

Exhibit G

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Attorney for Defendant

Hanover Foods Corporation

MYNECA OJO, ADMINISTRATRIX OF THE :
ESTATE OF ALLON JEFFREY OFFORD, :
DECEASED :

v. :

COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

HANOVER FOODS CORPORATION, :
HANOVER FOOD DISTRIBUTORS, INC., :
HANOVER FOOD EXPORTS LLC, :
DURAVANT LLC, KEY TECHNOLOGY INC, :
ABC CORPORATION 1 and ABC :
CORPORATION 2 :

JANUARY TERM, 2024

NO. 2875

AFFIDAVIT OF
OLGA N. RECHER

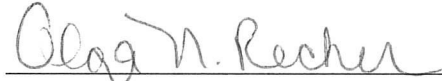
I, Olga N. Recher, Resource Planner & Inventory Control Manager of Hanover Foods Corporation (hereafter "Hanover"), hereby depose and state as follows:

1. I am the Resource Planner & Inventory Control Manager of Hanover, which has been named as defendant in the above-captioned action.
2. I started working for Hanover on August 11, 2021, as Purchasing and Sales Coordinator of Global Procurement and Sales.
3. In October 2021, my job responsibilities expanded to include the management of imports from Hanover's subsidiary located in Guatemala, Central America.
4. Hanover is the designated Importer of Record on all shipments Hanover receives from its Guatemala subsidiary.
5. As part of my job responsibilities, I hire Ocean Carriers to transport cargo (i.e., certain frozen vegetables) from Ports in Central America to the continental United States.

6. Today, Hanover utilizes the following Ocean Carriers: (i) Maersk Inc. (located at 180 Park Avenue, Florham Park, New Jersey 07932); (ii) Crowley Latin America (located at 9487 Regency Square Blvd, Jacksonville, Florida 32225); (iii) Great White Fleet (located at BICSA Financial Center, Pisco 55 Av. Balboa con Aquilino de la Guardia, Bella Vista, Panama City, Republic of Panama; (iv) Norton Lilly (located at 26 Stonehenge Drive, Dewell, New Jersey 08080); and, (v) Seaboard Marine (located at 8001 N.W. 79 Ave, Miami, Florida 33166).
7. Ocean Carrier deliveries are either Door to Door or Door to Port.
8. Door to Door delivery means: Ocean Carriers are responsible for the transportation of cargo from Guatemala to Hanover's facility or distribution center (which are not located in Philadelphia County, Pennsylvania) or to Hanover's Customer's facility or distribution center (which are not located in Philadelphia County, Pennsylvania).
9. Door to Port delivery means: Ocean Carriers are responsible for the transportation of cargo from Guatemala to a Port in the continental United States.
10. With Door to Port delivery, Hanover hires a Drayage Company to transport the cargo from the Port in the continental United States to Hanover's facility or distribution center (which are not located in Philadelphia County, Pennsylvania) or to Hanover's Customer's facility or distribution center (which are not located in Philadelphia County, Pennsylvania).
11. Hanover engages a Customs Broker, Logfret, Inc., to clear cargo through customs (i.e., handles all paperwork and filings to have the cargo released by CBP and FDA).
12. Logfret Inc.'s principal place of business is located in Secaucus, New Jersey.
13. Hanover engages Holt Cargo Systems LLC as its Drayage Company.
14. Holt Cargo Systems, LLC is located in Gloucester City, New Jersey.
15. Hanover's Ocean Carriers, Drayage Company, and Customs Broker are not located in Philadelphia County, Pennsylvania.

16. Hanover customers do not pick up Hanover cargo at Ports.
17. Even though Hanover is designated the Importer of Record, all business activities at any Port in the continental United States which concerns Hanover cargo is conducted by independent, third parties whose respective principal places of business are not located Philadelphia County, Pennsylvania.
18. Hanover as the designated Importer of Record does not conduct business in Philadelphia County, Pennsylvania.

I hereby acknowledge that the facts set forth in the aforesaid Affidavit are made subject to the penalties of 18 Pa.C.S. 4904 relating to unsworn falsification to authorities.

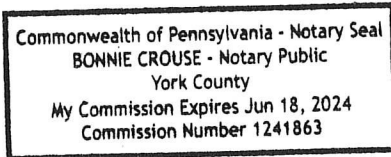


Olga N. Recher

SWORN TO AND SUBSCRIBED TO
BEFORE ME THIS 8th DAY OF MAY, 2024



NOTARY PUBLIC



Casey Lalonde
05/31/2024

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DOREEN WOODWARD, Individually : NO. 23-5126
and as Administratrix of the :
Estate of JOHN DAVID WOODWARD, :
JR. deceased, and as Parent and :
Natural Guardian of E.W., a minor, :
Plaintiff, :

vs. :

CHRISTOPHER BASHORE, Individually :
and in his capacity as West Goshen :
Township Manager, WEST GOSHEN :
TOWNSHIP and WEST GOSHEN TOWNSHIP :
BOARD OF SUPERVISORS, :
Defendants. :

Friday, May 31, 2024

Videotape deposition of CASEY LALONDE,
held at Saltz Mongeluzzi Bendesky, One Liberty
Place, 1650 Market Street, 52nd Floor,
Philadelphia, Pennsylvania, at 10:00 a.m., on the
above date, before Jan Singer Brooks, Court
Reporter and Notary Public.

Lexitas Philadelphia
54 Friends Lane, Suite 116
Newtown, Pennsylvania 18940
215.504.4622

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ALSO PRESENT:

NEAL WEBB, MA, Videographer

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WITNESS: CASEY LALONDE

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2

PROCEEDINGS

3

- - -

4

(It is hereby stipulated and agreed

5

by and among counsel for the respective

6

parties that the reading, signing, filing,

7

sealing and certification of the deposition

8

are waived; and it is agreed that all

9

objections, except as to form, are reserved

10

until the time of trial.)

11

- - -

12

THE VIDEOGRAPHER: Good morning.

13

We are now on the record. The time

14

is 10:02 a.m.

15

This is the video recorded

16

deposition of Casey LaLonde in the matter of

17

Doreen Woodward, et al. versus Christopher

18

Bashore, et al.

19

The deposition is being held in the

20

offices of Saltz Mongeluzzi and Bendesky,

21

P.C. in Philadelphia, Pennsylvania, on

22

May 31, 2024.

23

The videographer is Neal Webb. The

24

court reporter is Jan Brooks, both in

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1 association with Lexitas.

2 Will counsel please announce their
3 appearances for the record?

4 MR. DEHON: Max Dehon from Saltz
5 Mongeluzzi Bendesky for Plaintiff Doreen
6 Woodward on behalf of the Estate of John
7 David Woodward.

8 MR. ALEXANDER: Paul Alexander,
9 Thomas Thomas & Hafer on behalf of West
10 Goshen Township and Christopher Bashore.

11 THE VIDEOGRAPHER: The court
12 reporter will please swear in the witness.

13 - - -

14 CASEY LALONDE, after having been
15 first duly sworn, was examined and testified
16 as follows:

17 - - -

18 EXAMINATION

19 - - -

20 BY MR. DEHON:

21 Q. Mr. LaLonde, thank you for being here
22 this morning.

23 A. Thank you.

24 Q. Can I call you Mr. LaLonde?

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1 A. You can call me Casey.

2 Q. Casey.

3 A. Yes, please.

4 Q. Am I pronouncing your last name
5 correctly?

6 A. (Witness nodding.)

7 Q. We met briefly in the lobby earlier this
8 morning. Was that the first time that you and I
9 had met?

10 A. Yes.

11 Q. Was that the first time that you and I
12 had spoken?

13 A. Yes.

14 Q. And you have not spoken with any other
15 attorney from my office before today?

16 A. Correct.

17 Q. The only other person you spoke with
18 would have been my paralegal Anna?

19 A. That's correct.

20 Q. And that was solely for the purposes of
21 scheduling for your deposition today?

22 A. Correct.

23 Q. And you are here today because you were
24 subpoenaed?

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1 A. Yes.

2 MR. DEHON: I'm going to show you a
3 copy of the subpoena. I will mark that as
4 Exhibit A.

5 (Exhibit No. A, Subpoena, was
6 marked for identification.)

7 BY MR. DEHON:

8 Q. I will have you flip through it real
9 quick. Is that a copy of what you received?

10 A. Yes.

11 Q. And to my memory, we first sent you a
12 subpoena via the mail, correct?

13 A. No, it was served on me at my office.

14 Q. That's what I meant.

15 A. Correct.

16 Q. It was served to your office address?

17 A. Yes.

18 Q. And then that's when we -- you spoke
19 with my paralegal Anna regarding scheduling?

20 A. Correct.

21 Q. Which led us to be here today?

22 A. Correct.

23 Q. And you are here voluntarily?

24 A. Yes.

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1 Q. So before we get into it. You can hand
2 the exhibit back to the court reporter.

3 A. (Witness complies.)

4 Q. I'm just going to give you a couple
5 instructions. Have you ever been deposed before?

6 A. I have.

7 Q. What was the nature of those?

8 A. The first one was West Goshen Township
9 was being sued by a paving company for -- we had
10 brought action against them because -- to sever
11 their contract and for faulty work. So they
12 eventually sued us and our insurance company
13 settled it but I did -- was deposed in that case.

14 Q. Any others?

15 A. Yes. There was one other previous.
16 That was 2007, 2008. My predecessor, Sharon Lynn,
17 had sued West Goshen Township I believe for a
18 breach of contract or something along those lines
19 after her retirement from the Township.

20 Q. Were both of those depositions in your
21 capacity as working for the Township?

22 A. Yes.

23 Q. As the Township Manager?

24 A. Yes.

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1 Q. So just a couple basic ground rules.
2 You understand you're here to tell the truth
3 today?

4 A. I do.

5 Q. I ask -- you're doing a great job so
6 far. But verbal answers. No ah-huhs, no mm-hmms,
7 no head nods. The video can capture it but our
8 court reporter cannot. So yes or no answers.

9 If you need a break at any time
10 just let me know --

11 A. Will do.

12 Q. -- and we'll take a break. That's
13 really all I have. So I just kind of want to
14 start from the beginning.

15 Who are you and what do you do now?

16 A. My name is Casey LaLonde. Currently --
17 well, formerly I was the West Goshen Township
18 Manager from April, 2007 through early January of
19 2022. At that point I retired from West Goshen
20 and from public service and took a position with
21 Arro Consulting, Incorporated, which is an
22 engineering design firm headquartered in Lititz,
23 PA. I manage -- I'm an Assistant Vice President
24 with the company and I manage the West Chester, PA

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1 office.

2 Q. When was your start date with West
3 Goshen Township again? Or when did you start as
4 Township Manager I should say?

5 A. I can't remember the date exactly but it
6 was the Monday after Easter in April of 2007.

7 Q. So you were the Township Manager for
8 about 15 years?

9 A. Fifteen years, correct.

10 Q. And what exactly do you do for, is it
11 Arro?

12 A. Arro.

13 Q. Arro.

14 A. We are an engineering firm. So in my
15 position I manage the West Chester office. We
16 have six or eight offices in the region. I manage
17 the personnel of the office, I conduct client
18 management with our municipal and private clients,
19 I monitor the budget, I take care of personnel
20 issues. I do business development as well seeking
21 new work. I manage projects as they come up for
22 the office. I also manage the -- we have a
23 separate Construction Inspection Division that I
24 manage out of our office. And that's pretty much

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1 encompassing of what I do.

2 Q. So I just have to ask. You said the
3 word engineering a couple times. Are you an
4 engineer?

5 A. I am not.

6 Q. Would you say that your qualifications
7 to currently work at Arro are based on your
8 experiences as the Township Manager for West
9 Goshen?

10 A. Yes.

11 Q. Can you just kind of explain to me the
12 overlap of your experience and qualifications as
13 Township Manager with your current manager?

14 A. Yes. Over my -- well, I was a Township
15 Manager and/or Assistant Manager for -- since 2000
16 right out of grad school. So I have held three
17 positions since graduate school, Borough of
18 Downingtown, East Coventry Township and then West
19 Goshen for the last 15 of those 22 or so years.

20 The qualifications to be a Township
21 Manager are just general management skills,
22 personnel, management skills, budgeting, finance,
23 project management, dealing with the public,
24 dealing with elected officials, working with

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1 solicitors as we call them in the municipal world,
2 working with engineering companies on projects,
3 all kinds of plan reviews, any kind of storm water
4 issues.

5 So the overlap into my current
6 position with Arro is I took all of those skills
7 and moved them into the private sector, both the
8 management skills, budgeting, personnel and also
9 project management skills. We do everything from
10 paving to designing culverts and bridges. So my
11 22 years of history doing that for municipalities
12 on the non technical management side melded
13 correctly and nicely with Arro.

14 Q. I'm going to get back to a lot of that
15 and then I'm going to go through your background a
16 little more. But what was the second township or
17 municipality after Downingtown that you mentioned?

18 A. East Coventry in Northern Chester
19 County.

20 Q. So starting from the top, Casey.

21 A. Yes.

22 Q. Casey, where are you from?

23 A. I was born in Upstate New York. I grew
24 up just north of Allentown, PA. Went to Penn

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1 State. Then got married after college and moved
2 to Richmond, Virginia for graduate school at
3 Virginia Commonwealth University. I received a
4 Master's in Public Administration. That was '97
5 through '99. And then we moved back to -- my wife
6 and I moved back to Pennsylvania in 2000 for me to
7 take the Assistant Borough Manager position at
8 Borough of Downingtown.

9 Q. When did you graduate Penn State?

10 A. 1994.

11 Q. And you graduated VCU in 1999?

12 A. Correct.

13 Q. What was your degree at Penn State?

14 A. Political Science Bachelor's Degree and
15 a history minor.

16 Q. And what was your graduate degree in
17 again?

18 A. Master's of Public Administration.

19 Q. Where do you currently reside?

20 A. I currently reside in East Brandywine
21 Township which is mailbox of Downingtown, PA.

22 Q. What is your address?

23 A. 820 Little Washington Road, Downingtown,
24 PA 19335.

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1 Q. Do you have any plans to move within the
2 next year or so?

3 A. Not at this time.

4 Q. If you do anticipate moving or do move,
5 I ask for you to reach out to my office or Anna
6 and provide us with that information. Can you do
7 that?

8 A. I will do that. Absolutely, yes.

9 Q. So after you graduated VCU was your
10 first job kind of in the public sector with
11 Downingtown?

12 A. Correct. It was the Assistant Borough
13 Manager position.

14 Q. Just tell me what you did there.

15 A. I have was assigned tasks and duties by
16 my boss, the Borough Manager, everything from
17 again project management to personnel issues, just
18 the general same. I worked on the budgets with
19 our various department heads. I would work with
20 our Building and Zoning Departments, worked with
21 Public Works as well on the annual paving project,
22 just any general municipal projects.

23 Q. Who did you report to when you were at
24 Downingtown? Not name, title I should say.

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1 A. Borough Manager.

2 Q. Is that the same as a Township Manager?

3 A. Correct.

4 Q. What about like a Board of Supervisors,
5 anything like that?

6 A. We had a Borough Council. I think there
7 were five Borough Council members plus a Mayor at
8 Borough of Downingtown.

9 Q. How long were you at Downingtown?

10 A. Just under two -- about a year and a
11 half, almost two years.

12 Q. So you left say 2001 or so, 2002?

13 A. It was January of 2002.

14 Q. And I will get back to this a little bit
15 later. But the structure of the Downingtown
16 Borough Public Works Department, just the
17 department as a whole, the Township, similar
18 structure as West Goshen?

19 A. Correct. We had a -- the Borough
20 Manager oversaw the entire operation. I assisted
21 the Borough Manager with those operations. And
22 then we had a Public Works Department that did
23 everything from typical municipal work. We had a
24 Public Works Director. We had superintendents who

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1 served under the Public Works Director. And the
2 line staff below the superintendents, they would
3 do everything from paving. We -- the department
4 maintained the sewer system, storm water, just
5 about any tasks you could imagine from a municipal
6 angle.

7 Q. So it sounds very similar to West
8 Goshen?

9 A. Absolutely.

10 Q. Is that fair?

11 A. Yes.

12 Q. Can you explain to me like I'm in
13 elementary school the different departments of the
14 Township? I know we hear Public Works Department
15 a lot. What other departments are there for
16 Downingtown?

17 A. For Downingtown we had a distinct Public
18 Works Department. We had a Code Enforcement
19 Department that did building inspections.
20 Municipalities are required to have -- well, not
21 required to. They have zoning which means uses,
22 where you are in the Borough whether you can put
23 up houses or commercial properties. We had a
24 distinct Building and Zoning Department. We had a

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1 separate Police Department that was overseen by
2 the Mayor. We had a Finance Department that was
3 overseen again by the Borough Manager and myself
4 with several finance staff to do everything from
5 receive payments for sewer charges and also pay
6 the municipality's bills, run payroll, that kind
7 of stuff.

8 So we -- I always like to consider
9 any kind of municipal operations akin to a
10 business. We pay bills, we get revenue, we have
11 employees, just like any other business.

12 Q. You mentioned I think sewers. What were
13 the other departments in the Public Works
14 Department at Downingtown?

15 A. Public Works Department. I do not
16 recall that we had distinct departments within the
17 overall Public Works. I know we had dedicated
18 employees who did sewer work. And the rest of the
19 employees would just be assigned tasks, mowing
20 grass at the parks, maintaining the parks,
21 maintaining the roads. I don't remember much
22 distinction with the line employees at that, at
23 that municipality.

24 Q. So would that be a difference between

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1 Downingtown and West Goshen?

2 A. Yes, that would be a difference.

3 Q. When you left in 2002 or around 2002
4 what did you do next?

5 A. I was recruited and hired to manage East
6 Coventry Township in Northern Chester County.
7 That was a move from a Borough type government to
8 a Township type government.

9 Q. Can you explain to me the difference
10 between those two?

11 A. Certainly. Pennsylvania municipalities
12 are based on English law so we have boroughs,
13 townships, counties. It depends what the
14 incorporation was done typically in the 1700 or
15 1800s. And if I am going too far afield, just
16 stop me.

17 Municipalities, we have first,
18 second class -- first, second and third class
19 cities. We have first and second class townships.
20 Those are all just different forms of municipal
21 government.

22 Most -- where I work currently in
23 Chester County we are typically second class
24 townships. It doesn't mean they are second class

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1 as a pejorative, whatever you want to say. It
2 just means the form of government. So it dictates
3 how many elected officials there are, their form
4 of government. So you have boroughs, townships,
5 again counties typically in Pennsylvania.

6 Q. So townships have more elected
7 officials?

8 A. No. It all depends on the form of
9 government. For example, Caln Township in Chester
10 County is a first class township. They have five
11 commissioners. East Coventry Township had three
12 elected supervisors and then moved. They are
13 allowed under law. You can put out a referendum
14 and move to five supervisors.

15 West Goshen for eternity had three
16 supervisors, then moved to five supervisors in
17 2011, 2012 again by referendum of the voters to do
18 that.

19 Q. Okay. And when you say supervisors,
20 you're referring to the Board of Supervisors?

21 A. Correct. They are the elected officials
22 for the Township.

23 Q. And for Downingtown, the Borough
24 Council, were those elected officials?

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1 A. Those were all elected officials,
2 correct.

3 Q. Have you ever held an elected position?

4 A. I have not.

5 Q. So after Downingtown you went to East
6 Coventry?

7 A. Yes.

8 Q. What was your title there again?

9 A. Township Manager.

10 Q. How long were you there?

11 A. Three or -- probably four years about.

12 Q. So you left in say 2006 or so?

13 A. End of 2006 into 2007, yes.

14 Q. What did you do there?

15 A. Similar management. It was a much
16 smaller operation than even Downingtown Borough.
17 It was a relatively rural township. It was on the
18 verge of a lot of residential building going on.
19 So the -- we were faced with expanding the
20 sanitary sewer system but it was -- we had three
21 supervisors when I started there in '02. So we
22 had three supervisors, myself. We had a separate
23 Police Department that reported to the Board of,
24 the Board of Supervisors which had maybe five or

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1 six officers maybe with a Police Chief. We had a
2 Public Works Department of three I believe. So,
3 again, a much smaller operation than Borough of
4 Downingtown.

5 Q. So just kind of discussing the size of
6 the operation, are you referring to the number of
7 employees?

8 A. Yes.

9 Q. If you could approximate for me how many
10 employees were under the Department of Public
11 Works or under the Township for Downingtown?

12 A. For Downingtown, 15 to 20 maybe in the
13 Borough.

14 Q. What about for East Coventry?

15 A. East Coventry was much smaller. We had
16 a Police Director and then two kind of line
17 employees, so three altogether.

18 Q. What about West Goshen?

19 A. West Goshen was a much, much larger
20 operation. The Public Works Department alone --
21 let's see. Just give me a minute. Upwards of 20
22 plus at least at Borough off -- I'm sorry, at West
23 Goshen Township.

24 Q. And that is for the -- who worked under

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1 the guise of the Township or for Public Works?

2 A. Okay. We had a Public Works Director.

3 We had superintendents who then oversaw the

4 various departments. We had a distinct Parks

5 Department, we had a distinct Waste Water

6 Department and we had a distinct Roads Department,

7 Streets Department. Each of those had a separate

8 superintendent overseeing their staff and each of

9 those departments had a number, a large number of
10 employees below them.

11 Q. Okay. And my understanding is that

12 those employees below the superintendents were

13 hourly employees?

14 A. Correct.

15 Q. And they are still part of your calculus

16 in determining the size of the Township?

17 A. Yes.

18 Q. So how did you end up as the -- so you

19 became Township Manager of then West Goshen in

20 2007?

21 A. Correct.

22 Q. How did you come about that position?

23 A. I was contacted by a headhunter probably

24 in March of that year of 2007. To my

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1 recollection, West Goshen had been notified by its
2 probably ten year tenured manager that she was
3 looking to leave, so they were looking for some
4 solutions on staffing for that Township Manager
5 level.

6 Q. Okay.

7 A. I was originally hired as an interim for
8 about 25, maybe 30 days, and then hired full time
9 as a full-time employee, Township employee May
10 of -- not much longer than May of 2007.

11 Q. And who was that prior Township Manager?
12 Was that Ms. Lynn?

13 A. That was Sharon Lynn, correct.

14 Q. Was there kind of a transition period or
15 anything when you started? Like was Lynn still
16 there, you came in and then started up?

17 A. There was a very, very extremely brief
18 transition period. I believe I started that
19 Monday. I had -- over the next two days I had
20 about four hours with her. There was a death in
21 the Police Department. A recently retired police
22 officer had died so that first afternoon or the
23 next morning obviously the Township was involved
24 with going to that officer's funeral so we had

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1 very limited time for any transition.

2 And then I believe she, she
3 departed the Township that Wednesday for good.

4 Q. Did you have to interview?

5 A. I did.

6 Q. Who was that with?

7 A. It was with the three sitting elected
8 officials, Township supervisors at the time, Ed
9 Meakim, Dr. Robert White and Pat McIlvaine.

10 Q. Meakim, White and McIlvaine?

11 A. Correct.

12 Q. Are they the ones who ultimately made
13 the decision to hire you?

14 A. Yes.

15 Q. How long was Meakim on the Board?

16 A. Meakim, Ed Meakim was on the Board
17 until, I can't recall the dates, maybe 2010 or '11
18 but then rejoined the Board maybe it was 2012. He
19 rejoined the Board in 2014 due to the death of
20 Dr. Robert White. It was after the Township had
21 expanded from three supervisors to five.

22 Dr. White was killed in a traffic
23 accident and it's the responsibility of the
24 remaining elected officials to appoint a

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1 replacement. So the remaining Board members
2 appointed Ed Meakim to come back on to the Board.

3 Q. And that was from 2014 until when the
4 second tenure?

5 A. 2017, 2018, something like that.

6 Q. Do you know Mr., is it Meakim or
7 Metchim?

8 A. Meakim, M-E-A-K-I-M.

9 Q. And that's Ed?

10 A. Ed, correct.

11 Q. Do you know what his political
12 affiliation is?

13 A. I believe he was a Republican.

14 Q. And then Mr. White, what was his first
15 name?

16 A. Dr. Robert White.

17 Q. What was he a doctor in?

18 A. Dentist.

19 Q. How long was he on the Board?

20 A. Well before I came on in 2007. So I
21 don't know the dates before that. But he was on
22 the Board until 2014 when he was killed.

23 Q. Do you know his political affiliation?

24 A. I believe he was a Republican.

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1 Q. And then the third, who was that again,
2 McElvaine?

3 A. Patricia McIlvaine.

4 Q. Can you spell her last name for me real
5 quick?

6 A. I believe it's M-C I-L-V-A-I-N-E.

7 Q. Same question. How long was she on the
8 Board?

9 A. She was on the Board before I became
10 employed there. I can't remember, 2000 -- I can't
11 remember if she was on -- I believe she was on the
12 Board until maybe 2012. I can't remember.

