General Meeting Information
College Township offers both in-person and virtual meeting attendance for all public meetings. To attend in-person, meetings will be held at 1481 E. College Avenue, State College PA, 16801, 2nd floor meeting room. To attend virtually, please see the information below.

To Attend the LIVE Meeting Via Zoom on Computer or Smart Phone:
- Click HERE to REGISTER for the meeting via Zoom. Once registered, you will receive a confirmation email containing information about joining the meeting.

To Attend the LIVE Meeting Via Phone:
- Dial +1 646 558 8656 ○ Meeting ID: 835 5851 3151 ○ Passcode: 067374

* Click here for detailed instructions on how to participate via zoom.

VIRTUAL PUBLIC COMMENTS: Please use the raised hand feature to participate. The moderator will recognize those with their hands raised (either by name or phone number).

WRITTEN PUBLIC COMMENTS: For specific agenda items and for items not on the agenda, written public comments may be submitted until 12:00 noon the day of the meeting by emailing jsnyder@collegetownship.org.

COUNCIL MEMBERS: 2023 COMMITTEE ASSIGNMENTS:
Dustin Best, Chair ........................................ COG Executive Committee
                                                   COG Human Resources Committee
                                                   COG Parks Capital Committee
                                                   Centre Area Cable Consortium
                                                   Spring Creek Watershed Commission (SCWC)

Rich Francke, Vice Chair .............................. COG Finance Committee
                                                     COG Parks & Recreation Governance Committee

Eric Bernier ............................................. COG Land Use Community Infrastructure Committee (LUCI)
                                                     COG Facilities
                                                     Centre County Metropolitan Planning Organization Coordinating Comm. (CCMPO)

Susan Trainor ........................................... COG Public Safety
                                                     CT Local Traffic Advisory Committee (LTAC)
                                                     CT Industrial Development Authority (CTIDA)

Anthony Fragola ...................................... COG Climate Action and Sustainability Committee (CASC)

PH-1 PUBLIC HEARING – ORDINANCE O-23-03 OFFICIAL MAP

CALL TO ORDER/PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

ADJOURN
PH-2 PUBLIC HEARING – ORDINANCE O-23-08 FIREWORKS

CALL TO ORDER

PUBLIC COMMENTS

ADJOURN

COLLEGE TOWNSHIP COUNCIL MEETING

CALL TO ORDER

PUBLIC OPEN DISCUSSION:

For any item not on this agenda, please:
- Limit comments to five minutes
- Provide the who, what, where and why
- Ask to add your topic to this or a future agenda, if needed

NEW AGENDA ITEMS:

Majority vote of Council required to add business item(s) to the agenda.

PLANS:

SK-1 Maxwell Subdivision Sketch Plan

REPORTS:

a. Manager’s Update
b. COG Regional, County, and Liaison Reports
c. Staff/P.C./Other Committee Reports
d. Diversity, Equity, Inclusion & Belonging Reports (Public invited to report)

To review CT’s DEIB Calendar, please scan:

CONSENT AGENDA:

CA-1 Minutes
CA-2 Correspondence
CA-3 Action Items

OLD BUSINESS:

OB-1 Ordinance O-23-03 Official Map Discussion/Action (M. Bloom)

OB-2 Ordinance O-23-08 Fireworks Discussion/Action (M. Gabrovsek)

NEW BUSINESS:

NB-1 CTIDA Economic Development Director Agreement Discussion/Action (A. Brumbaugh)

NB-2 Property Lease Agreement; 2600 Carolean Industrial Drive Discussion/Action (A. Brumbaugh)

NB-3 PA Municipal League Resolutions and Policy Statement Discussion (A. Brumbaugh)

STAFF INFORMATIVES (Informational Only)

COUNCIL/STAFF OTHER MATTERS (Informational Only)

ADJOURNMENT
CA-1 Minutes, Approval of
   a. September 7, 2023, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
   a. Email from Walter Ebaugh, dated September 7, 2023, regarding resignation from appointment on UAJA Board
   b. Email from Daniel Materna, dated September 8, 2023, regarding casino

Photo by Frank Scott IV
SKETCH PLAN NARRATIVE

Maxwell Commercial Subdivision and Hotel Land Development Plan

September 15, 2023

Ed Maxwell currently owns Tax Parcel 19-2B-64, 19-2B-65A and 19-2B-65B in College Township. The properties are on west side of Shiloh Road north of the Trout Road / Shiloh Road intersection. The properties are both zoned General Commercial and are partially located within the well head protection zone. The total size of the combined tracts is 19.3 acres +/- and is located with the Center Region Sewer Service Area.

The sketch plan proposes the re-subdivision of these properties in 7 commercial lots varying in size from 1 acre to 5.4 acres. Trout Road will be extended across Shiloh Road to create a 4-way intersection and extend up to the northern area between proposed lots 3 and 7. The public R-O-W will continue to the northern property line of the subdivision for a possible future connection from the adjacent Clair property. Sidewalks are shown on both sides of the proposed E. Trout Road.

A private 50' shared access easement with a 26' shared access drive is proposed to provide access to Lots 1-3 as well as Tax Parcel 19-2B-64. Pedestrian access is also provided to those lots with a sidewalk on the west side of the shared drive. A sidewalk is also proposed along the Shiloh Road frontage.

Public water service will be provided to the lots with a connection to the existing CTWA main along Shiloh Road. Public sanitary sewer service will be extended for the existing UAJA main near their public station along Shiloh Road. Stormwater management for the E. Trout Road extension will be provided on parts of Lots 3 and 5 in accordance with the township’s well head protection ordinance. Stormwater management for the development of the lots will be addressed on each lot.

A traffic impact study based upon PennDOT and College Township’s input will be submitted with the proposed subdivision based upon anticipated use.
Lot 3 of the subdivision will be developed for a 115-room hotel. Access will be provided from the shared access drive noted above and at the terminus of the E. Trout Road extension. The hotel has a Porte Cochere at the west end of the building serving as the drop-off and main entrance. Secondary access will be from Trout Road. Vehicle circulation is provided around the entire building.

Pedestrian access is provided around the hotel perimeter and out to Trout Road and the shared access drive. ADA parking is distributed throughout the site at various building entrances.

Water and sanitary sewer connections will be made to public main extension proposed for the commercial subdivision. Stormwater management will be provided by an underground system located primarily in the parking area.

An enclosure for refuse and recycling is located in the northeast corner of the parking lot. Lighting and landscaping will be proposed in accordance with the College Township ordinances.
September 21, 2023

Status: (C) = Complete; (I) – Incomplete; (D) = Dropped;  
(R) - Rewritten

(I) 21-04 Dale Summit Small Area Plan (SAP)
Abridged Comments: 10/19/21, 11/1/21, 11/11/21, 11/29/21, 12/13/21, 1/11/22, 
1/31/22, 2/11/22, 2/24/22, 3/8/22, 3/29/22, 4/18/22, 5/12/22, 
5/24/22, 6/2/22, 6/7/22, 6/13/22, 7/14/22, 8/1/22, 8/15/22, 
8/29/22, 9/9/22, 10/3/22, 10/28/22, 11/14/22, 11/28/22, 12/6/22, 
Comments: 7/28/23 First Draft of Form-Based Code received Staff to review.
Comments: 9/1/23 Staff to meet after Labor Day for technical review of Draft.
Comments: 9/11/23 Staff reviewed Draft #1 of FBC provided by DPZ.
Comments: 9/12-13/23 Staff met with DPZ to review comments. Draft #2 of FBC 
be provided by DPZ within the next 45-days.

(I) 19-08 Solar Power Purchasing Agreement
Abridged Comments: 8/28/19, 9/29/19, 10/10/19, 12/13/19, 1/8/20, 1/10/20, 1/23/20, 
2/28/20, 3/5/20, 5/7/20, 5/22/20, 2/11/22, 8/13/22, 8/29/21, 
9/1/21, 11/19/21, 5/2/22, 5/5/22, 6/30/22, 8/18/22, 10/3/22, 
10/20/22, 11/14/22, 11/28/22, 12/12/22, 01/17/23, 2/7/23, 
Comments: 7/20/23 Meeting now scheduled for August 23, 2023.
Comments: 8/23/23 Contracts for review anticipated within next 30-days. (Existing 
power supplier contract expires in October 2023.)
Comments: 9/13/23 Notice to SPPA participants an additional $30K in legal 
funds need to be provided to complete work.
Comments: 9/13/23 Centre Region Municipal Managers met. Support for SPPA 
waning among participants. The next scheduled meeting of 
SPPA working group is September 27, 2023.

(I) 21-05 Path to Campus (East College Avenue Shared Use Path)
Abridged Comments: 9/3/21, 9/13/21, 10/1/21, 11/1/21, 11/5/21, 4/22/22, 5/12/22, 
6/9/22, 6/13/22, 7/8/22, 7/25/22, 8/18/22, 8/29/22, 9/1/22, 
10/28/22, 10/31/22, 11/12/22, 11/28/22, 12/12/23, 01/12/23, 
Comments: 5/17/23 Manager spoke with SC Borough Manager and PSU 
transportation representative concerning potential for joint grant 
application to pursue project.
Comments: 7/14/23 New $1 million grant application submitted to Transportation 
Alternative Set Aside program (federal) in partnership with
State College Borough through Delta Development. Delta planning to layer grants to cover updated project costs of $3.3 million.

Comments: 7/25/23  Presentation to Centre County Commissioners requesting letter of support. Resulted in broad press coverage.

(I)  21-06  Nittany Casino at Nittany Mall

Comments: 1/25/23  PA Gaming Control Board awarded Category 4 license to S23C Gaming. Appeals to the PAGCB decision must be filed within 30-days and any appeal of PAGCB decision will be heard by PA Supreme Court.

Comments: 2/22/23  Zoning permits for commercial alterations submitted for former Macy’s building by 2901 ECA Associates. Projected value of work was estimated at $33 million.

Comments: 9/12/23  Pending court cases in Commonwealth Court consolidated to State Supreme Court.

(I)  22-01  Planned Residential Business District (PRBD) Re-Zoning Request
Comments: 8/22/23  PC forwarded recommendation to Council on adding R3 uses within district.


Comments: 9/25/23  CT Staff to meet with Developer regarding proposed sketch plan./
<table>
<thead>
<tr>
<th>Date</th>
<th>Topic</th>
<th>Status</th>
<th>Next Steps</th>
<th>Staff/Others</th>
</tr>
</thead>
<tbody>
<tr>
<td>Week Ending September 15, 2023</td>
<td>Interim Zoning Changes in Dale Summit</td>
<td>Pending Ordinance permitting some R3 uses by Conditional Use in the PRBD via PRD. Public Notice / Public Participation Process</td>
<td>Public Hearing set for October 19, 2023. CRPA/CRPC Review October 11.</td>
<td>Lindsay / Mark / Don / Adam / Mike</td>
</tr>
<tr>
<td></td>
<td>Plan &amp; Code Preparation</td>
<td>Staff’s technical review of the first draft Staff met in-person with DPZ to discuss first draft.</td>
<td>DPZ to submit second draft to staff. Joint meeting of CTC and PC to be held (tentatively) in late November to review the Draft Code</td>
<td>Lindsay / Mark / Don / Adam / Mike</td>
</tr>
</tbody>
</table>
To: Ms. Lindsay Schoch, AICP, College Township Principal Planner  
From: Dr. Michelle (Missy) R. Schoonover, CCHLT Executive Director  
Date: September 8, 2023  

Re: Workforce Housing ordinance administration - Annual Report 2023

The Memorandum of Understanding (MOU) between College Township and the Centre County Housing and Land Trust (CCHLT) requires an annual report of activity performed by the CCHLT in the administration of the College Township Workforce Housing program. Specifically, under the MOU, CCHLT agrees to provide annual updates for the following services. We have included the report for each service below, in each bullet point.

a) *a description of the prior year’s activities with regard to the administration of the Township’s workforce housing program*

The housing development by Aspen Heights contains twenty-eight (28) workforce housing units and was completed in late August 2023. Since the fall of 2022, the CCHLT developed training materials for the property management team (re: Workforce Housing ordinance education and training for implementation of requirements), provided training and offered ongoing support for the property management team in their administration of the ordinance requirements, conducted income verification for proposed applicants and provided general oversight for the program on behalf of the Township. CCHLT has developed the first three modules of a financial literacy program (will be offered to residents of workforce housing units, beginning in October 2023).

b) *the number of available workforce housing units within the Township: 10 units*

The development by Aspen Heights includes twenty-eight workforce housing units. As of 9/8/2023 there are eighteen (18) units leased to income-qualified residents, with two (2) applications currently in process.

c) *any proposed changes to the services that are described within the MOU as “Exhibit B.”*

CCHLT does not propose any changes to the services as outlined in Exhibit B (attached hereto).

Additionally, CCHLT agrees to furnish (no later than September 15) a schedule of fees that shall include the total administrative fee per workforce housing unit assessed by CCHLT and the schedule of services provided for all workforce units that are to be built in accordance with an approved land development plan. The Township of College shall review and approve CCHLT Schedule of Fees in conjunction with approval of the next year’s Township budget. **CCHLT does not propose any changes to the schedule of fees as outlined in Exhibit A (attached hereto).**

CCHLT looks forward to continuing the good work with the College Township team, in both the creation and administration of affordable housing for the community.
EXHIBIT B – LIST OF SERVICES

1. Administrative Consultations with College Township and Developer
   a. Work with College Township staff and developer/builder in process of drafting a Developer’s Agreement;
   b. Assist College Township staff in the creation of Policies and Procedures Manual; and
   c. Work with College Township staff and developer/builder/property management in creation of leasing agreement for Workforce Housing Units;

2. Program Consultations with College Township and Developer
   a. Assist in the creation of process for renewals of leases for both income qualified lessees and for those who are no longer income qualified; and
   b. Assist the developer/builder/property management in designation process of transitioning existing Workforce Housing Units into Market Rate Units if necessary, and identification of Market Rate Units to be included as Workforce Housing Unit (in the event of income disqualification by former income qualified lessee).

3. Education and Marketing Assistance
   a. Offer education and training to developer/builder/property management on Workforce Housing qualification process;
   b. Provide consultation opportunities to prospective lessees regarding program; and
   c. Assist developer/builder property management staff in marketing Workforce Housing Units to local employers and community.

4. Income Qualification
   a. Review applications for completeness (documentation);
   b. Determine income eligibility for all complete applications;
   c. Notify College Township staff and developer/builder property management of approval or denial of applications, based upon income qualification; and
d. Offer additional consultation to approved applicants regarding program requirements prior to lease signing.

5. Ongoing Support and Administrative Duties
   a. Provide assistance, as needed, to developer/builder/property manager;
   b. Provide assistance, as needed, to Workforce Housing lessees; and
   c. Maintain appropriate administrative record-keeping.

6. Monitoring of Workforce Housing Units Lessees
   a. Certify principal residency on an annual basis by either US Mail or WEBIA data search for the length of the lease;
   b. Conduct income eligibility re-certifications for lease renewals in Workforce Housing Units; and
   c. Inform College Township staff and developer/builder property management of eligibility determinations.
# Exhibit A - Schedule of Fees

## 30-Year Affordability - Per Unit

<table>
<thead>
<tr>
<th>Description</th>
<th>Hours (Per Year)</th>
<th>Value (Hours * Rate)</th>
<th>Frequency</th>
<th>Uses (Over 30 Years)</th>
<th>Assumptions</th>
<th>Total (Value * Uses)</th>
<th>Average (Annual cost per unit)</th>
<th>x 28 Units</th>
<th>Lifetime Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Income Qualification/Eligibility</td>
<td>8</td>
<td>$200.00</td>
<td>Onboarding</td>
<td>10</td>
<td>* assumes 3-year tenure, but variable</td>
<td>$2,000.00</td>
<td>$2,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recertification of Income Eligibility</td>
<td>4</td>
<td>$100.00</td>
<td>Annual</td>
<td>20</td>
<td></td>
<td>$2,000.00</td>
<td>$2,000.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property Management Education and Training</td>
<td>4</td>
<td>$100.00</td>
<td>Onboarding</td>
<td>6</td>
<td>* assumes new training every 5-years</td>
<td>$600.00</td>
<td>$600.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Intermittent assistance to Property Manager(s)</td>
<td>2</td>
<td>$50.00</td>
<td>Annual</td>
<td>30</td>
<td></td>
<td>$1,500.00</td>
<td>$1,500.00</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CCHLT administrative record keeping</td>
<td>2</td>
<td>$50.00</td>
<td>Annual</td>
<td>30</td>
<td></td>
<td>$1,500.00</td>
<td>$1,500.00</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Total: $9,100.00  
Average: $303.33  
Total: $8,400.00

* Round to easy numbers

## Aspen Heights

- Income Qualification/Eligibility: $4,200.00  
- Recertification of Income Eligibility: $4,200.00  
- Total: $8,400.00

## College Township

- Income Qualification/Eligibility: $4,200.00  
- Recertification of Income Eligibility: $4,200.00  
- Total: $8,400.00

CCHLT - College Township - MOU - 2021
CA-1 Minutes, Approval of
   a. September 7, 2023, Public Hearing Ordinance O-23-06 Residential Rentals
   b. September 7, 2023, Regular Meeting

CA-2 Correspondence, Receipt/Approval of
   a. Email from Walter Ebaugh, dated September 7, 2023, regarding resignation from appointment on UAJA Board
   b. Email from Daniel Materna, dated September 8, 2023, regarding casino

Photo by Frank Scott IV
ATTENDED BY –
COUNCIL:

Dustin Best, Chair
D. Richard Francke, Vice Chair
L. Eric Bernier
Susan Trainor
Anthony Fragola

STAFF:

Adam T. Brumbaugh, Township Manager/Secretary
Mike Bloom, Assistant Township Manager
Don Franson, P.E., P.L.S, Township Engineer
Amy Kerner, P.E., Public Works Director
Lindsay Schoch, AICP, Principal Planner
Mark Gabrovsek, Zoning Officer
Jennifer Snyder, CGA, Assistant Township Secretary

CALL TO ORDER:

Mr. Dustin Best, Chair, called to order the September 7, 2023, Public Hearing of the College Township (CT) Council for Ordinance O-23-06 Residential Rentals at 6:58 PM.

