

BUCKINGHAM TOWNSHIP

P.O. Box 413, Buckingham, Pennsylvania 18912
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Website - www.buckinghampa.org



BOARD OF SUPERVISORS BUSINESS MEETING

AGENDA

May 14, 2008

Call to Order 7:30 p.m.

1. Public Comment (Maximum 30 minutes)
2. Board's Announcements:
 - Various **Park and Recreation Programs** including Summer Camps begin this month. Go to our website at www.buckinghampa.org for details!
 - **Buckingham Township Civic Association Flea Market for Land Preservation**, Holicong Park, Sunday, June 8, 2008 from 8 a.m. to 2 p.m. (raindate Sunday, June 15, 2008).
 - Bucks County's **Household Hazardous Waste and Old Computer Collection** will be July 19, 2008 at the Middle Bucks Institute of Technology located at 2740 Old York Road.
 - Volunteers are needed year-round to sell tickets at various events for the 1957 White Thunderbird being raffled during the Annual Concours D'Elegance. Contact Al Pincus or Ralph Tompkins for information.
3. Consideration of approving the Payroll for the week ending April 27, 2008 and May 1, 2008 and the Bill List for the meeting of May 14, 2008.
4. Consideration of approving Supervisor's Minutes of the April 9, 2008 Regular Business Meeting and the April 23, 2008 Regular Business Meeting.
5. Consideration of accepting various Departmental Minutes and Advisory Body Minutes.
6. Consideration of accepting Grant for Extension to the allowable review time under the provisions of the PA Municipalities Planning Code to June 30, 2008 from Stephen B. Harris on behalf of Toll Brothers, Inc., for the "**Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek**", Township File SA 2001-05B.
AND/OR
Consideration of approving Revised Final Major Subdivision Plan (plan dated "rev. 5/2/08") of the "**Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek Ridge**", Township File SA 2001-05B, submitted by Gilmore & Associates, Inc. on behalf of Toll Brothers, Inc., T.P. 6-23-1, 6-23-4, 6-23-13, 6-23-13-5, 6-23-14 & 6-23-17, Dark Hollow Road / Smith Road / Forest Grove Road, 183.1 Acres, 71 Lots, in the AG-1 Zoning District. Extended 90-day Review Period Expiration date May 31, 2008. (Note: Wastewater Planning Modules were approved by PA DEP 12/22/05.)

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7. Consideration of re-confirming the appointment of John P. Reinhardt, Captain / William F. Miller, Jr. Lieutenant / David Sheehan, Sergeant / Lewis A. Wilson III / Dana L. Clymer / Frank Lee / and Denver Cook, as Special Fire Police Officers for the Midway Volunteer Fire Company for the Year 2008.
8. Consideration of accepting the **Agreement to Extend** the Residential Development Contract and Water and Sanitary Sewer Development Agreement to May 26, 2009 for the "**Windsor Square**" Subdivision, Township File SA 2001-03.
9. Consideration of accepting the **Agreement to Extend** the Residential Development Contract as Amended by the First Amendment to the Residential Development Contract to May 31, 2009 for the "**Brentwood Sanders Tract**" Subdivision, Township File SA 2001-01.
10. Consideration of accepting the **Request to Extend** the Agreement expiring May 30, 2008 between Nicholas H. Morgan and Marjorie Morgan, Buckingham Township and Fulton Bank, Premier Division, extending the Residential Development Contract to October 31, 2008, from Herbert K. Sudfeld, Jr. for Nicholas and Marjorie Morgan, covering the "**Morgan Tract**", Major Subdivision, Township File LD 2002-01A.
11. Additional Business / Manager's Items:
 - Consideration of request submitted by Albert Becker, on behalf of the Buckingham Township Civic Association, to waive the fees related to the erection of a banner across Route 202 advertising the June 8, 2008 Flea Market for Land Preservation.
 - Consideration of request submitted by Albert Becker, on behalf of the Buckingham Township Civic Association, to waive the usage fee for the Lahaska Room in the township building, to be used for their board meetings the third Monday of each month.
 - Consideration of request submitted by Jane Broderick, on behalf of the CB East Girls Basketball Team, to waive the sign permit fee for posting advertising of summer basketball camp signs.
 - Consideration of request by Jennifer Koodray, on behalf of Cub Scout Pack 170, to waive the fee for usage of the pavilion at GMB Park on May 18, 2008 from 1:00 p.m. to 6:00 p.m.
 - Consideration of request by Lois Howland, on behalf of PEO, Chapter AZ, to waive the fee for usage of the pavilion at Holicong Park on June 12, 2008.
 - Ratification of the Side Agreement to the Collective Bargaining Agreement between PBA (Police Benevolent Association) and Buckingham Township signed 5/5/08.

