

# **Exhibit N**

David L. Anthony  
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**Re: Estate of John David Woodward v. West Goshen Township, et al.**

**1. Introduction**

My name is David L. Anthony, and I have been retained as an expert witness to make observations and state opinions for the legal suit of Woodward v. West Goshen Township. I have been asked to offer opinions on the actions of West Goshen Township's Township Manager, Christopher Bashore, in relation to his handling of an employee meeting held on July 20, 2023, and the connected investigation related to "snow time" or "squirrel time." My background is municipal governance and municipal operations, specifically in the Commonwealth of Pennsylvania. To prepare my report, I reviewed the deposition transcripts, exhibits, and all materials exchanged between the parties. I also used my two decades of experience serving as a Township Manager in the Commonwealth of Pennsylvania, as well as my familiarity with the best practices of municipal operations/governance and the associated actions, duties, and behaviors of Township Managers in order to reach my conclusions and opinions in this legal suit.

I attended Edinboro University and majored in business and geography. My experience in local government began in the late 1980s as roadmaster for the Borough of Clarendon, Warren County, Pennsylvania. I worked as a laborer for the City of Warren, Warren County and was later promoted to equipment operator.

I ran for the elected position of Supervisor for Mead Township, Warren County. While serving as a supervisor, I was later appointed as roadmaster. In 1997, due to my experience and work ethic, I was appointed Manager for Washington Township, Erie County. I held this position until my retirement in the summer of 2021.

Since my retirement, I have acted as an independent consultant to Keystone Municipal Services (KMS), where I write a bi-weekly blog focusing on various aspects of local government operations. To date, I have penned nearly 90 posts on items related to municipal government. Some of the primary services that KMS offers are assistance in filling

vacant manager positions and ongoing support for managers and secretaries, along with interim management fulfillment and additional municipal programs. Currently, I am instrumental in creating a future “managers class” in cooperation with the Pennsylvania State Association of Township Supervisors (PSATS). This class will provide a detailed review of the roles and responsibilities required to be a successful municipal manager in Pennsylvania. I have given presentations on municipal subjects at both PSATS functions and county association conventions.

## **2. Brief Summary of the Case**

On July 20, 2023, West Goshen township manager Bashore emailed department heads or superintendents Woodward, McClune, Bertolami, and Moffa, asking them not to leave at the end of the workday as he wanted a meeting with the four individuals before they left for the day. The outcome of this meeting was that Bashore told the four superintendents they were being placed on immediate unpaid administrative leave. His action was based on the use of “snow time or “squirrel time” for the public works employees.

Department heads testified at their depositions that during the requested meeting, manager Bashore stood over them and “yelled,” admonishing them for having committed fraudulent activities and threatening that they could face jail time based on a legal situation that occurred in a nearby community. At the time of this meeting, the only investigation attempted was a cursory review by Manager Bashore. Manager Bashore, according to him, held the July 20, 2023, meeting on the advice of labor counsel, yet the formal investigation had yet to begin and does not provide a reason for the behavior and conduct of Bashore during the July 20, 2023, meeting.

The purported lackadaisical reaction of the department heads to the manager’s anxiety over the situation indicated that it wasn’t considered a serious concern by them due to its long-time historical use and implementation by former administrative leaders. Considering the longevity of the “snow time” process, they had no reason to question its use. The deposition members testified that Manager Bashore escalated his anger to the point of causing fear, anxiety, and discontent in those attending the meeting. Several days after the confrontational meeting, Mr. Woodward committed suicide.

For over a decade, West Goshen Township has operated under the “snow time” policy. While this policy was not formally documented, it was well understood by each department head. The policy allowed public works employees who worked during inclement weather when the township offices were closed to receive an hour of credit for each hour worked. The department heads were responsible for tracking these credit hours and granting the employees time off when requested.

Manager Bashore was told in the July 20, 2023, meeting, as well as on July 18, 2023, that the policy of giving employees “snow time” was initiated by the prior township manager, Casey LaLonde, and a prior member of the board of supervisors, Raymond Halvorsen.

This policy was designed to fairly compensate the public works employees who were required to work plowing snow when the administrative offices were closed by the township manager due to inclement weather. It is not the purpose of my report and my analysis to comment upon whether the “snow time” policy and the use of it by the public works personnel was proper but instead to provide opinions regarding whether Manager Bashore handled the situation properly and in line with the industry standard practices I learned over my decades of experience as a Township Manager.