PUBLIC OPEN DISCUSSION:

This Public Hearing was held for comments related to DRAFT Ordinance O-23-06, Residential Rentals, which was appropriately advertised and open for public inspection. Amendments include updates to the intent statement, as well as one definition modified to ensure clarity and understanding of the ordinance.

No Public Open Discussion comments were offered.

ADJOURNMENT:

Hearing no public discussion, Chair Best called for a motion to adjourn the September 7, 2023, Public Hearing.

Ms. Trainor made a motion to adjourn.
Chair seconded the motion.

The Public Hearing was adjourned at 7:01 PM.

Respectfully Submitted By,

Adam T. Brumbaugh
Township Secretary/Manager
-----Original Message-----
From: Walter Ebaugh <walterebaugh@mac.com>
Sent: Thursday, September 7, 2023 3:33 PM
To: Adam Brumbaugh <abrumbaugh@collegetownship.org>
Cc: Cory Miller <crmiller@uaja.org>
Subject: UAJA

[You don't often get email from walterebaugh@mac.com. Learn why this is important at https://aka.ms/LearnAboutSenderIdentification ]

Gentlemen,

As I conveyed to you over the phone just now, I am resigning my appointment as a College Township member of the UAJA Board. I have enjoyed my time of service, but am now of an age where I am stepping back from some duties.

Sincerely,

Walt Ebaugh
Jennifer Snyder

From: Daniel Materna <sailordan76@verizon.net>
Sent: Friday, September 8, 2023 3:57 PM
To: CTCouncil
Cc: mark@centrecountypa.gov;aconcepcion@centrecountypa.gov;sdershem@centrecountypa.gov;Louis Glantz; Lindsay Schoch

Subject: Pennsylvania Supreme Court to Hear Bally's State College Appeal

Good afternoon, members of the College Township Council,

Forwarded to keep you informed of this most recent update.


Please include a printed copy of the entire story at the above-listed link in the meeting packet for the next regularly scheduled College Township Council meeting.

Thank you!

Sincerely,
Daniel Materna
Centre County, PA
Pennsylvania Supreme Court to Hear Cordish Appeal of Bally’s State College Casino

The Pennsylvania Supreme Court this week agreed to consider an appeal of the Pennsylvania Gaming Control Board’s (PGCB) decision to move forward with licensing a Category 4 satellite casino near Penn State University at the Nittany Mall.

A rendering of the Bally’s State College casino plan the Pennsylvania Gaming Control Board approved in January 2023. The state’s decision, however, is being contested in court, and the case has now reached the Pennsylvania Supreme Court. (Image: Bally’s Corporation)

In January, The PGCB unanimously voted to issue SC Gaming OpCo, LLC, a Cat. 4 mini-casino license. The business is to be a Bally’s casino after a more than $100 million renovation of what was formerly a Macy’s department store at the Nittany Mall. The shopping center is less than five miles from the Penn State University Main Campus.
Bally’s didn’t qualify to bid on the Cat. 4 license when the PGCB held the auction round on Sept. 2, 2020. But businessman Ira Lubert did because of his small ownership position in Rivers Casino Pittsburgh.

Lubert, through his SC Gaming OpCo, won the auction with a $10 million bid. His tender outbid Baltimore-based Cordish Companies, which had sought to obtain another Cat. 4 license, gaming permits that were authorized through the state’s 2017 gaming expansion package. Cordish operates in Pennsylvania as Stadium Casino RE, LLC, and runs a full-scale Live!-branded casino in Philadelphia and a satellite location outside of Pittsburgh in Westmoreland.

Cordish believes the PGCB wrongly allowed Lubert to orchestrate a financing group to win the Sept. 2020 Cat. 4 auction. Cordish’s attorneys argue that the state’s own rules stipulated that only companies and key investors who held “an ownership interest in a slot machine license” in the commonwealth qualified to bid.

Cordish Appeal, State Response

Cordish alleges that prior to the bidding, Lubert brought on investors, namely fellow Pennsylvania businessmen Robert Poole and Richard Sokolov. Cordish contends that since Poole and Sokolov didn’t qualify to bid on the mini-casino license, Lubert’s tender should have been disqualified by the PGCB.

“...Their contributions were not mere loans made in the ordinary course of business; rather, the contributions bought the investors an interest in the Category 4 license for which Lubert would have the right to apply as the winning bidder,” Cordish attorneys wrote in their appeal. “Mr. Lubert … formed an investment group, parceled off ownership and control interests in that group, put forward an applicant (SC Gaming), and is seeking a license for interests that are substantively different from Mr. Lubert.”

Lubert has maintained that he only partnered with Bally’s after securing the license rights. The PGCB agreed, with regulators saying they did their due diligence and determined that Lubert bid on the casino license himself. But PGCB counsel admitted he had other sources of funding.

“It is the position of the Board that the [Gaming] Act provides no explicit restrictions on how a winning bidder funds the winning bid, with the
caveat that the source of any such funds used are always part of the pre-licensure investigation and can — and often times will — result in the licensure of financial backers as principals to the project," a PGCB brief read. “Nothing in the Gaming Act mandates the winning bidder in a Category 4 auction to use his personal funds — or a loan obtain by him, personally — to pay the winning bid amount.”

**Supreme Court Takes Jurisdiction**

The Pennsylvania Supreme Court this week began the process of hearing Cordish’s appeal of the PGCB awarding the Cat. 4 slot machine license to SC Gaming. The Supreme Court additionally granted requests made by SC Gaming and the PGCB to transfer the lawsuit Stadium initiated in the lower Commonwealth Court to the state’s high court.

The Supreme Court has instructed Stadium Casino to file its appeal by Oct. 16. The PGCB and SC Gaming will then have 30 days after Stadium’s filing to submit their own briefs.

**Last Comments (2)**

**Theo  September 11, 2023**

Not sure you read the article correctly Dan M. The fight is over who gets the license, and not whether a license is going to be granted. The two parties in the dispute both want the license, they are just arguing who has the right to it. The casino is coming. It is a “done deal.”

**Dan M.  September 9, 2023**

Everyone thought this planned casino in central Pennsylvania was a done deal. It is far from that. Watch as the Pennsylvania Supreme Court denies the issuance of this Category 4 casino license at the State College location just four miles from the Penn State University main campus at University Park. I wished Bally’s good luck and best wishes. Both will be really needed in this legal battle that will be finally decided by the Pennsylvania Supreme Court. Don't plan on watching a ribbon cutting at their grand opening ceremony. Not going to happen!
MEMORANDUM

To: College Township Council

From: Mike Bloom - Assistant Township Manager
Lindsay Schoch, AICP - Principal Planner

Re: OB-1: College Township Official Map

Date: September 18, 2023

At their meeting on July 20th, College Township Council reviewed elements of the Final Draft Official Map, including the proposed Official Map (OB-1.a.) and Ordinance O-23-03 (OB-1.b.).

In summary, the revisions proposed for the Final Draft Official Map consist of the following:

<table>
<thead>
<tr>
<th><strong>ADDITIONS AND AMENDMENTS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Inclusion of the following elements from Walkable College Township – A Pedestrian Facilities Master Plan (2022):</td>
</tr>
<tr>
<td>- State Investment Corridors,</td>
</tr>
<tr>
<td>- Primary Investment Corridors</td>
</tr>
<tr>
<td>- Secondary Investment Corridors</td>
</tr>
<tr>
<td>- Greenways</td>
</tr>
<tr>
<td>A path to connect the sidewalk at Hospital Drive to the existing Orchard Road Bike Lanes</td>
</tr>
<tr>
<td>A path connecting Houserville Road to Puddintown Road through Spring Creek Park</td>
</tr>
<tr>
<td>The existing quarry property as a land reservation.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>DELETIONS:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The Squirrel Drive connection to Puddingtown Road</td>
</tr>
<tr>
<td>- as a result of the development of the Aspen Heights Development on Squirrel Drive</td>
</tr>
<tr>
<td>The shared use path proposed along Old Boalsburg Road</td>
</tr>
<tr>
<td>- replaced with the reservation of the quarry property</td>
</tr>
</tbody>
</table>

At the conclusion of their review, Council took the following actions:

- Set and advertise a Public Hearing (September 21st); and,
- Authorize staff to commence the required 45-day Public Review Period on the Final Draft Official Map.
As part of the 45-day review, the Centre Regional Planning Agency, Centre Regional Planning Commission, adjacent municipalities and the public were provided an opportunity (both online and in-person) to review and comment upon the Final Draft Official Map.

In summary, the comments received from the aforementioned stakeholders consist of the following:

<table>
<thead>
<tr>
<th>CENTRE REGIONAL PLANNING AGENCY (OB-1.c):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledged consistency with County &amp; Regional planning efforts (Comprehensive Plan, Bicycle Plan, etc.)</td>
</tr>
<tr>
<td>Proposed leveraging additional information from Centre Area Transportation Authority (CATA) in future iterations of the Official Map</td>
</tr>
<tr>
<td>Identify the State entities having ownership of the proposed State Investment Corridors</td>
</tr>
<tr>
<td>Noted an labeling error on the mapping</td>
</tr>
<tr>
<td>Offered the following potential proposed roads/rights of way to provide for orderly access and development and to establish future priorities:</td>
</tr>
<tr>
<td>• Connecting First Avenue and College Avenue,</td>
</tr>
<tr>
<td>• Connecting Stewart Drive and College Avenue,</td>
</tr>
<tr>
<td>• The Airport Connector connecting the Innovation Park Access Ramp with Patton Township</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>CENTRE COUNTY PLANNING &amp; COMMUNITY DEVELOPMENT OFFICE (OB-1.d):</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acknowledged consistency with County &amp; Regional planning efforts (Comprehensive Plan, Bicycle Plan, etc.)</td>
</tr>
<tr>
<td>Offered a number of editorial comments and potential expanded definitions to proposed Ordinance O-23-03</td>
</tr>
<tr>
<td>Offered the following potential connections:</td>
</tr>
<tr>
<td>• Boalsburg Road and Baldwin Street connecting the Potential State Investment Corridor to the existing Lions Paw Alumni Association Lands, Stoney Batter Natural Area and Overview Parking.</td>
</tr>
<tr>
<td>• Park Avenue and Services Road connecting the Potential State Investment Corridor to the existing Penn State Law School and Arboretum.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>PUBLIC INPUT (OB-1.e)*:</th>
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<tbody>
<tr>
<td>Received twelve (12) surveys.</td>
</tr>
<tr>
<td>Of those received:</td>
</tr>
<tr>
<td>• Eight (8) agreed with addition of Pedestrian Facilities Alignments, four (4) opposed.</td>
</tr>
<tr>
<td>• Five (5) agreed with Land Reservation, three (3) opposed, four (4) neutral or no opinion</td>
</tr>
<tr>
<td>Houserville Road:</td>
</tr>
<tr>
<td>• Three (3) opposed to alignment from Spring Lea Drive to Puddingtown Road, favoring an alignment through Spring Creek Park.</td>
</tr>
<tr>
<td>• One (1) in favor of the alignment</td>
</tr>
<tr>
<td>Two (2) comments pertaining to concern of government placing reservations on private land</td>
</tr>
</tbody>
</table>
Comments received for the potential inclusion of the following:

- Further emphasis on improved connections to Mount Nittany Conservancy lands,
- Better pedestrian and bike access in and around Lemont,
- Connecting Houserville to Innovation Park and Rock Road,
- Township needs to do a better job maintaining existing facilities, before adding additional.
- Pedestrian access should be noted on the plan from Stearns Crossing to Fogleman Fields/School & Spring Lea Drive to Spring Creek Park,
- Trout Road to utility ROW, through Stearns Crossing to Fogleman/School. Dreibelbis to Hartman Farm, utility ROW, through Stearns Crossing to Fogleman/School. Puddintown to Houserville towards Scholl St./Fogelman & Scholl and Puddintown to Oak to back of Fogleman/School.
- Collaborate with Benner Twp. to extend the "trail" to the existing trail at Spring Creek.

*Please Note: Public Input received as of September 18th (9:00 am). Any additional input received after that time and prior to the September 21st meeting will be provided at the Council table.

Action Requested:

Following the Public Hearing and barring any substantive revisions being requested to the Final Draft Official Map, staff is requesting that Council take the following action:

- Adopt Ordinance O-23-03 (OB-1.b.) hereby enacting the Official Map.

End of memo
AN ORDINANCE OF THE TOWNSHIP OF COLLEGE, CENTRE COUNTY PENNSYLVANIA,
REPEALING AND REPLACING CHAPTER 133, OFFICIAL MAP

GENERAL REFERENCES
Planning Commission — See Ch. 52.
Streets and sidewalks — See Ch. 177.
Subdivision and land development — See Ch. 180.
Zoning — See Ch. 200.

WHEREAS, pursuant to the Pennsylvania Municipalities Planning Code, Article IV, as
reenacted and amended, the Council of the Township of College adopted an Official Map Ordinance on
November 14, 1985 as Chapter 133 in Ordinance No. 83; amended in its entirety by Ordinance No. O-06-08; and

WHEREAS, the Council of the Township of College remanded to the Township Planning
Commission to review the existing Official Map, collect feedback from the Township Parks and
Recreation Committee on facilities desired within the Township, and prepared a proposed Official Map; and

WHEREAS, a new Official Map (EXHIBIT 1) has been prepared by the Township that
shows the locations of desired bicycle and pedestrian facilities, streets, parks, pedestrian improvements,
priority corridors, and land reservations; and

WHEREAS, the Township has received recommendations of the College Township Planning
Commission, College Township Parks and Recreation Committee, Centre Region Planning Commission,
Centre County Planning Commission, as well as recommendations of adjacent municipalities that the
streets, parks, corridors, and other public facilities and improvements as designated on the Official Map
attachment hereto should be so located; and

WHEREAS, the Council of the Township of College has given due public notice of hearings
of the proposed ordinance and has held such public meetings; and

WHEREAS, the Township desires to repeal the prior Official Map and adopt a new Official
Map for College Township.

SECTION 1 – OFFICIAL MAP REGULATIONS

Article I
General Provisions

§ 133-1 Title.
This chapter shall be known and may be cited as the "College Township Official Map Ordinance."
§ 133-2 **Statutory authority.**
This chapter is enacted and ordained under the grant of powers by the General Assembly of the Commonwealth of Pennsylvania in the Pennsylvania Municipalities Planning Code, Act of 1968, L.L.805, No. 247 as reenacted and amended.

§ 133-3 **Purpose.**
This chapter is enacted for the purpose of serving and promoting the public health, safety, convenience and general welfare; to facilitate adequate provision of public streets and facilities; to improve traffic circulation; to provide for the recreational and open space needs of the community; to protect and enhance water resources; to facilitate the subdivision of land and the use of land and watercourses; and to provide, protect, and/or promote natural areas/nature preserves.

§ 133-4 **Severability.**
Should any section or provision of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of any other section or provision of the chapter than the one so declared.

Article II
**Establishment of Controls**

§ 133-5 **Official Map provisions.**
A. The Official Map, as enacted by ordinance, and subsequently amended, shall identify the location of the lines or boundaries of:

1. Existing and proposed public streets, well sites, watercourses, and public grounds, including widenings, narrowings, extensions, diminutions, openings, or closings of same.
2. Existing public and proposed active recreation areas and natural/preservation areas.
3. Bicycle/pedestrian paths and easements.
4. Railroad and transit rights-of-way and easements.
5. Flood control basins, floodways and floodplains, stormwater management areas and drainage easements.
6. Support facilities, easements and other properties held by public bodies undertaking the elements described in Section 301 of the Pennsylvania Municipalities Planning Code.
7. Conservation easements and riparian buffers.
8. Priority Corridor.
   a. Primary, secondary, and potential state investment corridors.