607256

Buckingham Township Board of Supervisors
Meeting Minutes

The regular meeting of the Buckingham Township Board of Supervisors was held May 14, 2008 in the Township Building, 4613 Hughesian Drive, Buckingham, Pennsylvania.

Present:	Maggie Rash	Chairperson
	Jon Forest	Vice-Chairman
	Henry Rowan	Member
	Craig A. Smith, Esquire	Township Solicitor
	Dana S. Cozza	Acting Township Manager
	Daniel Gray	Township Engineer
	Lynn Bush	Bucks County Planning Commission
	Thomas Kelso	Township Water/Wastewater Consultant

Mrs. Rash called the regular meeting to order at 7:35pm and led The Pledge of Allegiance.

PUBLIC COMMENT

Mr. Carl Hart, Sunnyside Drive, expressed concern about flooding at his property at 475 York Road adjacent to the WaWa property. Mr. Gray responded that he had advised the contractor that the situation needed to be addressed and told Mr. Hart that it should be resolve shortly.

Ms. June McWilliams, Ash Road, commented that her dog was killed at the intersection of Route 202 & Holicong Road and expressed concern about how the police respond to this and other issues since she had called in a report for a missing dog and no one contacted her to notify her that the dog was found dead.

Mrs. Rash opened discussion about the proposed shopping Center adjacent to Buckingham Forest by asking if the residents were aware of the plans when they purchased their homes.

Mr. Jerry Andrews responded that typically what happens is that information is disclosed about the specific property under consideration but not about plans for entire development.

Mr. Mike Siskin added that if Toll Brothers was specifically asked what was happening to the farmland across the street, the answer would be, "A little shopping center on the corner."

Mr. Rowan provided history of Buckingham Forest and the shopping center plan:

- In 1989 there was a stipulation agreement that allowed them to build a shopping center and that they had 20 years to build it under the 1984 zoning.
- The final plan passed in 1993 with several conditions including the requirement for testing of an area that had been used as a dump and could contain nefarious materials.
- The approved plan was for a 40,000 sq. ft anchor store and a strip mall surrounding it.
- The new zoning allows for a maximum building size of 35,000 square feet and has many other restrictions that limit development options.

Solicitor Smith noted that in 2003, the owners came in with a formal application for a revised plan and in 2005 the Board turned it down. The decision was appealed but it has not advanced through the courts.

Mrs. Rash summarized that the Board will not change the zoning so the owners must either use the existing approved plan or comply with current zoning. Mrs. Rash announced that she had spoken with Ms. Barb Lyons, Doylestown Board of Supervisors and the two Boards planned to work together on the issue.

Mr. Matt O'Donnell, Buckingham Forest, suggested approaching Mr. Kaplan (property owner) to discuss the possibility of purchasing the land for preservation. Mr. Rowan responded that it had been considered in the past and it was very expensive.

Mr. George Michel, Pineville, asked about the timing of the final plan that had been submitted, how long they had to build at the location and how the pending lawsuit impacts the timing. Solicitor Smith explained that the plan expires in October 2009; however, he noted that there was a difference of opinion between the Township and the Kaplan family regarding the stipulations.

Mr. Mike Siskin asked what would happen if they started construction but did not finish on time. Solicitor Smith explained that if they post security with the Township and enter into development agreements, then they will meet the requirements of the stipulation. Mr. Siskin noted that regulations have changed over the last 20 years, specifically those of the Environmental Protection Agency, and asked how those changes would impact this development. Solicitor Smith explained that regulations other than the Township's were not frozen. Mr. Siskin asked if Buckingham and Doylestown would work on Environmental Assessments together to which Mrs. Rash responded yes. Mr. Siskin asked if there were traffic studies then that would not work today because of development. Ms. Lynn Bush noted that they had proposed an additional light on Route 263.

