



6:00 Executive Session – Personnel

The Morrisville Borough Council met on Wednesday, October 25, 2023 at 7:00 p.m. in Council Chambers at the Morrisville Municipal Building, 35 Union Street, Morrisville, PA for a Special Council Meeting.

1. Pledge of Allegiance

All those in attendance stood and recited the Pledge of Allegiance.

2. Roll Call

The following Council members and Borough officials were in attendance:

Borough Council: Bob Paul, President
 Helen Hlahol, Vice President
 Andrew Lubin
 Jason Manness
 Carletha Murray (via phone)
 Kathryn Price Engelhard
 Scott Robinson
 Nancy Sherlock

Borough Officials: Judith Danko, Borough Manager
 Christopher Gerber, Solicitor

Not in Attendance: Virginia Cyphers, Assist. Borough Secretary

3. Public Comments

1. Hal Wilcox – *52 Harrison Avenue*

He stated that he has lived in Morrisville for 65 years and he doesn't understand why you want to get rid of a Police Chief that has always done his job to the best of his ability with the budget that he has to work with and the officers that you allow him and why would you want to get rid of a Police chief that all he does is care about this town and Chief McClay is not even from here or live here but he cares about Morrisville and would help anyone. The problem in my opinion is some of you up there having a personal issue with Chief McClay and you're trying to use your so-called power to resolve your personal issue. Council before you make a decision take time and look to your left and look to your right and make sure one of your partners isn't using this to take care of a person grudge. Thank you.

2. Holly Harman – *Plaza Boulevard*

She stated that she wanted to fill Council in about her experiences about the Chief of Police and his officers that act on his behalf. She stated her first interaction was with Officer Mike



DiIanni in 2015. Starting midwinter 2015 Officer DiIanni started calling me stating that he needed to talk to me about my social media posts. At that time, I had just left my ex and was working 12 hours a day, I offered to talk to him on the phone but he insisted it be done in person. I continued to get calls for the every couple of weeks until the fall and finally in October of 2015 when I wasn't working I agreed to meet him at headquarters, I had my friend Yvonne accompany me because the whole thing seemed inappropriate and I wanted a witness. DiIanni proceeded to give me a copy of my social media post which is a copy of an arrest record of one of my ex's relatives. I pointed out to him that it was obtained from a website that was available to the public and I have every right to post under my 1st Amendment Rights. I also told him and the Chief of Police in an email later that I considered it official harassment and would not be expecting any more discussion on the matter. Later the Chief of Police followed me through town for no apparent reason, I took a long meandering route to ascertain that I was being followed and when I drove out of town on South Pennsylvania Avenue he was forced to turn around. Over the years I get random unsolicited emails from the Chief of Police making comments on my social media posts perhaps a dozen or so and I had finally had enough and filed a complaint, it resulted in an investigation and I spoke to an attorney that was in charge of the investigation and he shared with me that there were at least three other citizens and a business owner who had also filed complaints that was in Spring of 2020. After that the email stopped but then the Chief of Police resorted to telling people on Council that I knew to tell me about my social media posts, it was harassment by proxy. I know three other women that were also paid visits by either the Chief of Police or an officer that confronted them and their social media posts.

3. Bob Perry – *606 Prospect Avenue*

He stated that he hopes all of Council has done their own research and looked at cases that where other counties, townships and municipalities have fired their Chief and it has cost them millions and they also had to give the Chief his job back so I hope you've done the research and I also believe that this is a personal vendetta from somebody or some people and if I get elected to Council in November you can be sure I'm going to look into this because if the rumors are what he's getting fired for it is ridiculous and it will go further than this if the reasons are what the rumors are I can tell you that. I just hope you do your own research. Thank you.

4. Donna Wilson – *East Post Road*

She stated I really said most of what I had to say about the Chief last week but I do have a couple things she'd like to mention. I want to talk about the water shut off incident and the MMA that took place in September 2022. Why is the Chief who was just showing compassion being investigated really was an investigation necessary, the way I understand it a resident's water was going to be shut off the bill hadn't been paid or maybe it was lost or misplaced during the birth of their baby. The Chief asked MMA to hold on for 30 minutes while the resident went to Borough Hall and paid his bill, truly it was that easy to correct. The Chief used compassion and kept the water flowing in the house with the newborn baby. My opinion, good on him for deescalating the problem. Second, the boat that's parked on the street by a resident who lives on Lenora Avenue doesn't that resident know that the boat is not