B. At the time of enactment of this chapter, all existing property records, aerial photography, photogrammetric mapping or surveys designating the location of the lines of existing public streets, rights-of-way, watercourses and public grounds, including surveys prepared by government agencies
or incorporated as part of a final recorded subdivision and land development plans duly approved by
the College Township Council, shall, by reference, be deemed an attachment to the Official Map for
the purpose of designating the location of said existing lines. For the acquisition of lands or easements,
boundary descriptions by metes and bounds shall be made and sealed by a licensed surveyor registered
in the Commonwealth of Pennsylvania.

C. For the purpose of initially reserving land on the Official Map, property records, aerial photography,
photogrammetric mapping, or other methods sufficient for the identification, description and
publication of areas for reservation on the Official Map will be sufficient. For the acquisition of lands
and easements, boundary descriptions by metes and bounds shall be made and sealed by a licensed
surveyor, registered in the Commonwealth of Pennsylvania.

D. The College Township Council, by amending ordinances, may make additions or modifications to
the Official Map or part thereof by adopting surveys, property records, aerial photography, or
photogrammetric mapping designating the location, the lines, or boundaries of public streets,
watercourses or public grounds to be so added or modified and may also vacate any existing or
proposed public street, watercourse or public ground contained in the Official Map or part thereof.

§ 133-6 Incorporation of Map; certification and changes.
The Official Map, including all notations, references and other data shown thereon, is hereby incorporated
by reference into this chapter as if it were fully described herein.

A. Certification of the Official Map.

(1) The Official Map shall be identified by the signatures of the College Township Council members,
attested by the College Township Secretary, under the following words: "This is to certify that this is
the Official Map of the Township of College adopted by Ordinance No. O-23-03 and referred to in
Article II of Ordinance No. O-23-03 of the Township of College, Centre County, Pennsylvania,"
together with the date of enactment of this chapter. The Map shall be kept on file with the College
Township Manager.

(2) The Official Map and Official Map Ordinance have been adopted pursuant to the provisions
provided in Section 402 of the Pennsylvania Municipalities Planning Code. A copy of the Official
Map and the Official Map Ordinance of the Township of College, Centre County, Pennsylvania is
recorded in the Centre County Recorder of Deeds Office.

B. Changes in the Official Map. If, in accordance with the provisions of this chapter, changes are made
to the location of lines designating existing or proposed public streets, watercourses or public
grounds, such changes shall be entered promptly on said Map. All changes, except those resulting
from subdivision and land development plans as specified in § 133-11 below, shall be certified by
initialing of the Map by the Chairman of Council, together with the amending ordinance number and
date of enactment.

§ 133-7 Relationship to County Official Map.
The adoption of an Official Map by Centre County shall not affect the Official Map of College Township,
except that the Centre County Official Map shall govern as to county streets and public grounds of Centre
County in accordance with the Pennsylvania Municipalities Planning Code.
§ 133-8 **Relationship to adjacent municipalities.**
If the Official Map or amendment thereto shows any street intended to lead into any adjacent municipality, a certified copy of the Official Map or amendment thereto shall be forwarded to such adjacent municipality.

Article III
**Definitions**

§ 133-9 **Word usage.**
For the purposes of this chapter, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender, and words of feminine gender include masculine gender.

B. The word "includes" or "including" shall not limit the term to the specific example, but is intended to extend its meaning to all other instances of like kind and character.

C. The word "person" includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

D. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.

E. The words "used or occupied" include the words "intended, designed, maintained or arranged to be used or occupied."

§ 133-10 **Terms defined.**
Unless a contrary intention clearly appears, the following words and phrases shall have the meanings given in this section. All words and terms not defined herein shall be used with a meaning of standard usage.

**ACTIVE RECREATION AREAS**
Public grounds which would be used for the purposes of providing for activities such as sports, walking, running, biking and play areas. For the purposes of the Official Map, active recreation areas would be parks that are envisioned to be improved to build facilities such as playgrounds and sports fields/courts.

**BICYCLE/PEDESTRIAN PATHS**
A pathway used for the purposes of providing travel options for bicyclists and/or pedestrians. For the purposes of the Official Map, bicycle and pedestrian ways shall be implemented as easements or through fee simple ownership and typically will be 20 feet wide if not adjacent to an existing right-of-way such as a street.

**BUILDING**
A structure, including any part thereof, having a roof and used for the shelter or enclosure of persons or property.

**CONSERVATION EASEMENT**
A nonpossessory interest in whole or part of real property imposing limitations or affirmative
obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property.

EASEMENT
A nonpossessory interest in whole or part of real property imposing limitations or affirmative obligations, the purposes of which stated in the easement in the form of a document recorded with the Recorder of Deeds of Centre County.

GREENWAY
A passive, less developed corridor that provides opportunities for both recreation and connectivity; likely to have limited maintenance and as such should not be considered commuter routes in the traditional sense.

LAND RESERVATION (RESERVATION)
A tract of land or portion of which is demarcated for public benefit on the College Township Official Map and thus is considered reserved for the purposes of this chapter. Reservations on the College Township Official Map include active recreation areas, natural/preservation areas, riparian buffers, bicycle/pedestrian ways and roads.

NATURAL/PRESERVATION AREAS
Public grounds reserved on the Official Map for the purpose of preserving or protecting environmentally sensitive areas, scenic vistas or to provide open space. For the purposes of the Official Map, natural/preservation areas are envisioned to remain unimproved and provide for passive recreation activities such as hiking or mountain biking.

OFFICIAL MAP (MAP)
A combined map and ordinance designated to implement the goals and community vision set forth in the comprehensive plan.

PRIORITY CORRIDOR
A passageway, route, and/or street where the municipality would like to see future developments in the pedestrian facilities network.

Primary Investment – passageway, route, and/or street identified and/or created based of their high potential for pedestrian traffic within the Township; aimed at closing gaps within the core system to provide the basic level of connectivity needed.

Secondary Investment – passageway, route, and/or street identified as the path of least resistance to overcome an existing significant barrier such as, engineering barriers, policy barriers, and/or private property barriers; the alignment for the connection may not be direct, but represents a more feasible linkage.

Potential State Investment - passageway, route, and/or street identified as being owned by the Commonwealth of Pennsylvania and recognized by the Township to be significant in providing connectivity throughout the pedestrian facilities network.

PUBLIC
Owned, operated or controlled by a government agency.
PUBLIC ACCESS
A means of physical approach to and through a property made available to the general public.

PUBLIC GROUNDS
A. Parks, playgrounds and other public areas.
B. Sites for schools, sewage treatment, refuse disposal and other publicly owned or operated facilities.

PUBLIC NOTICE
Notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days nor less than 14 days from the date of the hearing.

RIGHT-OF-WAY
The surface of and space above and below any real property in the Township of College in which the Township has a regulatory interest, or interest as a trustee for the public, as such interests now or hereafter exist, including, but not limited to, all streets, highways, avenues, roads, alleys, sidewalks, tunnels, viaducts, bridges, skyways, bike path, shared-use path or any other public place, area or property under the control of the Township, and any unrestricted public or utility easements established, dedicated, platted, improved or devoted for utility purposes but excluding lands other than streets that are owned by the Township. The phrase “in the right(s)-of-way” means in, on, over, along, above and/or under the right(s)-of-way.

RIPARIAN BUFFER
A portion of land adjacent to a body of water which is used to filter stormwater runoff, shade and cool streams, and stabilize stream banks or shorelines. Riparian buffers consist of natural elements, such as trees, shrubs and grasses, and can be used for the purposes of the Official Map as a conservation easement or to allow public access or both.

STREET
A strip of land or part thereof within the right-of-way, whether dedicated or not, that is intended or used for vehicular and pedestrian traffic. The phrase “in the (a) street(s)” means in, on, over, along, above and/or under the (a) street(s).

TOWNSHIP
The Township of College, County of Centre, Commonwealth of Pennsylvania.

WATERCOURSE
A stream of surface water, including river, stream, creek or run, whether or not intermittent.

Article IV
Effect of Controls
§ 133-11 Construction within mapped streets, watercourses or public grounds.
For the purpose of preserving the integrity of the Official Map of College Township, no permit shall be issued for any building within the lines of any street, watercourse or public ground shown or laid out on the Official Map. No person shall recover any damages for the taking for public use of any building or improvements constructed within the lines of any street, watercourse or public ground after the same shall
have been included in the Official Map, and any such building or improvement shall be removed at the expense of the owner.

§ 133-12 Special encroachment permit.

A. Application. When the property of which the reserved location forms a part that cannot yield a reasonable return to the owner unless a permit shall be granted, the owner may apply to the College Township Council for the grant of a special encroachment permit to build on said property. Before granting any special encroachment permit authorized in this section, the College Township Council may submit the application for a special encroachment permit to the College Township Planning Commission and allow the Planning Commission 30 days for review and comment and shall give public notice and hold a public hearing at which all parties of interest shall have an opportunity to be heard.

B. Appeal. A refusal by the College Township Council to grant the special encroachment permit applied for may be appealed by the applicant to the Zoning Hearing Board in the same manner, and within the same time limitation as is provided in Article IX of the Pennsylvania Municipalities Planning Code in accordance with Article VI of this chapter.

§ 133-13 Reservations.

College Township shall designate reservations as follows:

A. Size and location. The size and location of a reservation shall be determined as follows:

(1) Reservations shown on the Official Map which are shown as constituting an entire property shall be the same size and the same location as that of the property designated on the Official Map.

(2) Reservations shown on the Official Map which are shown as constituting only a portion of a property shall be sized and located based on the approximate size and location of the designation as shown on the Official Map.

(3) Reservations shown on the Map as corridors or rights-of-way, such as bicycle/pedestrian ways or streets, shall be of a sufficient width to allow for the designated purposes. Rights-of-way for streets shall be in conformance with Chapter 177, Streets and Sidewalks, and bicycle/pedestrian ways shall be at least five feet wide for pedestrian ways or 10 feet wide for off-street bicycle ways, plus a buffer on both sides of the path which would amount to a twenty-foot wide easement or right-of-way.

(4) At the Council's discretion, the size and/or location may deviate from the requirements listed above if it determines that the new size and/or location will allow sufficient size and access for the proposed public use and that new size and/or location will meet the intent of the reservation.

B. Public access. Public access shall be granted for all reservations shown on the Map except for those properties designated as "riparian buffers" on the Official Map. The Council may require public access as part of the acquisition of riparian buffers shown reserved on the Official Map if one of the following conditions is met:

(1) The tract of land in question is proposed to be subdivided, as defined in Chapter 180, Subdivision of Land, into four or more lots, or

(2) The tract of land in question is proposed for a land development as defined in Chapter 180,
Subdivision of Land.

C. Bicycle/pedestrian ways. The Official Map shall designate bicycle/pedestrian ways to be located and provided for as follows:

(1) Those bicycle/pedestrian ways designated as within the right-of-way or public utility easement shall be located within said right-of-way or easement. No land shall be acquired from individual property owners unless there are physical site constraints, in which case the acquisition of additional right-of-way for the bicycle/pedestrian way shall be necessary and permitted.

(2) Those bicycle/pedestrian ways designated as on private property shall require the acquisition of such land necessary from those properties reserved on the Official Map. The location of the acquired land shall be similar to that shown on the Official Map.

(3) Those bicycle/pedestrian ways designated as undetermined shall be located in a manner that limits the need for acquiring private property. Preference shall be given to routes that are within or directly adjacent to rights-of-way and shall be located as to limit the impact to private property as much as possible.

D. Exemptions. Any modifications to a single-family house involving actions listed in § 133-13A which constitute an addition of 25% or less area of the structure or impervious coverage shall be exempt from the provisions of this chapter. The percentage increase shall be measured from the area existing at the time of adoption of the College Township Official Map.

§ 133-14 Reservation period.
The College Township Council shall fix the time for which streets and public grounds shown on the Official Map shall be deemed reserved for future taking or acquisition for public use. The reservation for public grounds including riparian buffers shall lapse and become void after the owner of such property has submitted a written notice to the Council announcing his intentions to build, subdivide or otherwise develop the land covered by the reservation, or made formal application for an official permit to build a structure for private use unless the College Township Council shall have acquired the property or begun condemnation proceedings to acquire such property before the end of the following reservation periods as measured from the date of the written notice or made formal application to the Township:

A. Single-family houses. The reservation period for any action which requires a driveway permit, building/zoning permit and/or a zoning change of use permit for a single-family house shall be 90 days unless exempt pursuant to § 133-13D.

B. Land development, subdivisions, conditional use permits. The reservation period for any action which requires land development and/or subdivision approval pursuant to Chapter 180 of the College Township Code or conditional use permit pursuant to Chapters 86 and 87 of the College Township Code shall be one year.

§ 133-15 Effect of Official Map on mapped streets and other public grounds.
The adoption of any street or street lines as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute the opening or establishment of any street nor the taking or acceptance of any land for street purposes, nor shall it obligate College Township to improve or maintain any such street. The adoption of proposed watercourses or public grounds as part of the Official Map shall not, in and of itself, constitute or be deemed to constitute a taking or acceptance of any land by College Township.
§ 133-16 Release of damage claims or compensation.
A. Any releases or agreements, when properly executed by the College Township Council and the
owner and recorded, shall be binding upon any successor in title.

B. The College Township Council may designate any of its agencies or Township Solicitor to negotiate
with the owner of land under the following circumstances:

(1) Whereon reservations are made;

(2) Whereon releases of claims for damages or compensation for such reservations are required; or

(3) Whereon agreements indemnifying the College Township Council from claims by others may be
required.

Article V
Adoption and Amendment

§ 133-17 Procedure.
Prior to the adoption of any survey of existing or proposed public streets, watercourses or public grounds
as the Official Map or part thereof, or any amendments to the Official Map, the College Township
Council shall refer such surveys and amendments to the College Township Planning Commission, the
Centre Regional Planning Commission and the Centre County Planning Commission for review. The
Commissions shall report their recommendations on said proposed Official Map, part thereof or
amendment thereto within 45 days unless an extension of time shall be agreed to by the College Township
Council. If, however, the Planning Commission(s) fails to act within 45 days, College Township Council
may proceed without its recommendations. Centre County and adjacent municipalities may offer
comments and recommendations during said forty-five-day review period. Local authorities, park boards,
environmental boards and similar public bodies may also offer comments and recommendations to
College Township Council or Planning Commission if requested by same during the said forty-five-day
review period. Before voting on the enactment of the proposed Official Map, part thereof or amendment
thereto, the College Township Council shall hold a public hearing thereon after giving public notice of
such hearing.

§ 133-18 Recording.
Following adoption of the chapter and Official Map, or part thereof or amendment thereto, a copy of
same, verified by the College Township Council, shall be submitted to the Recorder of Deeds of Centre
County and shall be recorded within 30 days of the effective date. The fee for recording and indexing
ordinances and amendments shall be paid by College Township and shall be in the amount prescribed by
law for the recording of ordinances by the Recorder of Deeds.

§ 133-19 Amendment by subdivision plan.
After adoption of the Official Map or part thereof, all streets, watercourses and public grounds on final
recorded subdivision and land development plans which have been duly approved by the College
Township Council shall be deemed amendments to the Official Map. Notwithstanding any other terms of
this chapter, no public hearing need be held or notice given if the amendment of the Official Map is the
result of the addition of a plan which has been duly approved by the College Township Council.
Article VI
Violations, Penalties and Appeals

§ 133-20 Notice of violation.
Whenever any person, partnership or corporation shall have violated the terms of this chapter, the College Township Manager shall cause a written notice to be served upon the owner, applicant, developer, property manager or other person responsible for the property or the violation, directing him to comply with all the terms of this chapter within seven days or such additional period, not to exceed 30 days, as the Manager shall deem reasonable, and further the Manager shall give notice to the owner, applicant, developer, property manager or other person responsible for the property or the violation that if the violation is not corrected, College Township may correct the same and charge the landowner or other persons responsible the cost thereof plus penalties as specified herein for failure to comply. Such notice may be delivered by the United States Postal Service, first class, postage prepaid, or by certified or registered mail; or by personal service; or, if the property is occupied, by posting notice at a conspicuous place upon the affected property.

§ 133-21 Violations and penalties.
Any person, partnership or corporation who fails to comply with this chapter within the period stated in the notice of the Manager shall, upon conviction thereof, be guilty of a summary offense and shall be sentenced to pay a penalty as set forth by resolution by the College Township Council. Each and every day of continued violation shall constitute a separate violation.

A. In the event that the owner, developer, occupant, applicant, property manager or other person responsible fails to comply with the terms of this chapter within the time specified by the Manager, College Township may take any actions necessary to correct the violation. The costs for correction of the violation shall be in addition to any penalties for violations for failure to comply.

B. In addition to the fines for violations, costs and penalties provided for by this section, College Township may institute proceedings in courts of equity to prevent, restrain, correct or abate such building, structure or land or to prevent in or about such premises any act, conduct, business or use constituting a violation.

C. The cost for removal, fines and penalties hereinabove mentioned may be entered by College Township as a lien against such property in accordance with existing provisions of law or may be collected by action in assumpsit.

§ 133-22 Appeals.
Any appeal from a decision or action of the College Township Council or of any officer or agency of College Township in matters pertaining to this chapter shall be made in the same manner and within the same time limitation as is provided for zoning appeals in Article X of the Pennsylvania Municipalities Planning Code, as amended.