Mr. June McWilliams commented that she thought there was a law that required realtors to disclose such issues. Mr. Rowan responded that the law came from Buckingham Township and noted that Toll Brothers did have an obligation to show buyers the zoning on neighboring properties. He advised the residents that if Toll Brothers did not do that, then the group should consider talking to an attorney.

Ms. Lisa Sorbello asked who owns the property to which Mrs. Rash responded it was the Kaplans. Ms. Sorbello expressed support for the idea of allocating funds to go toward the purchase of the property for open space. Discussion followed about the price of commercial property and this particular property. Mr. Rowan noted that the price in 2004-2005 was \$6.5 million. Ms. Sorbello expressed concern about sound to which Mr. Rowan responded that the new ordinance would provide sound barriers. Ms. Sorbello asked if the residents could see plans with the current zoning to which Mrs. Rash responded that she would e-mail information to Mr. Mike O'Donnell. Ms. Sorbello shared a plan done by Grosso Brothers. Mr. Rowan commented that nothing being submitted to the Township by any developer came close to conforming to current zoning.

Dilya Kasymov, 2742 Powder Horn, commented that Toll Brothers did not disclose what would be built behind her property and asked how close the shopping center would be to the development. Mr. Rowan responded that any shopping center built there will have a major

impact on the community but it was unknown how close it would be at this point in time. Ms. Kasymov commented that she did not want the shopping center behind her lot noting that the value of her house would decrease. Ms. Kasymov asked about the duration of the construction period to which the Solicitor responded that it would be more than a year.

Ms. Brenda Jhelka expressed concern about traffic conditions and the dump. Mr. Rowan assured Ms. Jhelka that part of the approved plan was to address the dump. Ms. Jhelka asked who owned the roads in Buckingham Forest. Ms. Cozza explained that Toll Brothers currently owned the roads and under the Municipalities Planning Code there were rules about development and dedication procedures. The Board advised the residents to contact Toll Brothers about where they were in getting ready for dedication of the roads. Mr. Gray agreed to send someone out to inspect the roads and contact Toll Brothers.

Mr. Tom Imperato, Project Manager for Toll and resident at Buckingham Forest (not involved with this project) commented that Toll was working toward dedication and provided his e-mail address to residents and offered to help where he could.

Ms. Jill O'Donnel, 3719 Green Ridge, expressed support for the proposal to buy the land for open space.

Mr. Mike Smith, Powder Horn Drive, asked about the process for the left turn light South bound on York Road at Route 313 and Swamp Road. Mr. Gray responded that it was part of the commercial plan and it was approved when the commercial and residential plans were put together but was delayed until the commercial plan came forward.

Ms. Susie Whitman, Green Ridge Road, commented that they were told that the tree line would remain and provide about one acre of protection and asked who was in charge of children at play signage. Ms. Cozza responded that technically it was Toll Brothers but upon dedication the Township could help with signs. Mr. Tom Imperato responded that everything was installed according to plan. He recommended the use of mid-block stop signs and suggested it was something the residents could get together and fund independently to get done. Solicitor Smith advised that the stop signs would be legally unenforceable. Mrs. Rash asked if they were allowed to do it to which Solicitor Smith responded that PennDOT would not stop the work but it was not supposed to be done. The residents asked for police to use the speed detection signs in the community. Solicitor Smith explained that the Township would need permission from the land owner. Mrs. Rash asked Ms. Cozza to look into the speeding issue in the neighborhood. Ms. Cozza will discuss the issue with Mr. Steve Daniels, Police Chief.

Ms. Johanna Frank, Greenridge Road, asked if disturbance to the dump might cause health hazards (via groundwater contamination) to which Mr. Rowan responded it was a possibility. Mrs. Rash noted that it was 18 years into a 20 year deadline and reiterated that nothing would happen until the dump issue was addressed. Ms. Frank expressed concern about traffic on Route 313 and how they would be impacted. Mr. Rowan noted that traffic studies would have to be redone. Mrs. Rash explained that traffic studies do not prevent building.

Lee Vlaflom, 3678 Green Ridge Road, asked who the residents would talk to about the environmental impact and the possibility of them funding a study. The Board advised them to go to the Environmental Advisory Commission (EAC) but noted that it was too early to take action because there was nothing happening with the development at the time. Mr. Vlaflom asked where Little Buckingham Mountain extends to and noted that the EAC had marked it as a priority area. The Board explained that it came in by the water tower.