13 Q. Is it fair to say that all three of
14 those Board of Supervisors were elected at some
15 point during Ms. Lynn's tenure?

16 A. Yes.

17 Q. And what year did McIlvaine leave again?

18 A. I believe 2012.

19 Q. Do you know her political affiliation?

20 A. I believe she was a Republican.

21 Q. When the Board expanded to five after
22 the death of Mr. -- Dr. White and Meakim's return,
23 who were the other two Board members?

24 A. Okay. We had Raymond Halvorsen was on

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1 the Board. Philip Corvo was on the Board.

2 Q. Can you spell his name for me?

3 A. Normal spelling of Philip with one L I
4 believe, and C-O-R-V-O.

5 Let me see.

6 Q. So that gets us to five.

7 A. It expanded to five, correct. I'm
8 sorry, I have got a block here on that time
9 period. It was Ray, Pat McIlvaine was still on
10 the Board, Phil was then elected to the Board with
11 the expansion -- Corvo was elected to the Board
12 with the expansion. Oh, boy I have got a complete
13 block on that time. I'm sorry.

14 Q. How long was Ray on the Board?

15 A. To my knowledge, Ray was on the Board
16 previously in the '90s and then left his position
17 on the Board of Supervisors. He resigned to take
18 over as Public Works Director in 2000, 2001,
19 before me. I don't know the dates exactly.

20 And then with the expansion of the
21 elected -- the five -- to the five member Board he
22 was elected in 2013 into '14.

23 Q. So sometime in the '90s and then elected
24 in 2013, 2014?

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1 A. Correct.

2 Q. Was he ever on the Board and the
3 Director of Public Works simultaneously?

4 A. He was.

5 Q. When was that?

6 A. He was -- he maintained his position as
7 Public Works Director for the Township while he
8 was a supervisor, elected official from 2014. I
9 believe he left the Board then in '18,
10 thereabouts. He lost his election I believe if I
11 recall.

12 Q. So his tenure on the Board ended because
13 he lost election?

14 A. Correct.

15 Q. Who replaced him?

16 A. On the Board. My recollection was it
17 was Mary LaSota. Oh, and I have got a block on
18 the other woman's name for the life of me. Dark
19 hair. I can't remember her name. But they were
20 both elected together in '18, '19 forward.

21 Q. What was Mr. Halvorsen's political
22 affiliation?

23 A. I believe he was a Republican.

24 Q. Same questions with, was it Mr. or

1 Ms. Corvo?

2 A. Mr. Corvo was a Democrat.

3 Q. How long was he on the Board?

4 A. Started in -- with that five member
5 expansion, 2014, '13. He was on the Board I
6 believe through 2018, thereabouts.

7 Q. And then the other name was Lesock,
8 Lesick?

9 A. Oh, I'm sorry. Mary LaSota,
10 L-A-S-O-T-A. And I'm drawing a blank on the other
11 woman's name. I apologize.

12 Q. Ms. LaSota, how long was she on the
13 Board?

14 A. My recollection, not long. Twelve
15 months max, maybe ten to 12 months.

16 Q. Do you know her political affiliation?

17 A. I believe she was a Democrat.

18 Q. Now, from the time period when the Board
19 was expanded to five in 2013 or 2014 up until your
20 departure in 2022, can you just list other Board
21 members for me?

22 A. Sure. We had Chris Pielli. He was
23 elected in -- he was elected the next two-year
24 period, so 2016 to 2017. Mary LaSota. John

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1 Hellmann was elected later in my tenure. Let me
2 see who else. I'm sorry, I'm drawing such a blank
3 on these names anymore.

4 Q. I should have given you this instruction
5 earlier. It's not a memory test. If you don't
6 know --

7 A. No, I can picture them. I just cannot
8 remember their names. I'm sorry.

9 Q. So can you spell that for me?

10 A. P-I-E-L-L-I, Christopher.

11 Q. Do you know how long Chris was on the
12 Board?

13 A. He was on the Board about four years. I
14 believe he then ran for state representative and
15 left the Township service.

16 Q. Did he win that representative election?

17 A. He did.

18 Q. What was his political affiliation?

19 A. Democrat.

20 Q. We have already been over LaSota. And
21 the other name you gave was Hellmann?

22 A. John Hellmann, H-E-I-L-M-A-N.

23 Q. How long was Mr. Hellmann on the Board?

24 A. He was elected in 2019 and he was there

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1 through my tenure, '22.

2 Q. So he was on the Board after -- or when
3 you departed West Goshen?

4 A. Correct.

5 Q. That was January of 2022?

6 A. Correct.

7 Q. It's my understanding that he is no
8 longer on the Board. Is that consistent with
9 yours?

10 A. I don't know that.

11 Q. Do you know who the current Board
12 members are?

13 A. Current Board members Shaun Walsh. Her
14 last name, Tina. Geez. I'm getting such a blank
15 on those officials during that time. I apologize.
16 Shaun Walsh. That's all I can remember at this
17 point.

18 Q. What about when you departed West Goshen
19 in January of '22, do you know who was on the
20 Board?

21 A. Yes. We had Shaun Walsh. He was I
22 believe the Chair at the time. Tina, I cannot
23 remember her last name. We also had -- John
24 Hellmann was on the Board. The other woman who

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1 was elected with Mary LaSota I cannot remember her
2 name. Dark hair. And then a relatively new
3 member. Oh, geez, her name escapes me. I
4 apologize.

5 Q. Do you know what Mr. Walsh's political
6 affiliation is?

7 A. I believe he's a Democrat.

8 Q. What about Tina?

9 A. I believe she was a democrat.

10 Q. You already said Mr. Hellmann was a
11 Democrat?

12 A. Correct.

13 Q. When was Mr. Walsh elected?

14 A. 2019 I believe.

15 Q. So you obviously know you are here today
16 to testify to the existence of snow time or
17 squirrel time, correct?

18 A. Yes.

19 Q. And if I refer to them interchangeably
20 as either snow squirrel, are they the same thing
21 to you?

22 A. To me, yes.

23 Q. So snow time and squirrel time, I will
24 refer to them as a practice or a concept, are the

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1 same practice or concept?

2 A. Yes.

3 Q. What do you call it?

4 A. I called it comp time.

5 Q. Why did you call it comp time rather
6 than snow time or squirrel time?

7 A. I preferred the term comp time because
8 it's more in line with consistent payroll
9 practices and squirrel time and snow time just
10 seemed a little too colloquial for me. So that's
11 why I referred to it as comp time.

12 Q. Comp time and snow time are the same
13 thing?

14 A. Yes.

15 Q. Comp time and squirrel time are the same
16 thing?

17 A. Yes.

18 Q. And you said it's consistent with formal
19 practices?

20 A. Yes.

21 MR. ALEXANDER: What was consistent
22 with formal practices? I think I missed
23 something.

24 MR. DEHON: Oh, comp time. Comp

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1 time.

2 MR. ALEXANDER: Okay.

3 BY MR. DEHON:

4 Q. Did I say that correctly?

5 A. Correct.

6 Q. When did snow time start?

7 A. After I assumed the official post of
8 being the appointed Township Manager in 2007 I had
9 the philosophy of I did not want my non essential
10 employees to be driving home during a blizzard. I
11 hate to be so practical but that's what it was.
12 We had a large staff of non essential employees
13 from our finance staff, payroll, code enforcement
14 staff who I did not want to be put in harm's way
15 to keep them there during their entire shift if we
16 had an incoming weather event, typically snow. So
17 my practice was pretty much as soon as I started I
18 would dismiss early, akin to a school dismissing
19 so I could get those employees home before the
20 weather would hit so they wouldn't be stuck on the
21 roads or crash.

22 My worst fear was one of our
23 employees crashing their car on the way home when
24 I held them at work when everybody else had

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1 dismissed everywhere across the region because of
2 snow or a weather event.

3 Q. So it's like a snow day at school, non
4 essential employees were able to go home?

5 A. Correct.

6 Q. If the snowstorm was occurring prior to
7 work starting that day, would they just not come
8 in?

9 A. Correct.

10 Q. So it would be akin to a school closer?

11 A. Correct.

12 Q. What about essential employees, what are
13 those?

14 A. Essential employees are those employees
15 who have to be on the job no matter what 24 hours
16 a day seven days a week to respond to emergencies,
17 road closures, snow, hurricanes, any type of
18 natural disaster. My senior staff and I were
19 considered essential. Our Publics Works
20 Department, the entirety of the Public Works
21 Department was considered essential because most
22 of the employees participated in snow clearing,
23 debris clearing from other storms. So they were
24 either called in if they were off duty or stayed

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1 no matter what during an emergency event even if I
2 had dismissed all the non essentials.

3 Q. So I don't think I ever got a date of
4 when this kind of practice began.

5 A. I believe I started that practice in
6 winter of 2007 and 2008, so as soon as I got
7 there.

8 Q. Did Mr. Halvorsen have any role in
9 implementing snow time?

10 A. Yes, Mr. Halvorsen and I discussed it.
11 I relayed my -- I expressed my philosophy about
12 non essential employees, at the time he agreed,
13 and it was implemented essentially that first
14 winter of my starting there at West Goshen.

15 Q. Obviously since you were the Township
16 Manager at this time, was this during a period
17 when Mr. Halvorsen was on the Board?

18 A. It was not.

19 Q. What was Mr. Halvorsen doing?

20 A. He was Public Works Director.

21 Q. Got it. He was on the Board prior?

22 A. He was on the Board prior.

23 Q. And he was on the Board after?

24 A. Correct.

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1 Q. And what was that date again?

2 A. I believe -- I don't know the date of
3 when he started being an elected official. The
4 '90s. I don't know. He ceased 2000, 2001, became
5 the Public Works Director for the Township. And
6 then with the expansion in 2013 into '14 he was --
7 he had dual roles.

8 Q. So based on your belief and in your
9 opinion was Mr. Halvorsen aware of the practice of
10 snow time when he was reelected to the Board in
11 2013?

12 A. Yes.

13 Q. Did you have any discussions with Mr.
14 Halvorsen about snow time in 2013 when he returned
15 to the Board?

16 A. No. The policy had not changed so there
17 was no reason to have a discussion. It was in
18 practice.

19 Q. So any additional discussion would only
20 be held if there was a change in the practice?

21 A. Correct.

22 Q. And there were no changes from 2007 up
23 until when you left?

24 A. No changes, correct.

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1 MR. DEHON: Can we go off the
2 record for a second?

3 THE VIDEOGRAPHER: Off the video.
4 The time is 10:39.

5 (A brief recess was held at this
6 time.)

7 THE VIDEOGRAPHER: Back on the
8 record. The time is 10:43.

9 BY MR. DEHON:

10 Q. Before we jump back into snow time I
11 just want to show you one document real quick to
12 perhaps refresh your recollection.

13 We'll mark this as Exhibit B.

14 (Exhibit No. B, 9/7/23 Letter, was
15 marked for identification.)

16 BY MR. DEHON:

17 Q. Now, I will represent to you that this
18 was a letter sent from the Board of Supervisors
19 Ms. Dorine McClune on September 7, 2023.

20 Do you see that?

21 A. I do.

22 Q. And do you see the letterhead of the
23 document?

24 A. Yes.

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1 Q. What is the letterhead?

2 A. Thank you for refreshing my memory. It
3 is the, as of September 7, 2023, elected officials
4 for the Township. Thank you for the document.

5 Q. And that is Shaun Walsh, correct?

6 A. Correct.

7 Q. And that is Ashley Gagne?

8 A. Correct.

9 Q. Is Ashley Gagne the one with brown hair
10 that you were describing earlier?

11 A. No, Robin Stuntebeck is the person with
12 brown hair.

13 Q. What color is Ashley's hair?

14 A. Lighter brown. Robin's hair is darker
15 brown, almost black.

16 Q. And then John Hellmann who we described
17 earlier?

18 A. Correct. And I misspelled his name
19 earlier. I apologize.

20 Q. And then Tinamarie Smith, that is the
21 Tina that you were referring to?

22 A. Tinamarie Smith. Thank you very much.

23 Q. In January of 2022 were these members on
24 the Board when you left?

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1 A. Yes.

2 Q. And you testified earlier that Mr. Walsh
3 was a Democrat?

4 A. Yes.

5 Q. What about Ashley?

6 A. To my knowledge, a Democrat as well.

7 Q. Hellmann was a Democrat?

8 A. Correct.

9 Q. What about Tinamarie Smith?

10 A. To my knowledge, Democrat as well.

11 Q. What about Robin Stuntebeck?

12 A. Correct.

13 Q. I'm good with that exhibit. You can
14 hand it to the court reporter. I wanted to do
15 that now before I forgot.

16 A. Thank you. I appreciate that.

17 Q. So back to the practice of the snow
18 time. That was implemented in 2007, 2008?

19 A. Yes.

20 Q. And the main distinction was drawn
21 between non essential employees and essential
22 employees?

23 A. Correct.

24 Q. And the purpose of that was to get non

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1 essential employees home safe?

2 A. Correct.

3 Q. And were there any other purposes of
4 snow time?

5 A. No. My only intent was to ensure that
6 those non essential employees got home safely
7 before the blunt of whatever storm hit.

8 Q. How did it affect essential employees?

9 A. Essential employees. Okay. If the
10 event occurred during work hours, normal work
11 hours --

12 Q. What are normal work hours?

13 A. For Public Works Department we
14 instituted ten hour -- four 10 hour days. At some
15 point, I think it was '08 during the crash, soon
16 thereafter we went to four 10 hour days for Public
17 Works and for certain employees, actually most
18 employees, even in the Administration Department,
19 Finance, et cetera. So we all worked four 10 hour
20 days Monday through Thursday. We would come in
21 during -- Fridays. Obviously Saturday and Sunday
22 would be considered off days. And essential
23 employees would be brought in on Friday, Saturday
24 and Sunday for emergencies or other needs.

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1 So the difference between essential
2 and non essential, again, essential employees
3 would be on call during emergencies. If we had a
4 snow event or other storm occur during again
5 normal work hours, which our 10 hour schedules at
6 the time were 7A, a.m. to 4:00 p.m. So the
7 employees, the non essential employees, we would
8 either -- I would cancel the day's business
9 because of a weather event. If that was essential
10 employees they would still have to come in and
11 work the day whether that entailed the normal 10
12 hour shift plus overtime or just the 10 hour
13 normal shift.

14 Q. So it sounds to me the most basic
15 explanation of how it affected the essential
16 employees were they would be on call Friday to
17 Sunday?

18 A. Correct.

19 Q. And then if it was a Monday to Thursday
20 if the Township offices closed for weather events,
21 whatever, and non essential employees were to go
22 home, essential employees would stay?

23 A. Correct.

24 Q. When they had to, the essential

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1 employees performed work or go into work from
2 Friday to Sunday or when the Township offices were
3 closed Monday to Thursday, how did that affect
4 their comp time?

5 A. It did not. All the non essential
6 hourly employees were paid overtime for any, any
7 hours outside of normal working hours, so one and
8 half times pay. For overnight work Monday through
9 Thursday, all day Friday, all day Saturday, all
10 day Sunday would be considered overtime.

11 Q. And that's for non essential employees?

12 A. For essential employees. Our non
13 essentials never typically had to come in on
14 overtime ever. They worked their normal weekday
15 shift and then went home. There was typically
16 never any overtime for non essential employees.

17 Q. So let's say an essential employee had
18 to work on a Friday.

19 A. Yes.

20 Q. They had to work eight hours on a
21 Friday.

22 A. Yes.

23 Q. How would that -- what is that
24 relationship with comp time?

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1 A. Nothing. They would be paid overtime
2 for that time.

3 Q. And that was your understanding of how
4 comp time or snow time worked from 2007 until your
5 departure in 2012?

6 A. Correct.

7 Q. Or 2022.

8 A. 2022, correct.

9 Q. Never changed?

10 A. Never changed.

11 Q. Can you tell me other than Mr. Halvorsen
12 was there anyone on the Board familiar with the
13 practice of snow time?

14 A. Yes. The original three elected
15 officials who I went to work for, Dr. Robert
16 White, Pat McIlvaine and Ed Meakim, to my
17 knowledge were aware of the policy especially
18 during snow events. We had a particularly bad
19 winter in 2009. We had -- February of 2009 I
20 recall back-to-back blizzards. We must have
21 received 40 inches of snow in a week. We had the
22 offices closed, all non essentials at home for two
23 or three days during that time period. So they
24 were aware that the non essentials were sent home.

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1 At that time in, you know, '09 we
2 didn't have work from home as we do today because
3 of Covid. But those of us with laptops and access
4 to the internet, we would still try to do some
5 work. But most of the non essentials did not do
6 any work while at home and at my order to be at
7 home.

8 Q. And you said Mr. White, Mr. Meakim. And
9 who was the other?

10 A. Mrs. McIlvaine.

11 Q. And they were all aware that that was
12 your practice?

13 A. Yes.

14 Q. Did they ever tell you to stop?

15 A. No.

16 Q. Did they ever express any displeasure?

17 A. No.

18 Q. Did they ever tell you it was wrong?

19 A. No.

20 Q. Did anyone on the Board at any time ever
21 tell you to stop?

22 A. No.

23 Q. Did anyone on the Board ever tell you
24 that it was not authorized?

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1 A. No.

2 Q. If they told had told you it was not
3 authorized would you have stopped it?

4 A. I would have requested a meeting with
5 the entire Board of Supervisors because one of
6 five or one of three cannot make a decision. So I
7 would have requested a personnel meeting in
8 executive session to discuss the policy.

9 Q. Would you describe snow time as a common
10 practice from 2007 to 2022?

11 A. Yes.

12 Q. We deposed Mr. Bertolami in this case
13 last week. Do you know Mr. Bertolami?

14 A. I do.

15 Q. How well do you know him?

16 A. He was a -- he was with West Goshen
17 Township for my entire tenure as our Streets/Roads
18 Superintendent. So I knew him from '07 to my
19 departure in '22.

20 Q. Have you discussed today's deposition
21 with Mr. Bertolami?

22 A. I have not.

23 Q. Are you aware that Mr. Bertolami was
24 deposed last week?

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1 A. I am not.

2 Q. When was the last time you had spoken
3 with Mr. Bertolami?

4 A. Let me see. I believe my last
5 recollection of seeing Mr. Bertolami was at
6 Mr. Woodward's funeral last year.

7 Q. Mr. Bertolami testified that everyone in
8 the Township knew about snow time. Is that
9 consistent with your belief?

10 A. That is consistent with my belief, yes.

11 Q. Did non essential employees know about
12 snow time?

13 A. They did.

14 Q. Did administrative employees know about
15 snow time?

16 A. To my knowledge they did, yes.

17 Q. What are the other -- the administrative
18 employees, is that a department?

19 A. We have --

20 Q. Can you explain that for me?

21 A. Sure. The hierarchy with West Goshen if
22 it hasn't changed --

23 MR. ALEXANDER: I'm going to object
24 to the term snow time and just put this on

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1 the record. What is being described as snow
2 time here and what Mr. Bertolami testified
3 are two different things. So as far as what
4 Mr. Bertolami described as snow time which he
5 is testifying to, I have not heard any cross
6 over yet of the two things that were
7 described.

8 MR. DEHON: Your objection is going
9 to be a standing objection.

10 MR. ALEXANDER: Yes, it's going to
11 be at this point in time unless we get to
12 more explanation from him that lines them up.

13 But you can answer the question.
14 It's just, you know, I want to be clear.

15 MR. DEHON: Can you read back the
16 question for me? I'm sorry.

17 (The record was read by the
18 reporter as requested: "Q. What are the
19 other -- the administrative employees, is
20 that a department?

21 "A. We have --

22 "Q. Can you explain that for me?")

23 MR. DEHON: I will rephrase the
24 question.

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1 BY MR. DEHON:

2 Q. Can you explain the dynamic and
3 hierarchy, or however you want to characterize it,
4 of the non essential employees?

5 A. Yes. And again, it may have changed
6 since my departure. But Township Manager,
7 Assistant Township Manager oversaw the various
8 departments of the we'll generally call it
9 administration which consisted of Payroll and
10 Finance. And then again we had our Codes and
11 Zoning Department, typical to Borough of
12 Downingtown way back when. And we had a Park and
13 Rec Department underneath Administration as well.
14 So that administration umbrella pretty much
15 captured all of our non essential employees who
16 did not work for Public Works or the Police
17 Department.

18 Q. And your testimony is that the
19 individuals that were non essential employees were
20 aware of the practice of snow time?

21 A. As far as I know, yes.

22 MR. ALEXANDER: Same objection.

23 BY MR. DEHON:

24 Q. To your knowledge, were essential

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1 employees members of the Public Works Department
2 given any credits for working hours on the days
3 the Township offices were closed?

4 A. Yes. That is this comp time/squirrel
5 time/snow time.

6 Q. So when you discussed the overtime pay,
7 overtime hours earlier, that is the true
8 explanation of it?

9 A. Well, there -- any hours -- and I can go
10 into full description here.

11 Q. Please.

12 A. Okay. So all non -- I'm sorry. All
13 essential employees, typically Publics Works,
14 whether it was Parks, Streets or the Sewer/Waste
15 Water Department, they did their normal shift of
16 40 hours a week typically Monday through Thursday.
17 Some of our employees were split because the Waste
18 Water Department has to be manned all week. But
19 in generality. If they did any work outside of
20 those hours they were paid overtime, okay.

21 If we had a snow event on a Tuesday
22 where I put out the call to all the non essentials
23 to -- you will stay home today, work from home if
24 you can and report back tomorrow, those employees

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1 were off for the day. Those eight hours, ten
2 hours, whatever the time allotment was would be
3 granted as comp time credit to those essential
4 employees who still had to report to the Township
5 to do their work. Whether it was snowing,
6 Hurricane Ida, whatever, they still had to show
7 up. They were essential employees. And it was --
8 the policy was to treat all employees the same.
9 Because we had those essential employees coming
10 in, they weren't being paid overtime to be there,
11 that was their normal shift of their essential
12 duties that they had to do while our Parks
13 Director, our Finance Director, myself, we were
14 all home during work hours. So they were granted
15 this comp to use at another time because they came
16 in during an emergency to take care of business
17 and get the roads cleared while the rest of us,
18 essentially non essentials stayed home.

19 Q. So they would come in on the snow day,
20 clear the roads, do their work on a day that the
21 Township offices were otherwise closed, non
22 essential employees are at home and they can use
23 that comp time at a later date?

24 A. Correct.

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1 MR. DEHON: I'm going to show you a
2 document that I will mark as Exhibit C.

3 (Exhibit No. C, Spreadsheets, was
4 marked for identification.)

5 BY MR. DEHON:

6 Q. Can you just flip through it real quick
7 for me?

8 A. Sure. Okay.

9 Q. Have you ever seen that document?

10 A. I have.

11 Q. When did you see this document?

12 A. I can't recall but infrequently over --
13 later in the 2010s at some point. I don't recall
14 when.

15 MR. DEHON: And Paul, do you have
16 the other copy that's not small?

17 MR. ALEXANDER: It's written on.

18 MR. DEHON: Okay. Never mind then.

19 BY MR. DEHON:

20 Q. Can you read this okay?

21 A. Oh, yeah, I'm fine. Yeah, I'm good.

22 Q. You can see on the first page Woodward
23 000119. Do you see the little number on the
24 bottom?

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1 A. Yes.

2 Q. I will use that to direct you to page
3 numbers if I need to.

4 A. Yep.

5 Q. Do you see on the left-hand chart the
6 date that's the second box -- or fourth box of
7 text "12/10/2024 call in salt"?

8 A. Correct.

9 Q. So does that indicate to you that this
10 spreadsheet began in 2014?

11 A. Yes.

12 Q. Is there a prior edition of this to your
13 knowledge?

14 A. Not to my knowledge, no.

15 Q. So you wouldn't be able to testify as to
16 whether there was a method of tracking, a
17 spreadsheet such as this, prior to 2014?

18 A. I do not.

19 Q. Who would know that?

20 A. From my experience, Lisa Covatta who was
21 the Admin Assistant to Dave Woodward and to Mark
22 Bertolami. She kept track of the time. So, to my
23 knowledge, she would have access -- or knowledge
24 of anything previous.

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1 Q. Is Ms. Covatta an essential employee or
2 non essential employee?

3 A. That's a hard one. It's technically non
4 essential because she's an admin. She does not
5 plow snow or do anything physical throughout and
6 fight a storm. But given her proximity, she lived
7 in the Township for my entire tenure, she would
8 still come in during snow events to help out with
9 the admin. She would take phone calls, run the
10 switchboard during events. So 50/50 essential/non
11 essential.