supposed to be parked on the street, I walk by that boat, I drive by that boat, the trailer was without a registration I knew it shouldn't be parked on the street. It is right across the street from you Helen and as a Council member didn't you know it shouldn't be parked there, did you say anything to that neighbor or to the Chief about it being illegally parked, if not, why? When it was ticketed and moved it didn't take long for it to be parked back in the same spot, were you okay with that? Why are you going after the Chief what did he do to you? That being said, don't you all want a culture of compliance? So let me ask you could any of you up there on that dais give a show of hands, who has approached the Chief and discussed the things that you think he's doing wrong or maybe doing right? Has the Chief been verbally reprimanded, has he been given warnings? Mr. Paul now that you are acting Mayor and the overseer of the police department do you intend to sit down with him and spend time with him and find out how he really works his department? Will you discuss what you think he's doing wrong or right or will you jump on the bandwagon with others who have a vendetta against the Chief? What was found in those investigations? Do the residents get a chance to know the outcome before you fire him? If you do fire him are you going to do it legally? How much money is going to be spent on these investigations and how much will be spent when there is little to nothing found wrong? Are his actions worth firing? I can tell you after speaking at the meeting last week I have received many messages and phone calls thanking me for standing up for Chief McClay. My own cousin reached out to me she lost her son and Chief McClay was the only person who reached out to her to see if she needed anything, did any of you do the same, she told me she would have never gotten through these horrible days without the compassion from the Chief. Gosh he's really a horrible person isn't he? I will once again close with this, do you remember the condition our police department was in how much the lawsuits were when Chief McClay was hired, are we heading there again because of personal vendettas? What will it cost this time if the Chief is illegally fired? I ask you to please listen to the residents of Morrisville and do what's right for our town. Keep the man who has brought our criminal rates down. Chief McClay has done nothing but good for our town and the safety of our residents, firing him will be a huge mistake. Just so it's clear, I have not been told anything that goes on in executive session, it was not told to me by anyone that sits up there, it was told to me by the Chief himself and that is his business and his prerogative.

5. Cynthia Cicero – *606 Prospect Avenue*

She stated that she is very unhappy with recent events concerning Chief McClay. I was a Borough employee at the time he was hired I was a clerk in the police department. I worked in that mess that was the police department because of investigations he came in and cleaned up the mess of others quickly, effectively and efficiently. I have witnessed firsthand how he deals with the public, he is professional, he is tough, he is fair, he is honest and yes sometimes he has to be the bearer of bad news or unwanted news. I have been living in this town for 45 years I have seen many Chiefs of Police, he's second to none. It is my opinion that this movement to fire Chief McClay is orchestrated specifically by two Council persons, one of which I believe should recuse himself from any kind of vote as he himself is under investigation. It is my sincere hope that they put aside their vindictiveness and think of the residents of Morrisville and the taxes we pay. What will be the cost to me and to all of us if



they fire him unjustly not in accordance with any Borough Code, have you thought about the cost of litigation, have you thought about the cost to the taxpayers if he wins such litigation? The taxpayers will bear the burden of litigation, settlements and back pay. Have you thought about the cost to the taxpayers if he is awarded his job back and you already have put your man in as a new Chief? Are the taxpayers to bear the burden of paying for two full-time Police Chiefs then or are we going to have more lawsuits? What's in it for the taxpayers? I'm very angry, you were elected to be town leaders and stewards of our money and instead you're persecuting this excellent chief for garbage, reasons that even bottom feeders wouldn't be fired for and you're pushing ahead with your own agendas with no regard to the people who got you elected and their money. Thank you.

6. Jane Burger – *90 West Maple Avenue*

She stated this is a difficult time for the Council but also a difficult time for the Chief. Council many years ago one of the worst things we ever had to deal with was issues, allegations, anything involving any employee we couldn't share any information as you can't. With your information good things about that employee all of which were absolutely true but in that instance it had nothing to do with what may or may not have been the reason for the personnel action. I can say I know this is difficult not only for the Council but it's certainly difficult for the employee in this case the Chief and I just wanted to share that when this happens in our Borough it's kind of a sad day that things come to this. Thank you.

7. Don Rice – *Resident*

He stated that he is not familiar with the Loudermill process and he requested that when it comes to the point in the meeting where you're calling for a motion that you do some explanation of the process to the public and where we stand within that process. He stated that he was driving around Lower Makefield today and he saw a sign We Support the Lower Makefield Police and I was like how do you support the police? I'm supporting the police by saying the Chief is one heck of a guy. I've had a few instances where I encountered him professionally and I was like Chief of Police I need your help, he came he helped and it was stuff that I could totally understand where he could have said no I'm too busy and it was homeless people down at the Preserve and other silly things like that but things that really required a police response and he helped. You all have seen me here a lot of times at meetings and I've heard the Chief's report to Council many times he doesn't mince words, he tells you what he needs, he tells you what he has, he tells you what you need to make this city safe. I respect him for that he is out to make Morrisville a better place and a safe place and I think we need the Chief not to fire him but to keep him. I appreciate him and I hope the rest of you do too. Thank you.