Ms. June McWilliams, suggested that residents should support local businesses as a disincentive for development.

Mr. Francisco Cortez, 3528 Green Ridge Road, noted that any environmental hazard is controlling in any project and added that the residents would boycott the shopping center.

Mr. Jerry Anders suggested getting the group together outside of this meeting and offered to stay outside to help coordinate the group.

Mrs. Rash asked the Solicitor to contact Toll Brothers' attorney about the sale price._____

Mr. Joel Nace, 4680 Hampton Drive, commented that based on his experience with his neighbors in Mechanicsville and the Toll-Feeney property, he recommended organizing and getting e-mail lists together but waiting a bit before spending money.

Mrs. Rash explained that the recently approved referendum for open space purchases, would cause taxes to go up incrementally as money was borrowed.

Mr. Doug Welsh, asked for a copy of the approved plan. Mr. Gray agreed to make it available in the office. Mr. Welsh added that he came from the Bridlewood community who organized and spent \$36,000 and it did not do anything. He agreed with the advice of the Board to organize but wait to spend money until they know what is happening.

BOARD'S ANNOUNCEMENTS

Mrs. Rash announced the following items:

- Various Park and Recreation Programs including Summer Camps begin this month. Go to our website at www.buckinghampa.org for details!
- Buckingham Township Civic Association Flea Market for Land Preservation, Holicong Park, Sunday, June 8, 2008 from 8am to 2pm (raindate Sunday, June 15, 2008).
- Bucks County Household Hazardous Waste and Old Computer Collection will be July 19, 2008 at the Middle Bucks Institute of Technology located at 2740 Old York Road.
- Volunteers are needed year-round to sell tickets at various events for the 1957 White Thunderbird being raffled during the Annual Concours D' Elegance. Contact Al Pincus or Ralph Tompkins for information.

PAYROLL AND BILL LIST

Consideration of approving Payroll for the week ending April 27, 2008 and May 1, 2008 and the Bill List for the meeting of May 14, 2008.

Mrs. Rash made a motion, seconded by Mr. Forest to approve payroll for the week ending April 27, 2008 and May 1, 2008 and the Bill List for the meeting of May 14, 2008 in the amount of \$463,332.80. The motion carried unanimously.

MINUTES

Consideration of approving Supervisor's Minutes of the April 9, 2008 and April 23, 2008 Regular Business Meeting.

Mrs. Rash made a motion, seconded by Mr. Forest to approve the minutes of April 9, 2008. The motion carried unanimously.

Consideration of the April 23, 2008 minutes was tabled.

Consideration of accepting various Departmental Minutes and Advisory Body Minutes

Mrs. Rash made a motion, seconded by Mr. Forest to accept the various Departmental Minutes and Advisory Body Minutes. The motion carried unanimously.

BUSINESS

1. Request for Extension "Estates at Forest Grove" (Smith Pfeiffer) aka Mill Creek

Mrs. Rash made a motion, seconded by Mr. Forest to grant the extension to the allowable review time under the provisions of the PA Municipalities Planning Code (MPC) to June 30, 2008 from Stephen B. Harris on behalf of Toll Brothers, Inc. for the "Estates at Forest Grove (Smith Pfeiffer) aka Mill Creek," Township File SA2001-05B.

Mr. Rowan asked how many extensions had been granted to which Solicitor Smith responded that this was the second request for extension. Mr. Rowan commented that he felt the plan did not exist and should not be on the agenda and so he objected to the extension.

Mr. Tom Baldwin, Wycombe, asked how long extensions could be granted. Solicitor Smith responded that under the MPC the developer has the right to offer an extension to the Township and the Township has the right to act on a plan at any time but there is a reciprocal duty of good faith. Solicitor Smith explained that the revised plans arrived at Mr. Gray's office the previous Friday and he needed time to review them and so the applicant asked for an additional month.

Mr. Matt Hockley asked if all the site distances had been approved to which Mr. Gray responded that he had not had a chance to completely review but he agreed to look closely at the driveway.

Mr. Hockley asked who would mow the open space areas to which Mr. Gray responded it would be a Homeowner's Association responsibility.

