

DATE: Friday May 10, 2013

TO: Director of Public Works Stephen Stanziano

FROM: Elena Zsoldos, CPM Business Administrator;  
Michael Fressola, Mayor

SUBJ: Response to your May 6, 2013 Memo and Directive to  
provide information

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Director Stanziano:

This memo is in part in reply to yours of May 6, 2013 and to more generally respond to some issues that have arisen and are ongoing. Also, as reflected herein, you are directed to provide responses to certain questions listed below, no later than 10:00 a.m. on Monday, May 13, 2013, or by enclosing your answers in the self addressed stamped envelope and effectuating regular mail delivery by dropping with the mail service by then.

I. General Response to the Issues Raised by your May 6, 2013 Memorandum.

While it is understood that you, or through your attorney, may likely allege that this memo and directive is retaliatory, discriminatory, etc., there has indeed been nothing done to you by me or by the Mayor or to my knowledge by any other Township official or employee which has been in any way retaliatory. Indeed within the exchange of communications among the attorneys, a month or two ago, if recollection serves we were accused of retaliating against you based upon your filing of an EEOC complaint before any of us had any knowledge that you had even filed one.

In preemptive response to any concern you might likely raise regarding the amount of time given to you for a response to this

directive, I am here explaining the reason for a short deadline being directed.

We requested through counsel that we have another interview with you. Your position has been from the outset that, as we have been advised by counsel, the Mayor and I as your supervisors are entitled to and responsible to make sure you are accountable for the performance of your job duties. We have conducted interviews with you in an effort to ensure such accountability, but from the first one of these recent interviews, you have continued to refuse to respond to our inquiries unless you can have your counsel present and you have insisted upon having a certified court reporter to create a transcript of such interviews. We have reserved our position that you have no right to impose such demands in order for us to ask you to account for your job performance. However you have insisted and we have accommodated that demand while reserving our position, inasmuch as our goal is to satisfy the inquiry into your performance of your duties more so than to engage in such arguments.

In response to our attempt to very quickly set up another interview, which appears to be the only way we can now get information of substance from you face to face, we were advised that you cannot be available until a week from Friday when you can be available only for 2 hours or in the alternative two weeks from this past Tuesday. As a full time department head who is under the supervision of the Mayor and the Administrator, we both find it unacceptable that when we want to speak to you to have you answer questions relating to the performance of your duties, the answer we get is essentially "next Friday or two weeks from yesterday."

On a perhaps related note, while it appears that you have utilized leave time to which you are entitled, it is also fact that in your absence, employees of your department, including supervisors, are bringing issues to our attention which they believe need to be addressed and which they believe me or the Mayor should address in your absence. As an example, the situation with the door to the booth where Russell Kunitis is assigned has been brought to my attention twice. The first time, I offered three suggestions, any one of which I believed should have ended the issue one way or another. I was advised that you were later advised of my direction in that regard, and

despite the issue being directed back to you as the department head, it was once again presented to me as an unresolved issue last week.

With this and many, if not all, of the issues which you allege in your May 6, 2013 memo to have been "circumvention of your office," the only reason you may feel circumvented in these cases seems to be that you have been unavailable to address the issues presented to us or the manner in which you have addressed them has been insufficient, unproductive, or in some cases what appears to be poor judgment or discretion exercised by you.

In any one of the matters listed by you in your May 6, 2013 memo, if you believed your duties were being circumvented and that the decisions made in your absence have not been in the best interests of the Township or its employees, it was and is incumbent upon you as the Department Head to come see the Mayor or me or both to discuss the matter(s), rather than waiting until decisions are made, keeping a collection of decisions and then taking issue with a whole list of decisions over which you made no effort whatsoever to offer any input. It is you, not us, who has made the decision that any face to face communications must involve lawyers and court reporters. Any such chaos, instability or rash decision making which you refer to is a product of your actions and your position and the way you have performed your job duties.

Your memo also makes reference to the consequences of "discharging" a General Manager leaving the field personnel to operate without proper supervision. However, the information that was brought to our attention led to the conclusion that proper supervision was not being directed at those field personnel prior to the resignation of the General Manager. In fact, the most key of said "field personnel" alleges that he spent several months if not years trying to get direction and supervision from the General Manager to no avail, after which he spent several months trying to achieve direction and supervision from you, also to no avail. Any lack of supervision and direction of field personnel is a consequence of your failure to appropriately run and supervise your department.

