaints Against Superintendent Caschetta

The complaints against Superintendent Caschetta alleged discrimination and harassment that created a hostile work environment and retaliation for engaging in protected activities (i.e., reporting a complaint(s) and/or participating in an investigation).³

Concerning behavior/conduct by Superintendent Caschetta, as reported by current and former employees during the course of this investigation:

- Repeatedly commenting that a certain female employee has a “nice ass” to other male employees;
- Looking suggestively at this female’s buttocks when she was perceived not to be looking, in a manner that appeared intentional and noticeable to others;
- Referring to a female employee as a “drunk” and insinuating that she is promiscuous and/or hitting on Superintendent Caschetta and/or other men;
- Talking to employees in an aggressive, harsh, and antagonistic manner;
- Losing his temper in the workplace;
- Yelling at employees;
- Refusing to talk to/ignoring certain employees and talking about employees as if they are not directly in front of him trying to speak with him;
- Directing Highway Department employees not to communicate with or assist/support certain employees and interrogating them and admonishing them when they do;
- Intentionally isolating certain employees either by refusing to communicate with them or assigning projects or tasks which isolated them from co-workers;
- Intentionally assigning certain employees projects or tasks in a retaliatory/punitive manner;
- Demeaning and belittling employees in front of others;
- Pressuring employees to sign “witness statements” written by him following incidents that occurred in the workplace involving him and another employee(s);
- Engaging in conduct that is/perceived to be physically threatening toward other employees (i.e., violently throwing chairs across the room with employees present and in striking range);
- Using Town vehicles to intentionally block from exiting/box in employee vehicles on multiple occasions (or directing third-party contractors to do the same), causing

³ In addition to the discrimination and harassment reports by the eight (8) individuals, Supervisor Moffitt reported a zoning violation by Superintendent Caschetta related to his hunting dogs (this was based on complaints brought to Supervisor Moffitt’s attention by employees and residents). The Ethics Board determined that said complaint did not fall within the jurisdiction of the Ethics Board and recommended that the complaint be brought to the attention of the Town’s Code Enforcement Officer, [REDACTED], who has the authority to cite Town residents for violations of the Town Code. As such, the zoning violation complaint was not included in this investigation but should be addressed in accordance with the process for addressing allegations of zoning violations.

employees to fear for their safety, preventing them from performing their job duties and/or preventing their ability to exit;

- Referring to individuals who work at Town Hall and/or Highway Department employees as, among other things: “useless piece of shit,” “Vladimir Putin,” “Triple Chins;” “stupid;” and “big fucking idiot.”
- Constantly disparaging Supervisor Moffitt to employees and others;
- Multiple employees reported that as a result of Superintendent Caschetta’s conduct, they have considered leaving Town employment (or already left). Others reported that they cannot afford to leave Town employment and feel trapped working with Superintendent Caschetta. They expressed fear of retaliation by Superintendent Caschetta and/or frustration about the lack of response by the Board to address Superintendent Caschetta’s misconduct in the workplace. Others reported that Superintendent Caschetta’s treatment has impacted their physical and/or mental health to the point that some have considered seeking and/or are under the care of medical providers due to the hostile work environment and have been prescribed medications due to the stress and anxiety Superintendent Caschetta has caused/is causing them.

B. Superintendent Caschetta’s Complaints Against Two Former Employees

Superintendent Caschetta’s complaint against Complainant 1 alleged that she acted in a hostile manner toward representatives of a third-party vendor contracted to perform services for the Town.

Superintendent Caschetta’s complaint against Complainant 2 alleged that he became hostile when Mr. Caschetta questioned him about a work-related matter. Superintendent Caschetta reported that the conduct demonstrated by Complainant 2 was consistent with a pattern of misconduct that had worsened over time.

(Note: Complainants 1 and 2 were current employees at the time Superintendent Caschetta filed “Report It” complaints against them. They have both since resigned due to Superintendent Caschetta’s conduct and perceived harassment and retaliation.)

Background Information/Timeline of Complaints

2023

- August 28, 2023 – Ms. Booth reported a hostile work environment complaint on behalf of Complainant 1 against Superintendent Caschetta, to Supervisor Moffitt, who brought the complaint to the attention of the Town Board. The Town Board agreed that (then current) Board member, Karen Jenkins, (“Ms. Jenkins”) would investigate, based upon her professional background and experience in Human Resources.⁴ This

⁴ Ms. Jenkins’ investigation was not thorough or complete, and her report was not appropriate. Her conclusions reflect her personal opinions and are clearly tainted by what appears to be a bias or political agenda. Moreover, her conclusions were not substantiated by the facts she received from witnesses. Her conclusion that the “two

original complaint alleged gender/sex discrimination and harassment by Superintendent Caschetta towards Complainant 1; disparagement of her reputation based on gender stereotypes (e.g., referring to her as a “drunk” or everyday behavior and her clothing as sexually suggestive); workplace safety issues based on actions taken by contractors friendly with and/or working at the direction of Superintendent Caschetta toward Complainant 1; incessant disparagement of Town officials by Superintendent Caschetta causing divisions between the Town employees and Highway employees; and, generally, hostile and rude treatment of Complainant 1 by Supervisor Caschetta (e.g., completely ignoring her and acting like she did not exist when she asked him a direct business question, often in front of other employees).