SECTION 2 – SERVERABILITY

If any sentence or clause, section, or part of this ordinance is found to be unconstitutional, illegal or invalid, such findings shall not affect or impair any of the remaining parts of this ordinance. It is hereby declared to be the intent that this ordinance would have been adopted had such part not been included.
SECTION 3 – EFFECTIVE DATE

This ordinance shall take effect five (5) days after enactment.

ENACTED AND ORDAINED, this 21st day of September 2023, by the College Township Council, Centre County, Pennsylvania.

ATTEST: COLLEGE TOWNSHIP COUNCIL

__________________________  __________________________
Adam T. Brumbaugh, Secretary  Dustin Best, Chair
MEMORANDUM

Date: August 22, 2023

To: Lindsay Schoch, AICP
Principal Planner
College Township

From: Mark Boeckel, AICP
Principal Planner

RE: Proposed Ordinance O-23-03, Amendments to Chapter 133 – Official Map, including amendments to the Official Map in various locations

The Centre Regional Planning Agency (CRPA) received College Township Proposed Ordinance O-23-03 on August 3, 2023. This memo provides a staff-level review of the proposed amendment to the Official Map ordinance as well as proposed amendments to the Official Map. The Centre Regional Planning Commission is currently scheduled to review the proposed ordinance and draft Official Map at their September 7, 2023 meeting.

The CRPA offers the following advisory comments for your consideration:

1. The proposed ordinance and Official Map update are consistent with the 2013 Centre Region Comprehensive Plan Update. The proposal addresses the following goals, objectives, and policies:
   a) Land Use Element, Policy 1.1.2 - Encourage the continued use of the official map to identify and preserve future open space areas.
   b) Transportation Element, Policy 4.1.4 - Use municipal Official Maps to identify rights-of-way and guide a regional approach to planning and implementing future roadway, bicycle, and pedestrian facilities.

2. The CRPA recognizes and commends the use of an Official Map as a tool to identify areas that are projected for public use and/or roadway improvements, and to identify corridors important for connectivity.

3. The CRPA notes that the practice of identifying these facilities provides for them to be effectively included in regional efforts such as the completion of the Active Transportation Plan and Long Range Transportation Plan, and considered in the asset management process for the development of TIP projects through the PennDOT Connects process.
4. The CRPA concurs that the proposed bicycle and pedestrian paths are generally consistent with the proposed facilities identified in the Centre Region Bicycle Plan (2022). Where the Official Map shows the continuing refinement of project proposals to reflect ongoing planning and public involvement processes, the CRPA appreciates the use of the Official Map as a clear and accessible tool to document those revisions and incorporate them in the ongoing regional planning process.

5. Further, the CRPA notes that the Official Map update does an excellent job of incorporating the findings of "Walkable College Township - The Pedestrian Facilities Master Plan for College Township" (2022), better making the case for potential improvements shown within the map documentation.

6. Taken together, the CRPA agrees that the Official Map and the pedestrian facilities master plan provide for the most critical corridors and locations needed to establish better accessible multimodal connections between transit, pedestrians, bicyclists, and individuals using mobility devices. Accordingly, this documentation provides good future direction with respect to these multimodal connections both within College Township, and to and from adjacent communities.

7. For future iterations of the Official Map, the CRPA may propose leveraging additional information obtained from the Centre Area Transportation Authority (CATA) with respect to bus stop location and level of improvement to further inform appropriate corridors and locations for multimodal investment.

8. The CRPA supports the continued use of the plan to identify locations for future facilities and connections as proposed roads/rights of way to provide for orderly access and development and establish future priorities. The CRPA notes the proposed roads connecting First Avenue and College Avenue, connecting Stewart Drive and College Avenue, and the Airport Connector connecting the Innovation Park Access Ramp with Patton Township as prominent examples.

9. The Official Map includes several “State Investment Corridors”, which are defined in the proposed ordinance amendment as being significant in “providing connectivity throughout the pedestrian facilities network.” It may be valuable to define which State entity has ownership of these corridors. Identification of these corridors may assist in encouraging State investment into multimodal facilities along these routes.

10. A portion of the State Investment Corridor along Branch Road extends through a portion of the State College Borough. This label should be removed from the portion of the roadway that is in the Borough since it falls outside of College Township’s jurisdiction.

If you have any questions regarding the supplied comments, please contact the CRPA at (814) 231-3050.

cc: James Saylor, P.E., PTOE, Principal Transportation Planner
    Anne Messner, AICP, Senior Transportation Planner
    Greg Kausch, Senior Transportation Planner
September 7, 2023

College Township

Attn: Lindsay K. Schoch, AICP, Principal Planner
1481 East College Avenue
State College, PA 16801

Re: Proposed Official Map & Ordinance Amendment
County Planning & Community Development Office Review

Dear Lindsay:

The Centre County Planning and Community Development Office appreciates the opportunity to review the proposed Official Map and Ordinance amendment to the original Official Map adopted on November 14, 1985. On August 3, 2023, we received your email correspondence that included the Draft Official Map with a summary of map and ordinance changes and a QR code to view the proposed changes through a Story Map. You requested Centre County Planning and Community Development Office comment on or before September 18, 2023 in preparation for a future public hearing date.

Pursuant to § 402 (b) of the Pennsylvania Municipalities Planning Code:

“The county and adjacent municipalities may offer comments and recommendations during said 45-day review period in accordance with section 408. Local authorities, park boards, environmental boards and similar public bodies may also offer comments and recommendations to the governing body or planning agency if requested by same during said 45-day review period. Before voting on the enactment of the proposed ordinance and official map, or part thereof or amendment thereto, the governing body shall hold a public hearing pursuant to public notice.”

As you have noted, the most recent update to the Official Map is a result of the implementation of “Walkable College Township, a Pedestrian Facilities Master Plan (2022)” (Ped Plan). Moreover, College Township has demonstrated collaborative input on the Official Map update through vetting the Ped Plan priorities with the Parks and Recreation Committee, Planning Commission and Council, to better identify areas of interest on the Official Map. Public input is crucial in setting Official Map priorities that potentially establish future public facilities in a municipality. College Township demonstrates a progressive approach updating the Official Map by conducting two (2) public participation opportunities during the Pedestrian Facilities Master Plan preparation, where you received valuable input, which is incorporated into the elements of the Official Map by way of the Ped Plan.

Additionally, College Township is granted power under the PA Municipalities Planning Code § 401 to develop an Official Map, consistent with the Comprehensive Plan, to illustrate:
(1) Existing and proposed public streets, watercourses and public grounds, including widenings, narrowings, extensions, diminutions, openings or closings of same.
(2) Existing and proposed public parks, playgrounds and open space reservations.
(3) Pedestrian ways and easements.
(4) Railroad and transit rights-of-way and easements.
(5) Flood control basins, floodways and floodplains, storm water management areas and drainage easements.
(6) Support facilities easements and other properties held by public bodies undertaking the elements of the Comprehensive Plan.

The latest Official Map Amendments and Additions include the following:

(1) Definitions of State Investment Corridors, Primary and Secondary Investment Corridors, and Greenways;
(2) A path to connect the sidewalk at Hospital Drive to the existing Orchard Road Bike Lanes;
(3) A path connecting Houserville Road to Puddingtown Road through Spring Creek Park; and,
(4) The existing quarry property as a land reservation.

Deletions from the map for this current Amendment include:

(1) The Squirrel Drive connection to Puddingtown Road (as a result of the development of the Aspen Heights Squirrel Drive development); and,
(2) The shared use path proposed along Old Boalsburg Road (replaced with the reservation of the quarry property).

The College Township Council may accept the following comments and recommendations related to the proposed Official Map and Ordinance Amendment:

A) Replace “ORDINACNE NO. O-23-03” with “ORDINANCE NO. O-23-03”.

B) Under §133-3, Purpose, consider adding “to provide for bicycle/pedestrian paths and easements”.

C) Under §133-10, Terms Defined, “Greenway”, consider adding components consistent with the “Centre County Recreation and Greenway Plan”:
   
   i. Greenways vary greatly in scale; from narrow ribbons of green that run through urban, suburban, and rural areas to wider corridors that incorporate diverse natural, cultural, and scenic features;
   
   ii. They can incorporate both public and private property and can be land or water-based;
   
   iii. They may follow old rail beds, canals, or ridge tops, or they may follow stream corridors, shorelines, or wetlands and include water trails for non-motorized craft; and,
   
   iv. Some greenways are recreational corridors or scenic byways that may accommodate motorized or non-motorized vehicles. Other greenways function almost exclusively for environmental protection and are not designed for human passage.

D) Under §133-10, Terms Defined, “LAND (RESERVATION)”, update “bicycle/pedestrian ways” to “bicycle/pedestrian paths” in accordance with the new term.

E) Under §133-10, Terms Defined, the terms “Priority Corridor” - “Primary Investment”, “Secondary Investment”, and “Potential State Investment” all are meaningful additions to the College Township Official Map that distinctively set forth criteria filling pedestrian and overall transportation system gaps, considering physical and design barriers that are inclusionary with the Commonwealth transportation system.

F) Under §133-13, Reservations, update “bicycle/pedestrian ways” to “bicycle/pedestrian paths” in
accordance with the new term for sections A.(3), C., C.(1), C. (2) and C. (3).

G) Related to the Official Map Amendment, was there any consideration for the following connections as Priority Corridors of Primary or Secondary investment at:

i. Boalsburg Road and Baldwin Street connecting the Potential State Investment Corridor to the existing Lions Paw Alumni Association Lands, Stoney Batter Natural Area and Overview Parking.

ii. Park Avenue and Services Road connecting the Potential State Investment Corridor to the existing Penn State Law School and Arboretum.

We commend College Township Council, Parks and Recreation Committee, and Planning Commission for implementing the “Walkable College Township, a Pedestrian Facilities Master Plan (2022)” and components of the 2013 Centre Region Comprehensive Plan through the identification of planned future public lands and facilities such as transportation, recreational parks and trails, and open space. Pennsylvania sets forth requirements of the Official Map as a tool to express a municipality’s interest in acquiring these lands for public purposes sometime in the future. Conversely, the Official Map informs property owners and developers of long-range municipal goals, provides clarity on future public needs as a municipality can focus limited resources on projects that will best advance its long-term goals.

As a reminder, the Pennsylvania Municipalities Planning Code, § 402 (c) specifies that within thirty (60) days after enactment of the map and ordinance, copies shall be submitted to the Centre County Recorder of Deeds. Moreover, § 408 (c) outlines that “when a municipality adopts an official map, a certified copy of the map, the ordinance adopting it and any later amendments shall be forwarded, within 30 days after adoption, to the county planning agency or, in counties where no planning agency exists, to the governing body of the county in which the municipality is located”.

Thank you for allowing our office to review the College Township proposed Official Map and Ordinance Amendment in a timely manner. If you require any additional information or have any questions regarding these comments, please contact our office at your earliest convenience.

Sincerely,

Raymond J. Stolinas Jr., AICP
Centre County Planning Director

RJS

cc: John Franek, Jr., County Administrator (email)
    Elizabeth Lose, Asst. Planning Director, CCPCDO (email)
    Xochi Confer, County Transportation Planner (email)
<table>
<thead>
<tr>
<th>#</th>
<th>Did you participate in the Pedestrian Facilities Master Plan public input period in 2022?</th>
<th>Do you agree with the addition of the Pedestrian Facilities Alignments as they are presented here?</th>
<th>Additional comments welcome:</th>
<th>Do you agree with the addition of the Land Reservation Layer as presented here?</th>
<th>Additional comments welcome:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>No</td>
<td>Strongly agree</td>
<td></td>
<td>Agree</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Yes</td>
<td>Agree</td>
<td>Agree, these are high-priority; although more pedestrian and bike access safety measures are needed in Lemont area by the bridge and through College Avenue.</td>
<td>Strongly agree</td>
<td>In addition to the land reservation for the quarry, I would like to see additional land reservation for both preservation of Mount Nittany and to be realistic about supporting its current use as well as its future use for current and expanded pedestrian and vehicle access.</td>
</tr>
<tr>
<td>3</td>
<td>Yes</td>
<td>Strongly agree</td>
<td>Yes, but I would like to see more emphasis on Mount Nittany Conservancy, and specifically providing additional access including for walking, biking or public transit to trailhead. Also consideration for providing multiple trailheads from Boalsburg Rd. or Stoney Batter Area to alleviate congestion on Mt. Nittany Rd.</td>
<td>Strongly agree</td>
<td>Yes, looking forward to seeing progression of interest in plans for Quarry development. I would also like to see more focus on preservation of natural areas and parks in Lemont and Mount Nittany and providing means of access and enjoyment to those areas. Mount Nittany is a fantastic asset in our community and we need to protect it.</td>
</tr>
<tr>
<td>4</td>
<td>No</td>
<td>Agree</td>
<td>On behalf of ClearWater Conservancy, we are particularly excited about the Pedestrian Facilities Alignments connecting Houserville to Innovation Park and out to Rock Road and beyond. ClearWater owns the property at 1601 Houserville Road and is open to discussion about how the property can further support pedestrian connectivity within College Township.</td>
<td>Agree</td>
<td>ClearWater is particularly supportive of Land Reservation along Spring Creek and Slab Cabin Run, which would help further protect these vital community resources.</td>
</tr>
<tr>
<td>5</td>
<td>Yes</td>
<td>Agree</td>
<td></td>
<td>Neutral</td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>I was not aware of the public comment period</td>
<td>Strongly disagree</td>
<td>Pedestrian Plan: Requesting the line depicted on Houserville Road from Spring Lea Drive to Puddintown Road be removed from the plan. All pedestrian traffic needs to be routed through Spring Creek’s Park existing trail system. Make sure the Pedestrian Plan is a key element in the proposed renovation of Spring Creek Park. The residents from Spring Creek Park entrance on Puddintown Road to Houserville Road should be engaged for their input. Lines should be added to the Plan to show pedestrian traffic flow to the back and front of Spring Creek Elementary. Pedestrian access should be noted on the plan from Stearns Crossing to Bogelman Fields/School &amp; Spring Lea Drive to Spring Creek Park. I am concerned of Township Supervisors and its Leaders of overreach by designating the pedestrian plan on Houserville Road be completed on private property without proper communication to its customers/residents along its path.</td>
<td>Strongly disagree</td>
<td>Continued concern with government overreach if any land reservation is privately owned.</td>
</tr>
<tr>
<td>7</td>
<td>No</td>
<td>Strongly disagree</td>
<td>When the township does not maintain existing pedestrian facilities to a high standard, year round, only makes the problem worse. I’d rather you see do a better job on what you already have then add additional ones that will be maintained well.</td>
<td>Strongly disagree</td>
<td>If fundamentally oppose government putting their finger on the scale to influence private property decisions.</td>
</tr>
<tr>
<td>8</td>
<td>No</td>
<td>Strongly agree</td>
<td>I own my home and live at 934 Houserville Rd and I am strongly in favor of a sidewalk on Houserville Rd from College to Puddintown. In order to walk to Spring Creek Park or to the elementary school one has to walk in people’s yards right along traffic zooming by. This is not only unsafe for walkers (unpredictable children and dogs being walked) - but it is unsafe for drivers who feel the need to make room by driving in the other lane (opposite traffic flow). I would be very willing to participate in the construction of a sidewalk on part of my property. If I am going to walk in someone’s yard anyhow, there ought to be a safely constructed sidewalk.</td>
<td>Neutral</td>
<td></td>
</tr>
<tr>
<td>#</td>
<td>Did you participate in the Pedestrian Facilities Master Plan public input period in 2022?</td>
<td>Do you agree with the addition of the Pedestrian Facilities Alignments as they are presented here?</td>
<td>Additional comments welcome</td>
<td>Do you agree with the addition of the Land Reservation Layer as presented here?</td>
<td>Additional comments welcome</td>
</tr>
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</tr>
<tr>
<td>9</td>
<td>I was not aware of the public comment period</td>
<td>Strongly disagree</td>
<td>Caddors adds: Trout Road to utility ROW, through Stearns Crossing to Fogelman/School. Dreibelbis to Hartman Farm, utility ROW, through Stearns Crossing to Fogelman/School. Puddintown to Houserville towards Scholl St./Fogelman &amp; Scholl and Puddintown to Oak to back of Fogelman/School. K. Baker had the vision of Trout &amp; Dreibelbis, utility ROW, through Stearns to Fogelman/School. Deem it a trail and use stone dust to control expenses. Partner with Benner Twp. to extend the &quot;trail&quot; to the existing trail at Spring Creek. Do not move any pedestrians on Houserville Road to Oak due to safety. Pedestrians need to be directed through Spring Creek Park. Twp. needs to collaborate with COG on the Park renovations planned.</td>
<td>Strongly disagree</td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>I was not aware of the public comment period</td>
<td>Strongly disagree</td>
<td>As a resident who lives on a corner property of two proposed pedestrian corridors in Houserville, we do not want to have to maintain sidewalks (either in the winter or general maintenance), nor a multi-use path on our property. We hope that College Township is concerned with the environmental impacts that sidewalks or other changes will create. The more man-made changes are added to the neighborhood, the more it takes away from its natural beauty. There are many mature trees that would be negatively impacted by this plan. Sidewalks would also cause numerous drainage issues in our area, which we hope College Township would take into consideration as well. All pedestrian traffic from Houserville Road to Puddintown Road could be easily accommodated by the trails in Spring Creek Park. We want the corridor lines removed from Houserville Road and Spring Lea Road as well. Based on our observations, few people actually walk on Houserville Road.</td>
<td>Neutral</td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>No</td>
<td>Agree</td>
<td>Hoorah!</td>
<td>Agree</td>
<td>Willow Ave. Resident - Age 82</td>
</tr>
<tr>
<td>12</td>
<td>Yes</td>
<td>Agree</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>
MEMORANDUM

To: College Township Council

Thru: Adam Brumbaugh, Township Manager

From: Lindsay K. Schoch, AICP | Principal Planner & Mark J. Gabrovsek, Zoning Officer

Re: Updates to Chapter 109 – Fireworks

Date: September 18, 2023

Introduction:

As a practice, staff strives to ensure that Council is well informed about how various ordinances and implemented and whether those documents are meeting their respective purposes.

