

RESOLUTION NO. 2023-31
EXETER TOWNSHIP
BERKS COUNTY, PENNSYLVANIA

A RESOLUTION OF THE EXETER TOWNSHIP BOARD OF SUPERVISORS
CENSURING DAVID HUGHES FOR CONTINUED IMPROPER AND
UNPROFESSIONAL CONDUCT AND BEHAVIOR

WHEREAS, Exeter Township ("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, Mr. David Hughes is a supervisor of Exeter Township, and, as such, sits on the five-member Board of Supervisors ("Board") for the Township; and

WHEREAS, based on a series of improper and unprofessional actions undertaken by Mr. Hughes since taking office in 2022, the Board, on June 22, 2022, passed a resolution censuring Mr. Hughes for his conduct; and

WHEREAS, Mr. Hughes has continued to display improper and unprofessional actions following the June, 22, 2022 Censure Resolution; and

WHEREAS, Mr. Hughes continued conduct and behavior has besmirched Exeter Township's good name and reputation; and

WHEREAS, Mr. Hughes' continued conduct and behavior has caused confusion and sowed discord amongst the Township's residents and other people; and

WHEREAS, Mr. Hughes' continued conduct and behavior has discouraged entities from engaging in business with the Township and has caused Township employees to leave Township employment; and

WHEREAS, Mr. Hughes has, during public meetings, on social media, on his website and in private, demeaned and threatened Township employees, Township officials, Township vendors, individual Township residents and others; and

WHEREAS, Mr. Hughes has repeatedly engaged in litigation against the Township at taxpayer expense; and

WHEREAS, Mr. Hughes has demanded that the Township provide him separate legal counsel for himself, at taxpayer expense, at an exorbitant rate of \$325/hour; and

WHEREAS, Mr. Hughes has repeatedly alleged that the Township and/or its public officials and employees have violated the Sunshine Act and other unidentified laws without any basis for such allegations; and

WHEREAS, the Township is required under the Right-to-Know Law to provide access to public records within its possession, custody or control, Mr. Hughes has repeatedly failed to respond to inquiries for Township records in his possession, which has thwarted the Township's ability to provide transparency; and

WHEREAS, Mr. Hughes has repeatedly posted and continues to host on his website and on YouTube privileged communications with the Township Solicitor, despite being repeatedly asked to remove such communications; and

WHEREAS, Mr. Hughes, during a Board meeting on December 9, 2019, referenced the "assassination" of Board members, was removed from the Board meeting on that date and later was, in writing, "put on notice that the Board will not tolerate any further implied or express threats of violence or other disorderly ... behavior at future Board meetings" and that "intentional interference with the Board's duty and ability to conduct an orderly meeting ... is a crime in Pennsylvania;" and

WHEREAS, on January 23, 2023, the Board passed Ordinance 2023-852 ("Ordinance") to set forth rules of decorum during Board meetings, including a prohibition on displaying signage, interrupting Supervisors or staff, causing unreasonable noise, maligning others, otherwise engaging in a disruption of meetings, making personal attacks, questioning the motives of fellow Supervisors; and

WHEREAS, despite the Ordinance, Mr. Hughes routinely displays signage, interrupts Supervisors and staff, makes unreasonable noise while others are speaking, maligns others, makes personal attacks, questions the motives of fellow Supervisors and otherwise has engaged in the disruption of meetings during public Board meetings; and

WHEREAS, at the request of Mr. Hughes, the Board invited Mr. Hughes to use his purported experience to assist the Township and its residents regarding the sale of the Promenade Shopping Center; however, Mr. Hughes, following a Board vote, declined to do so for unknown reasons; and

WHEREAS, Mr. Hughes has repeatedly made hostile and immediate demands for information that has forced Township employees to divert significant attention from other duties needed to be performed for Township residents; and

WHEREAS, in light of Mr. Hughes' hostility toward and demands on Township employees, the Board voted to direct Supervisor communications to the Chair in order to serve as the focal point for communications between Township employees and Supervisors; and

WHEREAS, despite the Board vote to direct communications to the Chair, Mr. Hughes has continued to make numerous unreasonable demands directly to Township employees, which has undermined the morale of Township employees, caused Township employees to divert significant attention away from other Township duties and undermined the authority of the Board; and

WHEREAS, during a public meeting on June 26, 2023, the following actions occurred:

- Mr. Hughes attempted to speak on a subject not listed on that portion of the agenda without first being recognized by the Chair.
- Despite being informed that the meeting had moved to the next agenda item and subsequently being ruled out of order by the Chair, Mr. Hughes continued to speak over the Chair.
- As a result of Mr. Hughes' actions, the Chair asked Mr. Hughes to leave the meeting room so that the remainder of the Board could discuss what actions, if any, to take in response to Mr. Hughes' violation of the Ordinance.
- As Mr. Hughes refused, the Chief of Police was asked to intervene and the Chair called for a recess.
- Following the recess, Mr. Hughes returned to the meeting, was permitted to make a statement and voluntarily left the meeting room while the remainder of the Board debated what actions to take regarding Mr. Hughes' actions.
- The Board voted to censure Mr. Hughes for his actions.
- Subsequently, Mr. Hughes returned to the Board room and was permitted to continue and actually did take part in the remainder of the Board meeting.

WHEREAS, Mr. Hughes, during a public meeting on June 26, 2023, falsely claimed that he has "never sued anyone," despite the fact that he previously sued two Township residents in the matter *David H. Hughes v. Linda Lewars et al*, MJ-23203-CV-138-2019; and

WHEREAS, Mr. Hughes's conduct and behavior is violative of his fiduciary duty toward the Township and casts the Township in a negative light; and

WHEREAS, Mr. Hughes'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 Exeter Township that:


1. Mr. Hughes is hereby censured for his improper, unconscionable, and unprofessional conduct and behavior; and

2. The Board of Supervisors of Exeter Township demands that Mr. Hughes immediately cease such improper, unconscionable, and unprofessional conduct and behavior, and commence acting in full compliance with applicable municipal, state, and federal statutes, laws, ordinances, codes, rules, and regulations, and in accordance with his fiduciary duty to Exeter Township as a Supervisor of this Township; and

3. The Township Manager is directed to post a copy of this resolution on the Exeter Township Facebook for a period of time no less than thirty (30) days and send copies to the Reading Eagle, The Mercury and WFMZ.


DULY ADOPTED by the Board of Supervisors of Exeter Township, Berks County, Pennsylvania, in the lawful session duly assembled this 10th day of July, A.D. 2023.

Attest:



Mary E. McBride,
Township Manager

Exeter Township Board of Supervisors

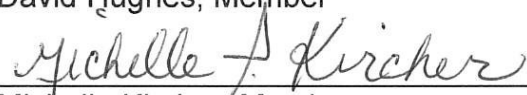


George Bell, Chairman



Theodore Gardella, Member

David Hughes, Member



Michelle Kircher, Member

David Vollmer, Member