12 Q. Did Ms. Covatta work in any way with the
13 Finance or Payroll Departments?

14 A. She did.

15 Q. And that was to relay the time worked
16 from the Parks Department to them?

17 A. Correct.

18 Q. For payroll purposes?

19 A. Yes, to my --

20 Q. And that would include comp time?

21 A. To my recollection, yes.

22 Q. Are you able to in any way decipher this
23 document that I put in front of you and explain it
24 to me?

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1 A. Certainly. So we obviously have dates
2 on the X axis. Names of the employees on the
3 right -- I'm sorry, on the top in the Y axis.
4 Mark Bertolami, Hugh Boyce, Mike Caccavo, Kyle
5 Kendrick, Kevin McAnally, Paul McEvoy, Kim
6 Norsoph, Jay Scruggs, Dan Styer, Mike Ticknor,
7 John Wetty, those were all employees.

8 Q. I'm going to cut you off real quick.

9 A. Yes.

10 Q. You might have been about to answer it.
11 But who are these people?

12 A. They are essential Public Works
13 employees.

14 Q. Four which department?

15 A. These appear to be all Streets
16 employees. Streets/Roads is interchangeable.

17 Q. I was going to ask that next.

18 So can you get back to just kind of
19 deciphering this for me?

20 A. Yes. So again the Y axis is -- I'm
21 sorry, the X axis. Each of these dates, if there
22 was any reason for, for the employees to be called
23 in -- I'm sorry, not called in. If there was any
24 reason for the employees to be called in or to do

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1 work while the Township office was closed for some
2 reason again, they were keeping track of the time.
3 Plus I don't -- it doesn't say exactly what these
4 mean but this could have been also a tally of
5 overtime as well. I don't know. I can't tell
6 from the document.

7 Q. So from -- at the top page, Bertolami,
8 do you see that?

9 A. Yes.

10 Q. The 32 under his name?

11 A. Yes.

12 Q. Can you tell me what that means? It's
13 next to the column that is undated.

14 A. Yes, I see that.

15 I don't know. I can't recall.

16 Q. Is it possible that is rollover time
17 from a previous year or previous period?

18 A. Yes, that is, that is an accurate --
19 that could be an accurate description of what that
20 is, yes.

21 Q. What about 11/26 and it says two next to
22 all of their names?

23 A. Yes.

24 Q. What does the two reflect?

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1 A. 11/26. Let me see. Is that -- that's
2 Thanksgiving time.

3 Another thing I would do is we
4 would dismiss early before holidays. And if there
5 wasn't anything going on, like a blizzard or
6 Hurricane Ida, I would dismiss employees early for
7 prior to Labor Day, prior to Memorial Day,
8 typically the day before. So those Monday
9 holidays would be the day before I would dismiss a
10 couple hours early just to give them a jump start
11 so all the non essentials would go home. But if
12 something was happening in the Township that
13 required Public Works attention, whether it was
14 sewer main break, blizzard, hurricane, those
15 essential employees would have to stick around
16 during those hours where I had dismissed everyone
17 early and work until they finished whatever
18 emergency happened. So they would essentially
19 receive credit for those hours that I dismissed I
20 all the non essentials to go home. They would be
21 working during that time so they would get
22 essentially credit for those hours simply stated.

23 Q. Kind of piecing through that. So this
24 would indicate that the non essential employees

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1 were sent home two hours early on 11/26?

2 A. Yes, that's what it appears to be.

3 Q. And then these Roads Department
4 employees otherwise had to stay for some reason
5 for those two hours?

6 A. Correct.

7 Q. And those two hours then rolled over
8 into comp time?

9 A. Correct.

10 Q. And the same could be said for every
11 other number in the page that we see below. Those
12 would be hours that the non essential employees
13 were sent home and/or the essential employees
14 working Friday to Sunday?

15 A. To my knowledge, yes.

16 Q. I'm going to point you to the next page,
17 Woodward 120.

18 A. Yes.

19 Q. The same thing here?

20 A. Appears to be dates through the year.

21 Q. And I will represent to you that this
22 spreadsheet is continuous from the first page with
23 the names.

24 A. Yes, it appears to be the continuing

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1 throughout the year, through September.

2 Q. I will have you flip to the next page.

3 A. Yes.

4 Q. The same thing here?

5 A. Correct, through December 22.

6 Q. Do you see the notations under the
7 spreadsheet?

8 A. I do.

9 Q. Do you have any idea what those mean?

10 A. Yes. The name Lisa, let's start with
11 Lisa, Lisa Covatta. She would attend additional
12 events outside of work hours. She was on at least
13 one Board of -- she was on like a recycling
14 committee and other things. So these appear to be
15 dates of those type of events. She was also
16 the -- she worked with our Emergency Management
17 people.

18 Shred event, we would typically do
19 Saturday shred events where we would have the
20 residents come in and shred their documents like
21 most municipalities do. And the trash ones, I
22 would suspect if we had some type of delay or
23 something in our -- we collected trash in West
24 Goshen Mondays and Thursdays. So if we had some

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1 type of issue on Thursday where it was delayed to
2 Friday, Lisa would come in on her day off to take
3 phone calls and make sure that the trash
4 collection was going smoothly.

5 Q. So these sound like otherwise tasks that
6 Lisa would have to perform that she was otherwise
7 not being compensated for?

8 A. Correct.

9 Q. And then so that's how comp time or snow
10 time applied?

11 A. Correct.

12 Q. I will have you flip to the next page.

13 A. Yes.

14 Q. There's no dates on this page. Do you
15 have any idea what this page reflects?

16 A. Yes. Down on the lower left of the page
17 it says blood. In order to -- we work closely
18 with the Red Cross at least once or twice a year
19 to do a blood drive inside the Township building.
20 So in order to foster -- we had 100 employees to
21 foster donations. I would grant comp time for
22 employees to essentially get a reward for donating
23 blood. So that's what this appears to be, a tally
24 of those hours.

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1 Q. And that was standard practice from 2007
2 to 2022 while you were Township Manager?

3 A. I don't know if we did it for the entire
4 time. I can't I recall when I instituted it. But
5 it was -- for the time that we did it I recall
6 granting this as comp time to the employees.

7 Q. No one ever told you no?

8 A. No.

9 Q. No one ever said it wasn't authorized?

10 A. No.

11 Q. No one from the Board ever said that to
12 you?

13 A. No.

14 Q. Mayor ever say that to you?

15 A. No.

16 Q. All right. I'm going to have you go to
17 the next page now.

18 A. Yes.

19 Q. And I apologize. It is even smaller
20 text and that is entirely my fault.

21 A. Yes, I can see it clearly, yes.

22 Q. There's no year on this page. But can
23 you decipher this page for me?

24 A. It appears to be -- the first column

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1 second entry says carried over, so I would, I
2 would state that it was from the previous year
3 moving into the following year and showing all the
4 carryover in the top row and then per date down
5 per employee. And there's notes on the right
6 side, again, getting back to my policy of opening
7 late or dismissing early for events. Late open,
8 early dismissal, late open, early dismissal, early
9 dismissal, late open. 3/15 -- I'm sorry, March 5
10 of this year admin closed. Guys left early the
11 day before. I shopped and cooked. Fuel Island,
12 on the phone, working while at home. Those appear
13 to be Lisa Covatta's notes on herself because she
14 would provide food for long-term, 24 hour or
15 longer snow or emergency events for our staff.

16 Q. So that makes sense. So the non
17 essential employees obviously were not working?

18 A. Correct.

19 Q. The essential employees were working?

20 A. Yes.

21 Q. Lisa had to take her time to bring food?

22 A. Yes.

23 Q. So she had to be compensated for comp
24 time?

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1 A. Correct.

2 Q. The same thing here. Every single
3 number notation in this spreadsheet reflects the
4 non essential employees not working and the comp
5 time being carried over to the essential
6 employees?

7 A. Yes.

8 Q. Flip to the next page.

9 A. Yes.

10 Q. The same thing here?

11 A. It appears to be just a continuation
12 through November 5 of that year, same thing.

13 Q. Next page.

14 A. Yes, it appears to be through
15 December 10, similar with it appears to be notes
16 again pertaining most likely to Ms. Covatta coming
17 in on -- working additional hours for trash since
18 she would be the point person and first contact
19 for our residents with trash issues, and then
20 training, and then she was the recycling
21 coordinator for the Township as well, so...

22 Q. So the same thing we discussed earlier,
23 these were duties that Lisa would have to
24 undertake and otherwise not be paid, so therefore

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1 comp time would apply?

2 A. Correct.

3 Q. Next page.

4 A. Yes.

5 Q. This looks as the blood notation. I
6 assume the red numbers mean those are blood hours?

7 A. Those appear to be blood hours, correct.

8 Q. Otherwise, exact same thing. It says
9 January 3 to May 11. No year but it seems to be
10 the accumulation of comp time?

11 A. Correct.

12 Q. Next page.

13 A. Yes.

14 Q. The same thing here?

15 A. Yeah. I see carried over per employee.
16 And then you can see some notations on the right
17 side. Sewer main break, for example, admin late
18 in, early dismissal, admin late in two hours,
19 paving, election day.

20 Q. And we see some different names at the
21 top.

22 A. Yes.

23 Q. Who are these people?

24 A. Hugh Boyce. Oh, Gibbons name. Bob

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1 maybe. I can't recall. Kyle -- oh, Kendrick.
2 Gibbons and Kendrick were relatively newer
3 employees at this time. Kevin McAnally, McCarthy,
4 McEvoy, all long employees. Norsoph long
5 employee. Bob Roberts relatively new. Jay
6 Scruggs, Dan Styer. Thompson was relatively new
7 if I recall. Mike Ticknor, and then John Wetty.

8 Q. These are all Roads employees?

9 A. All Roads and Streets employees,
10 correct.

11 Q. Next page.

12 A. Yes.

13 Q. The same thing here with the additional
14 notations of Lisa having to perform tasks outside
15 of her customary duties as to where she was not
16 being paid?

17 A. Correct, through December 29, and then
18 her notes down below. She was on -- there was a
19 chemical company in West Goshen called Sartomer.
20 Still there. She was on their Safety Committee at
21 the Township. She would attend their meetings off
22 hours outside her normal duties. And it looks
23 like there were two budget meetings that night
24 that she would attend as well.

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1 Q. Outside of you as Township Manager did
2 any other individuals within the Township, whether
3 that be the Board, non essential employees,
4 administrative employees, know that these were
5 part of Lisa's duties?

6 A. Yes. Oh, I'm sorry. Rephrase that,
7 please?

8 MR. DEHON: I'm sorry. Can you
9 read it back before I rephrase it?

10 (The record was read by the
11 reporter as requested: "Q. Outside of you
12 as Township Manager did any other individuals
13 within the Township, whether that be the
14 Board, non essential employees,
15 administrative employees, know that these
16 were part of Lisa's duties?")

17 A. Yes. I mean it was generally known that
18 she was participating in any number of committees,
19 emergency management coordination work. She was
20 our Trash Recycling Coordinator for the Township
21 so the residents knew her as such even that she
22 was the person to call with the trash or recycling
23 complaint. So it was generally known that she had
24 all these other duties, absolutely.

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1 BY MR. DEHON:

2 Q. So these other duties permeated even
3 outside of the Township walls?

4 A. Yes.

5 Q. Next page.

6 A. Yes.

7 Q. Continuation of Lisa's duties?

8 A. Correct. Budget meeting in November.
9 e-waste collection. She started that program, I
10 don't know, mid 2010s where we would collect
11 electronic waste at the Township building. And
12 also do a shred event for documents for our
13 residents. So those were all typically Saturdays
14 where she would come in and work.

15 Q. Next page.

16 A. Yes.

17 Q. Do you know what the purple means?

18 A. I don't.

19 Q. But otherwise, other than not knowing
20 what the purple means, this seems to be a
21 continuation of the accumulation of comp time?

22 A. It appears to be that, correct.

23 Q. Next page.

24 A. Yes.

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1 Q. Same thing, just a continuation of the
2 prior page?

3 A. Yes.

4 Q. Next page?

5 A. Yes, similar. I see the carried over
6 and then the various dates through April of '24.

7 Q. The next page, and we are now on
8 Woodward 000133.

9 A. Yes.

10 Q. From Woodward 000119, the very first
11 page, everything up and to this point has been
12 consistent with your understanding of snow time?

13 A. Correct.

14 Q. Next page.

15 A. Yes.

16 Q. The same thing, with the Lisa's other
17 duties indicated below?

18 A. Correct. The MC dinner, Emergency
19 Management Coordination dinner, I think it was a
20 County dinner for emergency coordinators. She was
21 on the PROP Board as well outside of -- it was a
22 Pennsylvania Recycling Board. She would recommend
23 policy to the -- it was a committee made of people
24 -- made up of individuals from all across

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1 Pennsylvania. So that was a statewide appointment
2 to that. And she would make -- she and the Board
3 would make recommendations on recycling activities
4 pretty much for the whole state if I recall. So
5 again, something outside of her normal duties.

6 Q. Next page.

7 A. Yes.

8 Q. The same exact thing?

9 A. Appears to be the same through 4/8 of
10 that year, yes.

11 Q. The next page is just indicating blood
12 on January 17, no date?

13 A. Correct.

14 Q. Next page.

15 A. Yes, similar carried over with the carry
16 overtime, plus January 4 through November 7.

17 Q. Do you have any idea why Wetty is
18 highlighted at two. And this is Woodward 000137.

19 A. I don't.

20 Q. Next page. The same thing, just
21 otherwise indicating Lisa's other duties?

22 A. Correct.

23 Q. Next page?

24 A. Yes.

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1 Q. The same thing?

2 A. Same thing. And there's extensive notes
3 on the right side. Snow - closed. Ice - early
4 dismissal. Snow - early dismissal. Four hours
5 late. Two hours late. Snow - closed. Two hours
6 late. Snow - early dismissal. Snow - closed.
7 Five hours late. Election Day. Snow - early
8 dismissal.

9 And then others. Kevin and Dylan
10 stayed. Jimmy and I worked. Jon was off. So
11 typical emergencies that time of year, especially
12 March, January through March snow. And then even
13 into November of that year snow - early dismissal.

14 Q. Next page. The same thing, just a
15 continuation?

16 A. Correct.

17 Q. Next page. The same thing, just a
18 continuation?

19 A. Correct.

20 Q. Next page.

21 A. Yes. Again, you can see the notes. You
22 can see the carried over and then roll over, call
23 in, call in, admin late, admin late, early
24 dismissal, admin closed, admin late, admin late,

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1 call in, call in, 4th of July storm, PROP
2 conference call, budget meeting, PROP training in
3 Gettysburg, left between storms, left after storm.

4 So typical essential emergencies
5 that again I would close the office for the non
6 essentials.

7 Q. So 4th of July storm, obviously the non
8 essential employees were not required to work on
9 July 4th?

10 A. Correct. It was a Township holiday.

11 Q. And it indicates that there was a storm
12 that day?

13 A. Correct.

14 Q. So the essential employees had -- the
15 Roads Department here had to go in and perform
16 work?

17 A. Correct.

18 Q. So in return they were afforded comp
19 time?

20 A. Correct.

21 Q. And this was the customary practice?

22 A. Customary practice. It was either paid
23 in overtime or comp time.

24 Q. The practice that we have been

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1 discussing this entire time that Mr. Halvorsen and
2 other members of the Board knew about?

3 A. Correct.

4 Q. Next page.

5 MR. ALEXANDER: When you say other
6 members of the Board, which members of the
7 Board are you referring to in particular?

8 BY MR. DEHON:

9 Q. You can clarify.

10 A. Sure.

11 Q. Whether that be Mr. Halvorsen and any
12 other Board members or just multiple Board members
13 on top of Mr. Halvorsen.

14 A. Multiple Board members on top of Mr.
15 Halvorsen. I will express Mr. Halvorsen had a
16 very close relationship with Dr. White, Ed Meakim
17 and Pat McIlvain during their tenure and nothing
18 we did was outside of their purview. They knew
19 everything. Dr. White would stop in my office
20 virtually every day of the week that I was there
21 and we would chat.

22 Q. So based on that, at a minimum, four of
23 the five Board members knew?

24 A. Yes.

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1 Q. And you testified earlier that for
2 Township practices the majority was needed?

3 A. Yes.

4 Q. What page are you on there?

5 A. 143.

6 Q. The same thing here?

7 A. Correct, appears to be dates through
8 7/29.

9 Q. Next page.

10 A. Same --

11 Q. 144, the same thing?

12 A. Sorry. I apologize.

13 Similar through 12/16.

14 Q. Next page?

15 A. Through 12/23 and cumulative total.

16 Q. And the very bottom line.

17 A. Yes.

18 Q. That's kind of shaded in that goes 7, 0,
19 7, 20, 34, 16.5, 0, negative 1.5, 4, 8.5, 5, 11, 0
20 and 16, would that reflect carryover hours given
21 that the last date entered is December 23?

22 A. Yes.

23 Q. That was the customary practice of comp
24 time to carry over to the next year, if needed?

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1 A. Correct.

2 Q. Next page.

3 A. Okay. Similar. You see the carried
4 over number from the last column and you can see
5 some notes on the left column, storm, storm. On
6 the right PROP meeting. Didn't take OT for storm.
7 And those, those would be reflective of Lisa
8 Covatta.

9 Q. Next page.

10 A. Yes. Similar. Carried over, numerous
11 notes, rolled from 2020.

12 Okay, now we have a date. Late
13 coming in, ice. Admin - closed. Facebook and
14 trash cancellation. Admin - open late. Snow
15 2/17. Admin closed. Labor Day, had to stay after
16 Ida. Hurricane Ida was in 2020 and it did a lot
17 of damage everywhere, so.

18 And then you can see her time
19 for -- again, PROP is that Pennsylvania Recycling
20 Board. I cannot remember the other two letters of
21 the acronym but it's the Recycling Board she was
22 on.

23 Q. Next page. We are at 00148.

24 A. Yes.

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1 Q. The same thing, just a continuation with
2 no other notations?

3 A. Correct, January 3 through December 30.

4 Q. Next page. Do you see the carried over
5 numbers? That would be consistent with the
6 practice we just discussed?

7 A. Correct.

8 Q. And then the spreadsheet continuing with
9 January 5 to December 21?

10 A. Correct.

11 Q. And again, consistent with everything we
12 have already discussed?

13 A. Correct.

14 Q. Next page. It's a blank spreadsheet
15 other than the total hours. That would be the
16 total comp time hours accumulated throughout that
17 years?

18 A. It appears to be, that's correct.

19 Q. Next page. The same exact thing,
20 indicating carried over hours, carry over hours,
21 and then through January 24 to July 13 of the
22 preceding year?

23 A. Correct.

24 Q. From every single page I just showed

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1 you, Woodward 000119 --

2 A. Yes.

3 Q. -- the very first page and I will have
4 you flip to the very last page again, Woodward
5 000151 --

6 A. Yes.

7 Q. -- was consistent with your
8 understanding and practice of comp time throughout
9 your tenure as Township Manager?

10 A. Correct.

11 Q. Is there anything you would like to tell
12 me or further discuss about the spreadsheet that I
13 just showed you?

14 A. No. But it was indicative of Lisa
15 keeping very tight control and tally given that I
16 on a moment's notice would dismiss non essential
17 staff. I would give staff at least an hour or two
18 before a snow would come in, again, because I did
19 not want anybody getting in harm's way on the way
20 home. So it was always indicative, again, of
21 Lisa's careful attention to detail that she was
22 carefully tracking all of that time for the
23 employees.

24 Q. It would be indicative of a good policy

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1 and practice?

2 A. Absolutely, yes.

3 Q. I will have you give that document back
4 to the court reporter.

5 A. (Witness complies.)

6 Q. So we have been going for about an hour
7 since we took our last break. Do you want to take
8 five, ten?

9 A. I'm fine. That's up to you, guys.

10 MR. DEHON: Sure, of course.

11 THE VIDEOGRAPHER: Going off the
12 record. The time is 11:23.

13 (A brief recess was held at this
14 time.)

15 THE VIDEOGRAPHER: Back on the
16 record. The time is 11:33.

17 BY MR. DEHON:

18 Q. So we just reviewed spreadsheets
19 depicting snow time beginning in 2014 or as
20 reflected by the sheets up until an unknown date
21 because there was no date, correct?

22 A. Correct.

23 Q. But it was your testimony prior that
24 snow time and comp time was implemented some time

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1 around 2007/2008 when you started?

2 A. Correct.

3 Q. At during this time members of the Board
4 knew?

5 A. Yes.

6 Q. People outside of essential workers
7 knew?

8 A. Yes.

9 Q. People in the administrative office
10 knew?

11 A. Yes.

12 Q. People -- just as Mr. Bertolami put it,
13 everyone in the Township knew?

14 A. Correct.

15 Q. When you left the Township to go to
16 Arro?

17 A. Correct.

18 Q. Why did you leave?

19 A. I had served 22 years as I like to say
20 in public service and we had just experienced, all
21 of us had experienced Covid. And I don't mean
22 personally. I don't mean gotten sick. I don't
23 mean that but just the Covid experience starting
24 in 2020 and I have to admit I was kind of burned

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1 out from Covid. It was -- I was in the office
2 every day even during the shutdown, so I was
3 personally burned out. Knock on wood, I never got
4 Covid, thank God.

5 So I just was in, in the interest
6 of just moving on to something else with my
7 career. I was at the top of my profession. West
8 Goshen was the second largest municipality in
9 Chester County, both in population and square
10 miles acreage. So unless I would go to a city or
11 relocate to another state to a yet higher position
12 as a Deputy Mayor or City administrator, I was at
13 the top of the game in the region and I just
14 decided it was time to move on. I was recruited
15 in, starting in probably summer of '21 to come to
16 Arro, kind of rebuffed their efforts a little bit.
17 But then after discussing it with my wife I
18 decided to make the move.

19 Q. So you just didn't want to be a Township
20 Manager anymore?

21 A. Did not want to be a Township Manager
22 any more.

23 Q. That's a fair characterization of it?

24 A. Fair characterization, absolutely, yes.

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1 Q. Have you ever been asked to perform any
2 expert work by law firms in your current role?

3 A. No.

4 Q. You said that West Goshen at the time
5 you left was the second most populous township in
6 Chester County?

7 A. Correct.

8 Q. What was the most, West Chester?

9 A. Tredyffrin Township has still about
10 30,000 people. West Goshen was 22, 23,000 people.
11 So Tredyffrin was the largest I even think by land
12 mass but population definitely.

13 Q. How big was Downingtown?

14 A. Downingtown was small, probably seven,
15 8,000 people.

16 Q. What about the other one, West Coventry?

17 A. East Coventry was -- we grew quite a bit
18 during my tenure even in those short couple of
19 years. I think when I left maybe five, 6,000
20 people, maybe seven at the most.

21 Q. At Downingtown and West Coventry was
22 snow time or comp time instituted or another
23 similar policy?

24 A. No. We -- I was, at Downingtown I was

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1 not the top official. The Borough Manager was in
2 charge and he had his own. I can't even recall, I
3 can't recall ever, him ever allowing non essential
4 employees to go home in all honesty.

5 Q. So you weren't even allowed to implement
6 that policy?

7 A. No, there was no opportunity to do it.
8 And I wasn't there a super long time anyway, 18
9 months, two years, so I don't recall any major
10 events, natural disaster events happening during
11 my tenure. Hurricane Floyd was 1999. That was
12 the last big hurricane/flood event in the area. I
13 don't recall any. So there wasn't really an
14 opportunity for anything.

15 Q. And that was far less employees as you
16 testified to earlier?

17 A. Correct.

18 Q. And that Borough Manager, what was his
19 name?

20 A. Tony Gambale was his name.

21 Q. Is he still the Borough Manager there
22 now?

23 A. No.

24 Q. Do you know what he does now?

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1 A. To my recollection, he moved into real
2 estate.

3 Q. You said that -- I'm sorry, what's the
4 last name?

5 A. Gambale, G-A-M-B-A-L-E.

6 Q. So Mr. Gambale on days the offices were
7 closed, whether that be because of inclement
8 weather, he wouldn't even send non essential
9 employees home?

10 A. I don't recall there ever being an
11 opportunity to do it. I don't recall there being
12 many snow events during my tenure there.

13 Q. What about West Coventry?

14 A. We had -- our staff there was very, very
15 light. Full time staff, it was myself. I was the
16 Township Manager. We had an admin assistant. So
17 it was just the two of us on the admin side, very
18 small operation. Public Works again was the
19 Public Works Director and two line employees.
20 Police, it was the Police Chief, the Police
21 secretary, admin. So two over there plus some
22 officers. Even in that time the Public Works
23 employees would be paid overtime obviously for
24 work done during off hours. But, again, I don't

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1 recall many opportunities that we didn't come in.
2 My admin assistant lived locally. I was not far
3 away. So I don't -- I can't recall any major snow
4 events or anything that we would have stayed home
5 honestly.

6 Q. For Township Managers in Chester County
7 or even throughout Pennsylvania, are there like
8 conferences and stuff you guys go to?