- September 25, 2023 – Following her investigation, Ms. Jenkins distributed copies of the investigation report to Town Board members. Ms. Jenkins concluded that while the conduct complained of did not rise to the level of harassment, “issues in the town employment ranks . . . warrant serious attention to resolve.” Further, Ms. Jenkins observed that the “two highest ranking employees in the town” – Supervisor Moffitt and Mr. Caschetta – “are at an impasse and not acting in the best interest of the town.” Ms. Jenkins recommended: “If this cannot be resolved, one or both must resign and move on as it is affecting the entire work environment and perpetuating a hostile work environment.”⁵

highest ranking employees in the town” – Supervisor Moffitt and Mr. Caschetta – “are at an impasse and not acting in the best interest of the town” is not based on any information provided by witnesses with respect to the underlying hostile work environment sexual harassment complaint brought by Complainant 1 against Superintendent Caschetta. Notably, the Highway Superintendent is not the second most highly ranked official in the Town and the Town Supervisor was not “at impasse” with Superintendent Caschetta. Rather, the Town Supervisor brought forward to the Board an employee complaint reported to him in his role as Town Supervisor. Ms. Jenkins was critical of Supervisor Moffitt for having raised the complaints, although he was obligated to bring the employee complaint forward in accordance with Town policy and applicable law. Ms. Jenkins’ report is retaliatory toward not only Supervisor Moffitt, but also toward Complainant 1 and Ms. Booth. It was irresponsible and unethical for the “investigator”/board member to retaliate against the three (3) individuals who brought forward good faith complaints of harassment and retaliation against Superintendent Caschetta. Ms. Jenkins created liability for the Town due to her inadequate/erroneous report and retaliatory conduct/bias/political agenda. The failings of the “Jenkins investigation” exemplify why a political figure should never conduct an internal investigation. At one point in the report Ms. Jenkins described Supervisor Moffitt’s reporting of employee harassment complaints to the Board as “tattling” on Superintendent Caschetta. On the contrary, Supervisor Moffitt has a legal obligation to report harassment complaints to the Town Board. It was preposterous for Ms. Jenkins to personalize the issue and characterize a sexual harassment complaint as essentially a personal dispute between Supervisor Moffitt and Superintendent Caschetta. Ms. Jenkins’ recommendation that either or both Superintendent Caschetta and Supervisor Moffitt resign was highly inappropriate and retaliatory toward Supervisor Moffitt, who was fulfilling a legal obligation to report harassment. Ms. Jenkins’ investigation and subsequent report made a bad situation worse.

⁵ Prior to distributing copies of the investigation report to Board members, Ms. Jenkins asked them to sign a “Non-Disclosure Agreement” document, which they did. Ms. Jenkins provided this firm with copies of the signed statements upon request. The “Non-Disclosure Agreement” document stated: “By signing this agreement I understand that I will commit to not sharing this report and/or any of it’s (sic) contents with any person outside of the Town Board of Mendon NY. If it is discovered that I do share any of this information, I can be subject to disciplinary action.” Board members Brent Rosniek, Thomas DuBois, Cynthia Carroll, and Supervisor Moffitt signed off on this document and Ms. Jenkins herself notarized each signed document. It does

2024

- March 7, 2024 – Ms. Booth wrote a letter to the Town Board detailing the “significant challenges [she experienced] in obtaining resolution and fair treatment in accordance with the Town of Mendon’s personnel policies and state laws.” In short, Ms. Booth was not provided with any documentation pertaining to Ms. Jenkins’ investigation of the complaint by Complainant 1 against Superintendent Caschetta. Ms. Booth stated in her letter, among other things, that she previously expressed her concern that Ms. Jenkins was not an impartial investigator, that the investigation lacked impartiality and did not comply with established Town complaint investigation procedures, and that Ms. Booth had been denied access to documentation relating to the investigation, despite her role as the legal custodian of Town records. Further, Ms. Booth reported aggressive behavior by Mr. Caschetta that she (Ms. Booth) personally experienced at a February 12, 2024 Board meeting, alleging that conduct by Superintendent Caschetta exacerbated the hostile work environment, prevented her from performing her job duty of notetaking, and constituted retaliation against her for reporting to the Board the August 28, 2023 complaint made by Complainant 1 against Superintendent Caschetta. Ms. Booth cited provisions of Open Meetings Law and Town policy § 2.02 – *Sexual Harassment* to support her statements. Ms. Booth closed her letter, as followed: “I believe there is a pattern of hostility and discrimination among the women in the Mendon Town office. Mr. Caschetta continues to treat them poorly, and they can give you many instances of this. It is the Town Board’s responsibility to investigate these complaints and take the appropriate corrective action.”
- June 10, 2024 – Town Board approved a resolution to enter into an agreement with a third-party entity called “Report It” to “provide an anonymous hotline service for Town of Mendon employees, at a cost not to exceed \$1,499.00 annually, to be paid from account A1310.401. There will be a one-time set-up fee of \$499.00.” The resolution was unanimously supported by all Board members present. According to Ms. Booth, employees were notified about this reporting option at a July 18, 2024 rollout meeting with ADP.
- July 30, 2024 – Superintendent Caschetta submitted an internal complaint via “Report It” against Complainant 1, stating that a third-party vendor reported to Superintendent Caschetta that a “Town Hall individual” acted in a hostile manner toward the vendor.

not appear that Ms. Jenkins herself signed a similar document. She allegedly investigation information and her report with Superintendent Caschetta, who in turn reportedly shared it with employees in the Highway Department. This breached confidentiality, particularly with respect to Complainant 1, and caused despair amongst Highway employees who felt mistreated by Superintendent Caschetta. The lack of confidentiality sent a clear message that the Town Board would not help employees who made good faith complaints.

- August 6, 2024 – Complainant 1, [REDACTED], submitted her notice of resignation (effective August 30, 2024) stating, “unfortunately, the hostile work environment and retaliation towards me from the Highway Superintendent, Andy Caschetta, has made it impossible for me to continue working in an environment that requires interaction with him.”
- August 8, 2024:
 - Complainant 2, [REDACTED], submitted an internal complaint via “Report It” against Superintendent Caschetta for creation of “a very hostile work environment.” Complainant 2 also reported that Superintendent Caschetta singles out particular employees, makes comments about individuals outside their presence, screams and yells, is untruthful, and belittles certain individuals. Complainant 2 stated that individuals are afraid to come forward because they are “deathly afraid of retaliation.”⁶
 - Complainant 3, [REDACTED], submitted an internal complaint via “Report It” against Superintendent Caschetta for creation of a “hostile work environment.” Complainant 3 stated that he feared “retaliation to any reports” and accused Superintendent Caschetta of singling out particular employees to perform “ridiculous tasks that have never been done by a highway worker.” He also accused Superintendent Caschetta of favoritism, belittling certain employees, and losing his temper at work. Complainant 3 reported that Superintendent Caschetta threw a chair in the workplace when he was angry at an employee, damaging the wall.
 - Complainant 4, [REDACTED], submitted an internal complaint via “Report It” against Superintendent Caschetta for treating him “terribly” for approximately nine (9) months.⁷ Complainant 4 reported that Superintendent Caschetta refused to speak to him. Complainant 4 feared retaliation for filing a report. He stated that Superintendent Caschetta has “screamed” in his face and described the work environment as “toxic.”
- August 9, 2024 – Complainant 5, [REDACTED], submitted an internal complaint via “Report It” against Superintendent Caschetta for “consistently abus[ing] his power to punish an employee that he doesn’t care for.” Complainant 5 reported that Superintendent Caschetta slams doors and “yell[s] at

⁶ Complainant 2 did not participate in an interview as part of this investigation. Complainant 2 resigned from his employment effective August 30, 2024. The information referenced in this report was submitted by Complainant 2 **prior to** his separation from employment. We briefly spoke with him during the investigation, but his attorney advised him not to be involved for legal reasons.

