

DRAFT
RESOLUTION NO. 2017- 05
Durham Township
Bucks County, Pennsylvania

A RESOLUTION OF THE DURHAM TOWNSHIP BOARD OF SUPERVISORS CENSURING KATHLEEN A. GENTNER FOR IMPROPER, MISLEADING, UNETHICAL, AND UNPROFESSIONAL CONDUCT AND BEHAVIOR.

WHEREAS, Durham Township is a Second Class Township and thereby operates under and in accordance with the provisions of the Pennsylvania Second Class Township Code (53 P.S. §65101 *et seq.*); and

WHEREAS, Kathleen A. Gentner is a duly elected supervisor of Durham Township, and as such sits on the three member Board of Supervisors for the Township; and

WHEREAS, since taking office, Ms. Gentner has undertaken a series of improper, misleading, unethical, and unprofessional actions including, but not limited to:

- Requesting meetings with other governmental entities purportedly on behalf of the Township without obtaining the proper authorization to act on behalf of the Township in these requests; and
- Forwarding correspondence on Township letterhead stating Durham Township's support for certain positions without receiving the proper authority to send such correspondence or to make such representations on behalf of the Township; and
- Forwarding correspondence on Township letterhead seeking the input from and/or support of other governmental entities and officials purportedly on behalf of Durham Township without receiving the proper authority to send such correspondence or to seek such input or support; and
- Undertaking actions needing Board approval at a public meeting without seeking or receiving such approval at a public meeting; and
- Refusing to provide the Township with copies of correspondence and other written materials she has forwarded allegedly on behalf of the Township; and
- Meeting with various individuals and representatives of other governmental entities purportedly on behalf of Durham Township without receiving the proper authorization to represent the Township at these meetings; and

- Failing to inform the Township Administration and other members of the Board of Supervisors of meetings held with other individuals and other entities purportedly regarding Township business; and
- Improperly and without authority, removing Township documents from the Township Building; and
- Verbally and physically harassing Township employees; and
- Creating a hostile workplace environment for Township employees by publically insulting and denigrating Township employees; engaging with Township employees in an antagonistic, argumentative, and combative manner; making unreasonable and unauthorized demands upon employees; and generally treating employees unprofessionally, disdainfully, and without the proper and expected respect; and
- Using Township facilities to conduct personal business and meetings.

WHEREAS, Ms. Gentner's conduct and behavior has besmirched Durham Township's good name and reputation; and

WHEREAS, Ms. Gentner's conduct and behavior has caused confusion amongst the Township's residents and other people and entities undertaking business with the Township; and

WHEREAS, Ms. Gentner's conduct and behavior is violative of the Pennsylvania Second Class Township Code, as well as the Pennsylvania Sunshine Act, because she is unilaterally undertaking activities and actions, purportedly on behalf of the Township, which are required to be discussed, deliberated, voted on, and approved by a majority of the Board of Supervisors at a public meeting; and

WHEREAS, Ms. Gentner's conduct and behavior is violative of the Second Class Township Code and of her fiduciary duty towards Durham Township and its residents by making requests and setting forth positions on behalf of Durham Township where such requests and positions have not been approved by a majority of the Board of Supervisors; and

WHEREAS, Ms. Gentner's conduct and actions expose the Township to violations of the Pennsylvania Right to Know Law (65 P.S. §67.101 *et seq.*) and the Pennsylvania Municipal Records Act (53 P.S. §1381 *et seq.*), in that her refusal to provide documents to the Township she has forwarded purportedly on behalf of the Township prevents the Township from releasing and/or retaining these documents in accordance with these statutes; and

WHEREAS, Ms. Gentner's conduct and actions, if viewed as official submissions to municipal, state, and/or federal entities, expose the Township and herself to possible violations of Section 4904 of Title 18 of the Pennsylvania Statutes relating to unsworn falsification to authorities; and

WHEREAS, Ms. Gentner’s conduct and behavior has created situations that may leave the Township exposed to legal action due to this conduct and behavior.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Board of Supervisors of Durham Township that:

1. Ms. Gentner is hereby censured for her improper, misleading, unethical, and unprofessional conduct and behavior; and
2. The Board of Supervisors of Durham Township demands that Ms. Gentner immediately cease such improper, misleading, unethical, and unprofessional conduct and behavior, and commence acting in full compliance with applicable municipal, state, and federal statutes, laws, ordinances, code, rules, and regulations, and in accordance with her fiduciary duty to Durham Township as a Supervisor of this Township; and
3. The Township Solicitor is directed to forward copies of this Censure Resolution to all persons and entities known to be improperly contacted by Ms. Gentner and/or subjected to Ms. Gentner’s improper, misleading, unethical, and unprofessional conduct and behavior. Moreover, the Solicitor is directed to forward this Resolution to any additional persons and entities subsequently found to have been contacted by Ms. Gentner and/or subjected to her improper, misleading, unethical, and unprofessional conduct and behavior.

DULY ADOPTED by the Board of Supervisors of Durham Township, Bucks County, Pennsylvania, in the lawful session duly assembled this 13th day of June, A.D. 2017.

ATTEST:

**DURHAM TOWNSHIP
BOARD OF SUPERVISORS**

Dani McClanahan,
Township Administrator

Bartley E. Millett, Chairman

Richard M. Johnson, Vice Chairman

Kathy Gentner, Member