

MIDDLETOWN

Heuer appointed to board of supervisors

An incomplete version of this story ran in Sunday's paper.

By **CHRISTIAN MENNO**
STAFF WRITER

After months of litigation, the Middletown vacancy board on Saturday again appointed Democrat Kathy Heuer to a seat on the board of supervisors.

As expected, Democrats Robert McMonagle, Chuck Thompson and vacancy board chair Bill Cosen voted in favor of the appointment, while Republicans George Leonhauser and Jasper Caro voted no.

After the vote, Heuer said she was relieved to finally be able to get to work as a supervisor.

"I'm looking forward to putting this all behind me," she said. "I feel that I've proved over the last six months that I can do a decent job for the township in this position and be able to avoid situations like this in the future."

Heuer was first appointed on April 29 to replace Lisa Pflaumer by a vote of 3-2 along party lines. However, that meeting was ruled null and void by Bucks County Judge Robert Mellon at a Nov. 25 hearing. This came after Middletown attorney and former Congressman Mike Fitzpatrick filed an injunction in May to halt the appointment.

Fitzpatrick represented several residents, mostly Republicans, as well as Leonhauser and Caro, at no charge.

Mellon's ruling stated that the board violated the state's open meetings, or Sunshine Law, by holding public comment after the vote to appoint Heuer and not before.

Mellon ordered that another vacancy meeting be held before Tuesday.

Saturday's 9 a.m. meeting was held in the municipal center's public meeting room and was packed with residents, many of whom voiced their thoughts regarding the handling of the appointment.

Some, like Tom Gallagher, sided with the Republican members of the board, who had nominated Russ Kavana at the meeting to fill the vacant seat.

Gallagher accused the Democratic members of the board of spending \$61,000 in legal fees to "legitimize their illegal activities."

McMonagle said the township was forced to defend itself and that the issues that arose from the April 29 meeting stemmed from a misprinted agenda.

County Commissioner and former Middletown supervisor Diane Marseglia, a Democrat, thanked the board majority for having the courage in April to acknowledge that there was a mistake instead of trying to cover it up.

After the meeting, Heuer said what she felt was really behind the lawsuit filed by Fitzpatrick.

"I understand Mr. Fitzpatrick claims that it was not politically motivated, but I find the suits to be nothing but politically motivated," Heuer said. "He solicited people to sue me and I feel that this was done in order to gain a Republican majority on the board so that the township's solicitor would be fired. I believe he wanted to become solicitor."

When reached for comment Saturday, Fitzpatrick, who said he didn't know about the meeting, called the allegations "absolutely untrue."

"The court found significant and multiple violations of the Sunshine Act by the vacancy board in the appointment of Ms. Heuer," he said. "We expect our public officials to uphold the law and not violate it. The court found that they broke the law. It is the duty of citizens to watch their government, so things like this do not happen."

Chris English contributed to this story. Christian Menno can be reached at 215-269-5081 or .