⁷ Nine (9) months from August 8, 2024, would have been on or about November 2023. Notably, election day was Tuesday, November 7, 2023.

whoever is in sight.” Complainant 5 also reported that Superintendent Caschetta “looks for ways to make jobs harder for buildings and grounds” and “makes sure to talk bad about certain employees in front of the crew,” including Highway Department and Town Hall employees.

- August 12, 2024:

- Ms. Booth submitted a second letter to the Town Board, reiterating much of the information in her March 7, 2024 letter. Additionally, Ms. Booth provided more details about Superintendent Caschetta’s conduct directed at her at the February 14, 2024 meeting. She also reported a new incident, which occurred in March 2024, involving a female Town Hall employee, in which Superintendent Caschetta became “verbally aggressive and hostile” toward [REDACTED] when she hand-delivered vouchers to the Highway Department for Superintendent Caschetta’s signature.
- Complainant 6, [REDACTED], submitted an internal complaint via “Report It” against Superintendent Caschetta for creation of a hostile work environment and preventing Complainant 6 from performing his job duties. Complainant 6 described Superintendent Caschetta as “verbally aggressive and degrading” to particular employees, and accused him of withholding information and resources, including training, from Complainant 6. Complainant 6 stated that he feared retaliation for making a report.

- August 30, 2024:

- An incident occurred between Complainant 2 and Superintendent Caschetta in which Superintendent Caschetta stated something to the effect that Complainant 2 was “relieved of his duties.” Complainant 2 reported Superintendent Caschetta’s statement to Ms. Booth via text message. (Note: This was an illegal termination without due process.)
- Superintendent Caschetta then submitted an internal complaint via “Report It” against Complainant 2 for becoming hostile when Superintendent Caschetta questioned him about a work-related matter and stated that the conduct demonstrated by Complainant 2 was consistent with a pattern of misconduct that had worsened over time.

- September 3, 2024 – Complainant 2 submitted another internal complaint via “Report It” against Superintendent Caschetta, describing the incident that occurred on August 30, 2024, in which Superintendent Caschetta informed Complainant 2 that he was “relieved of his duties.” Complainant 2 reported that based on Superintendent

Caschetta's behavior during the August 30 incident, Complainant 2 believed that Superintendent Caschetta intended to cause him physical harm.

- October 15, 2024 – At its regular meeting on October 15, 2024, the Town passed a resolution approving this Firm to conduct a full investigation based upon the recommendation of the Mendon Town Board of Ethics ("Ethics Board"), as contemplated by the Town of Mendon ("Town") Employee Handbook policies 2.02 – *Sexual Harassment* and 2.03 – *Non-Harassment/Non-Discrimination*. A copy of the resolution is attached hereto as *Attachment 1*.

This Firm's Investigation Timeline and Relevant Dates:

- October 15, 2024: Board approves resolution appointing this Firm to investigate.
- October 28 – February 3, 2024: Complainants, Superintendent Caschetta, and witnesses participate in individual interviews, totaling more than 20 investigatory interviews.

Applicable Town Policy and/or Town Code Provision and/or Law

Town Policy and/or Town Code Provision

Policy 2.02 – Sexual Harassment

Policy 2.02 states that "All applicants, employees, interns (paid or unpaid), contractors, and individuals conducting business with the Town are required to conduct themselves in a manner that prevents sexual harassment in the workplace." Individuals covered by the policy who engage in sexual harassment or retaliation are "subject to remedial and/or disciplinary action, up to and including termination." Sexual harassment is defined as "a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, gender identity and the status of being transgender."

"Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex" and generally falls into one of two categories: creation of a hostile work environment or "quid pro quo" harassment. In this instant matter, some individuals alleged the creation of a hostile work environment. A hostile work environment is created when "such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment." Policy 2.02 states that "A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violation which are of a sexual nature, or which are directed at an individual because of that individual's sex." Furthermore, "Sexual harassment also consists of unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance."

Policy 2.02 prohibits retaliation: “The Town will not tolerate retaliation against anyone who, in good faith, complains or provides information about suspected harassment.” Retaliatory conduct includes “any action that could discourage an employee from coming forward to make or support a sexual harassment claim including, but not limited to being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action.” Notably, “Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).” Retaliation, like sex discrimination and sexual harassment, is “unlawful under federal, state, and (where applicable) local law.” Policy 2.02 includes examples of “protected activities” such as making an internal or external complaint or reporting sexual harassment to a department head or supervisor. “Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.” Although the protection from retaliation is broad, it is “not intended to protect persons making intentionally false charges of harassment.”

Policy 2.03 – Non-Harassment / Non-Discrimination

In many respects, Policy 2.03 tracks the language and protections of Policy 2.02, yet Policy 2.03 expands the protections beyond sex or gender to include: any legally protected basis,” including “an individual’s actual or perceived: race; color; sex; age; creed; disability; religion; citizenship; national origin; ancestry; military status or veteran status; credit worthiness or credit history; status as a caregiver; sexual orientation; status as a victim of domestic violence, stalking, or sex offenses; predisposing genetic characteristics; genetic information and any other status protected by law.” Policy 2.03 states that “All applicants, employees, interns (paid or unpaid), contractors, and individuals conducting business with the Town are required to conduct themselves in a manner that prevents sexual or other forms of harassment in the workplace.” Individuals covered by this policy who engage in workplace harassment or retaliation are “subject to remedial and/or disciplinary action, up to and including termination.”