9 A. There are several professional
10 conferences that are put on throughout the year,
11 yes.

12 Q. And you meet with other township
13 managers at these conferences?

14 A. Correct.

15 Q. Were there any discussions with any
16 other township managers in Pennsylvania about comp
17 time, your practice in West Goshen and whether
18 they do one as well?

19 A. Not to my recollection specifically.
20 But it was common practice that non essentials
21 would be sent home during inclement weather,
22 again, akin to that school dismissal kind of idea
23 or a snow day essentially for non essentials.

24 Q. So the general concept of comp time and

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1 snow time was common practice for townships and
2 municipalities in the Commonwealth of
3 Pennsylvania?

4 A. I can't generalize throughout the
5 Commonwealth. But I would say generally, yeah. I
6 mean it was to my knowledge a common practice.

7 Q. And that is based on your two decades
8 plus of being a Township Manager/Assistant
9 Township Manager?

10 A. Yes.

11 Q. Do you know Christopher Bashore?

12 A. I do.

13 Q. When did you first meet Mr. Bashore?

14 A. Let me see. We had a Chester County
15 municipal managers, we called it the Municipal
16 Managers Consortium. The Township managers,
17 municipal managers in Chester County would meet
18 monthly typically for breakfast and it was kind of
19 a loose meeting. No official committees but we
20 had, we had a president and board members. It was
21 more just an information exchange. We would have
22 speakers come in or we would just do general round
23 tables of municipal business, what was going on.

24 I met Chris maybe, I believe he was

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1 working at the Malvern Borough at the time, oh, I
2 don't know, maybe six years ago, seven years ago
3 now. And I knew from Malvern he was the Borough
4 Manager. Neil Vaughn was the Assistant Manager.
5 And they would frequent our meetings. So
6 that's -- I didn't know him a lot, just from
7 interactions. Pretty much that's it.

8 Q. So correct me if I am wrong on the
9 years. But you probably met Mr. Bashore six or
10 seven years prior to him coming in in January of
11 2022?

12 A. Probably six years before at the
13 maximum, yeah.

14 Q. Had you ever heard any complaints, any
15 issues from individuals at Malvern Borough
16 regarding Christopher Bashore during his tenure?

17 A. No.

18 Q. Did you overlap with Mr. Bashore at all
19 at West Goshen?

20 A. Yes, we overlapped about, about six
21 months, give or take.

22 Q. What was he doing in the six months?
23 Because I know you were a Township Manager.

24 A. Yes. I had, as I have stated before, I

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1 had intentions to do something else. So maybe
2 June of '21 I started having discussions with,
3 with Arro, with the company about possibly coming
4 over. No dates. But I was -- at the time we had
5 a vacant assistant manager, Township Manager slot
6 that had been vacated by Derek Davis who had been
7 my Assistant Township Manager since about 2014.
8 He had moved to East Goshen Township to become the
9 Township Manager. So for not a whole lot of time
10 but maybe a year, give or take, I was without an
11 Assistant Manager. I was trying to be as
12 constructive and trying to -- I certainly didn't
13 want to give the Township two weeks notice and
14 quit. I did not want to -- I have been in public
15 service for too long to not have a plan in place.

16 So, again, about June of '21 I
17 started contemplating leaving. And with that
18 planning I actually contacted Mr. Bashore to see
19 if he was interested in becoming the assistant and
20 at that same time, well before he was hired, I
21 also informed him at the time that I was
22 considering retiring. And, again, I'm not of
23 retirement age but retiring from public service
24 and moving to the private sector. It took him a

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1 few weeks to -- of discussions with me back and
2 forth. I presented him to the Board of
3 Supervisors, you know, I don't know, June of '21,
4 July of '21, and they agreed to hire him as the
5 assistant.

6 Now, at that time I had no concrete
7 plans to go and those weren't -- those plans
8 weren't solidified until the very end of '21. But
9 at least we had the position filled as the
10 Assistant Township Manager. So Power Ball winner,
11 hit by a bus, whatever you want to say, at least I
12 had an assistant in place to take over. And that
13 allowed me with my -- the way I do business to
14 move on more efficiently and to not leave the
15 Township in the lurch.

16 Q. Why did you decide to contact
17 Mr. Bashore and essentially choose Mr. Bashore to
18 present to the Board?

19 A. He, from all discussions with other
20 Township Managers he had a good reputation. He
21 lived locally. I just thought he was a good
22 choice at the time to become the assistant. I
23 know -- Malvern Borough is relatively small. I
24 knew he -- I had a feeling he was capable of more

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1 than working for a small borough. It would have
2 been an increase in paid for him, increase in
3 responsibilities. And, again, with me planning
4 potentially my departure later, I thought he was,
5 at the time, was a good choice to take over.

6 Q. Are you friends with Mr. Bashore?

7 A. I am not.

8 Q. When was the last time you two had
9 spoken?

10 A. I last spoke to him on the phone just
11 within a few months of me taking over -- or taking
12 my new job. I couldn't tell you, February, March
13 maybe of '22. That was the last time I ever spoke
14 to him.

15 I received one e-mail from him
16 in -- later in '22, not too much later, maybe
17 April of '22 asking me to fill out -- annually
18 elected and appointed officials have to fill out a
19 State Ethics form for the place that they worked
20 essentially. So -- and it's always in arrears.
21 So it was for 2021 where I was employed. So he
22 sent me the form.

23 And I should have remembered to do
24 it but he e-mailed me and said hey, fill out the

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1 form, send it back. I did it right away and sent
2 it back to him. That is my last recollection of
3 any contact with Mr. Bashore. So April of '21
4 thereabouts -- I'm sorry, April of '22. I
5 apologize.

6 Q. So to your knowledge, did you not speak
7 with him in June of 2022?

8 A. I don't recall.

9 Q. Or July of 2022?

10 A. I don't recall.

11 Q. Or any time thereafter?

12 A. No, no.

13 Q. When did you first meet Mr. Woodward?

14 A. I first met Dave Woodward with -- the
15 first day I started with West Goshen, so April of
16 2007.

17 Q. What was his title at the time?

18 A. He was Streets Superintendent. So the
19 hierarchy again, Public Works Director and then
20 Parks Superintendent, Streets/Roads Superintendent
21 and Waste Water Superintendent. So he was the
22 Streets and Roads Superintendent.

23 Q. When did he become the Director of
24 Public Works?

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1 A. Upon Ray Halvorsen's retirement, wow,
2 let's see, 2018 maybe. I can't recall exactly
3 when it happened. But Mr. Halvorsen retired. He
4 was still on the Board of Supervisors, and then he
5 retired from actual Township employment 2017, '18,
6 something like that.

7 Q. From 2007 when you first became Township
8 Manager and implemented the snow time and comp
9 time practice up until when Mr. Woodward became
10 the Director of Publics Works in 2017 or 2018 did
11 you have any discussions with him about comp time
12 or snow time?

13 A. Yes. As a general policy we discussed
14 it not frequently but just as a general policy
15 that we both found it to be -- it provided an
16 equal playing level or playing level for non
17 essentials and essential employees. There was
18 some -- he appreciated the policy because it gave
19 some recognition to his essential employees that
20 they were working on July 4, they were working on
21 days when I told everybody else under the sun to
22 stay home. He did appreciate that. But there was
23 some recognition and the ability for them to be
24 able to use that comp time another time.

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1 Q. And you mentioned it being the general
2 policy. That would be the policy of comp and snow
3 time?

4 A. Correct.

5 Q. That would be the same policy we have
6 been discussing here for the last hour or so?

7 A. Yes.

8 Q. The policy that you mentioned everyone
9 in the Township knew about it?

10 A. Correct.

11 Q. Including the Board of Supervisors?

12 A. Yes.

13 Q. Including individuals in the
14 administrative office?

15 A. Yes.

16 Q. Including non essential employees?

17 A. Yes.

18 Q. And that is the practice of --

19 MR. ALEXANDER: Objection as to how
20 he owns the knowledge of every person he
21 hasn't individually named just in that list.

22 BY MR. DEHON:

23 Q. Were you and Mr. Woodward friends?

24 A. I would consider us work friends. I

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1 will be frank here. We didn't drink beers
2 together. I was -- I had only ever been to his
3 house once and that -- I picked him up to go to a
4 conference. So we weren't -- I think we had
5 dinner at a mutual friend's house maybe once. So
6 outside of work events, conferences, we were just
7 generally work friends, nothing else.

8 Q. After you left as the Township Manager
9 did Mr. Bashore ever reach out to you individually
10 regarding the topic of snow time or comp time?

11 A. Not to my knowledge, no.

12 Q. When did you first become aware that
13 Mr. Bashore was conducting an investigation into
14 the practice of comp time and snow time?

15 A. I received a phone call from
16 Mr. Woodward late in the afternoon July 20 I
17 believe. I have my cell phone here which I have
18 had for three years. I have, the call directory
19 is still on here, the date of his call. I have
20 text messages back and forth with him from that
21 day.

22 So that was the -- he called me
23 again late afternoon, 4:30, something like that.
24 I was sitting in my first floor conference room

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1 doing some work, saw it was him calling. I didn't
2 pick up immediately I don't think and I said I
3 will call you right back. No, no, no. I'm sorry.
4 I reviewed the text messages. He texted me first
5 and said please call me. I called him and we had
6 about a three, four-minute conversation, and then
7 I believe he was driving home from the Township.
8 We got cut off because I think he must have hit a
9 spot on his travels, and then we spoke for another
10 about ten minutes according to the call log.

11 Q. What did you two discuss?

12 A. He, in the first part of the
13 conversation and the second part he was
14 distraught. He described he had just been
15 suspended from the Township. I don't use the word
16 incredulous often but I was incredulous as to what
17 happened and to why he was suspended for the comp
18 time policy. We discussed it at length over the
19 14 minutes or so over the two calls. He described
20 in detail what happened.

21 He said that Mr. Bashore had called
22 him, Mark Bertolami, Dorine McClune, Mike Moffa
23 and I believe Lisa into a meeting just before he
24 called me and he stated that they were all

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1 suspended pending an investigation. And my
2 recollection, he, Mr. Woodward told me that
3 Mr. Bashore had threatened them with arrest and
4 criminal prosecution because what they did was
5 illegal with the comp time.

6 Mr. Woodward was distraught
7 throughout the entire phone call, both phone
8 calls. I reassured him that everything would be
9 okay and I told him that -- I said, "Dave, if you
10 get fired, if Mark gets fired you will come to
11 work for me at Arro. You will have a job. Don't
12 worry about it. I will try to take care of you as
13 much as I can with employment or whatever."

14 I believe during the conversation I
15 told him he needs to hire an attorney immediately
16 and in my subsequent text to him I sent him the
17 name of an attorney with a local law firm.

18 Q. What attorney was that?

19 A. Do you want me to refer to my... Just
20 give me a second.

21 Q. If you can, yes.

22 A. There we go. Okay. I will go through
23 the -- it's brief. Okay. Thursday July 20, 2023.
24 Text from Dave Woodward 4:38 p.m. "Please give me

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1 a call."

2 I responded back "Call you in ten
3 minutes," at 4:45.

4 4:46. "Calling now" from me.

5 4:50. So that's the time gap
6 between 4:46 and 4:50. "Dropped. Called me back.

7 He then calls me back at 5:03,
8 again, after our conversation. "I'd go with
9 Mike Shiring, S-H-I-R-I-N-G, at
10 RileyRiperColagrecorRHC.com." I gave him the
11 phone number of 610.458.4400. And that was the
12 text at 5:03. And I said, "Please keep in touch."
13 That was the last communication I had with Dave.

14 Q. And that was on July 20?

15 A. July 20, correct.

16 Q. When did you find out that Mr. Woodward
17 passed away?

18 A. It was the following weekend. It was
19 either Saturday or Sunday. I was at home in my
20 living room with my wife. My phone, my cell phone
21 rings. It was a work colleague who I had
22 recommended be hired. Her name is Kim man,
23 H-O-L-M-A-N. Her husband is an officer with the
24 West Goshen Police Department. He came home from

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1 his duty, told Kim Holman. She immediately called
2 me because I had heard nothing from Dave or
3 anything about Dave until her phone call. I'm
4 sure I have her phone call in my directory as
5 well. I don't delete that kind of stuff.

6 So she called me afternoon, early
7 evening. She said "Hello." And it's a weekend.
8 Unless there's an emergency I don't work weekends
9 because I now work for an engineering firm.
10 Unless we have again a hurricane come through and
11 destroy one of our clients' municipalities nothing
12 happens on the weekends. So I was a little
13 surprised to get a phone call from her. I said,
14 "Hey, what's going on?" She may have said hello.
15 I don't remember. She said, "Dave Woodward is
16 dead."

17 And I said, "Say that again,"
18 because I didn't understand what she was saying.

19 And she said it again. And she
20 didn't have many details except she said she
21 believes he committed suicide. A brief
22 conversation. That was it. And then that's how I
23 learned.

24 Q. You mentioned that during your phone

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1 call with Mr. Woodward on July 20 that he seemed
2 distraught. Can you elaborate for me a little
3 bit?

4 A. Yes. Throughout my -- I mean I had
5 known Dave work-wise for years. He was always
6 dependable, calm. He was the guy -- he's the
7 employee I would go to first with major issues.
8 Not only Public Works but just bat stuff around
9 with him, just ideas. He was always there for
10 the -- the Township came first. His family also
11 first but he was a West Goshen guy, born and
12 raised. He was always even keeled. He typically
13 never got upset unless there was a really
14 catastrophic thing that was going on. Very
15 dependable.

16 His level of being distraught was
17 something I had never experienced with him before.
18 The only other time I had seen him or experienced
19 him close to this upset, I believe his mother had
20 passed away the year before, and that was the only
21 time I had seen him really be emotional.

22 This was -- he was distraught,
23 despondent. I had just, I never experienced
24 anything like this with him before.

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1 Q. And he had mentioned to you that
2 Mr. Bashore had threatened jail time?

3 A. Yes. Mr. Bashore, per my call with
4 Dave, Mr. Bashore threatened jail, threatened
5 criminal investigation, compared this situation to
6 the Kennett Township manager who stole three and a
7 half million dollars several years before and told
8 them all they were suspended, including Dave,
9 Dorine, Mark and Lisa were suspended pending the
10 investigation. And he just didn't understand why,
11 why this was happening to him and his colleagues
12 as did I. I didn't understand either.

13 Q. Obviously you were trying to calm Dave
14 down during this call?

15 A. Yes, yes.

16 Q. Based on your conversation with him do
17 you believe that Dave thought he was going to
18 jail?

19 A. I believe Dave thought he was going to
20 be investigated and possibly face jail time,
21 absolutely, given the -- what he described as his
22 interaction at the meeting with Mr. Bashore,
23 absolutely.

24 Q. And the same thing with being fired?

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1 A. Yes, absolutely.

2 Q. You also mentioned the word incredulous
3 when discussing the interaction with Mr. Bashore
4 and the other superintendents and I believe Ms.
5 Covatta. Can you just elaborate that for me a
6 little bit?

7 A. Yes. My reaction during the phone call
8 with Dave was we have had this policy in place for
9 years, everybody knew about it, the elected
10 officials knew about it, why is this a problem,
11 why is it now a criminal matter with a relatively
12 new manager and newer Board, why is it now a
13 problem.

14 Q. Do you have any personal knowledge as to
15 why, how or when Mr. Bashore first got involved in
16 investigating snow time or comp time?

17 A. I don't.

18 Q. What about the Board of Supervisors?

19 A. No idea.

20 MR. DEHON: I'm going to show you a
21 document that I will mark as Exhibit D.

22 (Exhibit No. D, Suicide Note, was
23 marked for identification.)

24

1 BY MR. DEHON:

2 Q. And I'm going to --

3 A. For Christ's sake. Okay.

4 Q. I' sorry for --

5 A. No, that's okay. I have never seen this
6 before. Okay.

7 Q. I'm going to represent to you that this
8 is Mr. Woodward's suicide note.

9 A. Okay.

10 Q. Have you even seen this document before?

11 A. I have never seen this before.

12 Q. I'm going to point you to the second
13 paragraph and only the second paragraph.

14 Do you see that?

15 A. Yes.

16 Q. And it says, "I can't take any more of
17 this wasting around to be fired from a job that
18 was my life."

19 Based on your conversation with
20 Dave, you testified that he believed that he was
21 going to be fired?

22 A. Yes.

23 Q. And you testified that he dedicated his
24 life to West Goshen Township?

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1 A. Absolutely.

2 Q. To public service?

3 A. Yes.

4 Q. Is it fair to say that this job was
5 Mr. Woodward's life?

6 A. Yes.

7 Q. Thank you. You can hand that to the
8 court reporter.

9 A. Christ.

10 Q. Have you spoken to any of the other
11 superintendents other -- or Dave was Director of
12 Public Works. Did you speak to any of the other
13 superintendents that were in the room that day?

14 A. Since this happened?

15 Q. Yes.

16 A. I have spoken with Dorine McClune
17 several times by phone. I did see -- virtually
18 the entire Township staff was at the funeral. I
19 saw Mr. Bertolami, Covatta, Dorine was there.
20 Just about everybody who worked for the town -- I
21 shouldn't say that. A majority of the employees
22 that worked for the Township were there. I had
23 not seen many of them since I left, if any of
24 them.

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1 And I have not, I have not, again,
2 spoken to -- Dorine McClune is probably the most
3 recent person I have spoken to, and that's going
4 back quite a while. That's going back to last
5 fall. No one else, though.

6 Q. Did you speak with Ms. McClune about the
7 July 20 meeting and any subsequent investigation?

8 A. Yes.

9 Q. What were those discussions about?

10 A. We discussed what happened at the --
11 when Mr. Bashore suspended them. Just briefly.
12 Nothing super in detail.

13 Q. Was it -- I don't mean to cut you off.
14 I'm sorry?

15 A. No, go ahead.

16 Q. Was it consistent with what Mr. Woodward
17 had told you on the phone?

18 A. 100 percent, yes, absolutely.

19 Q. Did Ms. McClune relate to you the
20 threats of jail?

21 A. Yes.

22 Q. The threats of firing?

23 A. Yes.

24 Q. The comparisons to the Kennett Square

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1 Township Manager?

2 A. Everything, yes.

3 Q. Based on your conversation with Ms.

4 McClune was she also under a similar impression as

5 Mr. Woodward was as to the potential for jail

6 time?

7 A. Yes.

8 Q. And potential for the termination of her

9 job?

10 A. Yes.

11 Q. Do you know how many -- strike that.

12 Do you have any understanding of

13 when Mr. Woodward would have been eligible for his

14 pension?

15 A. Okay. Dave was maybe a year older than

16 me, a little bit around there. I'm trying to

17 think. He was an employee since '98, '99 maybe.

18 I know there was a break in service with him for a

19 few years but the time carried over. I would say

20 within a few years he was eligible for retirement,

21 maybe five years, give or take I think.

22 Q. If Mr. Bashore -- strike that.

23 If Mr. Woodward was terminated

24 because of this issue would Mr. Woodward's pension

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1 be affected at all?

2 A. If he had the time and age I believe his
3 time -- I hate to time say time served but his
4 tenure would -- I mean I am eligible for a pension
5 because I worked there for 15 years. He was a
6 much longer tenured employee than me. I believe
7 he would have been -- even deceased I believe his
8 wife is -- I'm trying to think back to our pension
9 Township documents -- may be eligible for
10 50 percent survivors pension but not until he
11 would have -- not until Dave would have aged to
12 the retirement date. So there would have been
13 whatever that lapse is of five years or more, no
14 payments would be made until he would have, even
15 though deceased, would have reached -- and I'm
16 trying to think back to our pension documents, so
17 bear with me.

18 I think -- I will take myself for
19 example. I will not be able to start getting any
20 pension benefits from West Goshen until I am 60 or
21 62 or 63. So there is a lag, so yeah.

22 Q. So I think I'm understanding that the
23 pension would have been received so long as he
24 would have been -- hit that second requirement,

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1 and for him it would have been the age
2 requirement?

3 A. Correct.

4 Q. Do you know -- do you have a
5 relationship with Doreen at all?

6 MR. ALEXANDER: Just to be clear,
7 which Doreen are we talking about?

8 A. Doreen.

9 BY MR. DEHON:

10 Q. Ms. Woodward.

11 A. Yes. No relationship. She would
12 sometimes come to the office. Of course I knew
13 her, I knew their daughter Emily. But again, no
14 personal relationship. We did, if I do remember
15 correctly, we did have a mutual dinner with some
16 colleagues maybe once outside of office hours.
17 But nothing more, no.

18 Q. Do you have any idea of how old Emily
19 was at the time of Mr. Woodward's death?

20 A. I know she was starting to look at
21 colleges, so I would say 16, thereabouts.

22 Q. The investigation, it's my understanding
23 that you were never interviewed for that during
24 the investigation?

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1 A. Correct.

2 Q. Can you tell us why you were never
3 interviewed?

4 A. I was contacted by Scott Blissman's
5 firm. They were in charge of the investigation.
6 And I was contacted at my work e-mail address at
7 Arro and with a request to be interviewed for the
8 investigation. And I provided you with an e-mail
9 train of the request earlier today.

10 Q. And did myself or anyone from my office
11 ask for you to provide some documents today prior
12 to today?

13 A. No.

14 Q. And you had come to your deposition with
15 these documents and alluded to that you were in
16 possession of them?

17 A. Correct.

18 MR. DEHON: I'm going to mark them
19 as Exhibit E.

20 And Paul, this is the copy that I
21 provided to you earlier.

22 (Exhibit No. E, E-Mail Chain, was
23 marked for identification.)

24

1 BY MR. DEHON:

2 Q. Are these the e-mails that you are
3 referring to?

4 A. Yes.

5 Q. And these are the e-mails that you read
6 and reviewed prior to your deposition today?

7 A. Correct.

8 Q. I am going to have you flip to Page 5.

9 A. Yes.

10 Q. And it's my understanding that the
11 bottom e-mail from Kevin, the attorney at Eckert
12 Seamans is the first e-mail in the e-mail chain?

13 A. Correct.

14 Q. Is that consistent with your belief?

15 A. That is correct.

16 Q. And that is dated August 2?

17 A. Correct.

18 Q. And that would be after the July 20
19 meeting?

20 A. Yes.

21 Q. And that would be after Mr. Woodward's
22 death?

23 A. Yes.

24 Q. Can you just explain the contents of

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1 this e-mail?

2 A. Certainly. So I'm not going to
3 pronounce his last name. Kevin e-mailed me, I
4 will say out of the blue. I don't know how he got
5 my e-mail address outside of possibly Mr. Bashore
6 providing it. And in it, "Mr. LaLonde, my firm
7 has been retained by West Goshen Township to
8 conduct an investigation into matters relating to
9 leave time accumulated by certain employees of the
10 township. It appears that some of the facts that
11 may be pertinent to the investigation may have
12 developed during your tenure as Manager of the
13 Township. We would like to schedule a time to
14 speak with you on these issues."

15 And he provides several dates.

16 Q. Did you refuse to cooperate?

17 A. I did not refuse to cooperate.

18 Q. What did you do?

19 A. I provided -- the next e-mail from
20 Thursday, August 3 12:30. I gave him that my only
21 time available would be -- one of the dates was
22 Monday at 10:00 a.m. I'm a consultant now. My --
23 I am reviewed on my hourly billable work so I
24 asked to keep the interview to 30 minutes. I had

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1 several other meetings and work to do that day.

2 And I also asked for a list of questions so I
3 could be very prepared for the discussion.

4 Q. And were the Eckert Seamans lawyers or
5 Kevin compliant with this request?

6 A. No.

7 Q. Tell me what happened.

8 A. Kevin responded the next day, Friday,
9 August 4 at 11:46 a.m. "Mr. LaLonde, thank you
10 for the response. Let's plan to meet via Zoom
11 this coming Monday, August 7 at 10:00 a.m.
12 Consistent with the approach with the other
13 witnesses during investigation, we are not able to
14 provide you with specific questions in advance.
15 However, in terms of the general areas to be
16 discussed, they would include any knowledge of the
17 creation, expansion and oversight of the so-called
18 "snow time" banks of time which may have been
19 maintained off of the Township's books of time by
20 various Townships Departments."

21 Q. And then Page 3, the next e-mail from
22 you to Kevin, that would be indicating that you
23 need to reschedule the Zoom?

24 A. Yes. Monday, August 7 at 8:36. I had

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1 actually started inquiring with my own company, my
2 direct supervisor Mark Harman, H-A-R-M-A-N, about
3 the case in general terms. And he was --
4 Mr. Harman has been involved in numerous lawsuits
5 over the years and he cautioned me to get involved
6 especially with a personnel investigation at a
7 company I no longer work for. So I started to get
8 a little skeptical about the investigation. And
9 personally, this was after Mr. Woodward's suicide
10 so I was even a little bit more reluctant to
11 participate, although I was still willing to at
12 the time.

