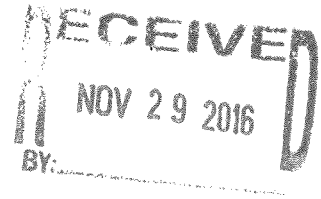


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November 29, 2016

Gregg I. Adelman
Kaplin Stewart Meloff Reiter & Stein, PC
910 Harvest Drive
P.O. Box 3037
Blue Bell, PA 19422-0765

**Re: Crebilly Farms/Toll Brothers Conditional Use Application
Request of Applicant for Recusal of John Snook**

Dear Gregg,

The Township forwarded your letter of November 3, 2016 to my attention. That letter requested the recusal of John Snook, the Township's Planning Consultant, from reviewing and considering the above-referenced Conditional Use Application. A copy of your November 3, 2016 letter is enclosed for reference. Please be advised that the Township has considered the request and hereby denies that request.

The Public Officer's Ethics Act under which Mr. Snook is a "public employee" for Westtown as its Land Planning Consultant, and a "public official" for East Bradford Township as one of its Supervisors, defines conflict of interest as follows:

Use by a public official or public employee of the authority of his office or employment or in any confidential information received through his holding public office or employment for the private pecuniary benefit of himself, a member of his immediate family or a business of which he or a member of his immediate family is associated. The term does not include in action having a de minimis economic impact or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the public official or public employee, a member of his immediate family or a business with which he is a member of his immediate family is associated.

See 65 Pa.C.S. §1101 et seq.

It is well-settled in Pennsylvania that Municipal Officers are to recuse themselves from decisions and proceedings that would impact the officer personally or financially. "As a general rule, a Municipal Officer should disqualify himself from any proceeding in which he has a personal or pecuniary interest as immediate or direct." *Caln Nether Co., L.P. v. Board of Supervisors of Thornbury Township*, 840 A.2d.484, 496 (Pa. Cmwlth. 2004), citing *Amerikohl Min. Inc. v. 3D. of Wharton Township*, 597.A.2d.219 (Pa. Cmwlth. 1991).

In the Crebilly Farms/Toll Brothers application, there has been no allegation by the Applicant, nor has our own investigation demonstrated, any pecuniary gain to Mr. Snook, his family members or their business from the approval or disapproval of the Conditional Use Application. Further, Mr. Snook is not acting in a quasi-judicial capacity in his role as the Township Land Planning Consultant for review of the above-referenced application. While it is true that Mr. Snook is acting in a quasi-judicial capacity based upon his role as Supervisor in East Bradford Township relative to the Toll Brothers application for the Tigue Farm Conditional Use Matter, such role is wholly unrelated to his work as a Township Land Planning Consultant. Further, my review of the law in Pennsylvania does not reveal any holding requiring his recusal as a Land Planning Consultant for the Township for the Crebilly/Toll Brothers application in Westtown Township, and neither did your letter direct me to any such legal authority, under the circumstances presented herein.

Accordingly, Mr. Snook will continue his role as the Township's Land Planning Consultant and advise the Planning Commission and/or the Board of Supervisors as it relates to the above-referenced Conditional Use Application.

Should you have any questions about this matter, please do not hesitate to contact me.

Very truly yours,


Patrick M. McKenna

PMM/ams
Enclosure
cc w/e: Robert Pingar, Township Manager