After the most recent Fourth of July Holiday, our staff has observed an increased volume of complaints related to fireworks usage, specifically within residential areas. In order to safeguard and advance public health, safety, and the overall well-being of our community, it has been deemed necessary to revise the existing Ordinance to align with State law, specifically, Chapter 109, which governs fireworks usage in College Township. Historically, the Township has adhered to the PA State Fireworks Laws (Agricultural Code, Title 3, Chapter 11), which were updated in 2022. Consequently, the Township Ordinance should be amended to incorporate these recent changes to the code.

It is important to note that College Township Council discussed this ordinance and authorized staff to set a Public Hearing at the August 17, 2023 meeting.

Successful Aspects:

The current legislation sets forth rules for sale/display/use of both consumer fireworks and display fireworks. A person may purchase consumer fireworks over 18 years of age and display fireworks may only be purchased and use by specially licensed parties. The remainder of the Ordinance, as it is consistent with the State Code, is in good order.

Areas for Improvement:

Title 3 Chapter 11 limits how a municipality in Pennsylvania can regulate fireworks. The current Chapter 109 does not comply with state law about consumer fireworks.

Planning Commission Input and Regional Review:
Staff worked with the Township Solicitor to ensure the Ordinance is adequate and he noted it is not required to go in front of the Planning Commission or a regional review.

**What is changing?**

- Adding Definitions for “Consumer Fireworks”;
- Repealing Section 109.2 Consumer Fireworks and Replacing the entire Section with the language from Title 3, Chapter II of the PA State Law.
- Repealing Section 109.5 Violations and Penalties and Replacing the entire Section with language that is consistent with the existing Ordinance we currently have in place.

**Next Steps:**

If Council is so inclined, staff recommends the ordinance be adopted after a Public Hearing is held.

**Motion:**

I move to approve Ordinance 0-23-08, an amendment to Chapter 109 – Fireworks.

**Attachments:**

Chapter 109 – Fireworks.
BE IT RESOLVED AND ORDAINED, by the College Township Council, Centre County, Pennsylvania and the authority of the same, does hereby adopt, made this 21st day of September 2023, by amending the Code of the Township of College, Pennsylvania with the amendment of Chapter 109 as follows:

GENERAL REFERENCES
Fees — See Ch. A203.

§ 109-1 Definitions.
As used in this chapter, the following terms shall have the meanings indicated:

CONSUMER FIREWORKS
(1) the term includes an combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by the construction, performance, composition and labeling requirements promulgated by the Consumer Products Safety Commission in 16 CFR (related to commercial practices) or any successor regulations and complies with the provisions for “Consumer fireworks” as defined in APA 87-1, the sale, possession and use of which shall be permitted throughout this Commonwealth. (2) the term does not include devices such as “ground and hand-held sparkling devices”, “novelties” or “toy caps” in APA 87-1, the sale, possession and use of which shall be permitted at all times throughout this commonwealth.

DISCHARGE SITE
The area immediately surrounding the fireworks mortars used for an outdoor fireworks display.

DISPLAY SITE
The immediate area where a fireworks display is conducted, including the discharge site, the fallout zone and the required separation distance from mortars to spectator viewing areas, but not including the spectator viewing areas or vehicle parking areas.

FALLOUT ZONE
The designated area in which hazardous debris is intended to fall after a pyrotechnic device is fired.

FIREWORKS
Any device intended to produce visible and/or audible effects by combustion, deflagration or
detonation, and which meets the definition of "consumer (Explosives 1.4G)", "theatrical and novelty
(Explosives 1.4S)" or "display (Explosives 1.3G)" fireworks as set forth in the United States
Department of Transportation's (DOT) Hazardous Materials Regulation, Title 49, Code of Federal
Regulations (CFR), Parts 171-180.

MORTAR
A tube from which certain aerial devices are fired into the air.

NATIONAL FIRE PROTECTION ASSOCIATION (NFPA)
Organization which provides several standards that outline recommendations for the manufacture,
storage, transportation and execution of fireworks.

PERSONAL/PRIVATE BENEFIT
For the purposes of this chapter, any time a fireworks display is to be put on by one person(s) to
celebrate an event which has no relation to the surrounding community, is not put on by a local
organization or is put on to celebrate a public holiday. The following events are considered to be for
personal or private benefit, including but not limited to parties, weddings, barbeques or other event
in which the general public is not invited.

PUBLIC BENEFIT
For the purposes of this chapter, any time a fireworks display is to be put on by an organization,
group of individuals, public institution or government to celebrate an event or holiday where the
general public is invited to attend.

§109-2 Consumer fireworks.
From and after the passage of this chapter, consumer fireworks as defined herein are prohibited with the
following exceptions:

A. Sparklers.
B. Toy caps for use in toy pistols in which the devices contain 0.25 grains or less of explosive
compound or toy cannons which operate on the principle of mixing calcium carbide, weighing less
than 1/10th ounce, and water in the reservoir of the cannon and which ignition results upon the
creation of a spark.
C. Model rockets and model rocket motors designed, sold and used for the purpose of propelling
recoverable aero models.
D. Those putting on fireworks displays as identified in § 109-3 shall be allowed to use consumer
fireworks as part of the display following all applicable state regulations.

§109-2 Consumer fireworks.
A. Consumer fireworks shall be regulated as outlined in Title 3 Chapter 11 of the PA General
Assembly with the following restrictions:

(1) Consumer fireworks may not be used between 10pm and 10am the following day.
B. Exceptions to use.

(1) On July 2, 3, and 4 and December 31, when consumer fireworks may be used until 1am the following day.

   a. When July 4 falls on Tuesday, Wednesday or Thursday, consumer fireworks may be used until 1am on the immediately proceeding and following Friday and Saturday.

   b. On Memorial Day, including the immediately preceding Saturday and Sunday, consumer fireworks may be used until 1am.

   c. On Labor Day including the immediately preceding Saturday and Sunday consumer fireworks may be used until 1am.

§ 109-3 Display fireworks.
From and after the passage of this chapter, display fireworks shall be permitted subject to the following requirements:

A. Nonprofit, not-for-profits or private entities wishing to provide a public benefit through celebration using fireworks shall be permitted with the following limitations:

   (1) An application for fireworks display must be completed.

   (2) Notification of residents within one-half mile radius of the fireworks display site fallout zone or through the newspaper of general circulation (Centre Daily Times). Notification does not need to be provided for any testing of the fireworks prior to the date of the actual display.

B. Private individuals or firms wishing to have a fireworks display for personal or private benefit shall be permitted to do so with the following limitations:

   (1) All conditions of § 109-3A shall be met.

   (2) Fireworks displays shall be allowed in all districts given that the fireworks shall be launched in a manner as to not be hazardous to any person or property following NFPA 1123, Code for Fireworks Display, and NFPA 1126, Standard for the Use of Pyrotechnics before a Proximate Audience.

   (3) Fireworks displays shall be put on by a professional, competent fireworks company or individual(s) trained to put on fireworks displays and shall follow all applicable state laws.

   (4) The fallout zone must be appropriately sized for aerial shells, the minimum required radius of the display site shall be 70 feet per inch (22 m/25 mm) of the internal mortar diameter of the largest aerial shell to be fired, as shown in NFPA 1123, "Code for Fireworks Display," Table 5.1. 3.1, as amended. [Amended 9-16-2021 by Ord. No. O-21-05]

   (5) The fallout zone and discharge site must be located at least 1,000 feet from any structure on adjoining property. If there are any structures within 1,000 feet of the display site, written permission from the property owners affected shall be required.

   (6) All residents within one mile radius of the fireworks display site fallout zone shall be provided a notice of intentions to have a fireworks display pursuant to § 109-3C.
C. Notification of all residents shall be provided no less than one week before the scheduled display. Indoor use of fireworks shall be exempted from this requirement. Notification may be given through notices handed out to all residents, mailing of the notices to all residences or through an advertisement in the Centre Daily Times. In any case, the notice shall give the following information:

1. Name, address and phone number of individual, group or organization sponsoring the fireworks display;
2. Name and phone number of contact person directly responsible for organizing the fireworks display;
3. Reason for the fireworks display;
4. Name, address and phone number of the company doing the fireworks display and;
5. Name and phone number of the contact person at the fireworks company responsible for this particular fireworks display.

D. Along with the fireworks display application, the following needs to be completed and provided to the township:

1. A copy of the certificate of insurance.
2. Written permission from property owner for use of the property for fireworks display.
3. Written permission from the State College police indicating their approval of the fireworks display.
4. Written permission from Alpha Fire Chief indicating his approval of the fireworks display.
5. A copy of the notice that will be sent to the residents or placed in the newspaper.
6. A list of three references from the fireworks company, including the names, addresses and phone numbers of individuals/organizations responsible for organizing the referenced events.
7. Graphic representation of the display site.
8. Size of the largest shell to be used for the display.

E. Fireworks displays shall not be permitted to continue past 11:00 p.m. local time. [Added 4-5-2007 by Ord. No. O-07-08]

§ 109-4 Applicability.
Nothing in this chapter shall be construed to prohibit any of the following:

A. A licensed facility from selling any consumer fireworks or the year-round sale of any kind of consumer fireworks to out-of-state residents whose status is verified, provided the same are to be transported directly out of state by the seller or purchaser.

B. The manufacture, transportation or storage of fireworks at a manufacturing facility pursuant to 34 Pa. Code §§ 5.51 through 5.67.
C. The research, testing or development of pyrotechnic products.

D. The sale, transportation, handling or use of industrial pyrotechnic devices or fireworks such as railroad torpedoes, fuses, automotive, aeronautical and marine flares and smoke signals for signal or illumination purposes.

E. The sale and use of blank cartridges for use in a show or theater; for signal or ceremonial purposes; in athletics or sports.

F. The use of pyrotechnics in training by the fire service, law enforcement or similar government agencies.

G. The use of fireworks for agricultural purposes in connection with the raising of crops and the protection of crops from bird and animal damage.

H. The use of fireworks or pyrotechnics for quarrying, blasting or other industrial purposes.

§109-5 Violations and penalties.
Any person violating any of the provisions of this chapter and all persons in charge or standing in loco parentis to any child or children who have not arrived at the age of criminal responsibility and who have violated any provisions of this chapter shall, upon conviction thereof before the District Magistrate, be subject to a fine as set by resolution by College Township Council.

§190-5 Violations and penalties.

Any person violating any of the provisions of this chapter and all persons in charge or standing in loco parentis to any child or children who have not arrived at the age of criminal responsibility and who have violated any provisions of this chapter shall, upon conviction thereof before the District Magistrate, be subject to a fine as set forth by resolution by College Township Council and consistent with the prescribed under Title 3 Chapter 11 as amended.

ENACTED AND ORDAINED this 21st day of September 2023.

ATTEST:  

COLLEGE TOWNSHIP COUNCIL:

____________________________  ______________________________
Adam Brumbaugh, Secretary          Dustin Best, Council Chair
MEMORANDUM

To: College Township Council

From: Adam Brumbaugh, Township Manager

Re: College Township IDA / College Township Management Services Agreement

Date: 09/14/2023

As College Township Council is aware, the Township Manager has been acting as the interim Executive Director for the College Township Industrial Development Authority (IDA) since May 2022. While the IDA desires to hire a fulltime Executive Director, hiring this position poses unique challenges for the IDA in terms of employee benefit administration and supervision. To address these issues, College Township has proposed a Management Services Agreement between the Township and the IDA similar in nature to the management services agreement presently existing between the Township and the College Township Water Authority.

The Agreement, attached hereto, provides a mechanism allowing College Township to hire an Economic Development Coordinator. Said position’s primary function will be to serve as the fulltime IDA Executive Director. In return, the IDA agrees to cover the full cost of the employee and will be invoiced monthly by the Township for payment of all costs related to the Economic Development Coordinator. Exhibit A of the Agreement identifies the fully burdened 2023 hourly rate at which this position will be invoiced to the IDA. It is anticipated the hourly rate will be modified on an annual basis in accordance with the Township's annual COLA and merit compensation increases.

The Agreement has been reviewed and approved as to form by both the IDA Solicitor and the College Township Solicitor.

Council should review the Agreement, ask any questions and consider the following motion:

“Move to approve the Management Services Agreement with College Township Industrial Development Authority.”

Note that the IDA Board will have considered and approved the execution of this Agreement with the Township at its regular meeting held September 20, 2023.

End of memo
AGREEMENT FOR MANAGEMENT SERVICES

BETWEEN

COLLEGE TOWNSHIP INDUSTRIAL DEVELOPMENT AUTHORITY

AND

COLLEGE TOWNSHIP

This Service Agreement, dated as of the _____ day of ________________, ____, (the
"Agreement"), is between:

COLLEGE TOWNSHIP INDUSTRIAL DEVELOPMENT AUTHORITY

(“Authority”), a body corporate and politic organized and existing under the laws of the
Commonwealth of Pennsylvania

-AND-

COLLEGE TOWNSHIP ("Township"), a municipality existing under the laws of the
Commonwealth of Pennsylvania.

WHEREAS, Authority is an industrial development authority established pursuant to the
Pennsylvania Economic Development Financing Law for the Township of College, Centre
County, Pennsylvania; and

WHEREAS, Authority desires to contract for management services for its organization
and activities; and

WHEREAS, it is the mutual desire of the parties to enter into this Agreement for
providing the operation and management of the industrial development authority, on the terms
set forth herein in this Agreement; and

NOW, THEREFORE, in consideration of the mutual promises set forth herein,
Authority and Township agree as follows:

1
SECTION 1. Definitions.

1.1 The following words and phrases when used in this Agreement shall have the following meaning:

“Agreement” means this Agreement between Authority and Township.

“Commencement Date” means ________________, 2023.

“Services” means all of the duties, obligations and services as defined herein to be provided by Township that are related to the management and operation of industrial development authority.

SECTION 2. Agreement for Service.

2.1 Authority hereby engages and appoints Township to (1) provide services to Authority for the management and operation of the Authority; (2) to provide and actively maintain an efficient system for the accounting of Authority revenues and expenditures and any other duties set forth in this Agreement.

SECTION 3. Term; Renewal; Termination.

3.1 Term. The term of this Agreement shall be one year, commencing on the Commencement Date.

3.2 Renewal. Authority and Township intend that this Agreement will be renewed for consecutive one (1) year periods, unless either party shall give written notice to the other at least ninety (90) days prior to the expiration of the initial term or a renewal term of its intent to not renewal for any subsequent year.
3.3 **Termination.** Termination without Cause – This Agreement may be terminated without cause or penalty by either party upon giving the other party ninety (90) days written notice in advance of the date upon which the termination becomes effective.

**SECTION 4. Independent Contractor.**

4.1 It is understood that the relationship of the Township to Authority is that of an independent contractor and not that of an employee and/or agent of the Authority. None of the employees or agents of Township shall be considered employees of Authority. None of the employees or agents of Authority shall be considered employees of Township.

**SECTION 5. Obligations of the Authority.**

5.1 Authority shall adopt and maintain schedules of charges, rates and fees relating to its activities.

5.2 Authority shall adopt an annual budget coinciding with the calendar year prior to the start of said calendar year.

5.3 Authority acknowledges that it is responsible for the investment decisions with respect to its funds, its lending decisions, its collection activities and its marketing.

5.4 Authority shall execute such documents as may be required to evidence Authority’s consents to Township’s applications (in the name of Authority where appropriate) for any grants, permits or approvals which may be required in connection with the Authorities’ activities, and Authority shall assist Township in obtaining such grants, permits and approvals.

5.5 Authority shall pay to Township for all exempt and non-exempt Township employees’ actual time invoiced to the Authority that is associated with the obligations of the
Township. Such time includes but is not limited to billing, payables, financial reporting, audit assistance, meeting support, and minute reporting provided by Township on behalf of the Authority. Payments shall be made to the Township no later than 30 days from the invoice date.

5.51 Authority agrees that the attached Schedule A represents the initial hourly rates, effective to the end of the calendar year this agreement commences. Authority and Township agree to revise Schedule A prior to the beginning of the subsequent calendar year and to revise Schedule A annually thereafter.