Ms. Sandy Schmelk, Smith Road, asked about stormwater piping that was being moved to her side of the street. Mr. Forest explained that instead of going in front of a septic field, they asked the developer to move it across the street. Ms. Schmelk expressed concern about an elm tree in front of her neighbor's property. Mr. Gray explained that the tree was protected according to ordinances, but agreed to look at the issue again to make sure the storm pipe did not impact the tree. Ms. Schmelk asked how quickly Homeowner's Associations (HA) were formed. Solicitor Smith explained that not all developments have them but that typically they are developed immediately and usually the developer has an interest in the HA until a certain majority of houses are built. Solicitor Smith did not believe the Campbell tract had an association. Mr. Gray thought there was something in place.

Mr. Joel Nace commented that the Board moved to put in an artificial time constraint. Solicitor Smith responded that the matter was still in court and while in court, the applicant filed new plans, which were a re-filing of the rejected plans except there has been discussion about getting rid of entrances.

Mr. George Michel, commented that he hoped some accommodations could be made by Toll Brothers to keep the character of the community. Solicitor Smith responded that there was already a preliminary approval and under the MPC if they meet the criteria of preliminary approval, then they have the right to build.

Mr. Tom Imperato, Project Manager, Toll Brothers, commented that Toll does want to build within the character of the community.

Mr. Tom Baldwin, Planning Commission member, commented that he did not think Toll Brothers cared about the community and noted that the traffic study indicated that it would not have any impact on the community.

Mr. Mike Feeney commented that the ordinances made it difficult to do small developments and so land owners sell to big companies like Toll Brothers.

Mrs. Rash summarized that due to changes made to the cul-de-sac the extension was needed. Mr. Rowan noted that there were problems with engineering that voided the preliminary plan.

Mr. George Michel asked about the engineering problems. Mr. Rowan responded that the approval was specifically conditioned that the engineering had to be accurate and it was not.

Mr. Tom Baldwin commented that the issue seemed to disappear when the vote was taken and asked why the engineering discrepancies had not been addressed. Solicitor Smith explained that the plan was in litigation and Toll Brothers was trying to find another course of action.

The motion carried with Mrs. Rash and Mr. Forest voting aye and Mr. Rowan voting nay.

2. Consideration of re-confirming the appointment of John P. Reinhardt, Captain/ William F. Miller, Jr. Lieutenant/ David Sheehan, Sergeant/ Lewis A. Wilson III/ Dana L. Clymer/ Frank Lee/ and Dever Cook, as Special Fire Police Officers for Midway Volunteer Fire Company for the Year 2008.

Mrs. Rash made a motion, seconded by Mr. Forest to re-confirm the appointment of John P. Reinhardt, Captain/ William F. Miller, Jr. Lieutenant/ David Sheehan, Sergeant/ Lewis A. Wilson III/ Dana L. Clymer/ Frank Lee/ and Dever Cook, as Special Fire Police Officers for Midway Volunteer Fire Company for the Year 2008. The motion carried unanimously.

3. Extension of Residential Development Contract and Water and Sanitary Sewer Development Agreement for the Windsor Square Subdivision

Mrs. Rash made a motion, seconded by Mr. Forest to accept the agreement to extend the Residential Development Contract and Water and Sanitary Sewer Development Agreement to May 26, 2009 for the "Windsor Square" Subdivision, Township File SA 2001-03. The motion carried unanimously.

4. Extension of Residential Development Contract for the Brentwood/Sanders Tract Subdivision

Mrs. Rash made a motion, seconded by Mr. Forest to accept the Agreement to Extend the Residential Development Contract as Amended by the First Amendment to the Residential Development Contract to May 31, 2009 for the Brentwood/Sanders Tract Subdivision, Township File SA 2001-01.

Discussion followed about a driveway that was built in the wrong location. Mr. Gray explained that he had asked the engineer to provide a certification that it was safe. Mr. Gray reported that he had received the certification but that it had a number of comments that needed attention. Regarding water movement, Mr. Gray reported that he had the engineer go back and create a swale large enough to convey water.

The motion carried unanimously.

5. Extension of Residential Development Contract for the Morgan Tract Major Subdivision

Mrs. Rash made a motion, seconded by Mr. Forest to accept the request to extend the Agreement expiring May 30, 2008 between Nicholas H. Morgan and Marjorie Morgan, Buckingham Township and Fulton Bank, Premier Division, extending the Residential Development Contract to October 31, 2008, from Herbert K. Sudfeld, Jr. for Nicholas and Marjorie Morgan, covering the "Morgan Tract" Major Subdivision, Township File LD 2002-01A. The motion carried unanimously.