Forms of unlawful harassment beyond sexual harassment include, for example, “Physical harassment refers to pushing, hitting, crowding, cornering or unwanted physical touching” or “Verbal abuse [such as] verbal comments, including but not limited to jokes or the use of slurs or other offensive language regarding, or made because of, an individual’s actual or perceived membership in one of the protected categories” listed in the policy. In sum, unlawful harassment may include “Any other unwelcome conduct that has the purpose or effect of creating an intimidating, hostile, or offensive working environment as defined by law, or has the purpose or effect of unreasonably interfering with an individual’s work performance or otherwise adversely affecting an individual’s employment opportunities.”

Policy 2.03 likewise prohibits retaliation “against anyone who, in good faith, complains or provides information about suspected harassment.” Retaliatory conduct includes “any action that could discourage an employee from coming forward to make or support a workplace harassment claim including, but not limited to being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action.” Notably, “Adverse action need

not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).” Retaliation, like workplace harassment based upon a protected status, is “unlawful under federal, state, and (where applicable) local law.” Policy 2.03 includes examples of “protected activities” such as making an internal or external complaint or reporting sexual harassment to a department head or supervisor. “Even if the alleged harassment does not rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful.” Although the protection from retaliation is broad, it is “not intended to protect persons making intentionally false charges of harassment.”

Policy 5.05 – Violence in the Workplace

The Town of Mendon “has zero tolerance for violence.” To that end, “Employees who display any violence or threaten violence in the workplace are subject to disciplinary action, up to and including, termination.” Policy 5.05 defines workplace violence as “any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment.” This includes but is not limited to “An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee” or “Any intentional display of force which would give an employee reason to fear or expect bodily harm.”

Town of Mendon Code of Ethics (Chapter 24)

Pursuant to Section 806 of the General Municipal Law, the Town of Mendon has “promulgat[ed] . . . rules of ethical conduct for the officers and employees of the Town of Mendon.” Chapter 24 of the Town Code states: “The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.” (Town Code § 24-1). Of the ten provisions that pertain to the standards of conduct applicable to “[e]very officer or employee,” for the purposes of this investigation, we draw your attention to the following two (2):

- “Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties, except when required by law, or use such information to further his personal interest.” (Town Code § 24-2(B)).
- “Obligation to citizens. No officer or employee of the Town of Mendon shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others or grant any special consideration, treatment or advantage to any citizen beyond that which is available to every other citizen. An officer or employee of the Town of Mendon should not by his conduct give reasonable basis for the impression that any person can unduly influence him or improperly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position, or influence of any party or person.” (Town Code § 24-2(J)).

Chapter 24 of the Town Code established at Board of Ethics that is empowered to “render advisory opinions to the officers and employees of the Town of Mendon with respect to Article 18 of the General Municipal Law and this Code of Ethics.” (Town Code § 24-4(A and B)). With respect to penalties for violations, the Code of Ethics provides: “In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended, or removed from office or employment, as the case may be, in the manner provided by law.” (Town Code § 24-5).

Complete copies of the above policies and code provisions are attached hereto as **Attachments 2, 3, 4, and 5** respectively.

Applicable Law

- New York State Executive Law § 290 et. seq. – Human Rights Law

Town policies 2.02 and 2.03 comply with the requirements of New York State Human Rights Law, however, given the nature of the complaints in this matter, we note that within the last five (5) years, the New York State Human Rights Law was amended to expand the definition of “employer” to include “a city, county, town, village or other political subdivision of the State of New York shall be considered an employer of any employee or official, including any elected official, of such locality’s executive, legislature, or judiciary . . . and persons serving on the staff of any local elected official.” (Labor Law § 292(5)(b)).

- New York State Labor Law § 201-g – Prevention of Sexual Harassment
- New York State Labor Law § 27-b – Duty of Public Employers to Develop and Implement Programs to Prevent Workplace Violence

Summary of Investigation

If required by the Town Board, this Firm can separately provide a listing of all documents reviewed and a summary of interviews conducted during this investigation. There are risks associated with documenting the employee complaints and interviews because the facts of this investigation reveal that Superintendent Caschetta is an aggressive, hostile, petty, and retaliatory person.

Findings

Based on this investigation, we make the following findings:

- 1. Complaints against Superintendent Caschetta for discrimination and harassment based on sex and/or gender against female employees and officials (current and former) in violation of policies 2.02 and 2.03 and state/federal law is SUBSTANTIATED in part.**

In October 2018 New York substantially lowered the legal standard for sexual harassment claims under the New York State Human Rights Law. In New York, sexual harassment is any unwanted, gender-based conduct that rises above the level of a petty slight or trivial

inconvenience. This means that even a single incident can be enough to state a claim in New York.

Facts gathered during the investigation revealed that Superintendent Caschetta engaged in unwelcome conduct of a sexual nature directed at an individual (Complainant 1) because of that individual's female gender. Superintendent Caschetta made comments about how he perceived Complainant 1 to dress, that she was flirtatious, and about her drinking. He painted her as a promiscuous, flirtatious, and sexualized person to other Town employees. He then disregarded her, ignored her, and harassed her at work. With respect to another female employee (not Complainant 1) multiple individuals interviewed corroborated a comment of a sexual nature that Superintendent has made about the female employee's buttocks. Specifically, Superintendent Caschetta said that this employee has a "nice ass." It is completely inappropriate to speak about an employee in a sexual manner and several different employees reported hearing Superintendent Caschetta make these comments.

Notably, several other individuals interviewed used the phrase "hostile work environment" or "toxic" to describe the impact of Superintendent Caschetta's conduct in the workplace, specifically his interactions (or lack thereof) with employees and officials at Town Hall and the Highway Department. Policy 2.02 states, with respect to creation of a hostile work environment, "A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violation which are **of a sexual nature**, or which are **directed at an individual because of that individual's sex**." Furthermore, "Sexual harassment also consists of unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance." A common complaint – among *both* female and male employees and current and former employees – was that Superintendent Caschetta often refuses to speak to and/or intentionally ignores certain individuals, which impacts their ability to perform their job duties and negatively impacts the work environment and working relationships. Such conduct is rude, unprofessional, and unbecoming of a public official; moreover, it negatively impacts Town residents because it results in operational delays and inefficiencies as well as delays in the provision of services. Since this behavior does not appear to be based on sex/gender or other characteristics protected by law, the investigation did not reveal facts to support allegations that Superintendent Caschetta's conduct created a sexually harassing hostile work environment in violation of policies 2.02 or 2.03 with respect to these other individuals.