While you are employed as the Director of Public Works, it is your responsibility to try to address and remedy any real potential for disaster which exists, at a minimum, by

identifying the source of potential disaster, determining the plan or course of action to remedy the potential disaster and carrying out the steps necessary to minimize or eliminate the potential disaster. However, while you have authored your memo with apparent hyperbole about "chaos, instability, potential disaster and compromising the safety of township residents," it seems that you offer no solutions to any such potential disasters nor have you identified any such potential disasters other than the resignation of the General Manager.

That resignation followed a meeting in which we got to the bottom of where the delay was caused in the issue of acquiring an emergency back up pump which everybody involved agreed was necessary to avoid potential disaster. At that meeting, it was determined that the delay in addressing that potential disaster was ultimately attributable to the General Manager who conceded that he was the cause of the delay and who has since resigned.

It has been apparent for some time now that you have engaged in a pattern of written communications by which you seek to create a paper trail portraying yourself as some sort of victim of a conspiracy of some sort with the alleged goal of preventing you from doing your job. Such written documentation has in many cases been exaggerated, false and/or misleading but also frequently enough that it has become burdensome to respond to each such communication, many of which reflect no appropriate effort to improve the efficiency and operations of your department. As you have been advised previously, the fact that the Mayor and I have had other responsibilities to tend to which we have prioritized over responding in detail to every one of your inaccurate or misleading communications by which you are attempting to create this paper trail, our inability to respond to each and every one of these communications should not be taken by you as some form of admission. The one thing we can admit in this regard is that we have been too busy tending to real Township business, some of which has been created by your failure to do your job, to respond in kind to every misleading or false memo or email you have issued.

## II. Questions remaining un-answered as to the Performance of your Duties relating to DPW operations

As noted above, there are remaining questions which we are directing you to provide answers to and we are unwilling to wait

10-14 days until you are willing to provide a response. As such, this memo shall constitute a directive to you to provide written answers which fairly, truthfully and directly answer the following questions with written answers provided to me by 10:00 am on Friday May 10, 2013. Do not consider yourself confined to the space provide feel free to utilize continuation sheets.

1. Is there some aspect of the operation of our utility systems which requires that the Township employ personnel with some license, certification or other credential which is not possessed by any personnel remaining in the department following the resignation of the General Manger? If so, please provide the details.

2. Do we have existing personnel who possess the required credentials serve as the "Licensed Operator for our utility systems" as referred to in your May 6, 2013 memorandum? If so, list all employees with any such credentials and advise whether that person is or has been operating as the "licensed operator" on an interim basis since the resignation of the General Manager.

3. What is your recommendation for "selection of a new Licensed Operator for our utility systems" and advise us of anything you have done, (and when you did, providing a copy of anything documented in writing whether by email, memorandum or otherwise), since the resignation of the General Manager, in order to convey your recommendation to anyone in an effort to begin any necessary selection process.

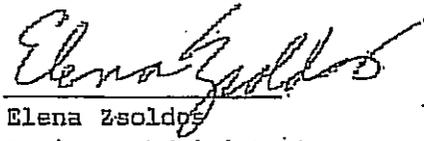
4. Did you deny a request for changing the uniforms of the Division of Utilities employees, and if so please advise who made the request, what was the stated basis for the request, and what were the factors taken into consideration by you which led you to determine to deny any such request?

5. What is the "misinformation" which you allege (in your May 6, 2013 memo) was provided relating to by-pass pumping and water meters, and what information do you have that leads you to believe we were provided misinformation in that regard and who, if anybody, did you advise regarding this misinformation once you discovered the misinformation had been provided?

6. What information do you have and when was the information provided to you regarding the time frame relating to identification of the need for a bypass pump, any decision making relating to obtaining a bypass pump and any steps taken in furtherance of actually obtaining or purchasing a bypass pump?

7. Has there been occasion during the time spanning your employment with Manchester Township when you had any encounter of a sexual nature with a subordinate employee of the Department of Public works and if so, was the target employee's spouse later hired as a Department of Public works employee?

8. During the period spanning your employment with Manchester Township, did you ask or direct any Township employee or employees to repair, install, service or otherwise tend to skylights in or around the home of your parents or one of your parents?



Elena Zsoldos  
Business Administrator