### **3. Documents Reviewed**

Complaint

Amended Complaint

Second Amended Complaint

All discovery exchanged between the parties

Depositions and Exhibits of:

- Christopher Bashore
- Shaun Walsh
- Michael Moffa
- Dorine McClune
- Mark Bertolami
- Lisa Covatta
- Jennifer Latzer
- Doreen Woodward
- Emily Woodward

### **4. Facts**

Mr. LaLonde, former West Goshen Township Manager, implemented the practice of snow time during the winter of 2007 and 2008. (LaLonde Deposition at 36). Mr. LaLonde implemented this policy with the approval of Raymond Halvorsen. (Id.). At the time snow time was implemented, Mr. Halvorsen was the Director of Public Works after previously serving on the Board of Supervisors. (Id.). Mr. Halvorsen then served on the Board of Supervisors again after the implementation of snow time. (LaLonde Deposition at 36-38). According to LaLonde, The purpose of the implementation of snow time was to ensure the safety of non-essential employees during adverse weather events, and in turn, essential employees, those who have to be on the job in order to respond to emergencies, would receive a credit for the hours worked while township offices would be closed during the adverse weather event. (LaLonde Deposition at 35-37). According to Mr. LaLonde, the practice remained in effect until his departure, and everyone knew about it within the township, even the elected officials. (LaLonde Deposition at 99).

Christopher Bashore was hired as an assistant township manager in September of 2021 and was promoted to township manager in January of 2022. (Bashore Deposition at 12). Mr. Bashore's role was to oversee the day-to-day operations of the municipality, including oversight of all departments and supervision of the department heads. (Id.).

According to Mr. Bashore, he became aware of snow time on July 13, 2023 from Lisa Covatta. (Bashore Deposition at 20). Mr. Bashore then took it upon himself to look into the matter and met with Human Resources Director Jennifer Latzer. (Bashore Deposition at 22). Mr. Bashore then spoke with finance director Christine Riffey. (Bashore Deposition at 38).

Mr. Bashore then met with each of the superintendents and Mr. Woodward on July 18, 2023. Prior to this meeting, Mr. Bashore did not discuss the matter with anybody from the present Board of Supervisors or outside counsel. (Bashore Deposition at 39). Mr. Bashore met simultaneously with Mr. Woodward and Mr. Bertolami where Mr. Bashore informed them that their activities (snow time) were "fraudulent," that if it happened again there would be "serious repercussions," and Mr. Woodward conveyed to Mr. Bashore that snow time was "over." (Bashore Deposition at 44-50). Mr. Bashore did not elaborate as to what the potential repercussions would be. (Bashore Deposition at 51).

Mr. Bashore was aware that Mr. Woodward had a wife and a daughter and that she would be attending college. (Bashore Deposition at 53). Mr. Bashore was aware that Mr. Woodward had worked for West Goshen Township for approximately 23 years. (Bashore Deposition at 55). Mr. Bashore was aware that Mr. Woodward had committed his professional life to serving West Goshen Township. (Bashore Deposition at 56). Mr. Bashore admitted he knew that accusing someone like Mr. Woodward of the fraud he was alleging had the potential to destroy the personal and professional lives of those involved (Bashore Deposition at 82-83). Mr. Bashore knew something like this would be incredibly humiliating for Mr. Woodward. (Bashore Deposition at 113). Mr. Bashore knew this would impact Mr. Woodward's ability to provide for his family and send his daughter to college. (Bashore Deposition at 115).

Mr. Bashore then met with the Board of Supervisors on July 19, 2023. (Bashore Deposition at 67). The Board of Supervisors advised Mr. Bashore to meet with the Township's labor counsel, Eckert Seamans, on July 20, 2023. (Bashore Deposition at 68). The meeting between Bashore and labor counsel was held approximately two hours prior to Bashore meeting with Mr. Woodward and the other superintendents. (Bashore Deposition at 68). Mr. Bashore was the only attendee at the meeting with labor counsel on behalf of West Goshen Township. (Bashore Deposition at 69). It was in this meeting that the "punishment" of placing Mr. Woodward and the other superintendents on unpaid leave was decided. (Bashore Deposition at 74-75).