The investigation revealed that Superintendent Caschetta's treatment of and/or comments about two (2) Town employees violated Policy 2.02. Moreover, the investigation revealed that Superintendent Caschetta is an "equal opportunity harasser." He mistreats both men and women. His mistreatment is so severe that people have left Town employment, feel trapped working at the Town, have filed lawsuits or retained attorneys, and have sought medical help for the stress he causes them. It is totally unacceptable for the Town to allow employees to feel so bullied, degraded, and abused by Superintendent Caschetta. It is a hostile work environment, even if not entirely based on sex/gender.

2. Complaints against Superintendent Caschetta for retaliation for engaging in protected activities in violation of policies 2.02 and 2.03 were SUBSTANTIATED.

Policy 2.02 and 2.03 contain identical language prohibiting retaliation “against anyone who, in good faith, complains or provides information about suspected harassment.” Retaliatory conduct has the effect of “discourage[ing] an employee from coming forward to make or support a sexual harassment [or workplace harassment] claim including, but not limited to being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action.” Once a person makes a good faith harassment and/or discrimination complaint, even if the complaint is unfounded, any negative action taken against the person following the complaint will likely constitute unlawful retaliation. This investigation revealed numerous adverse actions by Superintendent Caschetta against individuals who engaged in protected activities – i.e. reported a complaint(s) against him and/or participated in an investigation. The extent of Mr. Caschetta’s retaliatory conduct is serious. The following are examples of retaliatory conduct:

- Superintendent Caschetta retaliated against Complainant 1 for filing a complaint against him on August 28, 2023. The complaint was subsequently investigated by then-current Board member, Ms. Jenkins, and deemed not to rise to the level of discrimination or harassment in violation of Town policy or applicable law. As stated above, Ms. Jenkins report was defective. As indicated in Finding #1, above, Mr. Caschetta did engage in what could be considered sexual harassment against Complainant 1 and another female employee. Regardless of Ms. Jenkins’ erroneous conclusions and misapplication of Town policy and legal standards, when meeting with Superintendent Caschetta to discuss the outcome of her investigation, Ms. Jenkins directed him to act professionally when he engaged with Complainant 1 and to stop ignoring her. Although Ms. Jenkins erroneously informed Mr. Caschetta that his conduct toward Complainant 1 did not rise to the level of discrimination or harassment, Ms. Jenkins informed Superintendent Caschetta that his conduct “did not make for a good work environment” and told him to stop mistreating Complainant 1. Superintendent Caschetta did not heed Ms. Jenkins’ warning. Instead, he continued to engage in a pattern of conduct that involved ignoring her work-related emails and ignoring her when engaging in person on work-related matters at Town Hall. Thus, he tied his retaliatory behavior to her work duties and job function, making it difficult for Complainant 1 to be successful in her job. There is no doubt that Mr. Caschetta’s behavior substantially worsened toward Complainant 1 after he met with Ms. Jenkins. On or about July 7, 2024, Complainant 1 alleged that two (2) employees from a third-party vendor engaged by the Highway Department intentionally blocked her from exiting the parking lot when she was leaving to pick up her children from camp. Complainant 1 believed that Superintendent Caschetta directed and/or orchestrated the actions of the third-party vendor employees, which Superintendent Caschetta has denied.⁸ After the Town implemented the “Report It” reporting option through ADP

⁸ Notably, this is not the only allegation against Superintendent Caschetta for using his position to “block” individuals from moving their personal or Town vehicles. Given the various examples of people targeted by Mr. Caschetta being blocked by cars, I find that it is more probable than not that Mr. Caschetta uses third parties

(which was rolled out at a July 18, 2024 meeting), Superintendent Caschetta promptly filed a complaint against Complainant 1 on July 30, 2024 for reportedly acting in a hostile manner toward employees of a third-party vendor. Complainant 1 submitted her notice of resignation to the Town on August 6, 2024, for an August 30th effective date. Superintendent Caschetta refused to provide this Firm with contact information to interview the two employees of Villager Construction, the third-party entity, which would have enabled us to verify or corroborate his statements.⁹

- Superintendent Caschetta retaliated against Complainant 2 for filing a complaint against him. On August 8, 2024, Complainant 2, [REDACTED], submitted an internal complaint via "Report It" against Superintendent Caschetta for creation of "a very hostile work environment." Complainant 2 reported that Superintendent Caschetta singles out particular employees, makes comments about individuals outside their presence, screams and yells, is untruthful, and belittles certain individuals. Complainant 2 stated that individuals are afraid to come forward because they are "deathly afraid of retaliation." Two other [REDACTED] employees made similar complaints against Superintendent Caschetta on August 8, 2024. On August 30, 2024, an incident occurred between Complainant 2 and Superintendent Caschetta in which Superintendent Caschetta stated something to the effect that Complainant 2 was "relieved of his duties." Complainant 2 reported Superintendent Caschetta's statement to Ms. Booth via text message. Complainant 2 held a Civil Service position that entitled him to due process rights pursuant to Civil Service Law § 75. Complainant 2 also held the designation of Deputy Highway Superintendent, an appointment made at the discretion of the Highway Superintendent. Superintendent Caschetta turned to the "Report It" system once again to make a complaint against Complainant 2 for allegedly becoming hostile when Superintendent Caschetta questioned him about a work-related matter, stating that the conduct demonstrated by Complainant 2 was consistent with a pattern of misconduct that had worsened over time. On September 3, 2024, Complainant 2 submitted a second complaint via "Report It" against Superintendent Caschetta, describing the incident that occurred on August 30, 2024, in which Superintendent Caschetta informed Complainant 2 that he was "relieved of his duties," and stated that based on Superintendent Caschetta's behavior during the incident, Complainant 2 believed that Superintendent Caschetta intended to cause physical harm to Complainant 2. Complainant 2's report was corroborated by multiple [REDACTED] employees who witnessed the incident. During his interview, Superintendent Caschetta's responses to questions around this incident were not credible. First, he stated that he did not terminate Complainant 2's employment because it was not

to physically block the vehicles of employees who he has animosity toward. This is very dangerous and can even be life-threatening.

