

## STATEMENT FROM LEGAL COUNSEL

Over the past couple of weeks an issue has been raised asserting that the Township should not have expended public funds (approximately \$2,800) to send mailers and place signs to encourage voters to approve the pending bond referendum related to the \$3.6 million bond to purchase 401 Creek Road. That issue was further discussed at length at the Township's July 14<sup>th</sup> Committee Meeting, wherein I explained my reading of the law on the issue and the reasons for my conclusions.

Following the comments made by the public and discussions that immediately followed, I conducted additional legal research. That research revealed additional law that, while not directly under the subject statute, calls into question my prior conclusions. While there is supportive law and logic behind the position that the Township should be able to expend funds in this matter, there is also legal authority which suggests otherwise. In sum, the area of the law is not sufficiently well developed to provide legal assurance as to my initial analysis being the definitively "correct" opinion. In this situation, I am recommending we err on the side of caution.

Additionally, discussions immediately after the meeting also indicated that there were potentially private funds willing to reimburse the Township so that "public fund" complaint is no longer an issue. While the initial decision that expending public funds was made in good faith, given the relatively small amount of money at issue, the further legal findings, and the offer of private funds, it is my recommendation to take curative action to accept those private funds to remove any potential issue. When presented with this information, the four members of the governing body that are in favor of the purchase of 401 Creek have indicated their commitment to raise those funds relatively quickly to effectuate a reimbursement the Township.

It is clear that this topic has become controversial or divisive. Further, the members of the governing body in favor of the purchase of 401 Creek Road are concerned that the contention surrounding this issue may distract from the true issue which, of course, is whether the purchase of 401 Creek Road is beneficial for the Township. Simply put, there are times where there are things more important than being "right." Discretion is the better part of valor. Those members of the governing body that have stepped up to take this action to raise funds and reimburse the Township, took the initial actions in good faith in reliance upon my legal opinion. The steps being taken now are a further good faith effort to respond to the criticisms and in an attempt to resolve differences within our community as amicably and honestly as possible and to ensure that the issue before the voters remain as clear as possible – whether the purchase of the property is in the best interest of the Township.

Douglas L. Heinold, Esquire  
Delanco Township Attorney