On July 20, 2023, Mr. Bashore then emailed and/or contacted Mr. Woodward and the other superintendents to meet and set up a meeting for later that day. (Bashore Deposition at 85). Between Bashore's meeting with labor counsel and the meeting he set up with Mr. Woodward and the other superintendents, Bashore drafted a letter informing Mr. Woodward

and the others they were being placed on unpaid administrative leave, and provided it to labor counsel. (Bashore Deposition at 83-84). At the meeting, Mr. Bashore then informed Mr. Woodward and the other superintendents that they were being placed on unpaid leave and gave them the letters. (Bashore Deposition at 92-93). Prior to this meeting, Bashore had considerable time to decide how he wanted to handle the meeting with Woodward and the superintendents and what he wanted to say to them. (Bashore Deposition at 124-133). When the meeting occurred, Mr. Bashore informed the superintendents that they would be interviewed by a lawyer and the superintendents again informed Mr. Bashore that snow time had been in place for years. (Bertolami Deposition at 52-53). Mr. Bashore was standing, raised his voice, and told Mr. Woodward and the other superintendents that “this is what people go to jail for.” (Bertolami Deposition at 54) and (Moffa Deposition at 33). Mr. Bashore compared Mr. Woodward and the other superintendents to a previous township manager from Kennett Square who went to jail for fraud. (Bertolami Deposition at 55). Mr. Bertolami believed they were going to be fired. (Bertolami Deposition at 60). Mr. Bashore was yelling, conveyed that they could go to jail, and implied that they would all be fired. (McClune Deposition at 39-40). Mr. Woodward was visually upset. (McClune Deposition at 40-41). Mr. Bashore admitted he informed Mr. Woodward and the others of the Kennett Square incident in order to make them understand the seriousness of the issue and that other people had gone to prison for something similar. (Bashore Deposition at 102). The way the meeting attendees reacted made Mr. Bashore upset and angry. (Bashore Deposition at 99 and 103). Mr. Bashore could tell the members of the meeting, including Mr. Woodward, were upset based on their demeanor. (Bashore Deposition at 115). Mr. Bashore knew the members of the meeting, including Mr. Woodward, were in a vulnerable position. (Bashore Deposition at 117).

## **5. Analysis**

Through my extensive experience as a township manager, I have become familiar with the standards of conduct and practices that exist in the municipal governance field. Manager Bashore, in his role as Township Manager, is expected to meet a degree of care that a prudent and reasonable person would exercise under the circumstances of this situation. This standard for a municipal manager encompasses a set of expectations regarding their responsibilities, actions, and decision-making processes. They must make informed decisions based on sound analysis, evidence, and best practices. He is accountable for his decisions and actions, providing justifications and being open to scrutiny from the staff and others. This accountability ensures the transparency of his actions, providing reassurance to all involved. As a municipal manager, he is expected to lead and manage staff effectively, fostering a positive and productive work environment. This is accomplished by maintaining clear and open lines of communication with the staff, fostering trust and collaboration. He is accountable for his decisions and the outcomes of those decisions.

It is common practice for a municipality to have unwritten internal policies that address day-to-day situations in order to keep the operation running smoothly. As a manager, they have the degression to implement unwritten policies. If an internal policy is deemed infective or

illegal by the manager, it is their responsibility to change or eliminate it. For example, the manager can ask an employee to cover for another who may be absent for whatever reason and promise that employee additional time above and beyond the actual time worked to incentivize them to complete the requested task. AKA, if you cover for the employee who had to leave early due to sickness, the remaining employee could add an additional hour to his time slip. If similar scenarios continue to happen, it is not uncommon for the action to become an unwritten internal policy understood by all to be the “norm” and become part of the operational process.

The actions of Casey LaLonde and Ray Halvorsen mirror this type of unwritten internal policy that they implemented to assist in the smooth operation of the Township and incentivize employees to perform the requested duties. Depositions show the years-long policy was known by the chairman of the board of supervisors and members of the streets department, as were other departments, which were well aware of its existence. This unwritten internal policy was no “secret” and was well known by multiple employees and department heads. Bashore testified in deposition that so as far as the rank-and-file employees were aware, the superintendents were aware, the department heads, the policy was enacted by the former township manager and somebody who eventually served on the board of supervisors. This is not to say that the unwritten snow time policy was or was not proper, but merely to demonstrate that the superintendents and department heads, including Mr. Woodward, were under a reasonable expectation that the snow time practice was put in place by their supervisors and was appropriate.