8. Mary Hrenda – *343 Crown Street*

She stated I would like to expand a little bit on what Don was talking about with the homeless people and other incidents down at the Morrisville Riverfront Preserve. Don and I when we're able we go down there and we help maintain the Preserve, we pick up trash, we cut down plants that need cut down, we try to keep the view of the river for people by getting rid of the vines in that area and we see things when we're down there and we have had occasion



to call the Chief. One time we had a grand theft we found a handcart full of tools that were stolen from a contractor that was working on one of the buildings there. A cop and the Chief came right away they took care of it the guy was arrested later on because he was trying to sell a stolen tool. We also had other homeless people there who were not dishonest like that we know of they were homeless people we found them in camp there that's illegal and it's also very destructive for the Preserve to have people camping out there cutting down trees, clearing their space, cutting around trees for fires and stuff like that. The Chief came down and he was compassionate, he was professional, he was all that you could ask for as far as dealing with those situations. We also had some people that were doing religious rituals down there that were basically killing roosters and leaving their carcasses there along with other miscellaneous stuff that would be called trash that seemed to have stopped too but he told us that this was religious it was protected but somehow they stopped doing it. If he did something it was compassionate, I know it was within the law because he knew the law on that and he took care of it and it was just my experience with him has been nothing but good and so I hope that you will not fire him, he's a really good Chief and I think you should keep him. Thank you.

9. Pastor Mario Vignets – *100 West Post Road*

He stated that he is the Pastor of Templo Cristiano Jehova Jireh Assembly of God on 100 West Post Road. Will all due respect I would like to express some words of gratitude to our Police Chief, I've be working with him for the past 10 years in this community and I never hear a complaint from people that go to our church, people that I know in this community, he has been very respectful, very professional in every way possible. Every time I need him he is always available, when I come to the office if I need some advice or something that needs to be done in our community he always opens the door and listens to me. We have a very good working relationship with the other officers. The police department provides security to our church on Sundays from 12:00 to 4:00 and every time I need some help they are there. I come in peace, I come to ask you to have a reflection, let God work in your mind, in your heart and your spirit and let's work this out for the benefit of Morrisville it's a beautiful place to live. Every time that I pray for this city I always pray that God brings peace, joy, communication, understand in our community. As a minority in this community if you noticed I have a little accent but we are working together in this community and the police is a big access to this work that we're doing in this community. Every time that we have an activity in our church he's always there the children in our church love him, the people of our church love him and also the police officers and we are so happy that we have a Police Chief with that dedication with that heart to work in our community. When I see the Police Chief working or riding his bike you don't see that in all the police departments a Police Chief riding the bike in the summer time in the city, never. There might be some misunderstanding, disagreements, as human beings we all have disagreements, you probably have disagreements between yourselves but we got to work together we got to work for a solution for the benefit of this beautiful town. I love Morrisville I wish I can do more for this beautiful city. As a Pastor, I pray I ask you, let God touch your heart, let the Holy Spirit deal with you give you the knowledge, the wisdom, the understanding that you need to make the right decision and let the Chief continue his wonderful job that he's doing for our community. He's not perfect, I'm



MEETING MINUTES
MORRISVILLE BOROUGH COUNCIL
SPECIAL MEETING

WEDNESDAY, OCTOBER 25, 2023
7:00 P.M.
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not perfect, you're not perfect, nobody's perfect here, we all make mistakes but God forgives us, God is a merciful God, God is a loving God and we need that in our community with every single person that is in here. God bless you, thank you for the opportunity to talk to you with all respect. I come with a message of reconciliation of understanding and to make the right decision because now more than ever we need our police force strong in this Township more than ever we need the support of the community and the support of every single person to be sure that this city this is safe and we all have to work to be sure this Township is safe that anybody can walk that all the children can walk around with no problem, so we can have some activities in the park, in my church, anywhere and to get everybody involved for the benefit and for the goodness to this community. Thank you God bless you and thank you for this opportunity that you gave me to express myself. Thank you very much.

There being no further public comment, the President proceeded to the business portion of the agenda.