5.6 Authority acknowledges that it is responsible for all operational costs, including but not limited to employee and/or contractor training, incurred by Township in the legitimate conduct of the activities as prescribed within this Agreement.

5.7 Authority agrees to allow Township to select and utilize the software program best suited for the purpose of recording and reporting all accounting all revenues and disbursements ascribed to Authority. Authority agrees to allow Township to act as Authority’s “paying agent” for all obligations of the Authority.

5.7.1 To facilitate Township’s role as paying agent for Authority, Authority agrees to allow the Township Economic Development Coordinator and Township Finance Director to sign disbursement checks in an amount not to exceed $2,500.00 without prior approval of Authority.

SECTION 6. Obligations of the Township.
6.1 The Township will provide services to the Authority for the management and operation of the Authority. This includes but is not limited to the services listed under section 5.5 above.

6.2 The Township shall maintain adequate Workers Compensation Coverage for their Employees assigned to performing the Obligations of the Township. The Township shall invoice the Authority for said portion of premium.

6.3 The Township shall pay all vendors in accordance with standard industry practice.

6.4 Any invoice for a non-budgeted item, or greater than $2,500.00, will require Authority approval.

6.5 Township will bill the Authority for all exempt and non-exempt Township employees’ actual time billed to the Authority that is associated with the obligations of the Township. Such time includes but is not limited to billing, payables, financial reporting, audit assistance, meeting support, and minute reporting provided by Township on behalf of the Authority.

6.6 The Township will invoice the Authority on a monthly basis on or about the tenth business day of each month consistent with the terms of this Agreement.

SECTION 7. Condition Precedent.

7.1 Township’s obligations under this Agreement are specifically conditioned upon Authority’s fully reimbursing Township for all costs and expenses incurred by Township.

SECTION 8. Indemnification.
8.1 Authority shall indemnify, defend and hold harmless Township, its employees, officers and directors, from and against all liabilities, actions, damages, fines, penalties, claims, demands, judgments, losses, costs, expenses, suits and actions (including reasonable attorney’s fees) in connection with or arising out of the Authorities’ activities, except to the extent caused by negligence on the part of Township. Authority shall maintain insurance to cover the indemnity set forth in this Section 8.1, and name Township as an additional insured under Authority’s policy.

8.2 Township shall indemnify, defend and hold harmless Authority, its officers, officials and employees, from and against all liabilities, actions, damages, fines, penalties, claims, demands, judgments, losses, costs, expenses, suits and actions (including reasonable attorney’s fees), to the extent caused by negligence on the part of Township in connection with the Township’s management of the Authority’s business during the term of this Agreement.


9.1 In case one or more of the covenants, terms or provisions contained in this Agreement shall be held invalid, illegal or unenforceable in any respect, the validity of the remaining covenants, terms and provisions contained herein shall be in no way affected, prejudiced or disturbed and the remaining covenants, terms and provisions shall remain in full force and effect.

SECTION 10. No Third-Party Beneficiaries.

10.1 No employees and/or contractors of Authority or any other third party shall be deemed a third-party beneficiary of this Agreement.
SECTION 11. Assignment.

11.1 This Agreement shall be binding upon the parties’ respective successors and permitted assigns. Neither of the parties may assign this Agreement or any rights or obligations hereunder without the prior written consent of the other party (which consent shall not be unreasonably withheld), and any such attempted assignment shall be void.

SECTION 12. Complete Agreement.

12.1 This Agreement sets forth the entire understanding of the parties, which supersedes and merges all prior proposals, understandings and all other agreements, oral and written, between the parties relating to the subject matter hereof and may not be modified except in a writing executed by both parties.

SECTION 13. Titles and Headings.

13.1 Titles and headings to sections or paragraphs herein are inserted merely for convenience of reference and are not intended to be a part of or to affect the meaning or interpretation of this Agreement.


14.1 This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

SECTION 15. Governing Law.
15.1 This Agreement and all amendments hereof shall be governed by and construed in accordance with the internal laws of the Commonwealth of Pennsylvania applicable to contracts made and to be performed therein.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed by their duly authorized representatives, as of the day and year first above written.

ATTEST: 

______________________________

COLLEGE TOWNSHIP INDUSTRIAL DEVELOPMENT AUTHORITY

By: ____________________________

ATTEST: 

______________________________

COLLEGE TOWNSHIP

By: ____________________________
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Billing Rate = Prior Year Ending Rate increased by COLA + 85% of Maximum Merit

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SCHEDULE A
MEMORANDUM

To: College Township Council  
From: Mike Bloom - Assistant Township Manager  
Re: NB-2: Property Lease Agreement  
Date: September 18, 2023

As highlighted in the 2024-2028 Capital Improvement Program, College Township has a need to accommodate the growing space requirements for the joint operations of the Public Works Department and the Water Authority. These two entities have exceeded the capacity of the existing Reese Road facility, resulting in inefficient operations within the buildings and outdoor storage of both equipment and materials.

In late July, an approximately 6,000 square foot commercial building located at 2600 Carolean Industrial Drive, which is adjacent to the Reese Road facility, became available for lease. Staff views this property as a reasonable, cost effective opportunity to address the ongoing space needs for both entities at this time.

**Proposed Lease Agreement:**

Staff is pleased to present Council with the proposed lease terms on the property:

- **Term:** Three (3) years, with a renewal option for up to an additional three (3) years.

- **Rate:** $4,000 per month or $48,000 per year for the first year. A 2% rent increase annually thereafter.

- **Possession:** October 1, 2023 – anticipated

**Action Requested:**

Staff requests that Council consider the following action:

- Authorize the Township Manager to execute the Lease Agreement for the 2600 Carolean Industrial Drive property, pending a final inspection by the Township’s insurance carrier.

End of memo
MEMORANDUM

To:      College Township Council

From:    Adam Brumbaugh, Township Manager

Re:      2023 PA Municipal League Resolutions

Date:    09/21/2023

The 2023 PA Municipal League Leadership (PML) Conference will be held October 4-7, in Bethlehem, PA. Councilmember Rich Francke and the Township Manager will attend this conference. Council has previously designated Mr. Franke as the Township’s voting member for this conference.

As per usual, a series of PML Resolutions will be voted on during the conference. The intent of this Council agenda item is for Council to review and discuss the proposed resolutions and to provide guidance to Mr. Franke on how to cast College Township’s vote.

Resolutions to be considered at PML are as follows (full text of resolutions are in the packet):

• #1-2023: Completes review of 2019 PML policies (required every 4 years as per bylaws).


• #3-2023: Supports the adoption of community solar in the Commonwealth.

• #4-2023: Expands support for the use of speed timing devices beyond radar and lidar to automated camera technology.

• #5-2023: Supports amendment to the PA Constitution authorizing local government to provide a homestead exclusion to senior citizens.

• #6-2023: Supports amending the Real Estate Tax Sale Law to require the inclusion of a property’s condemnation status as part of a county’s tax sale notice.

• #7-2023: Supports increasing the penalty for driving over a fire hose and including suspension of license after 2 convictions.

• #8-2023: Updates PML’s 2019 policy on legislation providing post-traumatic stress injury benefits to first responders.

• #9-2023: Updates PML’s 2019 policy on storm water management.

End of memo
2023 Resolutions Packet

Resolutions Committee Members and Voting Delegates please bring to the:

2023 Resolutions Committee Meeting
Friday, October 6, 2023
1:30 p.m. – 2:30 p.m.

and the:

2023 Annual Business Meeting
Saturday, October 7, 2023
9:00 a.m. – 9:30 a.m.
Pa Municipal League

2023 Resolutions Committee Meeting

Friday, October 6, 2023
1:30 p.m. – 2:30 p.m.

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**Agenda**

I. Call to Order – Mayor Douglas Baker, City of Franklin, The League’s First Vice President

II. Review Rules of Conduct – Mayor Douglas Baker, City of Franklin, The League’s First Vice President

III. Roll Call

IV. Consideration of Resolutions

V. Adjourn
Pennsylvania Municipal League

2023 Resolutions Committee Meeting

Rules for the Conduct of Business

- The Resolutions Committee is chaired by The League’s First Vice President, Mayor Doug Baker, City of Franklin.

- Each member municipality had the opportunity to appoint a representative to the Resolutions Committee.

- Only Resolutions Committee members may make motions and vote.

- Only Resolutions Committee members and League staff may be recognized to speak at the meeting.

- Resolutions will be voted as a group. If there is a motion to suspend voting on particular resolutions, they will be set aside and a vote will be taken on the remaining resolutions. Resolutions that were set aside will be considered one at a time in numerical order.

- Late resolutions presented in accordance with The League’s bylaws will be considered after a vote has been taken on all other resolutions.

- A simple majority vote of those members of the Resolutions Committee present and voting will be required to take action.

- No proxy votes are allowed. If a member of the Committee is required to leave the meeting, the designated alternate may take the member’s place, be recognized to speak, make motions and vote.

- Resolutions considered by the 2023 Resolutions Committee will come from the following sources only:
  - Those advanced by action of The League’s Board of Directors.
  - Those advanced by action of The League’s six districts.
  - Those advanced by The League’s Legislative Committee.
  - Those received by The League by August 15, 2023, the deadline for submitting resolutions.
  - Those received by The League through the late resolution process.
ARTICLE VIII - ANNUAL SUMMIT

8.1 Annual Summit. The League shall hold an Annual Summit at least once each year at such place and time as the Board of Directors may fix. The President shall serve as chair of all meetings of the Member Municipalities.

8.1.1 At the Annual Meeting of the League, the order of business shall be as follows:

- Roll Call
- Reports of Officers
- Reports of Executive Director
- Reports of Standing Committees
- Reports of Other Committees
- Addresses, papers, and discussions
- Election of Officers and Directors-at-Large
- Other Business
- Adjournment

8.1.2 Robert’s Rules of Order (Revised), the Modern Rules of Order, or other reference source, as determined by the Board, shall govern and control the actions and deliberations of the League.

8.2 Member Municipality Representation. Each Member Municipality shall be entitled to representation and attendance at the Annual Summit by its elective and appointive officers and employees and to appoint one such attendee to vote on all matters that may come before the Annual Summit (a “Voting Delegate”).

8.3 Quorum. The presence of one or more Voting Delegates representing a majority of the Member Municipalities registered and attending the Annual Summit shall constitute a quorum.

8.4 Voting. Each Member Municipality shall be entitled to one vote by its Voting Delegate. If there is more than one nominee for an office of the League, the voting shall only be by written, printed or typed ballot. All other voting shall be by showing of hands, except that upon request of one-third (1/3) of the delegates present, a roll call vote or if so stated in the request, a weighted roll call vote shall be had upon any question.

8.4.1 Majority Vote. Upon any vote at a meeting where a quorum exists, a majority of Voting Delegates present and voting shall prevail, except upon questions which
require more than a majority vote under any of the provisions of these bylaws.

842 **Weighted Roll Call Vote.** Upon the request of one-third (1/3) of the Voting Delegates present and voting at the Annual Meeting, a weighted vote shall be taken in accordance with a weighted voting system. The Secretary/Treasurer shall announce the votes for each Member Municipality voting and upon a roll call determine and report on a final tabulation of the question.

Alternate Weighted Voting System

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8.5 **Annual Summit Committees.** The President shall, at the appropriate time, appoint a program committee, a resolutions committee and such other committees deemed necessary to handle matters in connection with the Annual Summit.

8.5.1 **Program Committee.** It shall be the duty of the Program Committee, in consultation with, and subject to the approval of, the Executive Director to prepare a program of the business sessions, to secure speakers, arrange topics for discussion and in all respects to work in close cooperation with the local committee in the municipality in which the meeting is being held, in order that a complete schedule for the business activities of the Annual Summit may be worked out.

8.5.2 **Credentials Committee.** The Credentials Committee shall have the power to determine the right of any municipality to be represented at the Annual Summit, as well as the right or qualification of any person to act for or on behalf of a Member Municipality in good standing at the Annual Summit.

8.5.3 **Resolutions Committee.** The Resolutions Committee will be chaired by the First Vice President and will be composed of the Voting Delegates. The Resolutions Committee shall meet on the opening day of the Annual Summit to consider resolutions submitted by the Member Municipalities.

(i) Resolutions to be considered by the Resolutions Committee shall be proposed at the district meetings or to the League office at least forty-five (45) days prior to the convening of the Summit.
(ii) Resolutions so submitted shall be forwarded by the League under the signature of the Chair of the Resolutions Committee to each Member Municipality at least thirty (30) days prior to the convening of the Annual Summit.

(iii) The report of the Resolutions Committee shall be presented to the Annual Summit at the time called for in the program. Resolutions which are favorably reported by the Resolutions Committee shall be adopted upon the approval of a majority of the Voting Delegates present and voting. At the request of the sponsor of a resolution not favorably reported by the Resolutions Committee, such resolution, following a reading in full, and co-sponsored by seven (7) Voting Delegates present and voting, shall be put to a vote and shall be adopted upon the approval of two-thirds (2/3) of the Voting Delegates present and voting.

(iv) The rules and procedures governing adoption of resolutions may be temporarily suspended by a two-thirds (2/3) vote of the delegates present and voting for the purpose of considering a resolution of extraordinary importance to League policy. Such resolution shall be typewritten and be co-sponsored by ten (10) appointed delegates present and voting. Such resolution shall be adopted by the affirmative vote of two-thirds (2/3) majority of the delegates present and voting.

8.5.4 Governance and Nominating Committee. The members of the Governance and Nominating Committee shall be appointed by the President not less than sixty (60) days before the Annual Summit, and written notice of the appointment of the Committee members shall be given to all Member Municipalities within ten (10) days after such appointment. Any suggestions by Member Municipalities of nominees to be considered by the Committee shall be submitted by Member Municipalities in record form to the League office not less than fifteen (15) days prior to the Annual Summit of the League.
Pennsylvania Municipal League

2023 Resolutions

**Resolution 1**
2019 Policy Review

**Resolution 2**
Adoption of National League of Cities’ 2023 Municipal Policy and 2023 Federal Action Agenda

**Resolution 3**
Support for a Community Solar Program in Pennsylvania

**Resolution 4**
Speed Timing Technology

**Resolution 5**
Senior Citizen Homestead Exclusion

**Resolution 6**
Notice of Condemnation Prior to County Tax Sales

**Resolution 7**
Increasing the Penalty for Driving Over a Fire Hose

**Resolution 8**
Post-Traumatic Stress Injury for First Responders Policy Update

**Resolution 9**
Stormwater Management Policy Update
Resolution 1
Resolution #1-2023

Submitted by: The League’s Legislative Committee

Policy Review – 2019 Resolutions

Whereas, The League adopted a policy review process in 2016; and

Whereas, that process establishes a review of adopted policy after four years; and

Whereas, the policy adopted via the 2019 Resolutions is up for review and has resulted in the following policy recommendations to the membership:

- Support a compromise to provide a post-traumatic stress injury (page 17) – Update (Resolution #8-2023)
- Support for the Senate Resolution 6 Commission Report (page 17) – Reaffirm
- Support for commonsense firearm regulation (page 18) – Reaffirm
- Support the repeal of the Separations Act (page 13) – Reaffirm
- Support for alternative methods for local tax collection (page 3) – Reaffirm
- Oppose mandated elimination of local tax liability (page 3) – Reaffirm
- Support for a statewide beverage container deposit recycling program (page 24) – Reaffirm
- Opposes local preemption regarding e-scooter regulation (page 27) – Reaffirm
- Support a PA Healthcare Plan (page 16) – Reaffirm
- Prioritize and encourage state program for stormwater management (page 25) – Update (Resolution #9-2023)
- Opposes local preemption regarding autonomous vehicles regulation (page 27) – Reaffirm

Therefore, be it resolved: The League’s Policy Statement will be updated accordingly.

This resolution follows the policy review process adopted in 2016 to review adopted policies after four years. The 2019 policies are under review this year.
Resolution 2
Resolution #2-2023

Submitted by: The League’s Legislative Committee

NLC’s 2023 National Municipal Policy Statement and Federal Action Agenda

Whereas, Pennsylvania’s municipalities are concerned with a wide range of issues at the federal level; and

Whereas, when appropriate, The League sets forth these issues in correspondence with the members of the Pennsylvania congressional delegation; and

Whereas, federal devolution has pushed the responsibilities for funding and administration of many programs onto states and localities; and

Whereas, federal devolution and the federal budget process continue to result in fewer dollars available for municipal programs; and

Whereas, municipalities cannot continue to meet the growing fiscal and societal demands for services and programs without their federal partner; and

Whereas, The League, as a State Municipal League member of the National League of Cities (NLC), takes its lead on federal issues from NLC; and

Whereas, NLC in its 2023 Federal Action Agenda is asking Congress and the Administration to work in partnership with local governments to maximize support for programs vital to municipalities across the nation.

Therefore, be it resolved: The League reaffirms as its basic federal policy the 2023 Federal Action Agenda of the National League of Cities.