13 Q. And I will have you then flip to Page 1.
14 And there are --

15 MR. ALEXANDER: I don't have a
16 Page 1.

17 MR. DEHON: Oh, sorry. Page 2
18 actually.

19 A. No, it's Page 2.

20 MR. ALEXANDER: Okay.

21 BY MR. DEHON:

22 Q. And the second or the very last e-mail
23 in the thread --

24 A. Yes.

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1 Q. -- would be you declining the
2 opportunity to meet?

3 A. Correct.

4 Q. And that was because of --

5 A. I'm sorry.

6 Q. -- your conversation with Mr. Harman and
7 a combination of Mr. Harman's advice as well as
8 the Eckert Seamans' lawyers not complying with
9 your terms?

10 A. Correct.

11 Q. Would you characterize you declining to
12 be interviewed as a refusal to cooperate by any
13 means?

14 A. No.

15 Q. I have no further questions for that
16 document.

17 Based on your knowledge from what
18 was relayed to you from -- strike that.

19 Are you aware that Ms. McClune and
20 the other superintendents were then allowed to
21 return to work after the conclusion of the
22 investigation?

23 A. Yes.

24 Q. That they weren't fired?

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1 A. Correct.

2 Q. And obviously they did not go to jail?

3 A. Correct.

4 Q. And to your knowledge, no criminal
5 charges were ever filed?

6 A. Correct.

7 Q. Based on your 20-plus years of
8 experience working for municipalities and being a
9 Township Manager, what are your thoughts on
10 Mr. Bashore's actions on July 20 as they were
11 relayed to you by Mr. Woodward and Ms. McClune?

12 MR. ALEXANDER: Objection to this
13 is expert witness testimony. He hasn't been.
14 But you can answer.

15 A. Considering I have been an executive
16 level management public sector employee for 22
17 years I believe his reaction was heavy handed. I
18 believe that for him to threaten, without even
19 conducting an investigation for him to threaten
20 arrest, jail time, criminal proceedings and to
21 compare this situation without an investigation to
22 the egregious Kennett Square -- or Kennett
23 Township issue where the manager stole \$3 million
24 of cash was in my opinion egregious, again, heavy

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1 handed, an overreaction and, again, with no
2 evidence, with no investigation was just way
3 beyond professionalism. And I believe he, I
4 believe he completely unprofessionally overreacted
5 to the situation.

6 BY MR. DEHON:

7 Q. And just to confirm, Mr. Bashore had the
8 ability and the authority to terminate
9 Mr. Woodward's employment?

10 A. Yes.

11 Q. Based on your conversation with
12 Mr. Woodward on July 20, him relaying to you what
13 Mr. Bashore did and you recognizing that
14 Mr. Woodward was distraught, would you, in your
15 opinion as knowing Dave, would Mr. Woodward still
16 be alive but for that July 20 meeting?

17 MR. ALEXANDER: Objection. He
18 can't possibly answer that. He doesn't know
19 everything that was going on in his life.

20 BY MR. DEHON:

21 Q. You can answer.

22 A. In my opinion, given the exemplary
23 career Dave Woodward had with West Goshen
24 Township, given his, given his dedication to the

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1 Township, given his tenure, given his stature in
2 the community, the fact that he was suspended with
3 potential termination and potential arrest, in my
4 opinion only without a degree in psychiatry, sent
5 him on some journey that ended in his suicide.

6 Q. And that is also based on your 20-plus
7 years of knowing Mr. Woodward?

8 A. Yes.

9 MR. DEHON: I have no further
10 questions for you right now, Casey. I would
11 say we take five and I know Paul will have
12 some questions.

13 MR. ALEXANDER: Do you need a
14 minute?

15 THE WITNESS: No, I'm good.

16 MR. ALEXANDER: I am ready.

17 MR. DEHON: I need to take a break.

18 THE WITNESS: Okay.

19 THE VIDEOGRAPHER: Going off the
20 record. The time is 12:16 p.m.

21 (A brief recess was held at this
22 time.)

23 THE VIDEOGRAPHER: Back on the
24 record. The time is 12:24.

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1

- - -

2

EXAMINATION

3

- - -

4 BY MR. ALEXANDER:

5 Q. We got introduced earlier, Mr. LaLonde,
6 correct?

7 A. Correct.

8 Q. Paul Alexander. So I'm representing the
9 Township of Goshen and Chris Bashore in this suit.
10 I'm going to try not to do too much overlap but it
11 was pretty extensive so there may be some. Okay?

12 A. No problem.

13 Q. You're doing a great job with answering
14 orally back and forth so I'm not going to give any
15 additional instructions or anything like that.

16 A. Okay.

17 Q. But I'm going to try and be a little,
18 sometimes maybe more particular in language about
19 what we are talking about and try and be more
20 detailed. In doing that, I may think I have asked
21 like a fantastic question and then you may look at
22 me and be like I have no idea what you mean.

23 A. Okay.

24 Q. I will work and try and get it so we

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1 will make sure we are on the same page and fully
2 understand each other. Okay?

3 A. Okay.

4 Q. So just if you don't know what I'm
5 getting at, just be like come on.

6 A. Okay.

7 Q. A better question, Mr. Alexander. I'm
8 fine with that. No ego here. All right.

9 A. Got you. Okay.

10 Q. Now, I'm just going to ask you briefly
11 just about a list of people. I think we have
12 named most of these people before. I'm just going
13 to ask you -- and some of them you have already
14 answered about when the last time you spoke to
15 these people are. Now, I believe you already
16 spoke -- Mr. Woodward, the last time you spoke to
17 Dave Woodward was July 20 of 2023?

18 A. Correct. Yes, that's correct. That's
19 the last time.

20 Q. And I had -- I believe you read into the
21 record a text message conversation?

22 A. Correct.

23 Q. I was going to ask you if you can do
24 this for counsel this morning. If you could maybe

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1 screenshot that conversation so that we can have
2 it memorialized. I know it was typed down.

3 MR. DEHON: Yes, I meant to ask for
4 that, yes.

5 BY MR. ALEXANDER:

6 Q. And on your phone, I don't know if this
7 -- I see you're not using an I-Phone.

8 A. No.

9 Q. Which means I have no idea how to use
10 that phone. But if there is some way where you
11 can actually see the date --

12 A. Yeah.

13 Q. -- can you do that time? That would be
14 appreciated.

15 A. Okay. Will do, sure.

16 Q. Prior to that conversation do you know
17 when the last time you spoke to Dave Woodward was
18 before that incident?

19 A. Yeah, we encountered each other a few
20 times before that. I recall a lunch date I had
21 with him -- with Mr. Woodward, with Rick Craig,
22 our -- West Goshen's now former Township staff
23 engineer. We met the previous year. It was
24 probably late spring, early summer of 2022 at a

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1 local restaurant in West Chester. I encountered
2 Dave at least one more time. I can't recall if it
3 was April or May of '22 but I believe it was April
4 or May of '23 we had gone to one of those Township
5 conferences. It was the Pennsylvania State
6 Association of Townships conference. It takes
7 place every year in Hershey. It's April or May of
8 each year depending. I encountered Dave actually
9 out in the parking lot. He was looking at
10 equipment. The vendors come and put trash trucks
11 and all kinds of fun equipment out in the parking
12 lot. I think those are the only two times that we
13 had seen each other in person before.

14 Q. Kind of chance encounters?

15 A. The one was a scheduled lunch. We
16 scheduled to have lunch. But the one was
17 definitely -- I didn't know he was coming to the
18 conference because I was deep inside my new job.
19 And that, that was the last time I had seen him in
20 person I believe.

21 Q. And what about Mark Bertolami, when was
22 the last time you spoke with him?

23 A. Mark Bertolami before the funeral was --
24 I'm not sure if I saw him again in person, in all

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1 honesty, after I left West Goshen in '22.

2 Q. And you spoke a little about when the
3 last time you spoke to Dorine McClune was?

4 A. The last time I spoke to her was after
5 they had been reinstated, after the investigation
6 was concluded. So in the weeks, month or so
7 after, so we are talking August, September of '23.

8 Q. After your e-mails that you showed us
9 that were Exhibit E on -- back and forth with
10 Eckert Seamans. So you would have spoken to her
11 after that date?

12 A. Yes, oh, yeah.

13 Q. What about Mike Moffa?

14 A. I haven't -- I honestly cannot recall
15 seeing Mike Moffa since the week I left in '22
16 honestly. I have never encountered him anywhere
17 else to be knowledge.

18 Q. Didn't speak to him on the phone, text
19 message?

20 A. No, never.

21 Q. What about Lisa Covatta?

22 A. I was keeping in relative contact with
23 Lisa after I left, not so much in '22, but I would
24 check in with her once in a while just to see what

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1 was going on but nothing in detail, just general
2 chitchat back and forth. And then obviously with
3 this happening we started to converse a little bit
4 more.

5 Q. When you say "this happening," are you
6 referring to Dave's suicide or the suspension?

7 A. The suspension, yes.

8 Q. Did you speak to her during the period
9 of the suspension?

10 A. I believe I did, yes.

11 Q. Did you text message with her?

12 A. Probably, yes.

13 Q. Do you think you still have those text
14 messages?

15 A. I may.

16 Q. Can you take a look?

17 A. Okay. Yep. Yes, my last text to her
18 was December 11 of 2023.

19 Q. Was there anything back in July of '23?

20 A. Okay. There is a gap from -- bear with
21 me. There's a gap from Wednesday, January 19,
22 2022 to Monday, July 31, 2023.

23 Q. What was the e-mail on July 31 about?

24 A. The text was from her, Lisa Covatta,

1 "Did you hear?"

2 And I responded back "Can I call
3 you shortly? Yes."

4 Q. That was obviously about Mr. Woodward?

5 A. Yes.

6 Q. Did you have any phone conversations
7 with her in July of '23 other than the one you
8 were just referring to?

9 A. I believe I did, yeah.

10 Q. About the suspensions?

11 A. Yes.

12 Q. Did you talk to her about her interview
13 with the -- with Eckert Seamans?

14 A. I believe I did, yes.

15 Q. What was that discussion?

16 A. Generalities. She said she was in the
17 interview for like three hours. They went over
18 the document that we went over with the
19 spreadsheet.

20 Q. You are referring to this Exhibit C?
21 I'm holding up my version which is crudely
22 written.

23 A. Yes, I believe that's what it was.

24 Q. And that's the spreadsheet that she kept

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1 I guess?

2 A. Correct.

3 Q. Well, the "me" on there, I'm looking at
4 Page 119 the top right part, the "me," that's
5 Lisa, right?

6 A. Correct.

7 Q. What else did she tell about you the
8 investigation?

9 A. I don't recall any other details, just
10 generalities. Just I mean she said -- she didn't
11 say who was there. She said there were at least
12 two attorneys from Eckert Seamans but I can't
13 recall anything more in detail.

14 MR. ALEXANDER: I believe we are on
15 Exhibit F. I'm just going to stick with the
16 numbers that you were on.

17 MR. DEHON: Sounds good.

18 MR. ALEXANDER: Can you mark this
19 Exhibit F?

20 (Exhibit No. F, Executive Summary
21 Memorandum, was marked for identification.)

22 BY MR. ALEXANDER:

23 Q. Now, this is an Executive Summary
24 Memorandum from Eckert Seamans dated August 8,

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1 2023. And I would assume you have never seen this
2 before?

3 A. I have never seen this before.

4 Q. And I'm just going to ask you a
5 particular few things that specifically mention
6 your name and I'm just going to ask you whether or
7 not you think they are accurate or not.

8 So I'm going to ask you to go to
9 Page 2 of 6.

10 A. Yes.

11 Q. And on the bottom there is -- under
12 where it says Interview No. 1, John David
13 Woodward, Jr., Director of Public Works there's a
14 bullet point underneath that.

15 Do you see that?

16 A. I do.

17 Q. And it says, "Sometime between 2010 and
18 2012, Casey LaLonde implemented SST," which is
19 short for secret squirrel time, "to improve
20 employees' moral by providing them time off for
21 days when administrative employees were permitted
22 to arrive late, depart early, or not work because
23 of inclement weather but Public Works employees
24 were required to work."

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1 Is that accurate?

2 A. Yeah. The timeframe I don't believe is
3 100 percent accurate. But generally, generally,
4 yeah.

5 Q. Okay. I'm going to ask you to flip to
6 Page 3 of 6 and interview No. 2 and then the first
7 bullet point underneath that. And this is the
8 interview of Mark Bertolami, Superintendent of the
9 Streets Department. And he indicated -- and this
10 is not verbatim. "At sometime between 2014 and
11 2016, Casey LaLonde or David Woodward verbally
12 conveyed permission to allow the Streets
13 Department employees to accumulate SST," which is
14 short for secret squirrel time or snow and
15 squirrel time, I'm not sure which, "during times
16 when Administrative employees were permitted to
17 take off when the Administrative offices were
18 close during a snow/weather event."

19 Does that sound accurate to you?

20 A. As again, the date I don't know, but the
21 rest of it appears to be accurate, yeah.

22 Q. Okay. I'm going to ask you now to flip
23 to Page 4.

24 A. Mm-hmm.

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1 Q. And this is interview No. 4, Michael
2 Moffa. And in the second bullet point down he
3 said, "SST," which is secret squirrel time or snow
4 and squirrel time, "was implemented before he
5 became Superintendent of Waste Water Department.
6 He reported that John Scott told him that Casey
7 LaLonde said that Waste Water employees would get
8 snow or squirrel time."

9 So I'm going to ask you a couple
10 questions. Who is John Scott?

11 A. John Scott was the former West Goshen --
12 I will belabor this. West Goshen Township
13 operated a 6 million gallon per day Waste Water
14 Treatment Plant. We collected waste from numerous
15 municipalities and virtually all of, or all of
16 West Goshen Township. John Scott was the former
17 retired, I'm not sure, we called him
18 Superintendent. We called him the Plant Manager I
19 believe before that. So he retired and Mike Moffa
20 took over his place.

21 Q. And Mike Moffa's reporting something
22 that was told to him by John Scott but he was
23 referring to you said this to John. So really
24 what I'm asking in the least confusing way

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1 possible is if you conveyed that the waste water
2 employees would get this time to John Scott?

3 A. Yes. John Scott was the, again the
4 long-time plant manager, Waste Water Plant Manager
5 well before, way, way before I got there. He was
6 a 40-year employee or something. So at some point
7 we implemented the program to everybody. And
8 again, the Waste Water Department was under the
9 umbrella of the Public Works Department, so yes.

10 Q. I'm going to ask you to flip to Page 5.

11 A. Mm-hmm.

12 Q. And interview No. 6 is Lisa Covatta.

13 A. Mm-hmm.

14 Q. And in the second bullet point under
15 interview 6 she said she was given authority to
16 track secret squirrel time by Casey LaLonde or Ray
17 Halvorsen. Is that accurate?

18 A. Yes.

19 Q. Now, do you recall if you did it or Ray
20 did it?

21 A. I most likely conveyed it to Ray who was
22 the Public Works Director and he conveyed it to
23 his staff.

24 Q. So when you implemented this Ray was the

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1 Public Works Director?

2 A. Correct.

3 Q. Do you know whether or not, if you
4 recall during the time here whether or not Ray was
5 also on the Board at the time you implemented
6 this?

7 A. I believe we implemented it before Ray
8 Halvorsen became yet again an elected official
9 which was 2013, '14 I think.

10 Q. So in the gap?

11 A. Yes, correct.

12 Q. And just to be clear on this because it
13 can be a little confusing, the Board of
14 Supervisors, those are six year terms?

15 A. They are six year terms unless there is
16 a vacancy due to death, somebody retires and if
17 there's an unexpired term of one of the positions.
18 The Board, the remaining four members get to
19 appoint a replacement and that replacement serves
20 the remainder of the unexpired term except up
21 until the next election for municipal elections
22 which is held every two years.

23 Q. So these are kind of staggered, these
24 terms so everybody doesn't run out at the same

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1 time, at least in theory?

2 A. In theory it does. But there are some
3 municipalities that even with a three member Board
4 they can all come up at the same time. It's just
5 depending on retirements and deaths, God forbid,
6 or people just quit.

7 Q. Well, just I guess really the
8 understanding is that when you get appointed you
9 don't serve the remainder of that person's term,
10 you serve up until the next election?

11 A. Correct.

12 Q. So that's why it wouldn't stay staggered
13 I guess?

14 A. Correct, correct.

15 Q. But I guess the initial plan was to kind
16 of stagger it like Congress does or the like the
17 senators?

18 MR. DEHON: Objection to form.

19 BY MR. ALEXANDER:

20 Q. Was that the initial plan?

21 A. Initial plan, I don't understand.

22 Q. Well, when they went from -- you were
23 there when they went three to five, right?

24 A. Correct, correct.

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1 Q. How did that come about?

2 A. By law it has to go through a referendum
3 of voters and it's placed on the ballot. If
4 enough signatures are provided to the -- I
5 can't -- it goes to the County and they certify
6 the number of. It's a certain percent of the
7 total number of residents. So once it meets that
8 threshold the question can be put on the ballot
9 and it's per the Pennsylvania Township, Second
10 Class Township Code.

11 Q. Now, one last question just about this
12 Exhibit F. Did you know that Lisa Covatta coined
13 the phrase secret squirrel time?

14 A. I didn't.

15 Q. Did you ever hear her reference to the
16 actual phrase secret squirrel time?

17 A. Yeah, I have.

18 Q. You can hand that back. Thank you.

19 A. (Witness complies.)

20 Q. The people I have named so far, the
21 superintendents, Lisa Covatta and Dave Woodward,
22 you worked fairly closely with all of them?

23 A. Yes.

24 MR. DEHON: Objection to form.

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1 THE WITNESS: Oh, I'm sorry.

2 MR. DEHON: No, you can answer.

3 BY MR. ALEXANDER:

4 Q. Are you friendly with all of them?

5 A. Work friendly, yes.

6 Q. Did you care about them?

7 A. Sure.

8 Q. And you said you were incredulous when
9 you found out they were suspended?

10 A. Yes.

11 Q. I want to talk about when you
12 implemented this system. Now, I believe you said
13 you thought it was fairly close in time to when
14 you became the Township Manager?

15 A. Well, my policy of dismissing employees
16 for inclement weather was almost immediate upon my
17 taking over. I can't recall exactly when we
18 implemented the comp time program but it was -- it
19 had to have been soon after. I don't recall much
20 of a gap.

21 Q. So they are really two separate things.
22 One was a safety issue for non essential
23 employees, correct?

24 A. Yes, in my mind, yes.

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1 Q. And the other had to deal with
2 compensation of some sorts for the time for
3 essential employees who had to stay on duty when
4 non essential employees got to go home?

5 A. Yes.

6 Q. And you believe not long after. They
7 didn't start at the same time?

8 A. No, because I'm not sure I formulated in
9 my mind about, anything about the -- because,
10 again, I had not done it at my two previous jobs
11 because we just didn't have the staff and we
12 didn't have the emergency situations that -- in
13 Downingtown especially. So it's something that
14 just organically was created later.

15 Q. Were there complaints from any essential
16 employees, they felt they were being treated
17 unfairly for having to stay to work while other
18 people got paid to go home?

19 MR. DEHON: Objection to form.

20 You can answer.

21 A. I think it was mostly filtered
22 through -- I never had any direct interaction with
23 any of the line employees about it. But those
24 kind of issues I think were generated by

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1 Mr. Halvorsen and Mr. Woodward as advocating for
2 their employees.

3 BY MR. ALEXANDER:

4 Q. So Mr. Halvorsen, do you recall
5 Mr. Halvorsen coming forward to you with
6 complaints about that?

7 A. I wouldn't say complaints. I wouldn't
8 characterize it as complaints but just questions
9 about fairness and equity with the other employees
10 being treated -- the essential employees
11 essentially having to stay and work the day even
12 -- especially during, obviously during a normal
13 workday when I was giving everybody else a pass to
14 go home. I think there was a definite feeling of
15 not being fair.

16 MR. DEHON: Paul, could you clarify
17 real quick when you are discussing the
18 complaints whether they are coming from
19 essential or non essential employees.

20 BY MR. ALEXANDER:

21 Q. Coming from essential employees.

22 A. Again, I wouldn't characterize them as
23 complaints but just maybe comments about fairness
24 and equity.

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1 Q. And just to be clear, you said you
2 didn't get any direct complaints from any of the
3 employees. Your conversations were with
4 Mr. Halvorsen or Mr. Woodward?

5 A. Correct.

6 Q. Do you remember any specific
7 conversations with Mr. Woodward about this issue?

8 A. Exactly how?

9 Q. You do you remember having a
10 conversation with him, you know, expressing that
11 he thought it was unfair that the non essential
12 employees got to go home with pay but his people
13 had to stay on and work.

14 A. Probably. I wouldn't say 100 percent.
15 I think it was more Mr. Halvorsen than
16 Mr. Woodward.

17 Q. And at that time Mr. Halvorsen was
18 Director of Public Works?

19 A. Correct.

20 Q. Excuse me. He was Director of Public
21 Works and Mr. Woodward was the Streets
22 Superintendent?

23 A. Correct.

24 Q. And I'm going to use Streets and Roads.

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1 Obviously I'm going to try and stick with Streets.

2 A. That's fine.

3 Q. What is the right term?

4 A. They are used interchangeably across
5 municipalities. Some places call them the Roads
6 Department. And this is getting super in the
7 weeds. Typically more rural municipalities use
8 the word roads because it's rural roads, streets
9 more city/suburban based.

10 I have always used the word
11 streets. But even in our -- even in West Goshen's
12 documentation streets and roads is -- for example,
13 the pension documents say Road Employees Pension.
14 We call it the Streets Department. So it's just
15 interchangeable.

16 Q. Okay.

17 A. No, no difference at all.

18 Q. Were there -- now, these -- when this
19 was brought to your attention, any discussions, I
20 won't describe them as complaints but any
21 discussions about this inequity that the essential
22 employees having to stay while the non essential
23 employees went home, was there ever anything in
24 writing?

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1 MR. DEHON: Objection to form.

2 A. I can't recall. I think it was mostly
3 verbal discussions.

4 BY MR. ALEXANDER:

5 Q. Do you recall if there were any e-mails
6 over this issue of the essential employees staying
7 when non essential employees got sent home with
8 pay?

9 A. I don't recall.

10 Q. Do you recall any memorandums created by
11 Mr. Halvorsen or Mr. Woodward about this issue of
12 essential employees staying while non essential
13 employees got sent home with pay for some sort of
14 weather event?

15 A. I can't recall anything specific
16 honestly.

17 Q. Is it possible there was never anything
18 in writing?

19 A. Could have been, yeah.

20 Q. Did you ever create a memorandum about
21 the idea of compensating the essential employees
22 for the times the non essential employees went
23 home due to a weather event?

24 A. I don't recall ever drafting a memo, no.

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1 Q. Do you recall creating any written rules
2 or guidelines of how these essential employees
3 would accrue this, whether you call it
4 compensation time or secret squirrel time or snow
5 time, how they would accrue that time for when the
6 non essential employees got sent home due to a
7 weather event?

8 A. I don't recall anything ever being in
9 writing, just verbal.

10 Q. Same question but I'm going to ask you
11 did you ever put anything in writing or any rules
12 or guidelines as to how they were allowed to use
13 this time that they had gotten for when the non
14 essential employees got sent home due to a weather
15 event?

16 A. Again, I don't recall anything in
17 writing, no.

18 Q. Do you ever recall going into a Board
19 meeting with the Board of Supervisors at any time
20 and explaining to them how you were going to
21 compensate the essential employees for the hours
22 that they worked when the non essential employees
23 got sent home due to a weather event?

24 A. I don't recall ever discussing it during

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1 a public meeting, no.

2 Q. When you decided to implement the
3 policy, who did you have the conversation with
4 when you decided I'm going to implement this
5 policy? Who did you tell?

6 A. I have had -- I had discussions with Ray
7 Halvorsen most definitely and I most likely -- I
8 always considered, although not in written form,
9 Dave Woodward was essentially the Assistant Public
10 Works Director. I mean he was in charge of the
11 Streets/Roads Department so he had the most
12 responsibility of the three superintendents. So I
13 probably had a discussion with him as well,
14 together, most likely the three of us.

15 Q. Did you consider him like --
16 Mr. Woodward to be like maybe the heir apparent to
17 the Director of Public Works or the most competent
18 person for that job?

19 MR. DEHON: Objection to form.

20 A. I considered Dave Woodward to be the --
21 in succession planning he was going to be the next
22 Public Works Director, absolutely.

23 Q. And succession planning is something you
24 just have to manage and think about?

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1 A. Correct, every day.

2 Q. So that in your mind that was the
3 sequence that you would have made -- and
4 eventually in your mind that was the sequence,
5 Mr. Halvorsen to Mr. Woodward for that job?

