

## MIDDLETOWN

## Supervisors require unanimous vote to fire safety director

*The township is close to hiring a Bucks County man as its first public safety director, the supervisors chairman said.*

By **CHRIS ENGLISH**  
STAFF WRITER

After a lengthy debate, the Middletown supervisors have approved an ordinance that, among many other provisions, requires a unanimous board vote to fire the public safety director.

The ordinance also spells out the duties and responsibilities of the director, who hasn't been hired yet but is scheduled to take over supervision of the police department and other emergency services in the township when police Chief Frank McKenna retires Jan. 31.

Supervisors Robert McMonagle, Kathy Heuer and Chuck Thompson voted to approve the ordinance Monday night. Jasper Caro and former township cop George Leonhauser voted no.

McMonagle said he had suggested the unanimous vote provision as a hedge against politics.

Unlike police chiefs, who receive considerable protection against dismissal under the police tenure act, public safety directors serve at the pleasure of the governing body. McMonagle said the provision would protect the director against the political whims of any particular board majority in power at the time.

However, Leonhauser and Caro said requiring a unanimous vote on any board action violates the second-class township code. Township solicitor Mike Savona disagreed, saying his research of the code and case law revealed nothing that would prohibit requiring a unanimous vote by the supervisors.

Leonhauser had other objections, pointing out that the ordinance did not require a unanimous vote to hire a public safety director.

"The politics thing works both ways," he said. "The board majority could make a politically partisan appointment and then the person would be protected by the unanimous vote thing. This takes away power from future boards."

Leonhauser and Caro both favored keeping the police chief system, saying a public safety director position invites the influence of politics.

Monday night, Supervisor Kathy Heuer said it was contradictory to first bring up politics as an objection to a PSD, and then vote against a provision designed to protect the position from politics.

"I suggested this unanimous vote to address your concerns," McMonagle told Leonhauser. "This puts us close to the kind of protection a police chief would enjoy while also giving us [supervisors] some measure of control."

Township resident Andy Warren, a former Bucks County commissioner, joined in the argument.

"Why have one set of criteria to hire an individual and another set to fire that individual," said Warren.

"Don't select any one employee for a separate and distinct set of rules."

It also doesn't make sense to invite a possible scenario of having one supervisor hold up the dismissal of a public safety director when the other four favor it, Warren said.

But Savona likened the unanimous vote requirement to the jury system, which requires a unanimous vote to convict.

"It's the standard we use in every criminal court in the country, and usually the jury gets it right," he said.

Requiring a unanimous vote to hire a public safety director would make it difficult to fill the position if that need arose, Savona added.

"It would invite gridlock when an important position needs to be filled," he said.

The new ordinance states the PSD "shall be removable 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."

It also requires a hearing before the supervisors before the PSD can be fired.

While declining to provide specifics, McMonagle said township Manager Ray Stepnoski is close to finalizing negotiations with a Bucks County man who would become the township's first public safety director.

The board's original first choice was a Philadelphia police captain who disqualified himself by making unreasonable demands in negotiations with Stepnoski, said McMonagle. Chris English can be reached at 215-949-4193 or .