⁹ As part of the investigation, we attempted to obtain contact information for the two employees via the Villager Construction website, but neither was listed. Via email communication through his attorney on November 15, 2024, Superintendent Caschetta stated that he was not comfortable providing this Firm with the Villager employees' contact information.

possible for him to do so, given Complainant 2's Section 75 rights; Superintendent Caschetta stated that he intended to simply remove Complainant 2's appointment as Deputy Highway Superintendent, which was within his discretion and not protected by Civil Service. He also stated that Complainant 2's conduct toward Superintendent Caschetta was consistent with the pattern of misconduct on Complainant 2's part that Superintendent Caschetta had observed over time. Superintendent Caschetta stated that he had addressed this concern with Complainant 2 in a performance evaluation. However, Superintendent Caschetta refused to provide this Firm with a copy of the performance evaluation to verify or corroborate that he had addressed his concerns about Complainant 2's conduct in a performance evaluation, explaining that it would not be appropriate because employees have been told that performance evaluations are private and it would damage employee morale if they learned that Superintendent Caschetta provided it as part of this investigation. Complainant 2 resigned from his employment effective August 30, 2024 and did not participate in this investigation upon the advice of counsel.

- Superintendent Caschetta retaliated against [REDACTED] for properly disclosing to representatives from the dump site that the culvert pipes the Town intended to dispose of may contain metal mesh. This incident occurred on August 7, 2024 and was reported and witnessed by multiple individuals. After the [REDACTED] employee truthfully disclosed this information, the dump site refused to accept the concrete. In response, Superintendent Caschetta directed the employee to take the metal out of the concrete, which the employee did, using a jackhammer for approximately two–three hours in the summer heat. The employees who reported this incident viewed Superintendent Caschetta's conduct as a health and safety abuse, as well as punitive and retaliatory toward the individual for being truthful with the dump site. One employee reported that Superintendent Caschetta even recorded himself telling the employee to stop using the jackhammer, to protect himself (Superintendent Caschetta). Superintendent Caschetta responded, "That's a lie," when presented with this information during his investigatory interview. He stated that the employee used the jackhammer for approximately 30 minutes only (not multiple hours); he stated that he would have assumed the employee would have used a machine to remove the metal, but the employee chose to use a jackhammer. Superintendent Caschetta stated that he directed the employee to stop when he heard the jackhammer and commented that it was a "waste of time" and "dumb." Superintendent Caschetta's statements were not corroborated by witness interviews who observed the incident.

The instances above represent the most blatant acts of retaliation on Superintendent Caschetta's part. However, numerous other current and former employees reported mistreatment by Superintendent Caschetta following a particular incident or interaction with him – either at work or outside of work. A consistent story emerged following multiple interviews with current and former employees: Once he turns on a certain individual,

Superintendent Caschetta goes out of his way to make their work environment a “living hell” and “lashes out” at them; thus, individuals are fearful to speak out against him. In more than one interview, an individual stated that while Superintendent Caschetta’s conduct toward them personally was professional and acceptable, they felt compelled to speak up on behalf of their coworkers who were and continue to be treated so poorly by him. In addition to it being “the right thing to do,” they lamented that Superintendent Caschetta’s mistreatment of certain individuals negatively impacts operations and the provision of services to residents.

3. Complaint by Superintendent Caschetta against Complainant 1 for acting in a hostile manner toward employees of a third-party vendor is NOT SUBSTANTIATED.

This is covered in detail in #2 above. Based on the facts gathered during this investigation, Superintendent Caschetta’s complaint against Complainant 1 constituted an act of retaliation against her.

As an aside, Superintendent Caschetta and one other individual expressed suspicion around the fact that shortly after the “Report It” system was rolled out in July 2024, numerous complaints came in about Superintendent Caschetta’s conduct in August and September 2024, insinuating – if not directly stating – that it was implemented to setup Superintendent Caschetta and/or question whether the employee complaints were made in good faith. However, the timeline laid out in this report demonstrates that it was Superintendent Caschetta *himself* who first “used” the “Report It” system as a form of adverse action against Complainant 1.

4. Complaint by Superintendent Caschetta against Complainant 2 for becoming hostile when Superintendent Caschetta questioned him about a work-related matter is NOT SUBSTANTIATED.

This issue is also covered in detail in #2 above. Based on the facts gathered during this investigation, Superintendent Caschetta’s complaint against Complainant 2 constituted an act of retaliation against him and was unlawful under Civil Service Law.

5. Current and former employees complained about a pattern of workplace conduct by Superintendent Caschetta that implicated Policy 5.05 – Violence in the Workplace. These complaints were SUBSTANTIATED.

Pursuant to Policy 5.05, the Town “has zero tolerance for violence.” To that end, “Employees who display any violence or threaten violence in the workplace are subject to disciplinary action, up to and including, termination.” Policy 5.05 defines workplace violence as “any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of his or her employment.” This includes but is not limited to “An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee” or “Any intentional display of force which would give an employee reason to fear or expect bodily harm.”