ADDITIONAL BUSINESS / MANAGER'S ITEMS

1. Buckingham Township Civic Association Fee Waiver Request for Banner

Mrs. Rash made a motion, seconded by Mr. Rowan to waive the fees for the Buckingham Township Civic Association related to the erection of a banner across Route 202 advertising the June 8, 2008 Flea Market for Land Preservation as requested by Albert Becker. The motion carried unanimously.

2. Buckingham Township Civic Association Fee Waiver Request for use of Lahaska Room

Mrs. Rash made a motion, seconded by Mr. Rowan to waive the fees for the Buckingham Township Civic Association for the use of the Lahaska Room in the Township building, to be used for their board meetings the third Monday of the month as requested by Albert Becker. The motion carried unanimously.

3. CB East Girls Basketball Team Sign Permit Fee Waiver Request

Mrs. Rash made a motion, seconded by Mr. Forest to waive the sign permit fee for CB East Girls Basketball Team for posting advertising of summer basketball camp signs as requested by Jane Broderick. The motion carried unanimously.

4. Cub Scout Pack 170 Fee Waiver Request for use of Pavilion at GMB Park

Mrs. Rash made a motion, seconded by Mr. Forest to waive the fee for Cub Scout Pack 170 for usage of the pavilion at GMB Park on May 18, 2008 from 1:00pm to 6:00pm as requested by Jennifer Koodray. The motion carried unanimously.

5. PEO, Chapter AZ Fee Waiver Request for use of Pavilion at Holicong Park

Mrs. Rash made a motion, seconded by Mr. Forest to waive the fee for PEO, Chapter AZ for use of the pavilion at Holicong Park on June 12, 2008 as requested by Lois Howland. The motion carried unanimously.

6. Ratification of the Side Agreement to the Collective Bargaining Agreement between PBA (Police Benevolent Association) and Buckingham Township signed May 5, 2008.

Mrs. Rash made a motion, seconded by Mr. Forest to ratify the side agreement of the Collective Bargaining Agreement between PBA and Buckingham Township signed May 5, 2008.

Mr. Rowan expressed his strong objection to the process because the agreement was signed prior to any Board member seeing it. Ms. Cozza explained that the agreement was verbally agreed to at the arbitration.

The motion carried with Mrs. Rash and Mr. Forest voting aye and Mr. Rowan voting nay on procedural grounds.

7. Contract Approval for Wycombe Train Station

Mrs. Rash made a motion, seconded by Mr. Forest to authorize the Acting Township Manager to approve the contract for the Wycombe Train Station, subject to review of counsel.

Mr. John Long asked if the contract was for renovation to which Ms. Cozza responded it was.

Mr. John Cunningham asked with whom the contract was being made. Ms. Cozza explained that PennDOT chooses the contractor but then the Township contracts with the contractor under terms written by PennDOT. Mr. Cunningham asked if the electrician was included in the contract to which Ms. Cozza responded he was not. Mr. Cunningham asked the amount of the contract to which Ms. Cozza responded \$496,159.45.

The motion carried with Mrs. Rash and Mr. Rowan voting aye and Mr. Forest voting nay.

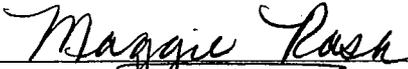
Additional Public Comment

Mr. William Kates, New Hope Road, agreed that it was difficult for small developers to work in Buckingham but added that he felt the zoning served the greater good.

Mrs. Rash made a motion, seconded by Mr. Forest to adjourn the meeting at 10:25pm. The motion carried unanimously.

Approved by the Board of Supervisors on the 11th day of June, 2008.

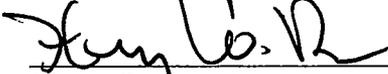
Buckingham Township Board of Supervisors



 Maggie Rash, Chairman

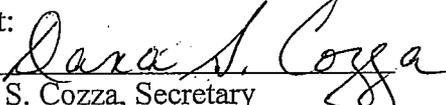


 Jon Forest, Vice-Chairman



 Henry Rowan, Member

Attest:



 Dana S. Cozza, Secretary