Be it further resolved: The League reaffirms as its 2023 federal agenda, NLC’s 2023 Federal Action Agenda:

- Make Government Work for Small Communities;
- Support A Local Workforce Pipeline;
- Build Safe and Healthy Communities;
- Prevent Federal Overreach of Local Governments;
- Increase Housing Supply and Stability; and
- Support Local Economic Growth and Opportunity

This resolution adopts NLC’s 2023 National Municipal Policy Statement, as well as its 2023 Federal Action Agenda.
Make Government Work for Small Communities
About 76% of the approximately 19,500 incorporated places had fewer than 5,000 people, and about 63% of the America’s 328.2 million residents live inside these small communities. Small cities and towns are invested stakeholders in national challenges and continue to increase their capacity to create local opportunities with federal programs from the bipartisan infrastructure law and the COVID State and Local Fiscal Recovery Fund grant program. Small cities and towns must continue to be eligible for federal grant assistance at scale so that the benefits of federal programs and policies reach into all of America’s communities.

Key Actions:

- Support legislation that ensures all communities, and particularly small communities, rural and disadvantaged communities, can access and take advantage of opportunities for investments provided from federal legislation including the American Rescue Plan Act, Infrastructure Investment and Jobs Act, CHIPS and Science Act of 2022 and Inflation Reduction Act.
- Support bipartisan efforts to push for legislation that would ease the federal compliance burden related to federal grants management and compliance for cities, towns and villages.
- Support legislation to increase the Low Income Housing Tax Credit (LIHTC) percentage to help finance construction and preservation of affordable homes nationwide.

Support A Local Workforce Pipeline
With the once-in-a-generation federal investments in infrastructure, clean energy and advanced manufacturing through the Infrastructure Investment and Jobs Act, Inflation Reduction Act and the CHIPS and Science Act of 2022, Congress should support an at-scale investment in workforce development, training and apprenticeship programs to ensure America’s communities have the skilled labor to complete these priority projects.

Key Actions:

- Support funding for the RECOMPETE Pilot Program, which will provide funding to persistently distressed communities to develop and implement 10-year economic development strategies and create jobs.
- Support and invest in sector partnerships to connect local workers to careers in local industries that have significant hiring needs and expected growth.
- Support investments in direct workforce funding, including the reauthorization of the Workforce Innovation and Opportunity Act (WIOA) and National Apprenticeship Act.
Build Safe and Healthy Communities

As local leaders continue to serve on the front lines addressing our nation’s public health and safety, having a strong federal partner in this work is essential. From the pandemic response to mental health and substance use services to community violence, the health and safety of our cities, towns and villages requires direct and flexible funding to ensure effective strategies. Additionally, the Infrastructure Investment and Jobs Act and the Inflation Reduction Act provided significant investments for addressing climate change, supporting clean energy and making communities more resilient in the face of extreme weather events and natural disasters. NLC will continue to advocate for policies and programs that support local climate action and a federal partner to address this critical issue.

Key Actions:
- Support programs that provide direct, flexible funding to cities for substance use, mental health and community violence strategies.
- Support the long-term reauthorization of the National Flood Insurance Program.
- Support reauthorization and full annual funding of the Energy Efficiency and Conservation Block Grant.

Prevent Federal Overreach of Local Governments

Federal preemption of core local authorities threatens the ability of local leaders to balance budgets, maintain key services, and ensure the safety and usability of public streets. In recent years, limitations on the ability of local governments to negotiate fair communications franchises, govern the placement of telecommunications equipment on city streets and poles, and to own and operate broadband infrastructure and services have encroached on local efforts to close the digital divide. NLC will continue to advocate for a restoration of local authority and for full municipal access to federal infrastructure programs.

Key Actions:
- Engage in the rule making process with the SEC to ensure that a law that will impose an unfunded mandate on cities, towns and villages has the best possible outcome for municipalities.
- Combat limitations on municipal broadband, local land use and communications franchises for cable and broadband through implementation of the IIJA and passage of the Protecting Community Television Act.
- Maintain stability of government operations to minimize disruptions in local governance by preserving local funding from the American Rescue Plan Act, Bipartisan Infrastructure Law, Inflation Reduction Act.
Increase Housing Supply and Stability

Housing stability is a prerequisite for economic mobility, job security, and health and well-being. However, elected officials at every level of government are hearing from constituents that housing is a major problem where they live. In many places, housing instability and homelessness are outpacing the capacity of all sectors, including local governments, housing developers and financial institutions, to provide equitable housing opportunities for all residents. The affordable housing crisis and its consequences is harming every community. At the same time, local governments are pushing the boundaries of what’s possible with limited authority and resources. Cities are experimenting with zoning and code reforms and, lacking other alternatives, some are building housing on their own. Annual federal funds for housing and homeless assistance programs are deeply appreciated but insufficient to meet the demand. Local governments are filling gaps by utilizing one-time funds through the American Rescue Plan Act and the Infrastructure Investment and Job Act to finance the production and preservation of housing. NLC is urging Congress to help localities do more with their housing dollars and maintain efforts even after these one-time programs wind down.

Key Actions:

- Support direct funding for local governments to accelerate housing development including CDBG, HOME, and the Housing Trust Fund.
- Support housing stability programs for residents in distress including Housing Choice Vouchers, Emergency Solutions Grants Program, Rural Housing Programs; and enact the Eviction Crisis Act.
- Make cities and towns of all sizes eligible for capacity building, technical assistance, and pre-development programs like the Thriving Communities initiative and the "Yes In My Backyard" competitive grant program.
- Support grants and tax-credits for affordable and public housing improvements including cost-saving energy-efficiency improvements and expanded access to broadband.

Support Local Economic Growth and Opportunity

Economic development is achieved by investment in the economic, human, and physical infrastructure in an economic region, and should improve the capacities of local economies to thrive and support municipal services. NLC will continue to advocate for federal investments that catalyze local economic growth.

Key Actions:

- Support local priorities for Federal Aviation reauthorization including: bolster compatible airport development programs, make airport improvement funding sustainable, embracing regional aviation innovation, and keep up essential airport connections.
- Support extension of the Affordable Connectivity Program to ensure residents can maintain access to affordable broadband services.
- Support local priorities in the Farm Bill reauthorization, including for rural development, local foods and nutrition, and conservation programs.
- Support reauthorization of the Economic Development Administration, including funds for pre-development grants.
Resolution 3
Resolution #3-2023

Submitted by: The Borough of Forrest Hills

Support for a Community Solar Program in Pennsylvania

Whereas, community solar is a solar project in which customers, within a geographic area, benefit from energy generated by solar panels at an off-site or on-site array; and

Whereas, these projects can be installed many places, including public buildings, private land, brownfields or roofs of apartment buildings either owned by the electric utility or a community solar organization in partnership with their region’s electric utility provider; and

Whereas, community solar customers either buy or lease a portion of the solar panels in the array to receive a bill credit on their electricity bill based on the electricity generated by their share of the project; and

Whereas, community solar provides those without the space or ability to install solar panels directly on their property ways to benefit from solar energy and lower home energy costs, however, Pennsylvania currently does not have enabling legislation establishing community solar; and

Whereas, according to a study conducted by Penn State University’s College of Agriculture Sciences, 235 community solar projects, covering over 4,000 acres in 48 counties, would be enabled if the Commonwealth would enact a community solar law; and

Whereas, the General Assembly has introduced several legislative proposals authorizing the establishment of community solar; and

Whereas, any community solar legislation must standardize and require bill crediting for the Commonwealth’s consumers while ensuring everyone has access to renewable and affordable energy; and

Whereas, community solar would also stimulate Pennsylvania’s economy through both the construction and long-term operation of the solar array fields by generating new jobs and increasing economic activity in communities across the state.

Therefore, be it resolved: The League supports the General Assembly’s enactment of community solar in the Commonwealth to increase access to renewable and affordable energy as well as stimulate the economy of communities across the state.

This resolution supports the adoption of community solar in the Commonwealth.
Resolution 4
Resolution #4-2023

Submitted by: The League’s Legislative Committee

Speed Timing Technology

Whereas, public safety is one of local government’s most essential services; and

Whereas, speeding on local roads is a consistent safety issue for Pennsylvania’s municipalities, large and small, causing preventable injuries and deaths; and

Whereas, according to the National Highway Traffic Safety Administration’s 2021 data Pennsylvania has the third highest speed-related fatalities in the nation – of the state’s 1,230 total traffic fatalities, 500 fatalities (41 percent) were speed-related; and

Whereas, Pennsylvania’s municipal police are very limited in the tools and technologies available to monitor and enforce speed limits. Authorized technology - Vascar and ENRADD - are obsolete, and the General Assembly continues to deny and restrict municipal police access to modern and accurate speed timing tools; and

Whereas, while The League continues to support local access to radar and lidar, municipalities could also benefit from having the ability to use automated speed and red light enforcement cameras; and

Whereas, both automated speed and red light enforcement cameras are impartial in documenting driving infractions, reducing the need for physical police stops and minimizing negative outcomes from police and motorist interaction; and

Whereas, currently the use of automated speed cameras is restricted to active work zones and to a pilot program on Roosevelt Boulevard in the City of Philadelphia; and

Whereas, there are also currently many hurdles to using red light enforcement cameras on local roads - even if eligible to use camera technology, the following are required of municipalities: police department accreditation; PennDOT approval of camera placement; the use of other speed reducing measures first; and costly implementation and diversion of fine money to the state; and

Whereas, just two municipalities are using red light enforcement camera technology as a result of these hurdles.

Therefore, be it resolved: In addition to its ongoing efforts to achieve the use of radar and lidar technology as authorized speed timing technology, The League supports legislation allowing expanded access to automated speed and red light enforcement camera technology to bolster speed enforcement and public safety efforts on local roads.

This resolution expands support for the use of speed timing devices beyond radar and lidar to automated camera technology.
Resolution 5
Resolution #5-2023

Submitted by: The City of Pittston

Senior Citizen Homestead Exclusion

Whereas, the Homestead Property Exclusion Program, Act 50 of 1998, provides the option for local governments to adopt by ordinance a local exclusion of assessed property value on homesteads and farmsteads; and

Whereas, this exclusion provides tax relief to property owners by reducing the assessed value and thereby reducing the property tax owed; and

Whereas, senior citizens that own their own homes struggle to balance the costs of homeownership, including taxes and maintenance with other necessary expenses like health insurance and prescription medication; and

Whereas, making it affordable for senior citizens to continue to live in their homes has many social, economic and community benefits to not only senior citizens, but their families and neighborhoods; and

Whereas, local governments should have the option to implement an additional senior citizen homestead exclusion as a way to encourage homeownership and support resident seniors.

Therefore, be it resolved: The League supports an amendment to Article VIII of the Pennsylvania Constitution authorizing local governments to provide a homestead exclusion to senior citizens. This exclusion would be in addition to the homestead/farmstead exclusion authorized under Act 50 of 1998.

This resolution supports an amendment to the PA Constitution authorizing a senior citizen homestead exclusion that could be used in conjunction with the homestead/farmstead exclusion.
Resolution 6
Resolution #6-2022

Submitted by: The City of Pittston

Notice of Condemnation Prior to County Tax Sales

Whereas, counties are responsible for executing upset real estate tax and judicial sales; and

Whereas, counties are required by the Real Estate Tax Sale Law to provide public notice of a tax sale at least 30 days before the sale, including a description of the properties to be sold; and

Whereas, it is common for individuals to bid on tax sale properties based upon the description in the notification without ever physically seeing the property; and

Whereas, there have been instances where a successful bidder finds they have unknowingly purchased a condemned property and they choose not to spend the funds necessary to redevelop or demolish the property, but instead, let it sit and decay further; and

Whereas, counties have property condemnation information available to them, as Section 304 of Title 26 (Eminent Domain) requires recording a property’s condemnation with the county recorder of deeds; and

Whereas, providing bidders with knowledge of a property’s condemnation status in advance will decrease the number of condemned properties abandoned by their new owners who are unwilling to bring the property into code compliance.

Be it further resolved: The League supports an amendment to The Real Estate Tax Sale Law to include the condemnation status in the property’s description to ensure greater transparency for potential tax sale bidders.

This resolution supports amending the Real Estate Tax Sale Law to require the inclusion of a property’s condemnation status as part of a county’s tax sale notice.
Resolution 7
Resolution #7-2023

Submitted by: The City of Hazleton

Increasing the Penalty for Driving Over a Fire Hose

Whereas, when firefighters respond to a fire call, they may need to deploy a fire hose across a roadway to access the closest water source; and

Whereas, firefighters responding to an incident must take immediate action to save lives, sometimes leaving hoses temporarily unprotected until traffic can be redirected; and

Whereas, there have been instances of property damage and physical injury across Pennsylvania when motorists don’t avoid the incident area and drive over fire hoses while firefighters are working, even when traffic barriers are present; and

Whereas, driving over a fire hose, whether water is running through it or not, can cause damage to the hose, the fire hydrant and fire engine, as well as cause the hose to burst and impede putting out a blaze; and

Whereas, driving over a fire hose also increases the potential for physical injury – when hoses get caught on cars, firefighters or bystanders can be tripped or hit with hose couplings; and

Whereas, it is illegal in Pennsylvania and punishable by a maximum $300 fine to drive over a fire hose; and

Whereas, when a fire hose is compromised, it must be pulled from operation, checked for any damages, repaired and recertified by a third party before being put back into service; and

Whereas, a mere $300 fine is not sufficient to cover the high costs to fire companies of insurance deductibles, replacements, repairs, and recertification expenses nor is it acceptable for fire companies to pay for the negligence of drivers.

Therefore, be it resolved: The League supports increasing the fine for driving over a fire hose from $300 to a minimum of $1,000 in addition to any costs associated with getting the fire hose back into operation, so fire companies are not financially responsible for the negligence and recklessness of others.

Be it further resolved: The League supports the suspension of a driver’s license when an individual is convicted two or more times with driving over a fire hose.

This resolution supports increasing the penalty for driving over a fire hose from $300 to a minimum of $1,000 plus any other costs associated with getting the hose back into service, as well as the suspension of a license after two convictions.
Resolution 8
Resolution #8-2023

Submitted by: The League’s Legislative Committee

Post-Traumatic Stress Injury for First Responders Policy Update

Whereas, in addition to the day to day stresses of their job, first responders are occasionally exposed to extraordinary and traumatic events, potentially leading to a post-traumatic stress injury (PTSI); and

Whereas, current Pennsylvania law compensates work-related mental injuries, such as PTSI, under the Workers’ Compensation Act; and

Whereas, the General Assembly has regularly introduced legislation aiming to lower the barriers for first responders to prove a PTSI and make it easier to claim a PTSI benefit under Workers’ Compensation; and

Whereas, such legislation as introduced would create an unsustainable and uninsurable Workers’ Compensation benefit, leading to extremely high insurance premiums, a diversion of local tax dollars to defend and pay claims, and an increased likelihood of legal challenges; and

Whereas, The League believes PTSI is a serious illness that should be addressed without creating a fiscally irresponsible unfunded mandate on employers and taxpayers.

Therefore, be it resolved: The League supports and believes a compromise can be reached that will result in a narrowly tailored, fiscally responsible and insurable PTSI benefit. Such a compromise could include, but is not limited to:

- Listing qualifying traumatic events and requiring direct exposure to those events;
- Requiring incident reports of qualifying events;
- Placing a duration cap on PTSI benefits; and
- Providing the PTSI benefit outside of the Workers’ Compensation system.

This resolution updates The League’s 2019 policy on legislation providing a PTSI benefit to first responders.
Resolution 9
Resolution #9-2023

Submitted by: The League’s Legislative Committee

Stormwater Management Policy Update

Whereas, stormwater management is an important responsibility of local government affecting water quality, floodplain management, infrastructure, public health and public safety; and

Whereas, compliance with stormwater regulations from the federal and state government are an ongoing, costly endeavor for local governments; and

Whereas, these costs can either be passed on to taxpayers or spread across all properties in the form of a fee; and

Whereas, a comprehensive stormwater management program includes uniform and reasonable fees on all developed property which help pay for the service of managing stormwater runoff; and

Whereas, existing case law upholds the amount of impervious surface as an indicator of the amount of runoff from a property and is deemed a fair way to calculate uniform fees; and

Whereas, all developed property, including tax-exempt property, must be treated the same in terms of paying for the benefit of managed runoff, and

Whereas, all forms of local government must be treated equally in terms of the tools provided to pay for stormwater management compliance.

Therefore, be it resolved: The League urges the General Assembly to treat all forms of local government equally and on par with municipal authorities, who have broad tools available to assess fees for stormwater management.

Be it further resolved, The League supports the use of impervious surface as a uniform standard in determining the amount of runoff from a developed property and the corresponding fee.

Be it further resolved, The League supports all developed properties, including tax-exempt entities, fulfilling their share of the stormwater management obligation by paying the fee imposed so that the full burden does not fall on taxpayers alone.

This resolution updates The League’s 2019 policy on stormwater management.
The mission of the Pennsylvania Municipal League is to strengthen, empower and advocate for effective local government.

League Core Values

Local Governance — We believe that local authority and autonomy are central to effective municipal government and we are fully committed to their protection, preservation and advancement.