Multiple employees – current and former – provided information about Superintendent Caschetta’s “aggressive” tone and demeaning/belittling manner in the workplace. For example, in addition to refusing to interact with and/or intentionally ignoring certain employees, they reported that Superintendent Caschetta directs them to do the same, thus isolating and singling out certain individuals. (Here again, individuals noted that Town residents are negatively impacted by the lack of collaboration within the Highway Department and among the Highway Department and Town Hall employees, at Superintendent Caschetta’s direction.) About a particular employee, Superintendent Caschetta has stated: “What’s this guy doing here?” “Tell him to get the fuck out of here” or “Why are you talking to me?” Individuals also reported that Superintendent Caschetta “interrogates” them after he observes them talking to or interacting with certain employees. On one occasion, Superintendent Caschetta yelled at a [REDACTED] employee who personally delivered vouchers for his signature to the Highway Department on a Friday afternoon ahead of a Board meeting scheduled for the following Monday. Superintendent Caschetta stated during his investigatory interview that he remembered this incident but denied that he yelled at [REDACTED] or threatened to write her up. Employees reported and Superintendent Caschetta admitted to calling Supervisor Moffit “Vladimir Putin” and calling Town Hall “The Kremlin.” These examples – while they do not rise to the level of “workplace violence” as it is defined under Policy 5.05, provide a glimpse into the work environment, as well as evidence of Superintendent Caschetta’s temper, his outright contempt for certain employees, and generally unprofessional conduct in the workplace. One employee described the observable change in Superintendent Caschetta’s physical appearance and demeanor when his temper flares: “He starts getting bug-eyed and stares you down.” Finally, with respect to these complaints against him, Superintendent Caschetta has openly stated in the workplace, “By the time they do anything with these reports, I’ll be retired. I don’t give a damn,” brazenly and intentionally conveying an attitude that he is “untouchable.”

Additional acts of aggressive behavior on the part of Superintendent Caschetta that violate Policy 5.05.

- Superintendent Caschetta displayed aggressive behavior toward Complainant 2 on August 30, 2024. In his September 3, 2024 report, Complainant 2 stated that he believed Superintendent Caschetta intended to cause him physical harm. This statement was corroborated by multiple individuals. They reported that Superintendent Caschetta removed his reflective vest and followed right behind Complainant 2 as Complainant 2 walked toward his truck. Witnesses described Superintendent’s conduct as that of someone who intended to “try and fight” or get into a “physical altercation” with Complainant 2. They also reported that when Complainant 2 told Superintendent Caschetta that he could not fire him, Superintendent Caschetta walked toward him in a threatening manner and said, “Why can’t I?” Superintendent Caschetta’s statements in his investigatory interview with respect to this incident were self-serving and not credible. For example, he stated that Complainant 2 stated that he needed a mental health day and Superintendent Caschetta simply replied, “Fine.” More disturbingly, Superintendent Caschetta pressured one of the witnesses to sign a statement describing the incident, written by

Superintendent Caschetta himself. The individual refused to sign it because he felt it was one-sided and missing facts. The individual maintained his stance and refused to sign what Superintendent Caschetta wrote. Superintendent Caschetta threatened him, "If it goes to court, they will call you," to which the individual replied, "I don't care." Superintendent Caschetta did not let up and after several hours, the individual agreed to sign a revised version of the witness statement written by Superintendent Caschetta.

- Superintendent Caschetta displayed aggressive behavior toward [REDACTED] employee when Superintendent Caschetta kicked a chair out from under the person approximately two (2) years ago. Employees who reported this incident during their interviews stated that Superintendent Caschetta threw a chair at a former dispatcher, resulting in damage to the wall of the breakroom in the Highway Department that remains visible to date [REDACTED] was present in another room at the Highway Department when the incident occurred. When confronted with this allegation during his investigatory interview, Superintendent Caschetta denied it. Instead, he stated that he "kicked the leg of [the chair] to wake him up." Superintendent Caschetta stated that it was approximately 7:00 – 8:00 p.m. and the roads were covered in snow, but no trucks had been called out, "And he's sleeping in the chair. So I kicked the chair, woke him up, told him to get to work." Superintendent Caschetta denied that he or the chair caused any damage to the wall. [REDACTED] did not participate in an interview as part of this investigation. Superintendent Caschetta's own admission and description of the incident is sufficient to meet the definition of workplace violence in policy 5.05.

6. Current and former employees complained about violations of the Code of Ethics, specifically with respect to confidential information and the obligation to citizens. These complaints were NOT SUBSTANTIATED.

Numerous individuals reported that they felt confidential information was mutually shared between Superintendent Caschetta and former Finance Director, [REDACTED]. [REDACTED] did not reply to multiple interview requests from this Firm. Superintendent Caschetta denied acquiring confidential information from or providing confidential information to [REDACTED]. As a municipality, much of the Town financial information is available to the public. In the more specific allegations with respect to improper disclosure of financial information, it is not possible to further investigate given the lack of information and [REDACTED] lack of response. Numerous current and former employees also reported that they felt [REDACTED] confidentiality was compromised because she and her partner socialized outside of work with Superintendent Caschetta and his partner. Individuals believed that if they reported concerns to [REDACTED], it would "get back" to Superintendent Caschetta. This perception of a conflict of interest is addressed further in the "Recommendations" section. In any event, the investigation did not reveal a specific disclosure of confidential information in violation of the Code of Ethics.

Numerous individuals also reported concerns about Superintendent Caschetta mowing a current Board member's lawn during summer 2024, when the Board member's spouse was terminally ill. This was also perceived as a conflict of interest and inappropriate, given that

the Board is responsible for approving the Highway Department budget and approving salaries for Town officials, including Superintendent Caschetta. Despite concerns about the “optics” of Superintendent Caschetta’s actions (and the Board member accepting this service from Superintendent Caschetta), the investigation did *not* reveal evidence that Superintendent Caschetta used Town equipment, Town time, or received any compensation in return. When presented with this concern during his investigatory interview, Superintendent Caschetta dismissed it stating that he did not receive a salary increase this year. Although the investigation did not reveal a Code of Ethics violation, in light of the perceptions of those individuals who reported this concern, it bears reminding Town Board members and Town Elected Officials of the following language from the Code: “An officer or employee of the Town of Mendon should not by his conduct give reasonable basis for the impression that any person can unduly influence him or improperly enjoy his favor in the performance of his official duties or that he is affected by the kinship, rank, position, or influence of any party or person.” (Town Code § 24-2(J)).

Conclusion

Individual complainants should receive complaint close out letters from the Town. This Firm can prepare those letters if requested to do so.

Superintendent Caschetta should also receive a letter informing him of the outcome of the investigation into his complaints and the complaints against him.¹⁰ Superintendent Caschetta was reminded about the Town prohibition against retaliation in writing prior to his interview and during his interview with his attorney present. The close out letter issued to Superintendent Caschetta should include another written reminder about the prohibition against retaliation.

