

## MIDDLETOWN

## Farry resigns as assistant township manager

*He didn't want there to appear to be a violation of the Hatch Act while he runs for state representative.*

By **CHRIS ENGLISH**  
STAFF WRITER

Feeling backed into a corner, Frank Farry decided to resign from his \$74,587 a year job as assistant township manager in Middletown, rather than drop out of the race for state representative.

Farry, a Republican, is running against incumbent Chris King, D-142, in the Nov. 4 election. Farry submitted his letter of resignation to township Manager Richard Gestrich Friday, citing political interference and intimidation, mostly from Democratic supervisors Chairman Robert McMonagle, who is also King's campaign manager. The resignation is effective June 7.

McMonagle and others have claimed that Farry's candidacy for state representative while holding the assistant manager job possibly violates the federal Hatch Act. That act prohibits federal employees and, in certain cases, employees of agencies that receive federal funds, from running for elected office.

Farry claims the Hatch Act issue is a trumped-up charge being used by McMonagle and King for maximum political effect, a claim McMonagle denied and King declined to comment on.

"Toward the end of an executive session a few weeks ago, Robert brought up this memo from our township solicitor, Mike Savona," said Farry. "It talks about how I might be violating the Hatch Act because if Rich [Gestrich] is absent for any period of time and I'm acting manager, I might have to sign off on projects that are federally funded. To me, that's a real stretch, even if it's accurate. I don't believe I'm violating the act."

Savona's memo, a copy of which was obtained by the newspaper, reads:

"Mr. Farry's position as assistant manager could require, as a foreseeable incident of his principal employment, that he perform duties in connection with the federally financed activities. This is particularly true in view of the fact that he is expected to serve as acting manager in the absence of the township manager."

It continues: "Given the possibility that the assistant manager could step into the shoes of the township manager and as a result be responsible for all projects and programs administered by the township, including those funded in whole or in part by federal loans or grants, it is reasonable to conclude that Mr. Farry is a covered employee within the meaning of the Hatch Act and is in violation of the Act by virtue of his candidacy for state representative."

Farry said McMonagle tried to intimidate him after the executive session into dropping out of the state representative race.

"He told me the only way to save my job was to drop out of the race," said Farry. "He said even if I'm not violating the Hatch Act, the King campaign would make an issue out of it. I don't believe there is a Hatch Act violation, but I would never do anything to compromise the township in any way, and so I thought the prudent thing for me to do was resign. I had deliberated very long about running for state representative. It's very important to me and I didn't want to give that up."

McMonagle had a different version of the conversations he had with Farry over the Hatch Act issue.

"I did ask him to meet me in an upstairs conference room [after the executive session] so we could talk man to man," said McMonagle. "I tried to counsel him that he was in an untenable situation and the worst thing he could do was give up his job for a race he would probably lose. It's the very rare Republican that will be successful in the November election. But at no point did I pressure him to do one or the other."

McMonagle said he directed Savona to draft a memo on the subject after Supervisor Jasper

Caro questioned at the April 29 meeting whether new board member Kathy Heuer might be in violation of the Hatch Act because she's a teacher in the Neshaminy School District. Savona said he didn't think Heuer's status as a supervisor would be a violation.

After that April 29 meeting, McMonagle said he received an anonymous email from a resident questioning whether Farry might be in violation. Both Farry and McMonagle said an anonymous complaint has been filed with the U.S. Office of Special Counsel alleging a Farry violation of the Hatch Act.

The newspaper was unsuccessful in its attempts to reach officials from the special counsel's office for comment.

A section of the office's Web site reads: "The Hatch Act ... restricts the political activity of individuals principally employed by state, county or municipal executive agencies in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency. An employee covered by the Act may not be a candidate for public office in a partisan election, i.e., an election in which any candidate represents, for example, the Republican or Democratic party."

The 35-year-old Farry said he has offered to continue working with the township on a consultant basis after June 7 to help with the transition to a new assistant manager. Farry was hired by Middletown in 2000 as director of community services. Soon afterward, he became assistant manager. He also served as acting manager for almost a year several years ago after John Burke's resignation.

Farry, who is also chief at the Langhorne-Middletown Fire Company, has a law degree and said he would continue doing work for the Jackson, Cook, Caracappa and Bloom law firm in Falls while running for state representative.

"Robert said he had known about this [possible Hatch Act violation] since January and, if he truly felt the township was in danger of a Hatch Act violation, he should have come forward much sooner," said Farry. "It's clear this is a systematic political attack that is unwarranted and unnecessary and doesn't belong in this community. It's Harrisburg politics coming to Middletown and it's wrong."

McMonagle conceded being aware of a possible violation for months, but said he's become more and more aware of the possible penalties for the township if it's found guilty of a Hatch Act violation.

"We could be on the hook for double Frank's salary, or somewhere around \$150,000, and the taxpayers can't take that kind of hit," McMonagle said.

The newspaper was unsuccessful in its attempts to reach Gestrich for comment. King represents Hulmeville, Pennel, Langhorne, Langhorne Manor, most of Middletown and most of Lower Southampton.



Frank Farry