6 A. Yes.

7 Q. And essentially was that your decision
8 in the end?

9 A. It was a mix of a -- I mean the Township
10 Manager has discretion over personnel decisions.
11 But any time I would hire, fire, promote, I
12 typically discussed it with the Board of
13 Supervisors as well.

14 Q. So your decision but with input or with
15 collaboration with the Board?

16 A. Yes.

17 Q. If there's a better word use it.

18 A. No, collaboration is a fine word, yes
19 absolutely, yes.

20 Q. But just to be clear, as Township
21 Manager did you have authority to fire a Director
22 of Public Works in West Goshen?

23 A. I believe I did. I believe our policy
24 was that I had complete control over personnel

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1 decisions, except my own of course.

2 Q. Who controlled your personal? If you
3 didn't have control of your own obviously who was
4 that?

5 A. The elected officials appointed me on an
6 annual basis.

7 Q. The Board of Supervisors?

8 A. Correct.

9 Q. That's an annual basis?

10 A. Annual basis, absolutely.

11 Q. Other than Ray Halvorsen and maybe Dave
12 Woodward, did you have discussions with anyone
13 else about the implementation of this policy?

14 A. I recall just general discussions
15 probably individually with like Pat McIlvaine on
16 the Board. Dr. White was, like I said before, he
17 was in my office every day. Ed Meakim as well on
18 the Board. Any time we had a snow event or
19 anything I would typically tell them what I had
20 planned to do with early dismissal or we are most
21 likely going to close, and they had never had any
22 comment. It was just like yes, do what, do what
23 has to be done.

24 Q. And are you talking about snow events

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1 for closing. But there are two aspects of this.

2 A. Mm-hmm.

3 Q. You said you had discussions about snow
4 events and closings. Did you also have
5 discussions with those three people you named,
6 McIlvaine, White and Meakim about the awarding of
7 compensation time or snow time/squirrel time to
8 the essential employees?

9 MR. DEHON: Objection to form.

10 You can answer.

11 A. I don't -- I recall discussing it in
12 generalities. Again, we would meet frequently
13 one-on-one whenever one of the supervisors would
14 just come in. I know Dr. White was aware of the
15 policy. Ed Meakim was aware. And Pat McIlvaine
16 would show usually extraordinary interest in
17 making sure that our employees were safe. And she
18 would typically say to me what are we doing for
19 the other employees in all kinds of things for she
20 was very interested in fairness and equity across
21 her employees. And I recall those discussions
22 just happening generally. I don't know when or
23 where but...

24 Q. Are you saying that generally you recall

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1 you do having discussions -- I'm not talking about
2 the first aspect of this. But the second of
3 aspect of this, the granting of the compensatory
4 time or squirrel and snow time, do you recall any
5 specific discussions you had with any of those
6 three board members about how you were going to
7 implement that comp time or whatever you were
8 calling it?

9 MR. DEHON: Objection to form.

10 A. Well, since we didn't lay it out in
11 writing, it was verbal discussions with them about
12 what we were doing to ensure that the essential
13 employees who were -- had to work during storms
14 and everything else were rested and were treated
15 equally to our non essentials, meaning the comp
16 time.

17 Q. As Township Manager did you have control
18 over the policies regarding compensation time in
19 the town?

20 A. Outside of -- I'm sorry, how do you
21 mean?

22 Q. Well, what was your authority over it in
23 rewarding of compensation time? Were there
24 guidelines that you set up, were there guidelines

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1 that were already present?

2 MR. DEHON: Objection to form.

3 You can answer.

4 A. I generally led the efforts for them.
5 For example, the blood, that was something I
6 created as a brand new policy for the blood drive,
7 so I would generally direct that.

8 BY MR. ALEXANDER:

9 Q. And that actually went into the policy
10 manual, didn't it?

11 A. I don't recall.

12 Q. And that was additional comp time for
13 people who donated blood?

14 A. Correct.

15 Q. Other than the three board members, Ray
16 Halvorsen, Dave Woodward, do you recall discussing
17 the implementation of this time off policy for
18 essential employees when non essential employees
19 got sent home due to a weather event with any
20 other Township employees?

21 MR. DEHON: Objection to form.

22 A. Not specifically by person. I don't
23 know. I don't recall.

24

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1 BY MR. ALEXANDER:

2 Q. Did you ever -- we talked a little bit
3 about Lisa Covatta when we went through Exhibit C
4 and some other work that she did with regard to
5 PROP was something you mentioned, correct?

6 A. Correct.

7 Q. And some other outside work that she did
8 that was allotted on Exhibit C for this squirrel
9 time or whatever time, correct?

10 MR. DEHON: Objection to form.

11 A. Correct.

12 BY MR. ALEXANDER:

13 Q. And she had authority for that?

14 A. Authority for what?

15 Q. She had authority to get this comp time
16 or squirrel time for that?

17 A. Yeah. She was working off hours for --
18 anything, anything she did for -- everything she
19 did outside of office hours was Township related.
20 So the Recycling, PROP, the Recycling Board, the
21 emergency management. She was the Assistant
22 Emergency Management Coordinator. So anything
23 that she was doing was Township related and she
24 was granted comp time for those hours outside of

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1 work.

2 Q. Was she eligible for overtime?

3 A. She was. But those were -- we
4 considered -- I considered those to be not direct
5 Township work. They were essentially volunteer
6 positions with other organizations that were
7 tangential, tangential to West Goshen's business.
8 So I didn't ever authorize overtime for her for
9 that, just comp time.

10 Q. When you implemented this policy of snow
11 time or squirrel time, whatever you call it, did
12 you have a rule about -- now, you said you called
13 it comp time, correct?

14 A. Mm-hmm.

15 Q. You refer to it as comp time?

16 A. I do.

17 Q. Did you ever make any changes to the
18 rule about carryover of comp time?

19 A. I believe we had a -- I would have to
20 refer to our old -- our Employee Manual which I
21 don't have and I haven't seen in years. I believe
22 there was a limit of carryover per year but I
23 can't recall.

24 MR. ALEXANDER: Let's take a look

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1 at that. I only brought one copy of this
2 because it's long. We are up to G.

3 (Exhibit No. G, Employee Policy
4 Manual, was marked for identification.)

5 BY MR. ALEXANDER:

6 Q. Do you recognize G, Exhibit G?

7 A. Yes, sure. It's our employment.

8 Q. And if we flip over here, one page under
9 the cover, that's your name as attesting to the
10 manual, correct?

11 A. Correct. It was adopted by Resolution
12 No. 16 in 2015.

13 Q. This is the 2015 manual. So at the time
14 this manual was approved it would be fair to say
15 this policy, you had implemented this policy
16 seven, eight years earlier, approximately?

17 A. Most likely, yes.

18 Q. I'm flipping to 506 and the overtime.

19 A. Mm-hmm.

20 Q. And you can take a review of that and
21 just let me know how many comp hours are allowed
22 to be carried over from year to year.

23 A. Forty hours and adjusted to 50 who
24 choose to donate blood to the Red Cross twice per

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1 year.

2 MR. DEHON: Paul, are you going to
3 provide us with a copy of this?

4 MR. ALEXANDER: This was in
5 discovery.

6 MR. DEHON: It was not.

7 MR. ALEXANDER: It wasn't? Yeah, I
8 will get you a copy. You can have this one
9 when we're done. Do you want to run a copy
10 of it now?

11 MR. DEHON: Yes, I would like to
12 just take a look at it.

13 MR. ALEXANDER: If you want to go
14 run a copy right now we could take a break.

15 MR. DEHON: We can go off the
16 record.

17 THE VIDEOGRAPHER: Off the record.
18 The time is 12:59.

19 (A brief recess was held at this
20 time.)

21 THE VIDEOGRAPHER: Back on the
22 record. The time is 1:06.

23 BY MR. ALEXANDER:

24 Q. We are back on the record now looking at

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1 Exhibit G. And you said that there's 40 hours to
2 carry over and 50 if you donate blood during the
3 blood drive?

4 A. Correct.

5 Q. And there's also -- it says,
6 "Compensatory time off may be used one used at a
7 minimum of one hour and a maximum of eight hours
8 per day. Compensatory time earned and used in the
9 same eight hour day. Compensatory time cannot be
10 carried over to the next calendar year." Correct?

11 A. Per the manual, yes.

12 Q. Did you waive this policy as it applied
13 to squirrel time and snow time?

14 A. I don't recall waiving it per se, no.

15 Q. I'm going to show you now, we are back
16 to Exhibit C. I think it's in that pile in front
17 of you. And on the very -- Woodward 119 on that,
18 the top right corner under "me," which we say is
19 Lisa Covatta, she's carrying over 64.25 hours of
20 compensatory time?

21 A. It appears she is, yes.

22 Q. So that's a period of time that's less
23 than an hour in the .25, correct?

24 A. Yes.

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1 Q. And over 40, and, in fact, over 50
2 hours, correct?

3 A. Sure.

4 Q. John Wetty is next to that. He's also
5 over 40 hours, correct?

6 A. Correct.

7 Q. So that could be violative of the policy
8 in regards to compensation time, correct?

9 A. Per the policy, sure.

10 Q. Now, other than Exhibit C, where else
11 did you keep track of the Streets Department's
12 compensation time?

13 A. I believe it was just kept here on this
14 spreadsheet.

15 Q. And where was Exhibit C saved, this
16 spreadsheet?

17 A. I don't know. We have a -- we had a, at
18 the time we had a dedicated server for all of our
19 user files, so...

20 Q. You also had a payroll system, correct?

21 A. We did.

22 Q. What was that called?

23 A. Oh, gosh. It was part of our Tyler
24 technology. It was implemented within our Finance

1 software.

2 Q. If I said to you the term, the name of
3 the system Munis --

4 A. Minus, that's correct, yes.

5 Q. -- would that sound right?

6 A. That's correct.

7 Q. And did the Munis System keep track of
8 secret squirrel time?

9 A. I don't believe it did, no.

10 Q. And you got paystubs for 15 years from
11 West Goshen. Did the paystubs keep track of
12 available vacation time on them on each paystub?

13 A. Vacation, sick, yes.

14 Q. Vacation time, sick time. Holiday time?

15 A. I believe so, yes.

16 Q. Did it keep track of available secret
17 squirrel time?

18 A. I was a salaried employee. I never had
19 access to any of that, so I don't, I don't know.

20 Q. What about your paycheck, was there a
21 line in it for secret squirrel time?

22 A. I was a salaried employee. If I worked
23 9,000 hours in a week it didn't matter. I was
24 paid for 40.

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1 Q. But you got vacation time, right?

2 A. Sure.

3 Q. Did everyone get different paystubs? I
4 understand different boxes to be filled. But did
5 everyone get different paystubs?

6 A. Everyone received their own individual
7 paystub, yes.

8 Q. Were they the same format or were they
9 all different formats depending on what your job
10 was?

11 A. The same general format. Different
12 number of lines, though, because we have hourly
13 employees and salaried employees.

14 Q. As Township Manager at the end of the
15 day was it your responsibility that everybody was
16 paid appropriately?

17 A. Yes.

18 Q. And you don't have any familiarity
19 whether or not secret squirrel time was tracked on
20 the paystubs?

21 MR. DEHON: Objection to form.

22 BY MR. ALEXANDER:

23 Q. Do you have any knowledge of whether or
24 not it was tracked on the paystubs?

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1 A. I don't believe it was, no.

2 Q. Other than this spreadsheet that was
3 kept by Lisa Covatta, was there any backup to this
4 spreadsheet in any other system that kept track of
5 this time that was allotted to these essential
6 employees in the Streets Department?

7 MR. DEHON: Objection to form.

8 A. Not to my knowledge.

9 BY MR. ALEXANDER:

10 Q. Now, Lisa Covatta kept the spreadsheet.
11 Who was in charge of oversight of the spreadsheet?

12 A. She reported to Dave Woodward and to Ray
13 Halvorsen, so the three of them.

14 Q. And after Ray Halvorsen was gone, then
15 who would she have reported to?

16 A. Mark Bertolami and Dave Woodward.

17 Q. And her role as -- she's an
18 administrative assistant?

19 A. Yes.

20 Q. Was she an administrative assistant just
21 to Streets or to other departments?

22 A. Technically she was supposed to be admin
23 support for Parks and Streets. The Waste Water
24 Department was located at a different location in

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1 the south part of the Township. They had their
2 own admin support down there. So primarily
3 Streets and Parks.

4 Q. Now, you said when referring now to
5 Exhibit C that you had seen this spreadsheet
6 before?

7 A. Not consistently but...

8 Q. Did you have access to it on the server?

9 A. I don't recall ever accessing it on the
10 server, no.

11 Q. So how would you come to see it then?

12 A. In Lisa's office mostly.

13 Q. Was it printed out anywhere or were you
14 looking on a computer?

15 A. I don't recall, either printed or on the
16 computer.

17 Q. I'm going to go to Woodward 146 on
18 Exhibit C.

19 A. Okay.

20 Q. And we will just look at Boyce for sure
21 which is in the first column with writing on it on
22 the top.

23 Do you see that?

24 A. Yes.

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1 Q. It says that Boyce has a carryover and
2 it says 7.0, correct?

3 A. Yes.

4 Q. To your understanding, that would be
5 seven hours carried over?

6 A. Yes.

7 Q. From whatever the year was before
8 because we can't see it.

9 A. I would make the assumption seven hours,
10 yes.

11 Q. And then after that it indicates storm
12 on the left column. It says storm twice, two.

13 Do you see that?

14 A. Yes.

15 Q. And next to it it says a one and an
16 eight, correct?

17 A. Yes.

18 Q. And then under that there's a total,
19 correct?

20 A. Yes.

21 Q. So the total there is 16. So it looks
22 like there was nine hours accumulated plus the
23 seven hours that was carried over?

24 A. It appears to be, yes.

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1 Q. Then there's a -- it looks like under
2 where it says total then we go into January 2 and
3 there's dates all the way down to November 23?

4 A. Mm-hmm.

5 Q. And if we add up the hours in Boyce's
6 column, it would appear that these are hours that
7 are used, correct?

8 A. Yes.

9 Q. And then the bottom No. 7 would indicate
10 that the use of the -- the balance of what's left
11 after the use; is that accurate?

12 A. Yes.

13 Q. Is that an accurate way to read it?

14 A. I would say that's accurate, yes.

15 Q. So I guess above this bold kind of line.

16 Do you see that above where it says
17 total?

18 A. Yes.

19 Q. That's accrued, and below is the used
20 hours? Is that a fair way to --

21 A. Yes.

22 Q. -- to kind of read the sheet?

23 A. Yes.

24 Q. I wanted to make sure I was reading it

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1 correctly. That was really for me.

2 Who was in charge of payroll in
3 2007?

4 A. In 2007 Jeanne Denham was our Finance
5 Director, Jen Latzer was the Assistant Finance
6 Director and kind of HR. She was -- Jen was
7 typically in charge of HR. And then we had a
8 payroll clerk. I can't remember her name for the
9 life of me. We had a payroll clerk below her.

10 Q. So you have Jeanne Denham?

11 A. Correct, D-E-N-H-A-M.

12 Q. Is that a man, woman?

13 A. A woman, Jeanne, G -- I'm sorry,
14 J-E-A-N-N-E.

15 Q. And as you said, you didn't recall
16 discussing the secret squirrel time or snow time
17 with anyone implementing this policy, with anyone
18 other than Ray Halvorsen and Dave Woodward. You
19 didn't have a conversation with Jeanne Denham or
20 Jennifer Latzer about this?

21 A. Not that I recall, no.

22 Q. And they are the people in charge of
23 making sure that people are paid accurately for
24 the amount of hours that they worked, correct?

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1 A. Correct.

2 Q. That would also keep track of people's
3 balances of vacation time, personal time, holiday
4 time, correct?

5 A. Correct.

6 Q. Just back to G real quick. When you
7 looked at 506 you saw that the blood drive was in
8 the Township Policy Manual, correct?

9 A. Yes.

10 Q. And you started that, correct?

11 A. Yes.

12 Q. So that's in the Policy Manual because
13 you started a policy and got it put in the manual,
14 correct?

15 A. Yes.

16 Q. And you started and implemented this
17 policy but you never put that policy in the
18 manual, did you?

19 A. Did not.

20 Q. You said there was an intern -- or some
21 sort of period where Chris Bayshore was your
22 assistant, correct?

23 A. Mm-hmm, correct.

24 Q. How closely did you work during that

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1 period of time?

2 A. Pretty closely. I mean we -- he was
3 just learning, coming from a borough with a
4 different form of government so he was learning
5 the differences in how townships had to operate
6 versus boroughs. But he would sit in with
7 meetings and we went through the budget cycle,
8 that kind of stuff. So yeah, he was there.

9 Q. And he was your kind of choice in the
10 succession plan for you, correct?

11 A. Correct.

12 Q. And that was something you said you
13 thought about every day?

14 A. Yes.

15 Q. And during that six-month period of time
16 did you have any indicator that he wasn't capable
17 of being the Township Manager, of being your
18 successor?

19 A. No. He showed all the correct signs of
20 being responsible and being ready for the job.

21 Q. Did you have any issues with him in
22 regards to work ethic?

23 A. No.

24 Q. Did you have any issues with him with

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1 regards to honesty?

2 A. No.

3 Q. Truthfulness?

4 A. No.

5 Q. Did you have any issues with him with
6 regards to how he treated employees of the
7 Township? I'm referring to the six-month period
8 of time you worked together.

9 A. No, I didn't see anything.

10 Q. I'm just trying to read through things
11 that other counsel has already asked.

12 A. Got you.

13 Q. We have a lot of overlap.

14 What happens to your unused
15 vacation time at the end of the year?

16 A. Unused vacation I believe for -- let's
17 see. For the hourly employees I think it was paid
18 out but it was -- and for hourly -- or I'm sorry.
19 For salaried employees like myself I think it was
20 use it or lose it. I don't recall specifically
21 but you can refer to the manual.

22 Q. So you said you believe that hourly
23 employees got a payout on unused vacation time?

24 A. I believe they did. I did not think it

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1 was use it or lose it but we can refer to the
2 manual.

3 Q. And when you say a payout, meaning at
4 the end of the year you got 40 hours of vacation
5 time that you didn't get an opportunity to use or
6 chose not to use, you would get paid for 40 hours
7 of work?

8 A. I believe so. But, again, we can refer
9 to the manual. It's been a while since I have
10 dealt with it obviously.

11 Q. Would the same thing be true for unused
12 compensation time?

13 A. I don't know.

14 Q. Do you want to look? It's Exhibit G.

15 A. Sure.

16 Q. Just let us know what section you're
17 looking at if you see something that says that.

18 A. Let's see 301.

19 Q. Did you say 301?

20 A. Yes, just to myself. I'm not sure if
21 it's there.

22 Yes. Okay. Section 301 Vacation.

23 It's carried over up to 40 hours. There's no

24 payout for it.

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1 Q. What about compensation time, do you
2 know, is that carried over?

3 A. It should be.

4 Q. That was 506.

5 A. Yeah, I believe that's what it said.

6 Yeah, you can carry over 40 hours of comp time, up
7 to 50.

8 Q. You can give that back.

9 A. Sure.

10 Q. So there was a limit to how much
11 vacation time you could carry over? You just said
12 it's 40 hours?

13 A. Forty hours per the manual, yes.

14 Q. And vacation time is something that was
15 kept track of by Payroll Department, correct?

16 A. Correct.

17 Q. When you implemented the policy
18 regarding I guess Lisa Covatta calling it secret
19 squirrel time or comp time that she kept track of,
20 was there any allowance for them to trade this
21 earned time for vacation time, this swapping out?

22 A. I don't recall that.

23 Q. Would that have been consistent with the
24 reason why you implemented this plan?

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1 A. The reason I implemented the plan was to
2 create fairness for every time I would send the
3 employee, the non essential employees home. It
4 was to create equity between both classes of
5 employee; that's all.

6 Q. But not to trade out one type of time
7 for another type of time?

8 A. That was not the intention, no.

9 Q. Do you know if that happened?

10 A. I don't.

11 Q. Was it the intention of that policy for
12 people to get additional time for say they didn't
13 knock over a mailbox while plowing snow, they
14 would get a bonus for those hours. Was that an
15 intent to the policy?

16 A. Not to my knowledge. It was strictly
17 hour per hour for time that I dismissed or delayed
18 or closed the office for non essentials.

19 Q. What if someone were to say have --
20 guess the correct weight of a pumpkin at a holiday
21 party? Would that be a reason for someone to get
22 this bonus time?

23 A. I don't recall that ever happening, so
24 no.

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1 Q. That would have been inconsistent with
2 the policy you put in?

3 A. Yes.

4 Q. Have you ever heard of the term scrap
5 metal fund?

6 A. Yes.

7 Q. What's a scrap metal fund?

8 A. Any time we would have scrap metal that
9 was collected on the roadside or accidents or
10 whatever it would be taken down to the West
11 Chester recycler and used for doughnuts and other
12 expenses for food and everything else by the
13 Public Works Department.

14 Q. Who kept track of that?

15 A. I don't know. I would suspect Lisa but
16 I don't know for sure.

17 Q. So where was this scrap metal found?

18 A. It was scrap metal that they would
19 collect off the roadsides or, again, from
20 accidents or scrapped signs, whatever, just
21 general scrap metal.

22 Q. Was there any oversight of how much
23 money came in a year on this?

24 A. No.

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1 Q. And whose discretion was it on how to
2 spend that money?

3 A. Ray Halvorsen typically.

4 Q. Did you implement that policy?

5 A. No. I don't know when that was
6 implemented. It was out of my purview.

7 Q. Was that before you?

8 A. I don't know. I don't know.

9 Q. Do you know where the money was kept?

10 A. I don't actually.

11 Q. And you just said it could have been a
12 sign or something. Would that be, technically be
13 Township property, wouldn't it?

14 A. Not if it's destroyed. It doesn't
15 matter.

16 Q. It's not Township property if it's
17 destroyed?

18 A. Could be. I don't know.

19 Q. Do you have any idea how -- well, let me
20 see. Did you have any knowledge as to how much
21 money was collected or was in the scrap metal
22 fund?

23 A. I don't.

24 Q. Now, you worked for two other towns.

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1 Were you aware of them having policies like a
2 scrap metal fund?

3 A. Not to my knowledge.

4 Q. Were you -- you said you went to these
5 big -- these meetings with all the different
6 Chester County municipalities and other township
7 managers. Did you ever have any discussions with
8 them about scrap metal funds or anything similar
9 to that?

10 A. No.

11 Q. Now, you described Ray Halvorsen as
12 being on the Board of Supervisors and the Director
13 of Public Works, correct?

14 A. Overlapping, yes.

15 Q. So at the same time you supervised him
16 he also voted on whether or not you kept your job
17 every year?

18 A. That's allowed under the Township Code.
19 So, yes, of course.

20 Q. But was what was happening?

21 A. Sure.

22 Q. Did that cause any difficulty for you in
23 your job?

24 A. No. I had a good working relationship

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1 with him, so...

2 Q. You said you worked with solicitors as
3 part of your job as the Township Manager?

4 A. Yes.

5 Q. And that was one of your qualifications
6 in regards to working at Arro, correct?

7 A. One of them, yeah.

8 Q. Did you ever go to the solicitor about
9 Ray Halvorsen's position as being on the Board of
10 Supervisors at the same time as being the Public
11 Works Director?

12 A. There was question because in the
13 Township Code it specifically states Road Master
14 which is a Township Code term that can be
15 construed as Public Works Director or Road Master.
16 So an elected official, the elected supervisor can
17 hold both titles without question.

18 Q. Were there ever any advisory opinions or
19 anything written in regards to that from the
20 solicitor?

21 A. That was going back to like 2012. I
22 believe there was but I don't recall.

23 Q. Do you recall who the solicitor was
24 then?

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1 A. Back then it was Skip Brione I believe,
2 Joseph Brione, Brione.

3 Q. Was he a solicitor at a law firm or
4 anything like that; do you recall?

5 A. Yes, yes, Buckley Brione in West
6 Chester.

7 Q. Do you recall what the advisory
8 opinion -- what the conclusion of the advisory
9 opinion was?

10 A. I don't. He became supervisor so I
11 don't know. No idea.

12 Q. Do you recall any suggestions in the
13 advisory opinion that this wasn't a good idea to
14 have someone on the Board of Supervisors and the
15 Director of Public Works?

16 A. I can't recall. That was 12 years ago.
17 I don't know.

18 Q. If there was an issue over the secret
19 squirrel time or squirrel time over how much was
20 allotted or whether or not it should be allotted,
21 who would decide, who would be the final
22 determination as to how much time was allotted?

23 MR. DEHON: Objection to form.

24 You can answer.

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1 A. Well, I mean the policy was it was hour
2 per hour again when I'd send the essential
3 employees home. If it was all day, if it was one
4 hour, that's what should have accrued, for those
5 essential employees who had to stay during work
6 hours.