Chris Gerber stated I've been practicing law for 27 years I'm a civil rights litigator labor attorney and solicitor. I've had the privilege of representing the Borough for over 10 years advising on many matters including this one. In short, the Loudermill process is not what it's been reported in the newspaper I can feel the tension tonight and I understand. I advise other police departments, police commissions, I represent cops for a living so I serve on all sides of the table, I am not just a management lawyer, it is my job as labor counsel for this Borough to ensure that everyone's rights are protected, everyone's, targets of investigations, witnesses, complainants that is my job. I've heard a lot of frustration tonight I will share my frustration as a lawyer for this wonderful Borough. In doing this for 27 years and like I said assisting municipalities with Internal Affairs investigations it's frustrating for me to read a newspaper today with a complete misstatement that says the Chief of Police is going to be fired tonight it's absolutely false. Let me be clear that's not the case. The Borough is being asked tonight to motion on whether a Loudermill notice is to be issued to the chief of Police of the Borough. A Loudermill notice is a personnel letter that contains certain information that the Chief can answer and protect his due process rights that's all they're doing tonight. So to the extent that the press is reporting that the Chief is being fired is false that's my frustration because I see the frustration in your eyes and then I have to tell you that facts obtained in Internal Affairs investigation must be kept confidential. I do understand if this was where I lived I would be upset too but that is the law, the attorney client privilege is the law and when we're talking about investigations involving police no matter who it is where it's the Chief or a patrolman we must keep those matters confidential and sacrosanct to protect everybody. Everybody needs to be clear on that you can all have our opinion, you can like the Chief, not like the Chief that's entirely up to you but when I hear that there are vendettas, when I hear that there is illegal conduct going on by the client that I represent I have to take issue with that and I think I need to represent to everybody that's not happening on my watch this is a municipality I've had the privilege representing a long time. I've been through a lot of the debacles that you've seen, so I need the public to understand that this Council has done nothing more and nothing less and they're about to make a vote it's either going to pass or it isn't but they're following the law and we must follow the law we'll continue to do that and the only thing I can do is to advise them to do so. If they elect not to do that and divulge attorney client information I can't stop that. At this point hopefully it answers your question regarding the process. The process is the Chief will have an opportunity to answer what is in the Loudermill notice, the information is confidential that is to protect everybody including the Chief. The Chief will have an opportunity to respond to that letter. Once the Chief responds to that letter then the municipality will be in a



position to consider what if any action may be taken, it's part of the process, it's the 14th Amendment, Chief is entitled to 14th Amendment due process rights just like any other police officer. I understand that you want to know the basis of it they are not permitted to divulge that information. I've been through this before in a number of jurisdictions and I can see the frustration and I do understand that is the law and if I were to advise them otherwise then we would be violating the law we would be violating the Chief's rights. Once the municipality has the response from the Chief then they can determine whether any type of employment action may be taken relative to the investigation. The Chief is represented by an attorney so the Chief can certainly consult with his lawyer, the Chief is not bound by the confidentiality that for example I have with my client I don't represent the Chief so the Chief can do what he wants it's up to him but what I'm trying to convey to everybody is that there is no option here tonight it isn't whether we want to provide it to you or not they don't have an option. I've been through this before and I've been before the cameras before and I've been before the public and there's just no other way to do it, that's the law in Pennsylvania, that's the 14th Amendment and again I need everybody to know that it's not worth my license to bend the law or break the law and I can tell you they're not doing either. They're making sure that everybody's rights are protected they're following process to the T. I can tell you other municipalities don't do this and they do it in the dark not this municipality and by the way I need to do this I promised and everybody's been great I'm not going to engage the public that's the statement I'm going to make and I don't think it's healthy frankly to get into it back and forth that's for everybody that's not fair, it's not fair to the Chief, it's not fair to the Council and I would just ask everybody in the room to trust that the process is being followed. He'll have until November 1st if it passes. So with that Mr. President unless there's any other question I have nothing more to add.

4. Action Items

- 4A. Motion to approve the issuance of a Loudermill notice directed to the Chief of Police, George McClay.
Motion made by Mr. Lubin and seconded by Ms. Hlahol.
No discussion took place regarding the motion.
Motion carried by roll call vote 6-2. (Nay votes being Ms. Price Engelhard and Mrs. Sherlock)

5. Other Business

- 5A. There was no other business this evening.

6. Adjournment

Motion to adjourn made by Ms. Hlahol and seconded by Ms. Price Engelhard.
Motion carried by voice vote 8-0.

Meeting adjourned at 7:37 p.m.

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