¹⁰ This Firm will draft close out letters for the Town to issue to individual complainants and Superintendent Caschetta upon request.

Next Steps and Recommendations for Town Board Consideration

To mitigate and ideally eliminate the occurrence of future complaints of this nature, and to improve the workplace culture and employee morale, we offer recommendations for consideration by the Town Board based upon information outside the underlying complaints that individuals raised during the course of their investigatory interviews:

1. Remove Superintendent Cashetta from employee supervision and prohibit and/or limit his interaction with employees. Due to Superintendent Caschetta's treatment of staff (illegal and improper treatment in violation of Town policy), the Board should designate someone to exercise direct supervision of employees.
2. Present Superintendent Caschetta with a strict **Performance Improvement Plan** ("PIP") to address the performance and conduct concerns revealed by this investigation. Given the history of retaliation by Superintendent Caschetta, the Town should be particularly mindful of the risk of additional acts of retaliation by him against individuals who brought forth complaints and/or participated in the investigation (or who he perceives as having done so).¹¹ The Town Board in conjunction with attorneys for the Town need to take responsibility for enforcing the PIP. Enforcement will be critically important for employee health and safety.
3. Additional training for Superintendent Caschetta (and any other official and/or department head who wishes to attend) about Civil Service Section 75 and 76 due process procedures, specifically procedures for discipline pursuant to Civil Service Law, as well as Town policy 3.13 – *Standards of Conduct*. Superintendent Caschetta also needs to be retrained in sexual harassment and workplace violence rules and laws.
4. Invest in a **Personnel Director** position (or outsource the personnel function or use shared services), specifically and perhaps most pressing to ensure that employee complaints are routed to someone other than the Town Supervisor and/or Town Clerk and to ensure that future complaints are not investigated by current Board members, to eliminate perceived or actual conflicts of interest, and to relieve the tension created for the Supervisor and Clerk.¹² In the absence of a trained, trusted, objective, and accessible individual to address personnel matters, employees and Town Officials resorted to filing complaints against one another, filing external lawsuits, resigning, seeking medical help, or resorting to self-help. Supervisor Moffitt and Ms. Booth have been placed in an untenable position. The presence of a trained, trusted, objective, and accessible person whose role is to address and (to the extent possible) head off personnel matters before they rise to the level of formal complaints and/or lawsuits

¹¹ This Firm will work with the Board to draft a Performance Improvement Plan upon request.

¹² In the meantime, it may be useful to temporarily route the "Report It" complaints to the Attorneys for the Town. The fact that they are currently routed to the Town Supervisor and/or Town Clerk caused them to become swept up in the conflict in a significant way (exacerbated by Ms. Jenkins criticizing Ms. Booth and Supervisor Moffitt for having raised employee complaints to the Board).

will aid in enforcement of workplace rules and standards and will help to repair and rebuild the workplace culture and morale.

5. Create shared meeting norms and expectations. We suggest that Board members and Town Officials agree upon norms and expectations for meetings. The purpose is to ensure that all members treat one another with respect, can actively participate, adhere to a structured agenda, foster open communication, and agree upon a system like Robert's Rules of Order to effectively manage discussions and decision-making. The breakdown of the relationship between Town Hall and the Highway Department was palpable throughout this investigation and discussed at length during most interviews. Employees tune into the Town Board meetings and observe the communication among Board members and Town Officials. It is in the best interest of the Town, its residents, and its employees, for Board members and Town officials to move forward positively. One way to do this is to improve the environment and communication among Board members and Town officials at Board meetings.
6. To eliminate employee concerns with respect to favoritism and preferential treatment among Town Hall employees and Highway Department employees and vice versa, the Board may wish to introduce more transparency around rates of pay, training opportunities, and/or benefits. For example:
 - a. Consider establishing a salary schedule annually approved by the Town Board by title. Perceptions around rates of pay and the setting of rates of pay appear to drive a division between Town Hall and the Highway Department. (Note: The investigation revealed that this division has arisen because Superintendent Caschetta is obsessively driving this conversation of disparate treatment as a means to divide employees and attack Supervisor Moffitt). To ensure consistency and pay equity, an approved schedule with starting rates by title, as well as, for example, percentage increases for promotional titles, and approval of periodic increases (in the Town Board's discretion and in consideration of fiscal constraints). Note: The intent of this schedule is **not** to create a contract or a "step schedule" that builds automatic increases into the Town budget. This needs to be made explicit. Rather, the purpose is to establish competitive and consistent rates to eliminate actual or perceived favoritism concerns among Town Hall and Highway Department employees.
 - b. Review job descriptions (in most cases, they will be based upon Civil Service job specifications) to confirm minimum requirements and any licensing requirements and identify opportunities for training. The job descriptions will aid in determining what titles should expect receive what training, for example training to operate heavy machinery. Concerns around who receives training and when they receive it is another source of division between Town Hall and Highway Department employees and among Highway Department employees themselves (again, created by Superintendent Caschetta's unprofessional and constant negativity about Town Hall leadership and decision-making). To address concerns about favoritism, it would be useful to make information

about training opportunities available and then to propose a training schedule with specific timeframes. Note: Once again, the intent of publishing information about training opportunities and drafting a proposed schedule is **not** to create a contract between the Town and its employees. This needs to be made explicit. Rather, the purpose is to increase transparency and equity around who receives what training and when to eliminate actual or perceived favoritism concerns and to support employee development and promotional opportunities.

- c. Consider an employee benefits review. The purpose would be to meet with employees to gather information about their needs, wants, and preferences with respect to benefits. Of course, the Town will not be able to meet all employee needs, wants, and preferences. However, it would be useful to provide them with an outlet through which they may express their opinions, and that information could help the Town prioritize and strategize plan offerings. Based on employee feedback, the Town should evaluate current benefit plan offerings and determine whether an RFP would be beneficial. Once again, to ensure any perceived or actual conflict of interest, we recommend that meetings to collect information from employees (or any employee surveys) be handled by a third-party and open to all (instead of separate meetings for Town Hall vs. Highway Department employees). In the absence of a dedicated Personnel Director position, benefit plans and coverage levels appear to be another source of contention among employees.