7 Q. Was it always a set one hour, two hour,
8 you know, one hour increments?

9 A. No, it was -- there were some times when
10 I would dismiss employees on a moment's notice
11 because of two feet of snow coming and it could
12 have been an hour, two hours. There was no
13 ever -- it was weather dependent specifically.
14 There was never any...

15 Q. It could have been an hour and a half,
16 something like that?

17 A. By the clock, yeah, sure, definitely.

18 Q. And it was minute per minute the --
19 however much time they went home was how much time
20 was accrued by the essential employees?

21 A. That was the intent, yes.

22 Q. Now, you named three Board members that
23 you specifically had conversations with about this
24 policy, correct?

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1 A. Correct.

2 Q. Did you ever have any of conversations
3 with any other Board of Supervisor members other
4 than those three Board members?

5 A. Not to my knowledge, no.

6 Q. So when you looked at Exhibit B. I'm
7 just going to the letterhead on this one.

8 A. Yep. Go ahead.

9 Q. You never had a conversation with Shaun
10 Walsh, Ashley --

11 A. Gagne.

12 Q. Thank you. John Hellmann, Tinamarie
13 Smith or Robin Stuntebeck about this policy?

14 A. Not specifically to my recollection, no.

15 Q. When Chris Bashore was working for you
16 for that six-month period of time as assistant did
17 you ever have a conversation with him about this
18 policy?

19 A. I don't recall.

20 Q. I just want to talk about the recording
21 of this one more time. So I want to be clear. So
22 Ms. Covatta keeps track of how many accrued hours
23 on Exhibit C, correct?

24 A. Correct.

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1 Q. Then she also kept track of the amount
2 of use of those hours, correct?

3 A. Correct.

4 Q. So that it was fair that everyone was
5 getting the accurate amount of time, correct?

6 A. Correct.

7 Q. And as far as use, was there any policy
8 written anywhere about when they could take the
9 hours or any restrictions about when they could
10 use the hours?

11 MR. DEHON: Objection to form.

12 A. No, there was no restriction.

13 BY MR. ALEXANDER:

14 Q. Was there any policy other than Exhibit
15 C that kept track of when they used the hours?

16 A. Outside of the spreadsheet, no.

17 Q. Now, when it comes to payroll, something
18 has to be submitted to Payroll from the Streets
19 Department in order to make sure that everybody's
20 hours are accurate and they are paid accurately,
21 correct?

22 A. Correct.

23 Q. And if someone used vacation time, one
24 of the employees used vacation time, what was

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1 submitted to Payroll would have to show that they
2 used four hours or eight hours of vacation time,
3 correct?

4 A. Correct.

5 Q. And Payroll didn't keep track of secret
6 squirrel time, correct?

7 MR. DEHON: Objection to form.

8 You can answer.

9 A. No.

10 BY MR. ALEXANDER:

11 Q. So what would be submitted to Payroll
12 if say -- let's take a look here on Exhibit C. On
13 Page 119 under Boyce it says that Boyce had 32
14 carry over - what we believe were carry over
15 hours, two hours accrued on 11/26, and then
16 there's in the case on February 24 that there's
17 four hours used, correct?

18 A. Correct.

19 Q. The Payroll slip that would go from
20 Streets to the people in the Payroll, in the
21 payroll system would not indicate that he was
22 taking comp time that day, would it?

23 A. I guess not, no.

24 Q. It would indicate that Mr. Boyce was

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1 working a full day that day, correct?

2 A. If he was working an eight-hour day,
3 yes.

4 Q. Or a ten-hour day?

5 A. They work ten hour days, correct.

6 Q. And like March 18 on the same page of
7 Exhibit C it says took a full ten-hour day,
8 correct?

9 A. Yes.

10 Q. So the records the town would have from
11 Payroll would indicate that Mr. Boyce was at work
12 on March 18 when, in fact, he was taking ten hours
13 of time, correct?

14 A. Correct.

15 Q. And other than Exhibit C, there would be
16 no way for anyone to know that, correct?

17 A. Correct. But conversely, when I would
18 give people two hours off to go home early, no one
19 marked it on their timesheet either so it looked
20 like they were there as well.

21 Q. But I'm saying the payroll wasn't
22 correct?

23 A. Sure, agreed.

24 Q. Certainly when you closed down the town

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1 would that be an e-mail? How would you do that?

2 When I say closed down the town, I should actually

3 say when you closed down the non essential

4 employees for a weather event, was that an e-mail?

5 How would that go out?

6 A. Typically if I had enough notice if I
7 was going to early dismiss I would e-mail and then
8 call the department heads to make sure that all
9 their employees knew to leave at said time. If we
10 were going to close because of an overnight
11 snowstorm we had an automatic system that I would
12 dial into and it would send e-mails, phones --
13 text to all the employees' phones, e-mails and
14 call them don't come in today, we have 40 feet of
15 snow on the ground.

16 Q. And payroll would get that, too?

17 A. Yes, but I never remember them noting
18 that we had a snow day.

19 Q. No. But I mean they got the e-mail,
20 they knew about it?

21 A. They knew not to report, yes, of course.

22 Q. But Payroll never got anything about
23 Exhibit C. They never got any word about this
24 whole compensation time?

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1 A. No.

2 Q. You said you haven't started collecting
3 your pension yet because you're not at the right
4 age?

5 A. I'm 52 years old. I can't even come
6 close to collecting that, of course not.

7 Q. But down the line at some point like you
8 expect that you are going to collect, to hit that
9 number, right?

10 A. Correct.

11 Q. I want to talk to you about -- was this
12 e-mail on Exhibit E -- I'm going to the last page
13 of Exhibit E. Maybe not the last page, Page 5.
14 The e-mail on August 2.

15 A. Page 5.

16 Q. Yes.

17 A. Yeah, go ahead.

18 Q. August 2, 2023 from Kevin, and I'm going
19 to say Skjoldal. He's not here to correct us so
20 he's going to have to live with it.

21 A. Sure.

22 Q. Was that the first time you were asked
23 about been being involved in this investigation?

24 A. I believe it is. I don't recall getting

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1 a phone call or anything. I think the e-mail was
2 the first time. I don't recall anything else.

3 Q. And while you were Township Manager did
4 you have to conduct any investigations in regards
5 to any wrongdoing?

6 A. My personnel?

7 Q. By personnel, anything.

8 A. Yes.

9 Q. Would you consider part of an
10 investigation as the Township Manager doing it
11 interviewing the people who are alleged to be
12 involved?

13 A. Yes.

14 Q. Would you consider an investigation to
15 look at any documents that might be involved in
16 whatever is alleged to have occurred?

17 A. Yes.

18 Q. When you conducted an investigation did
19 you always include the Board of Supervisors in
20 your investigation?

21 A. Not necessarily. Depended what it was.
22 If it, if it got to the point where a termination
23 was required I informed them of what was going on.

24 Q. So you testified earlier that you

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1 believed it was wrong for Mr. Bashore to suspend
2 these people and make accusations without
3 conducting any investigation, correct?

4 A. Correct.

5 Q. If you learned that Mr. Bashore had
6 interviewed Dave Woodward, Mark Bertolami, Dorine
7 McClune and Mike Moffa about this specific
8 incident, would you consider that an
9 investigation?

10 A. Sure.

11 Q. If you learned that he reviewed Exhibit
12 C, the spreadsheet of this time off showing it
13 accrued, carried over and used for this period of
14 time and spoke to Lisa Covatta about this, about
15 this issue of the squirrel time/comp time,
16 whatever you want to call it, would you consider
17 that part of an investigation.

18 A. Yes.

19 Q. And in this situation, something like
20 that, would you also consider part of the
21 investigation discussing the issue with the Board?

22 A. Maybe not right away but I would
23 probably bring them up to speed.

24 Q. Did you ever suspend somebody without

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1 pay while you were Township Manager?

2 A. I don't recall that I will ever did
3 that, no.

4 Q. Did you ever suspend anyone?

5 A. John Scott, the former plant manager.
6 Other than that I can't recall anybody else.

7 Q. Did you ever terminate anyone?

8 A. Yes.

9 Q. Did you discuss it with the Board before
10 you terminated this person?

11 A. I typically would bring them up to speed
12 with the situation. But it was my responsibility,
13 my authority to hire and fire. So I would
14 probably keep them informed but just keep them
15 informed.

16 Q. Okay. I mean I should have asked this
17 already. How many times did you actually have to
18 terminate someone in those 15 years?

19 A. At West Goshen, I don't recall. Maybe
20 nine or ten people over that time.

21 Q. As Township Manager did you ever provide
22 any -- well, first of all, when you fired someone
23 did you do it yourself or did you have someone
24 else do it for you?

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1 A. I always took care of it myself, yes.

2 Q. Did you have anyone else present when
3 you did it?

4 A. Yes, typically the employee's
5 supervisor. On one occasion I did have, because I
6 of lack of personnel available, I did have Pat
7 McIlvaine sit in as a supervisor just because
8 there was -- it was -- there was nobody else in
9 the building typically. So I did not want to do
10 it by myself so I had her sit in on the
11 termination.

12 Q. And that's when Pat McIlvaine was a
13 Board member?

14 A. Yes, correct.

15 Q. I want to be very careful because I want
16 to not use the term super loosely because it gets
17 very confusing here very quickly if I do that. So
18 if I use the wrong -- I should have said this
19 earlier. If I wrong the wrong terminology on
20 something --

21 A. Sure.

22 Q. -- feel free to correct me. I'm not --
23 you know, there's no ego on that. I am trying to
24 be accurate, so if I mess up let me know.

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1 Were there any rules or policies
2 that you are aware of of who should be present or
3 how someone should be terminated?

4 A. No, just common practice. Typically not
5 one-on-one so there is a witness to what happened.
6 So that's typical, yeah.

7 Q. Did you provide any training to anyone
8 in your office in regards to how to do that in
9 West Goshen Township?

10 A. To terminate people? No, other than the
11 various conferences my staff would go to on
12 personnel issues. No training I provided.

13 Q. Were you aware of any particular
14 training you provided to any of your staff on that
15 issue of termination, how to terminate them?

16 MR. DEHON: Objection to form.

17 A. No, I don't recall.

18 BY MR. ALEXANDER:

19 Q. So you don't know if there actually was
20 any actual training on that or not as you sit here
21 today?

22 A. I don't recall because I would always be
23 in charge of the termination, so...

24 Q. What about in regards to any training

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1 for you or for any of your staff in regards to how
2 to place people on suspension?

3 A. Again, not specifically, no.

4 Q. Are you aware of any type of training?

5 A. There's one good conference. It's the
6 PELRAS Labor Conference in State College every
7 year. The townships, municipalities go to that.
8 It's a labor relations conference with lots of
9 labor attorneys, so we had training there. But
10 other than that, typical PSATS, again, the
11 Pennsylvania State Association of Township
12 Supervisors training. That's about it.

13 Q. Do you recall if anyone other than you
14 went to the labor conference in the 15 years you
15 were Township Manager?

16 A. Yes. Jeanne Denham, our Finance
17 Director would go. Jen Latzer, our Assistant HR
18 Director -- I'm sorry, our Assistant Finance
19 Director/HR Director would go.

20 Q. And PSATS you said?

21 A. Yes. That's the annual Township
22 conference in Hershey every year.

23 Q. And that's just a conference for all
24 Township --

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1 A. Second class townships. Yes, second
2 class townships.

3 Q. Thank you for correcting me. And that's
4 for all of them? That's a state-wide conference?

5 A. Yeah, about 6,000 people would attend
6 from the Commonwealth every year, hundreds and
7 hundreds of municipalities.

8 Q. And who would attend that?

9 A. Typically the supervisors, obviously the
10 elected officials, and on occasion our Public
11 Works Director would go. I don't recall any other
12 staff going. The Assistant Manager would go
13 typically and myself.

14 Q. Did you ever review any other -- now,
15 this is just Streets, these people. These are all
16 Streets employees in Exhibit C, correct?

17 A. They appear to be, yes.

18 Q. Did you ever review any spreadsheets for
19 Parks?

20 A. I don't recall ever seeing a Parks
21 spreadsheet, no.

22 Q. Did you ever review any spreadsheets for
23 Waste Water?

24 A. I don't recall seeing the Waste Water

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1 spreadsheet, no.

2 Q. But they also got this time, this secret
3 squirrel time or comp time you're calling it?

4 A. All essential employees who had to work
5 when I dismissed the non essential employees would
6 get it.

7 Q. Do you know how they kept track of it?

8 A. I do not.

9 Q. Do you know who kept track of it for
10 those?

11 A. I don't.

12 Q. And who would have been responsible for
13 keeping track of it?

14 A. The superintendents. So Mike Moffa and
15 his admin staff and then Parks Department, Dorine
16 McClune and her superintendent.

17 Q. And just like the Streets Department, if
18 somebody was taking this secret squirrel time or
19 this comp time, Payroll wouldn't know that they
20 were taking it that day, correct?

21 A. Correct.

22 Q. Is there any reason why you never added
23 this to the Policy Manual?

24 A. I don't know why we didn't.

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1 Q. During -- from the time period after you
2 left the Township, other than that one situation
3 where Chris Bashore sent you the e-mail back in
4 April of whatever year it was, '21 maybe?

5 A. '22.

6 Q. '22. Did you have any other interaction
7 with him?

8 A. No, I don't recall any.

9 Q. Do you have his cell phone number?

10 A. Do I have his cell phone number?

11 Q. Yes.

12 A. Yes, of course.

13 Q. And you said when you heard that Dave
14 contacted you you felt you were incredulous,
15 correct?

16 A. Mm-hmm.

17 Q. Did you call Chris Bashore?

18 A. No.

19 Q. Why didn't you call him and tell him
20 that you implemented this policy yourself?

21 A. I hadn't worked there in over a year and
22 it wasn't my business anymore in all honesty.

23 Q. And Dorine McClune was somebody else you
24 talked to, correct?

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1 A. Yes.

2 Q. And you care about Dorine McClune?

3 A. Yes, as a human, sure.

4 Q. What about as a friend?

5 A. I'm not friends with her. I was work
6 friends with her, if any -- if that.

7 Q. And you were incredulous that she was
8 suspended as well?

9 A. Yes.

10 Q. And Mike Moffa, were you incredulous
11 that he was being suspended over this?

12 A. Yes.

13 Q. And Mart Bertolami?

14 A. Yes.

15 Q. And you're aware that they were being
16 suspended over a policy that you implemented,
17 correct?

18 A. Yes.

19 Q. That you never put in writing?

20 A. Correct.

21 Q. That you never brought to any of the
22 current Board members' attentions, correct?

23 A. Yes.

24 Q. That the only way it was kept track of

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1 that you can sit here today and know of is by a
2 spreadsheet kept by an administrative assistant in
3 the Public Works Department, correct?

4 A. Correct.

5 Q. A policy that was not kept track on
6 Payroll, correct?

7 A. Correct.

8 Q. And you knew in your heart that you were
9 the one that implemented this policy, correct?

10 MR. DEHON: Objection to form.

11 A. In my heart, no. But yes, I did.

12 BY MR. ALEXANDER:

13 Q. You know as you sit here today that you
14 are the one who implemented it, correct?

15 A. Yes.

16 Q. And you didn't pick up the phone and
17 call Chris Bashore and tell him that I started
18 this policy?

19 A. No. I hadn't worked there in a year and
20 a half. It wasn't my business anymore.

21 Q. Were you concerned that you might get in
22 trouble?

23 A. No.

24 Q. As Township Manager did you have the

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1 authority to arrest people?

2 A. No.

3 Q. Did you have the authority to conduct a
4 criminal investigation?

5 A. No.

6 Q. Do you have the authority to file
7 criminal charges?

8 A. Private criminal charges, absolutely,
9 like anybody does.

10 Q. Like any citizen?

11 A. Yes, absolutely.

12 Q. So you have no more authority to arrest
13 someone or conduct a criminal investigation than
14 anyone else in the entire Commonwealth?

15 MR. DEHON: Objection to form.

16 A. Correct.

17 BY MR. ALEXANDER:

18 Q. Did you have any concern that you were
19 going to have any issues with your pension if you
20 admitted to implementing this policy?

21 A. No.

22 Q. Did you talk to an attorney?

23 A. No.

24 Q. Look at Exhibit E again, please.

1 A. Mm-hmm.

2 Q. Now, you said you conducted
3 investigations?

4 A. Mm-hmm.

5 Q. And that you terminated nine or ten
6 people, correct?

7 A. Over my time, yes.

8 Q. You can understand why 30 minutes might
9 not be long enough for someone to conduct an
10 investigation?

11 A. No.

12 Q. All investigations can be conducted in
13 30 minutes?

14 A. I hadn't worked there in a year and a
15 half and I was keeping my time to a minimum.

16 MR. DEHON: Objection to form as
17 well.

18 BY MR. ALEXANDER:

19 Q. And you were told that this was in
20 regards to -- and I'm looking at Page 4 of
21 Exhibit E, that this was over snow time banks,
22 correct?

23 A. Correct.

24 Q. And you were also told by Dave Woodward

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1 that this suspension was over the squirrel time or
2 secret squirrel time, correct?

3 A. Correct.

4 Q. And you thought that Chris Bashore was
5 being heavy handed. You said that, correct?

6 A. I did, yes.

7 Q. And you as Township Manager believed you
8 had the authority to authorize this, correct?

9 A. Authorize what?

10 Q. Authorize this policy, practice,
11 whatever it was of secret squirrel time?

12 A. Yes.

13 Q. And at this point in time you know that
14 Dave had taken his life, correct?

15 A. Yes.

16 Q. And you couldn't take more than a half
17 hour of your time to try and set the record
18 straight?

19 MR. DEHON: Objection to form.

20 A. I'm not going to answer that.

21 MR. ALEXANDER: It's a form
22 objection.

23 You can answer.

24 A. Given that Dave Woodward killed himself

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1 over this, I didn't think this was worth my time.

2 BY MR. ALEXANDER:

3 Q. At this point in time there were three
4 other people who were suspended at that point in
5 time, correct?

6 A. Well, I don't know anymore because
7 August 8 I thought they were reinstated. I don't
8 know, though. Could you give me those dates?

9 Q. Did you know if they -- did anyone, any
10 of the other superintendents tell you that they
11 had got their final punishment by then?

12 A. I don't recall the dates, no.

13 Q. Well, I was asking as part of your
14 mindset on August 8 when you declined were you
15 aware of whether or not the investigation was over
16 at that point in time?

17 A. I don't know the dates exactly, no.

18 Q. It would stand to reason that if they
19 are still trying to interview the investigation is
20 not over, correct?

21 A. I don't know that.

22 MR. DEHON: Objection. That wasn't
23 the question. Your question was whether they
24 had returned to work.

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1 BY MR. ALEXANDER:

2 Q. Were you aware that they had returned to
3 work?

4 A. I don't know. I don't know the dates
5 exactly, no.

6 Q. So it would be fair to say you didn't
7 know a final judgment or punishment had been
8 levied against the other -- the superintendents at
9 that time?

10 A. I don't know the dates, no.

11 MR. ALEXANDER: Are we on H?

12 (Exhibit No. H, E-Mail Chain, was
13 marked for identification.)

14 BY MR. ALEXANDER:

15 Q. I'm not going to ask you to look at this
16 whole thing because I think it's repetitive.

17 A. Okay.

18 MR. DEHON: Yes, it's the same
19 e-mail about 20 times.

20 BY MR. ALEXANDER:

21 Q. Yes. But that's the way -- my
22 understanding of the system is the way it's
23 printed out it's from each originator it keeps on
24 printing. But I'm really only going to focus on

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1 the first three pages so you want to flip to the
2 third page.

3 A. Third page. Go ahead.

4 Q. And there's an e-mail from Steve Hilbert
5 to West Goshen Township, Township at West Goshen
6 Township. Who maintained that e-mail, West Goshen
7 Township, to West Goshen Township? Who would read
8 those when they would come in?

9 A. It was a separate e-mail address. I
10 don't know if we had to log in. Myself and I
11 don't remember if anybody else had access to it.
12 I don't remember.

13 Q. And then there's -- on that page an
14 e-mail comes in from stephenphilber@gmail.com and
15 it's about a having a footer inspection done for a
16 deck, correct?

17 A. That's what it says, yes.

18 Q. And then that e-mail is then forwarded
19 from that e-mail address to Mike McCarthy, Andrea
20 Testa and Derek Davis, correct?

21 A. Correct.

22 Q. I think we mentioned at least Derek
23 Davis before, correct?

24 A. He was the Assistant Township Manager

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1 and I believe at this time he was overseeing the
2 Building and Codes and Zoning Department.

3 Q. Who is Andrea Testa?

4 A. She is a building inspector, fire
5 marshal. That's pretty much it, yeah.

6 Q. And Mike McCarthy?

7 A. Building inspector.

8 Q. And then if we flip to the second page
9 it says from Derek Davis to John Beswick, Mike
10 McCarthy, Andrea. "Casey forwarded this to me.
11 Your guys call. Derek."

12 A. Mm-hmm, I see that.

13 Q. Do you know if you were actually the one
14 that forwarded this or not? Do you have any
15 memory of this?

16 A. I don't remember this.

17 Q. You do not.

18 A. No.

19 Q. And I want you to read through the next
20 e-mail above that. It's from Mike McCarthy to
21 Derek Davis, John Beswick, Andrea.

22 A. Okay.

23 Q. And this is on March 16, 2020. So this
24 is like early days Covid?

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1 A. Yes.

2 Q. Is that when you recall that?

3 A. It was when we shut down, yes.

4 Q. And if we flip to Page 1, the bottom of
5 it there's an e-mail from Derek Davis to Mike
6 McCarthy, John Beswick and Andrea Testa.

7 A. Mm-hmm.

8 Q. And they are talking about a different
9 type -- it says, "When you say 'we are not,' do
10 you mean overtime? As far as I know, everyone is
11 being compensated for their usual hours worked and
12 nothing more. Casey said to give you the option
13 to axe inspections for two weeks and you're free
14 to do so but we didn't want to get you guys too
15 backed up so we wanted that option on the table of
16 going out to inspect if you wanted, which is why
17 we wanted you to have access to I munlogic."

18 So do you understand what they are
19 talking about here?

20 A. Yeah. We had shut down for Covid.
21 Everybody was sent home. And days after this even
22 building inspections were shut down for
23 contractors by, I think the governor did that. So
24 Mike, Andrea, John Beswick are all building

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1 inspectors, so we were juggling with the idea of
2 all of our non -- these are non essential
3 employees. Our non essential employees are home.
4 How do we compensate them for coming in to do
5 building inspections when they are supposed to be
6 at home staying away from everybody with Covid.
7 That's what this is about.

8 Q. And then "Are you saying that others are
9 being paid overtime? And if you heard this rumor
10 who is being paid overtime." That's Derek's.

11 And Derek, you said he wasn't
12 Assistant Township Manager at the time, right?

13 A. No, he was.

14 Q. He was?

15 A. He was the Assistant Township Manager
16 and he was also overseeing the Codes and Building
17 and Zoning Department.

18 Q. And they go up for the next e-mail from
19 Mike McCarthy. And he said he heard that Publics
20 Works (Road and Parks) was being compensated
21 squirrel time for being in today, correct?

22 A. Yes. And if memory serves, that was a
23 sewer main break or a storm that occurred. So
24 they had to come in even though everybody was

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1 ordered home, everybody, even essential employees.

2 Q. This is an essential employee?

3 A. Which one, Mike McCarthy?

4 Q. So this issue here of Public Works
5 coming in, that's an essential employee issue?

6 A. Correct, yes.

7 Q. Like the type of thing of why you said
8 you implemented this policy?

9 A. Yes, absolutely.

10 Q. Okay. And your response to that, in
11 your response you never address the squirrel time,
12 correct?

13 A. No, I do not.

14 Q. What were you addressing up there in the
15 response to all of this?

16 A. If I remember this correctly and if I am
17 reading correctly --

18 Q. Take your time to read it. I'm not
19 trying to rush you.

20 A. No, I did. I'm fine. Mike was asking
21 if he could be paid overtime for coming in during
22 normal work hours and I responded no, you can only
23 be paid once you hit 40 hours of work time. But
24 they were all at home on Covid time and coming in

1 during normal work hours so there was no reason to
2 give them comp time.

3 Q. Okay.

4 A. And the situation that I respond to in
5 the second paragraph is Covid. It's not anything
6 normal.

7 Q. But I think when really -- when you're
8 saying "I am being very gracious in offering comp
9 time to those employees," are you referring to
10 secret squirrel time as comp time there?

