

## MIDDLETOWN

## Supervisors consider requiring unanimous vote for firing official

*Two supervisors said that requiring a unanimous vote to fire the public safety director would violate the second-class township code.*

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As a hedge against politics, the Middletown supervisors are considering a township ordinance that would require a unanimous board vote to fire the new public safety director.

Middletown is switching from a police chief to a public safety director when 20-year veteran Chief Frank McKenna retires Jan. 31. The supervisors interviewed 13 candidates and have narrowed it down to one man they hope to hire as soon as Monday, supervisors' Chairman Robert McMonagle said. He declined to provide specifics, other than to say the candidate was a "Bucks County man" but not a Middletown employee.

Unlike police chiefs, who have considerable protection against dismissal under the police tenure act, public safety directors serve at the pleasure of the supervisors.

McMonagle said the proposed ordinance would make it easier to fire the director as compared to a chief, but would protect the director from the political whims of any board majority in power at the time.

The supervisors voted 3-2 at Monday's meeting to advertise the ordinance. They are tentatively scheduled to vote on enacting it Dec. 22.

McMonagle, Kathy Heuer and Chuck Thompson voted to advertise the ordinance. Jasper Caro and former township cop George Leonhauser voted no.

Caro and Leonhauser favored keeping the police chief position because they feared political influence.

However, they said requiring a unanimous vote on any matter before the board violates the second-class township code.

Township solicitor Mike Savona disagreed.

"In reviewing case law, there is no case that supports your view," he told Caro and Leonhauser. "The second-class township code says nothing that would prohibit a requirement exceeding the minimum number of votes needed to pass something. You're simply setting a higher standard than established by the Legislature."

Leonhauser didn't buy that argument.

"It doesn't make sense that under this, you're giving the public safety director more protection than the township manager, and the manager would be the public safety director's boss," he said.

The manager still can be fired by a majority vote, Leonhauser said.

In addition to the unanimous vote provision, the four-page proposed ordinance states that the public safety director can be fired only for "malfeasance, misfeasance or nonfeasance in office, or as a result of conviction of any crime in the criminal courts of the Commonwealth of Pennsylvania, the United States of America or any state or foreign nation."

The proposal also outlines the duties and responsibilities of the new position.

"The Director of Public Safety shall supervise all the functions of Township Police Department, Fire Marshal's Office, and any and all other emergency services personnel of the township or as may be operating under the authority of the township, which same shall be formally organized as the Middletown Township Department of Public Safety," it said.

Among other duties, the PSD shall supervise the development of emergency management plans for the township and complete any and all grant applications to state or federal agencies for emergency service funding, the proposed ordinance states.

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