

RESOLUTION NO. 2020-03-A

RESOLUTION OF BOARD OF SUPERVISORS  
OF CHERRY TOWNSHIP, PENNSYLVANIA

THIS RESOLUTION OF THE BOARD OF SUPERVISORS OF CHERRY TOWNSHIP  
dated the 1st day of APRIL, 2020.

**WHEREAS**, 53 P.S. §65603 of the Second Class Township Code states in pertinent part that: "A quorum is two members of a three member Board of Supervisors or three members of a five member Board of Supervisors".

**WHEREAS**, the Board of Supervisors believe that the right of the public to be present at public meetings to witness the deliberation and policy making of the Board of Supervisors is vital to the enhancement and proper function of the democratic process; and

**WHEREAS**, the Pennsylvania Sunshine Act directs that official action by the Borough Council should take place at a public meeting attended or participated in by such quorum; and

**WHEREAS**, the Pennsylvania Supreme Court held in the case of Babac v. Pennsylvania Milk Marketing Board, 613 A.2d 551 (Pa. 1992), that under the Pennsylvania Sunshine Act, "a quorum of members can consist of members not physically present at the meeting but who nonetheless participate in the meeting and that such quorum can take official action, provided that, the absent members are able to hear the comments and speak to all those present at the meeting and those present at the meeting are able to hear the comments of and speak to such absent members contemporaneously"; and

**WHEREAS**, the Pennsylvania Supreme Court concluded that "Participation by speaker telephone clearly satisfied this mandate.";

**BE IT RESOLVED, THEREFORE** as follows:

1. If unable to attend a public meeting, a Township Supervisor may participate in a meeting by speakerphone or other means of electronic communication, if available, where the voice of the Township Supervisor may be reasonably heard by those present at the meeting.
2. In that event, the presence by speakerphone of the physically absent Township Supervisor shall be counted toward a quorum and if a quorum exists, shall constitute deliberation and official action by the Board of Supervisors.
3. Notwithstanding paragraphs 1 and 2, above, at least one Township Supervisor shall be physically present at a public meeting, except in case of emergency.

ATTEST:

Caroline L. Yeager  
Township Secretary

(SEAL)

CHERRY TOWNSHIP  
BOARD OF SUPERVISORS:

By: Frank L. Fink  
Chairman

By: David A. Muehle  
Vice-Chairman

By: W. B. Gort  
Supervisor

By: \_\_\_\_\_  
Supervisor

By: \_\_\_\_\_  
Supervisor