11 A. More about Covid than anything.

12 Q. More about Covid?

13 A. Absolutely, yeah.

14 Q. All right. I'm just trying to break
15 that down.

16 A. No, I understand. I think we --

17 Q. Very confusing time in the world, I will
18 give you that.

19 A. I believe we shut down the previous
20 Friday, the 12th or so.

21 Q. That was when we were in two weeks and
22 then two weeks turned to a lot more?

23 A. Two years actually. Yes, of course.

24 Q. I was a government employee as well. I

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1 remember very well.

2 A. Sure.

3 MR. ALEXANDER: I want to take a
4 couple minutes. I want to look through. I
5 think we are almost done. I just want to
6 look through everything and then just make
7 sure we round it up.

8 MR. DEHON: Certainly.

9 MR. ALEXANDER: So can we take five
10 minutes?

11 THE WITNESS: Sure.

12 MR. DEHON: Yeah, do you want to
13 take five to see if you have anything? And
14 then I will look --

15 MR. ALEXANDER: Yeah, yeah.

16 THE VIDEOGRAPHER: Going off the
17 record. The time is 2:03.

18 (A brief recess was held at this
19 time.)

20 THE VIDEOGRAPHER: Back on the
21 record. The time is 2:11.

22 BY MR. ALEXANDER:

23 Q. Okay. You testified earlier about you
24 referred to the -- this policy of letting the non

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1 essential employees go home, you know, in
2 preparation of weather events or not come in due
3 to weather events as kind of a common practice --

4 A. Yes.

5 Q. -- in municipalities?

6 A. Yes.

7 Q. And you have worked for three different
8 municipalities?

9 A. Yes.

10 Q. Twenty-two years?

11 A. Yes.

12 Q. You have a Master's Degree in Public
13 Administration?

14 A. I do.

15 Q. And you have -- your work now, do you
16 get municipal contracts?

17 A. We work for municipal and private
18 clients, for both, yeah.

19 Q. And your experience, that's part of --
20 your experience working with municipalities is one
21 of the reasons that makes you valuable to Arro,
22 correct?

23 MR. DEHON: Objection to form.

24 A. For the project management side of it,

1 yes.

2 BY MR. ALEXANDER:

3 Q. Fair to say it's why you were hired?

4 MR. DEHON: Objection to form.

5 A. I guess so, sure.

6 BY MR. ALEXANDER:

7 Q. And that's your only work experience
8 really in the last 22 years prior to doing it,
9 yes?

10 MR. DEHON: Objection to form.

11 A. My adult life, yes.

12 BY MR. ALEXANDER:

13 Q. Now, what you said was the common
14 practice of allowing these non essential employees
15 to go home, was it also the common practice to
16 give comp time to the employees, the essential
17 employees who have to stay?

18 MR. DEHON: Objection to form.

19 A. I have never had that discussion with
20 any other management people in all honesty. It
21 has never come up.

22 BY MR. ALEXANDER:

23 Q. So you wouldn't be able to call that a
24 common practice, correct?

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1 A. I don't know.

2 Q. Well, you just don't know of any other
3 town who does that?

4 MR. DEHON: Objection to form.

5 A. I don't have any knowledge of others who
6 do it or don't do it. I don't know that for a
7 fact at all either way.

8 BY MR. ALEXANDER:

9 Q. So I just want to be seeing the clarity
10 in this. You don't know if any other town has a
11 policy like that or not?

12 MR. DEHON: Objection to form.

13 BY MR. ALEXANDER:

14 Q. Yes or no?

15 A. I don't know of any other township but I
16 don't know that they don't. I'm not familiar with
17 the municipalities' practices.

18 Q. Would you say it's a common practice for
19 a municipality to have a time off system where the
20 only records that are kept of it are on a
21 spreadsheet kept by an administrative assistant
22 that never goes to Payroll?

23 MR. DEHON: Objection to form.

24 A. I don't know that.

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1 BY MR. ALEXANDER:

2 Q. Have you ever heard of any other
3 municipality in your 22 years working in municipal
4 work, your time at Arro with the municipal
5 contracts and the conferences that you have talked
6 about going here, have you ever heard of any other
7 town doing that?

8 MR. DEHON: Objection to form.

9 A. I don't -- I have never had the topic
10 come up.

11 BY MR. ALEXANDER:

12 Q. Before you implemented the policy of
13 the, implement the policy of the workers getting
14 compensation time, the essential employees getting
15 compensation time while the non essential
16 employees get home due to a weather event, did you
17 confer with anyone before you instituted that
18 party policy?

19 MR. DEHON: Objection to form.

20 A. Just with the staff members that I
21 discussed it with, Halvorsen, Woodward, discussed
22 it with the Board members at the time individually
23 over the years, yeah.

24

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1 BY MR. ALEXANDER:

2 Q. Did you discuss it with the Board
3 members before or after you instituted the policy
4 of giving the essential employees comp time or
5 squirrel time for the time the non essential
6 employees went home due to a weather event?

7 MR. DEHON: Objection to form.

8 A. Probably after in all honesty because it
9 was my job as Township Manager to manage the
10 Township. I hate to be so funny. But I had
11 complete responsibility and authority to set rules
12 and to manage the workplace.

13 BY MR. ALEXANDER:

14 Q. Looking back on it now, do you wish you
15 had written down a -- this policy down somewhere?

16 MR. DEHON: Objection to form.

17 A. I have no opinion at this point.

18 BY MR. ALEXANDER:

19 Q. Did you ever have to conduct an
20 investigation into Ray Halvorsen while you were
21 Township Manager?

22 A. I don't believe so, no.

23 Q. What about Dave Woodward?

24 A. No.

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1 Q. You mentioned that you had a
2 conversation with I believe it was Mark Harman
3 prior to you finally declining the opportunity to
4 meet with Eckert Seamans on August 8, correct?

5 A. Correct.

6 Q. What was that conversation? Can you
7 tell that conversation for me?

8 A. Sure. I told him what was going on with
9 this situation with Dave's suicide and it was his
10 opinion, his opinion as our -- as my supervisor,
11 he's an Executive Vice President with the company,
12 that unless I was subpoenaed for this
13 investigation I shouldn't do it.

14 Q. Did you want to come in for the
15 investigation?

16 A. I did at first. But given the couple
17 days that lapsed and I guess my anger over Dave's
18 suicide I just didn't want to participate.

19 Q. Was there any specific reason given to
20 you by Mark Harman as to why he didn't want you to
21 participate without a subpoena?

22 MR. DEHON: Objection to form.

23 A. I don't recall. I think it was just
24 general guidance from him. Unless -- because

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1 it -- I'm not sure why he said that. But he
2 wanted it to be more official as opposed to just
3 me being drawn in after being gone from this
4 place, from this employer for a year and a half or
5 more as to just be guarded; that's all.

6 Q. Was there any concern that this could
7 affect your ability to get future municipal
8 contracts on the part of Arro?

9 A. No.

10 Q. We have been looking at Exhibit E and it
11 starts on Page 2. Do you have Page 1?

12 A. Page 1 is actually from me forwarding it
13 to myself from my personal Yahoo account because I
14 sent it to --

15 MR. DEHON: Yeah, I can clarify it
16 for you. It was a printer issue based on the
17 cover page. I can provide you Page 1 but it
18 will --

19 MR. ALEXANDER: That's all right.
20 I take you at your word on this.

21 BY MR. ALEXANDER:

22 Q. Do you feel responsible in any way for
23 what happened to Dave?

24 MR. DEHON: Objection to form.

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1 A. I do.

2 BY MR. ALEXANDER:

3 Q. Explain.

4 A. Okay. Let me get this off my chest if I
5 may. I brought Chris Bayshore into the Township
6 fold as the assistant, so I feel responsible that
7 I put him in that position and the net result was
8 Dave Woodward's death. However we got there, I
9 don't know. I wasn't privy to most of this -- any
10 of this investigation. But I draw a direct line
11 from Chris Bashore taking over from me early
12 January of 2022 and Dave Woodward's death in '23.
13 That's my opinion.

14 I feel guilty. I'm angry. And in
15 my adult working life this is one of the worst
16 decisions I ever made was to hire Chris Bashore.
17 He can sue me all he wants right now. I don't
18 give a crap anymore. But I'm still angry that
19 this entire situation rolled out like it did.
20 That's it.

21 Q. Other than not -- recommending Chris
22 Bashore, do you feel guilty about anything else
23 you did or did not do that may have led to Dave's
24 death?

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1 A. No.

2 Q. You don't regret not memorializing this
3 policy in writing?

4 A. No, I do not.

5 Q. Not informing Payroll of this and
6 letting Payroll deduct this time rather than
7 having Lisa Covatta do it?

8 MR. DEHON: Objection to form?

9 A. I don't.

10 BY MR. ALEXANDER:

11 Q. Do you feel any responsibility or regret
12 for not telling the current Board when you left
13 about this policy or updating other Boards about
14 this unwritten policy?

15 A. In my opinion, it takes years for newly
16 elected officials to even come to speed -- up to
17 speed with what their responsibilities are. I
18 would spend every day of every month of every year
19 having educational classes with the newly elected
20 officials about what I do every day. It's not why
21 they are there. I am there to run the Township as
22 a Township Manager. I am given that authority and
23 I did not and I do not.

24 Q. Do you have any regret during the 15

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1 years that you were ever memorializing this policy
2 anywhere other than with conversations with Ray
3 Halvorsen, Dave Woodward about this policy?

4 A. I don't.

5 Q. And just to be clear, those are the two
6 people you remember having conversations with who
7 were employees of the Township, correct?

8 A. Yes, correct.

9 Q. And it was only the three Board members,
10 McIlvaine, Meakim and White?

11 A. Correct.

12 Q. No one else?

13 A. No.

14 Q. Do you regret not showing Chris Bashore
15 the -- Exhibit C, the list, the spreadsheet that
16 Lisa Covatta kept in regards to this time off
17 policy? Do you regret not showing that to Chris
18 Bashore?

19 A. No, no. I could have spent years with
20 Chris Bashore as the assistant and he still
21 wouldn't have learned the entire job. It takes
22 years to understand what the Township Manager role
23 is. So six months, four months was not enough
24 time.

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1 Q. And you don't think that an unwritten
2 policy that allows essential employees to take
3 comp time for time the non essential employees
4 leave that doesn't go through Payroll is something
5 important enough to tell Chris Bashore about in
6 six months?

7 A. It didn't come up.

8 Q. Why was the blood draw an important
9 enough policy to put in the Employee Manual and
10 this wasn't?

11 MR. DEHON: Objection to form.

12 A. Well, the blood donation program, that
13 was earned time which went into Payroll. I
14 consider that different than the one-for-one
15 fairness and equity of sending non essential
16 employees home who didn't have to work for the
17 rest of the day or for the entire day at all while
18 the other employees were on duty when they could
19 have been home with their families as well. So,
20 that's why I put it in the manual.

21 Q. And just to be clear, when you say it's
22 earned time, it's earned time for the donation of
23 blood?

24 A. Correct.

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1 Q. And the good that does for the community
2 I would assume?

3 A. Certainly.

4 Q. And in regards to the -- any expansion,
5 did you ever -- other than the giving of
6 one-for-one time to the essential employees for
7 having to work when the non essential employees go
8 home due to a weather event, did you ever
9 sanction, authorize any expansion of this program?

10 MR. DEHON: Objection to form.

11 A. No. It was conveyed one-to-one hours or
12 time, whatever you want to call it, for every hour
13 non essentials were sent home it was granted for
14 the essentials.

15 BY MR. ALEXANDER:

16 Q. And if there were started being some
17 sort of bonus systems internally in these, like I
18 said before, for not knocking over mailboxes or
19 for guessing the correct weight of pumpkins or
20 something like that, that would not have been
21 authorized by you?

22 A. Correct.

23 Q. And did you do ever do anything to
24 oversee that that wasn't happening?

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1 A. No. I trusted my employees.

2 MR. ALEXANDER: I don't have
3 anything else.

4 - - -

5 EXAMINATION

6 - - -

7 BY MR. DEHON:

8 Q. I just have a few questions, Casey.

9 A. Sure.

10 Q. Do you need to take a break or anything?

11 A. I'm good.

12 Q. You were asked at various points during
13 Mr. Alexander's examination whether you put comp
14 time/snow time in -- memorialized it into
15 memorandums. Do you remember those questions?

16 A. I do.

17 Q. During the period that comp time was in
18 place starting in 2007 when you instituted it and
19 various Board members, we know at least three knew
20 about comp time, none of them ever told you hey,
21 Casey, you need to put this in writing?

22 A. No, not a one.

23 Q. None of them ever told you hey, Casey,
24 you need to come to a Board meeting?

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1 A. No.

2 Q. None of them ever told you you need to
3 memorialize it in any way?

4 A. No.

5 Q. In fact --

6 MR. ALEXANDER: I just want to be
7 clear. We are just talking about the three
8 people he told?

9 MR. DEHON: Yes.

10 MR. ALEXANDER: Okay.

11 BY MR. DEHON:

12 Q. And, in fact, these three people were on
13 the Board at the same time, correct?

14 A. Yes.

15 Q. Which would be the majority of the
16 Board?

17 A. Yes.

18 Q. So while you were Township Manager the
19 majority of the Board knew about comp time and
20 snow time and never once told you you needed to
21 memorialize it?

22 A. Correct.

23 Q. Never once told you that you needed to
24 put it in writing?

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1 A. No.

2 Q. Never once told you you needed to bring
3 it to a meeting?

4 A. No.

5 Q. You were asked a series of questions
6 regarding the interviews of the superintendents as
7 well as Mr. Woodward and also Mr. Bashore
8 reviewing documents and spreadsheets.

9 Do you remember that?

10 A. Yes.

11 Q. And you were asked whether that would
12 constitute an investigation?

13 A. Yes.

14 Q. Would that still constitute an
15 appropriate investigation in your mind if those
16 occurred after Mr. Woodward and the
17 superintendents were placed on leave?

18 A. Hypothetically, to suspend someone I
19 personally would have needed something egregious
20 to occur on the spot to send someone home. The
21 starting of an investigation, there was no trigger
22 for an egregious action. So until the
23 investigation was concluded -- and mind you, these
24 are salaried employees as well. So, they -- if

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1 the investigation showed egregious behavior or
2 actions then, then suspensions may follow. But
3 not, not then, no.

4 Q. You were asked a series of questions to
5 the e-mails that's were given to you between
6 yourself, Mr. McCarthy, Derek Davis and John
7 Beswick and Andrea Testa regarding comp time being
8 used in March of 2020.

9 Do you remember that?

10 A. Yes.

11 Q. And if I understood you correctly, you
12 were being confronted with the issue of Covid?

13 A. Correct.

14 Q. Whether to pay these employees for them
15 to come in during Covid?

16 A. Correct.

17 Q. You were also shown an Employee Manual.

18 Do you remember that?

19 A. Yes.

20 Q. Is there anything in the Employee Manual
21 about comp time during the pandemic?

22 A. No.

23 Q. Is there anything in the Employee Manual
24 about comp time during Covid 19?

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1 A. No.

2 Q. You're familiar with Munis Payroll?

3 A. Yes.

4 Q. Is your understanding that a payroll
5 system is the one operating that inputs the hours
6 and then it generates a paycheck?

7 A. Yes.

8 Q. And so the information inputted into
9 Munis would be the total final hours?

10 A. Correct.

11 Q. And that would include adjustments for
12 comp time?

13 A. Yes, to my knowledge, yes.

14 Q. You testified earlier that Mr. Bashore
15 was your assistant for about six months?

16 A. Thereabouts, yes.

17 Q. And then you later testified that you
18 regret hiring Mr. Bashore as the Township Manager?

19 A. Yes.

20 Q. Or recommending him?

21 A. Yes.

22 Q. And during those six months you thought
23 he could become Township Manager?

24 A. Yes.

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1 Q. You thought he was ready?

2 A. Yes.

3 Q. What changed?

4 A. This investigation, how it was conducted
5 from what, what I know, discussions with Dorine
6 McClune, Lisa Covatta as to how it was conducted.
7 I just think it was a -- again, I just think it
8 was done maybe in his fashion but it's certainly
9 not how I would have conducted an investigation.

10 Q. What about for the July 20 interaction?

11 MR. ALEXANDER: What are you
12 referring to?

13 MR. DEHON: The meeting.

14 MR. ALEXANDER: He wasn't at the
15 meeting. Object to that. He wasn't at the
16 meeting.

17 BY MR. DEHON:

18 Q. Based upon what Mr. Woodward and
19 Ms. McClune told you?

20 A. Yes.

21 Q. Did Mr. Bashore's actions at that
22 meeting affect your analysis at all?

23 A. Yes. I had no knowledge. I think he
24 presented that they -- he had done an

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1 investigation before that July 20 meeting. Am I
2 correct? May I ask a question? Or I'm not
3 allowed to ask a question. Forget it.

4 Okay. So based on --

5 Q. I will clarify. It was represented to
6 you by Mr. Alexander that an investigation had,
7 some sort of investigation had occurred prior to
8 July 20. But I am portraying to you now that the
9 interview of Mr. Woodward was after July 20 and
10 the interviews of all the superintendents were
11 after July 20.

12 A. Right. Okay. So in that case, based on
13 my conversation with Dave Woodward and Lisa
14 Covatta and Dorine McClune, again, I think it was
15 out of order, I think it was unprofessional the
16 statements that Mr. Bashore made and the threats
17 for him to make against long-time trusted
18 employees of the Township in that manner.

19 Q. That includes threats of jail?

20 A. Threats of jail, threats of criminal
21 prosecution, and to bring up again the Kennett
22 Township matter which had nothing to do with this,
23 no comparison whatsoever.

24 Q. Okay. You just answered my next

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1 questions. Are there any comparisons between what
2 the Kennett Square Township Manager did and comp
3 time?

4 MR. ALEXANDER: Objection to the
5 form. He doesn't know the whole
6 investigation. I don't know what knowledge
7 he has of Kennett Square.

8 BY MR. DEHON:

9 Q. You can answer.

10 A. I followed the Kennett Square situation
11 through the newspaper like everybody else. She
12 sold cash, she stole health and benefits, she
13 stole -- she put her boyfriend, claimed to be
14 married on the health insurance. And she was
15 diverting sewer funded funds to her own account.
16 There is nothing even remotely close to -- this
17 situation to that.

18 Q. Did you ever discuss the Kennett Square
19 Township Manager with Mr. Bashore?

20 A. I don't know one-to-one in all honesty.
21 But it was a topic of conversation in the
22 manager's -- Chester County Manager world for
23 quite a while and he was part of it. So I'm sure
24 maybe not one-to-one but informally in our

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1 consortium groups maybe, yeah.

2 Q. So based on your interaction with
3 Mr. Bashore as well as the rest of the managers in
4 the Township groups, would it be your belief that
5 Mr. Bashore had accurate knowledge as to what the
6 Kennett Square Township Manager did?

7 MR. ALEXANDER: Objection to form.

8 A. Yes. The information was fully divulged
9 in the local newspaper. All the details were in
10 the local newspaper, so I'm -- yes, I would
11 suspect he was.

12 BY MR. DEHON:

13 Q. And yet based on your conversation with
14 Mr. Woodward and Ms. McClune, Mr. Bashore brought
15 up the Kennett Square Township Manager to
16 Mr. Woodward and the other superintendents during
17 that meeting?

18 A. Correct.

19 Q. Based on the questions that you got from
20 Mr. Alexander, is there anything you would like to
21 clarify?

22 A. I don't believe so, no.

23 Q. Is there anything else pertinent to the
24 questions that you have been asked today that you

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1 would like to explain or tell us?

2 A. There's one item relating to the e-mail
3 that I provided earlier, and I did want to talk
4 about this today, get it on the record. And
5 again, you can call it hearsay. I don't care
6 what. I'm just going to say it. Sorry.

7 MR. ALEXANDER: If you say it it's
8 admissible.

9 THE WITNESS: I know.

10 MR. ALEXANDER: No objection.

11 A. So this is in discussions with Lisa
12 Covatta and Dorine McClune after Mr. Woodward's
13 suicide. I believe they were reinstated but don't
14 quote me but they were in the room. The Township
15 Supervisors, elected officials had a group meeting
16 with all the staff to talk about it, to talk about
17 the issue. I believe the suspended
18 superintendents were back at work and I believe,
19 if I understood Dorine McClune and Lisa Covatta
20 correctly, Mr. Walsh, Shaun Walsh who I think is
21 still the Chair, I don't know, made the statement
22 that I refused to participate in the investigation
23 to the assembled group. That is not accurate. I
24 just wanted to get that on the record today.

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1 MR. DEHON: All right. Those are
2 all the questions I have, Casey.

3 THE WITNESS: Okay. Thank you.

4 MR. DEHON: Thank you for coming in
5 today.

6 THE WITNESS: My pleasure.

7 MR. DEHON: Paul.

8 MR. ALEXANDER: Yes, just briefly,
9 not much at all.

10 - - -

11 EXAMINATION

12 - - -

13 BY MR. ALEXANDER:

14 Q. Would it change your opinion -- let me
15 take that back.

16 You formed an opinion upon
17 Mr. Bashore and how he conducted the investigation
18 upon information you learned from others, correct?

19 A. Correct.

20 Q. In conducting an investigation do you
21 tell every single person that you interview or
22 that you talk to everything you know about the
23 investigation?

24 A. No, of course not.

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1 Q. So fair to say in your conversations
2 with Dorine McClune and Lisa Covatta and -- there
3 are perhaps things that Mr. Bashore knew about the
4 investigation they did not, correct?

5 A. I have no idea.

6 Q. Steps that he may have taken that they
7 didn't know about?

8 A. Don't know.

9 Q. Interviews he conducted they didn't know
10 about?

11 A. Don't know.

12 Q. Were you aware of any type of secret
13 squirrel time or other variable, this snow time or
14 any type of compensation time like this prior?
15 Had you ever heard of it prior to you going there
16 as Township Manager?

17 A. No. And in converse of that, my
18 predecessor, Sharon Lynn, wouldn't let anybody go
19 home ever. They had to drive home in the
20 blizzard. They had to work their eight hours and
21 go home, even if there was four feet of snow on
22 the ground. So I did not manage that way. I did
23 not want employees dying on the road because I
24 held them back.

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1 Q. So if somebody said that -- if somebody
2 said, for instance, that this has been going on
3 since the '90s, based upon your knowledge coming
4 in in 2007 and when you instituted this policy,
5 you wouldn't know that to be true?

6 A. I don't know that, yeah.

7 Q. And you worked with Ray Halvorsen for
8 how many, say at least almost ten years?

9 A. Till 2018, so 11 years.

10 Q. And he was the Board -- he was on the
11 Board of Supervisors in the '90s up until about
12 what, '01?

13 A. 2001 I believe is when he left, yes.

14 Q. But he always worked for the Township
15 even when he left in '01. He was the --

16 A. He became the Public Works Director in
17 2001, yes.

18 Q. And you never heard anything from him
19 that that this existed prior to your
20 implementation?

21 A. I don't think we ever spoke about it,
22 no.

23 Q. If somebody wanted to change overtime
24 from vacation to some other kind of time, as

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1 Township Manager do you have the authority to
2 approve that?

3 A. I would but I don't recall ever doing
4 that.

5 Q. Do you ever recall giving the authority
6 to anyone else to do that?

7 A. No, I don't.

8 Q. So that would have violated your policy?

9 A. Yes.

10 Q. When we were on break before you asked
11 to look at the Policy Manual. What were you
12 looking for?

13 A. I just wanted to see -- and I will show
14 you quickly. What was it? I think I was looking
15 at the -- bear with me. Oh, just 307, Severe
16 Weather and Emergency Closings just to see if
17 it -- we had the policy in there about I will
18 communicate to the employees; that's all.

19 Q. Okay. Is that something you put in,
20 that part of the policy you put in?

21 A. Well, this entire Policy Manual was I
22 believe a template, boilerplate. I -- this
23 appears to be no different than anyplace else I --
24 I mean it's very generic. But since we were using

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1 that electronic notification method, that's why I
2 think we updated just a little bit. That's all.

3 Q. And the blood drive, that was something
4 you added, correct?

5 A. Yes.

6 MR. ALEXANDER: Last check but I
7 think we may be done.

8 I have nothing further. You're
9 done.

10 THE WITNESS: Thank you.

11 THE VIDEOGRAPHER: Counsel, excuse
12 me. I have to ask about the transcript and
13 video orders. Transcript?

14 MR. ALEXANDER: Just transcript.

15 THE VIDEOGRAPHER: Transcript and
16 video?

17 MR. DEHON: Yes, sir.

18 THE VIDEOGRAPHER: Thank you.

19 This concludes today's deposition.
20 Going off the record at 12:41.

21 MR. ALEXANDER: Are you going to
22 send a mini, too, on that or just the
23 regular?

24 THE VIDEOGRAPHER: I will write

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1 mini, whatever you would like.

2 COURT REPORTER: You want mini and
3 full then?

4 MR. ALEXANDER: Yes.

5 (The videotape deposition was
6 concluded at 12:42 p.m.)

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