The role of Township Manager is multifaceted, requiring the ability to shift focus from= minor issues, such as a resident’s request for a “Watch Children” sign, to high-level meetings with state government officials. This role also involves managing potentially contentious situations with citizens and employees. It is crucial for a manager to maintain a professional demeanor at all times, as any escalation of tempers can lead to discontent and a negative perception of the municipality and its leaders. The manager’s primary responsibility is to act in the best interest of the operation without berating those involved in any given situation. This professional conduct is not just a suggestion but a necessity in the role of a manager.

In my opinion, Mr. Bashore violated these standards in how he handled the early stages of the investigation and certainly in how he handled the July 20, 2023 meeting with Mr. Woodward and the others. Based on Mr. Bashore’s testimony, as a result of the meeting with labor counsel, he was simply to deliver the letters informing Mr. Woodward and the others they were being placed on unpaid leave. Mr. Bashore should have accomplished this by simply delivering the letters to Mr. Woodward and the others and informing them that there would be a formal investigation they were expected to cooperate with. Instead, Mr. Bashore harshly escalated the situation, began yelling at the meeting attendees, including Mr. Woodward, threatened them by referring to the jail sentence for the Kennett Square manager, and did this despite knowing they were all upset. Mr. Bashore knew this had the potential to destroy their personal and professional lives, but he escalated the situation anyway. This is not in line with the standard of conduct for a township manager based on my

description above and based on my decades of experience. Mr. Bashore should have simply informed them they were being placed on unpaid leave, and let labor counsel carry out their investigation. Mr. Bashore did not do this and instead verbally attacked the meeting participants and scared them into believing they were getting fired, accused of fraud, and potentially looking at jail time. This type of bullying was highly unprofessional. Bashore's conduct shocks the conscious, and he clearly used his authority in a way that rendered Mr. Woodward more vulnerable to anger and led to this tragedy.

As a confirmation that Mr. Bashore should have just let the labor counsel's investigation take place without escalating the situation as he did, once the investigation concluded none of the involved personnel were fired, none were criminally prosecuted, and there was very little if any punishment at all. By escalating the situation at the July 20 meeting, Mr. Bashore failed to allow the formal investigation to be completed. Making the accusations and threatening statements he made, without the completed investigation, was premature and violated his responsibilities as a township manager and he acted unprudently.

In my opinion, to a reasonable degree of professional certainty, the protocol for this situation should have been as follows:

- The manager should perform a thorough investigation to determine if a problem or situation exists and its level of importance. This investigation should be comprehensive and fair, ensuring that all parties are heard, and all evidence is considered. While Mr. Bashore interviewed some personnel before labor counsel was involved, he did not allow this process to be completed before escalating the July 20 meeting and making the statements/threats described above. He should have allowed labor counsel to conduct their full investigation before making any such statements to the public works employees, including Mr. Woodward, other than simply providing the letter informing of unpaid leave. This violated his responsibility as township manager.
- Individual interviews with all parties believed to be involved should have been conducted to corroborate their knowledge of using "snow time." Again, Mr. Bashore did not allow this process to be completed by labor counsel.
- The manager should have contacted the Township's solicitor before implementing his punishment to the department heads. Mr. Bashore did not do this at all.
- The manager should have taken his concerns to all Supervisors immediately.
- An executive session based on personnel issues should have been scheduled or made part of the next Township Supervisors meeting. Mr. Bashore did not do this, and instead met with the Board of Supervisors without the superintendents or Mr. Woodward present.
- The manager should have provided his recommendations as to how the situation could be handled and also other options that the board could consider.
- The manager, Mr. Bashore, by making accusations of fraud, yelling, threatening termination and the possibility of jail, did not act in a reasonable or prudent manner

of a township manager related to municipal operations and governance. He claims he acted on advice of the labor counsel, but the testimony reveals all labor counsel told him to do was deliver the letters informing of unpaid leave. Mr. Bashore went far beyond this and accused the employees of fraud, yelled at them, threatened termination and the possibility of jail, while knowing this would have the potential to destroy their personal and professional lives and be incredibly humiliating to Mr. Woodward and prevent him from supporting his family. This violated the standard of care and practice in this field that I have become so familiar with.

A handwritten signature in black ink, appearing to read "David L. Anthony". The signature is stylized with a large, sweeping flourish at the end.

David L. Anthony