Non-Partisan — We welcome and respect the perspectives of all elected and appointed officials without regard to their political affiliation.

Diversity, Equity and Inclusion — We value the diversity of our members and the people they serve, and are dedicated to ensuring equal respect, recognition, fairness, and access to opportunity for everyone.

Leadership — We understand that highly-competent current and future local leaders are vital and we proactively support their ongoing development.

Service — We listen to our members and ensure that their priorities, needs and satisfaction drive what we do.

Collaboration — We work to enhance all municipalities through alliances with public entities, organizations, businesses and educational institutions.

Innovation — We embrace the need to find and develop new ideas and solutions to help local governments increase their adaptability, effectiveness and impact.

Fiscal Integrity — We believe that accountability, transparency and the responsible management of resources are essential for both our association and local government.
2023 Legislative Priorities

The Pennsylvania Municipal League is a nonprofit, nonpartisan organization established in 1900. Today, The League represents participating cities, boroughs, townships, home rule communities and towns that all share The League's municipal policy interests.

The League is dedicated to advocating for and serving the interests of our membership.

With a mission to strengthen, empower and advocate for effective local government, The League supports the following 2023 legislative priorities.

Public Safety

Local Use of Radar: Achieve authorization for municipal police officers to use radar as a modern public safety tool for speed enforcement.

Post-Traumatic Stress Injury (PTSI) for First Responders: Achieve a compromise on legislation granting first responders an expanded PTSI benefit. The League supports language that will result in a benefit that is narrowly tailored, fiscally responsible and insurable.

Municipal Finance

Local Taxation Reform: Educate the General Assembly on the need to modernize the 1965 local taxing structure, commonly referred to as Act 511, so that local revenue can appropriately meet today’s expenses and help prevent fiscal distress.

Recommendations include:
- Eliminate or raise tax rate caps on EIT
- Perform regular property assessments
- Allow flat taxes to grow with inflation

- Offer local/regional revenue option to all municipalities – such as a county sales tax, drink tax, payroll tax and non-resident tax

Community Development and Infrastructure

Blight Remediation: Achieve tools to help in the on-going efforts to prevent and remediate blight in our communities.

Specifically, The League supports increasing the 1994 fire escrow amount to reflect today’s dollars, providing a simplified process to clear tangled titles and strengthening local code enforcement efforts and funding.

For more information, please visit pml.org.

For questions, please contact Amy Sturges, Deputy Executive Director for Advocacy, at asturges@pml.org.

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A Message from the Executive Director

We are pleased to provide The League’s 2023 Policy Statement. This publication incorporates policies adopted by the membership at the 2022 Municipal Leadership Summit.

The League’s policy positions are member-driven and this Policy Statement is a clear example of how member input drives the organization. The policy process starts with our spring district meetings. Members are encouraged to submit policy resolutions for discussion and adoption by their districts. Resolutions adopted at the district level are put before the full membership in October. They are first considered at the Resolutions Committee meeting and then the Annual Business Meeting. This process ensures a solid vetting of policy and provides ample opportunity for member input.

The League staff will refer to this document many times throughout the year. It provides an important basis for our position on legislation, as well as state agency policy.

We encourage you to read the Policy Statement and share it with your fellow elected and appointed officials. If you feel a topical area needs to be added or further refined, The League staff will be glad to discuss.

As always, your comments and suggestions are welcome.

Sincerely,

John S. Brenner
Introduction and General Principles

Several overall principles guide The League’s advocacy for local government entities:

Local Government Autonomy
Local governments must comply with an endless stream of rules and regulations in performing their prescribed duties. Each local government has its own unique needs and must adopt methods to adequately address those needs. The League supports granting local governments the autonomy, flexibility and control necessary to effectively govern.

Unfunded Mandates
The League is opposed to unfunded mandates. Federal and state mandates passed down to local governments whether through legislation, regulation or court order must come with a funding source or the authority for the local governments to fund the mandates as they deem appropriate.

The League supports a constitutional amendment limiting the Commonwealth’s ability to impose new mandates without adequate funding. The League also supports full funding of current mandates. As one method of deterring unnecessary costs, independent fiscal impact statements should be required on all legislation or regulation imposing a mandate on local government.

In addition, subsidies for mandated programs should be paid annually at a specific time to permit municipalities to properly plan, budget and utilize such payments.

Municipal Fiscal Health
Pennsylvania’s urban communities are confronted with many issues not facing their rural counterparts that impact municipal fiscal health. A large percentage of tax-exempt entities; a land-locked tax base; an older housing stock; older residents of lower economic means; a higher tax burden; difficulty attracting new residents and business; and service costs that exceed tax revenue to name a few. To assist urban communities struggling to remain fiscally sound or struggling to re-invent themselves to regain fiscal health, The League advocates for a direct and comprehensive fiscal urban policy. Each administration, its agencies and the General Assembly should be invested in this policy and the success of the Commonwealth’s urban communities. It is imperative to the Commonwealth’s own fiscal health that state policies, programs and legislative actions recognize the unique value of urban areas and support their success.
Local Taxing Structure
The League seeks legislative reform of the archaic and rigid local taxing structure imposed on local governments. Developed in the 1960’s and relying heavily on Real Property and Earned Income Taxes, the current system is difficult to administer, regressive and unresponsive to changing local needs. Local flexibility would allow for a more even distribution of the tax burden and relieve the fiscal burden brought about by declining tax bases, increased mandates, and the rising costs of public services. To that end, we continue to strive toward a legislative solution that will bring more flexibility with locally tailored tax structures to meet the individual needs of our communities.

Local Taxing Authority
Aside from local flexibility to determine the best sources of local revenue, The League offers the following positions concerning local taxing authority.

- Support for a statewide Local Drink Tax or a shift to a Sales Tax on the consumer, rather than a tax on the licensee.
- Support for a Local Option Hotel Use Tax and elimination of the tax exemption that occurs after 30 days of a continuous hotel stay.
- Support for a regional tax, such as a 1% Local Option County Sales Tax collected on a county-wide basis and redistributed to counties and their municipalities.
- Support for legislation that curbs circumvention of the Realty Transfer Tax, particularly on commercial properties.
- Support for legislation permitting municipalities to levy special purpose taxes for specific services, such as police and fire.
- Support for repeal of the prohibition to levy or increase the rate of the Business Privilege/Mercantile Tax.
- Support for a funding mechanism on a regional basis for service and infrastructure needs in urban areas.
- Support for exploration of solutions to the Philadelphia Non-resident Wage Tax disparity. Solutions must eliminate any negative fiscal impact on Philadelphia while providing tax revenue to workers’ home jurisdictions. The League also supports removal of the Philadelphia Super Credit, as it will not harm Philadelphia and will benefit workers’ home jurisdictions.
- Opposition to state pre-emption of current local taxing authority.
- Opposition to mandated consolidated collection of the Business Privilege Tax (BPT) under Act 32 of 2008, which requires countywide collection of the Earned Income Tax. The BPT is a locally nuanced tax that requires specific collection procedures better left to the local level.
- Opposition to any mandated elimination of current taxing authority that does not provide an alternative and equal revenue source.

Local Tax Enabling Act – Act 511 of 1965
The League supports the preservation of the current local taxing authority in the Local Tax Enabling Act. We also support the following updates.

- Authorization for municipalities to levy a full one percent Earned Income Tax (EIT) with no school district sharing requirement. The exception being Home Rule and Act 47 communities who have greater EIT taxing authority.
- Authorization for municipalities to levy a Payroll Tax.
- Authorization to increase the levy of the Local Services Tax up to $156 annually.
- Restoration of the Mercantile/Business Privilege taxing authority that existed prior to Wilsbach Distributors, Inc. v. City of Harrisburg (1986). This ruling pre-empted local taxation of industries under “pervasive state regulation.” This pre-emption has only been applied to banks and beer distributors.
- The League opposes further consolidation of the collection of the Earned Income Tax to the Department of Revenue or any other statewide collection system. Regional (countywide) collection has been in full implementation since 2012 and has been successful in terms of efficiency and revenue collection. The current system also provides local control and oversight which, among other benefits, ensures customer service.

Local Tax Collection
Today’s local tax collection methods may not be the most efficient. Each governing body should have the option to choose the method of collection most efficient for its community. Potential alternatives to the local elected tax collector include the county treasurer, a private agency or an employee of the municipality. The League supports the local option to eliminate the elected tax collector and use an alternative method that will best serve the needs of a local taxing jurisdiction.
Non-Tax Revenue

Sustaining and Growing Non-Tax Revenue Sources

The costs of providing municipal services can easily outpace the amount of tax revenue collected. This is especially true in our older, core communities that carry the expense of full-time police and fire service, an abundance of tax-exempt properties, and state and federal mandates, all while trying to keep an eroded tax base from getting worse.

In response to the complex needs of full-service municipalities, The League supports the following measures providing options for non-tax revenue.

• Local implementation of uniform municipal fees on all properties as a way to cover the costs of specific municipal services or programs, such as police and/or fire service, road maintenance, storm water management, solid waste and recycling service and rental inspections. Fees levied and collected must reflect the actual costs of administering the particular program or service they support and should not be set to generate revenue above the actual cost of providing the stated program.

• Sustained funding levels for PennDOTs Liquid Fuels Program. Please see the Intergovernmental Affairs chapter for the detailed Liquid Fuels Program policy.

Collecting Delinquent Municipal Claims

Municipalities rely on residents and businesses to pay for services provided in a timely manner, though not all comply, resulting in delinquencies. Municipalities may currently collect delinquent claims by obtaining a judgement or issuing a lien against property, but the actual collection of money owed through these processes is expensive and time consuming.

Pennsylvania is one of only four states that does not allow for the use of wage garnishment for the collection of non-tax debt. However, tax collectors may use wage garnishment to collect delinquent taxes through the Local Tax Enabling Act. Wage garnishment for non-tax debt would result in a more efficient and simpler collection process. The League supports legislation providing municipalities with the optional tool of wage garnishment, identical to the process used for garnishment when collecting delinquent local taxes, for the collection of delinquent municipal claims.

Real Property Tax

Property Tax Assessment

The property tax assessment function in Pennsylvania needs to be addressed. Many of the deficiencies in the system reflect most heavily on and to the detriment of urban centers through assessments that are not responsive to changing conditions and ratios set for non-urban center needs.

The League supports property tax assessment reform containing:

• modernized assessment practices, including the concept of a uniform ratio of assessment, preferably at 100 percent of actual market value;

• regular county-wide reassessments and substantial penalties for counties that do not perform regular reassessments;

• sufficient funding for counties to perform reassessment;

• a limit on the amount of tax reduction incident to an assessment appeal to 25% in the first year and a phase in at 25% increments over the following three years; and

• an update to the composition of the County Assessment Appeals Board by requiring that boards be comprised of no less than five members.

Until such time that regular countywide reassessment is commonplace, The League supports the preservation of current law authorizing assessment appeals by local taxing jurisdictions. The preservation of this tool helps counteract the impact of overdue and irregular reassessment.

Temporary Reduction in Assessed Value

Residential and commercial real estate tax assessments are subject to appeal, and in some cases, the common level ratio application to the assessed value results in the reduction of assessment even when the County Board of Appeals does not reduce the market value of a property.

As a result of the COVID-19 pandemic, real estate market values may, at least in the short term, decline. Assessment appeals during the pandemic may result in long-lasting property tax reductions for local governments and school districts, even though the reduction in value is temporary.

For this reason, The League supports an amendment to the Pennsylvania Uniform Assessment Law providing that reductions in assessed value during 2021, 2022 and 2023 are temporary, and upon application of the appropriate taxing body, will be reconsidered by the Assessment Board of Appeals.
Tax-Exempt Properties

Urban areas carry the burden of large amounts of tax-exempt property. This can be as high as 75% in some municipalities. Granted tax-exempt by federal and state law, such entities, by their nature, do not contribute directly to a municipality’s tax base. Yet they require the expenditure of funds to provide vital services, such as police and fire protection.

The League seeks legislative relief from the burden of tax-exempt property. Possible solutions include:

• spreading the cost of providing services to a tax-exempt entity over the service area of the entity;

• establishing a system of payments-in-lieu-of-taxes for state and federal government facilities; including state-owned and state-related educational institutions;

• authorizing a Municipal Services Fee for services to tax-exempt property, such as fire and police protection; and

• establishing a fund at the state level to reimburse municipalities based on the amount of tax-exempt property within their borders.

Preservation of PA Supreme Court’s “HUP” Case

In 1985, the PA Supreme Court decided the “HUP” case and set out a five-pronged standard for determining when an entity qualifies as a purely public charity. In 1997, the PA General Assembly developed a test for tax-exempt status in Act 55. This is a less strict standard. In 2012, the PA Supreme Court reaffirmed the HUP case as the Constitutional minimum standard for designation as a purely public charity.

Since the 2012 decision, legislation granting the General Assembly the sole authority in establishing the standard for tax exemption has been under consideration. The League is fearful the General Assembly’s Act 55 standard would allow for more entities to be designated as tax-exempt. More tax-exempt properties in our older, core communities would have an adverse fiscal effect on the taxpayers in those communities paying for municipal services.

As a result, The League opposes legislation that would override the HUP case standard set forth by the PA Supreme Court in 1985 and again in 2012.

Act 47 — Distressed Municipalities

It is in the best interest of the Commonwealth to promote municipal self-reliance and provide the tools necessary for all communities to prosper. Helping to avoid municipal distress should be a priority for the Commonwealth by updating current laws and giving municipalities the tools they need to succeed.

The Municipalities Financial Recovery Act or Act 47 was enacted in 1987 to foster the fiscal integrity of the Commonwealth’s municipalities large and small. A municipality in fiscal distress cannot adequately provide for the health, safety and welfare of its citizens. The stigma of a financially unhealthy community emanates beyond its borders and has a negative impact on the region, as well as the Commonwealth.

Once a municipality enters Act 47, it is difficult to get out. Taxing authority and other avenues of fiscal relief, not available outside of Act 47, make staying in Act 47 attractive. The majority of Act 47 entrants have lingered in the Program for years because fiscal stability without the Program’s tools remains out of reach.

Amendments to Act 47 in 2014 now place a time limit on the number of years a municipality may stay in the Program. A failure to regain footing and move out of Act 47 in the newly prescribed time frames could result in receivership or even disincorporation.

Only the PA Legislature can resolve the underlying causes of municipal distress.

The League, as an advocate for local government fiscal health and stability, sets forth the following in regards to municipal fiscal distress and the Commonwealth’s Act 47 Program.

• The Commonwealth must establish a new local government taxing structure that provides local flexibility and is not reliant solely on the Property Tax and Earned Income Tax.

• The Commonwealth must find a solution to the burden of large numbers of tax-exempt entities impeding the ability of communities to generate enough revenue to cover the cost of services.
The League supports the maintenance and protection of the rights of Home Rule municipalities as provided under Act 62 of 1972, the Home Rule Charter and Optional Plans Law.

The League encourages municipal leaders to consider Home Rule for their municipalities. It is an effective tool for reorganizing local governments for increased effectiveness and citizen participation. Scores of communities in Pennsylvania have set aside their original form of government to become more autonomous Home Rule municipalities. In each case, citizens have participated in the process of studying Home Rule, developing a local charter to guide the reorganization and administration of the municipality, and adopting that charter in lieu of the statutory municipal code.

The majority of Act 47 entrants have lingered in the Program for years because fiscal stability without the Program’s tools remains out of reach.

Home Rule

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Citizen Involvement

Open Meetings – The Sunshine Law
The League supports the democratic principle of citizen involvement and participation in government activities through an open public meeting process.

The Sunshine Law, Act 84 of 1986, requires public agency deliberations to be open to the public. Deliberative processes leading to any formal action must be performed in a public meeting.

The public’s right to open meetings must be balanced with government’s ability to function effectively and cost efficiently. The League opposes any legislation that exceeds reasonable requirements for assuring open and public proceedings, including legislation that places restrictions on government managing its own meetings and agendas.

The League supports legislation requiring the General Assembly to adhere to the same provisions of the Sunshine Law required of municipalities.

Quorum Requirements for Public Meetings
A physical quorum of the governing body for public meetings is best, but not necessary to conduct business in the 21st century. This was exemplified during the COVID-19 pandemic, which forced local governing bodies to meet virtually for public health reasons. While the General Assembly provided temporary authorization via Act 17 of 2020 for all local governments to meet virtually, all municipalities need to know that in the future, their elected officials can still attend meetings and conduct official business when being physically present is impossible.

The League supports uniformity among the municipal codes regarding quorum requirements for public meetings.

Executive Sessions
The Sunshine Law provides several exceptions to its open meetings requirement. One of these exceptions is executive sessions. Government may hold executive sessions for consideration, consultation or negotiation of specific issues outside of public view prior to taking public action. The League supports the addition of discussions and negotiations concerning construction of facilities, housing and redevelopment projects, emergency preparedness, and the sale of municipal property to the list of issues authorized to be discussed in executive session.

The League does not support legislation taking the negotiation of collective bargaining contracts out of executive session. This would hinder the negotiation process. However, The League is supportive of opening up to the public the evidentiary hearings leading up to contract negotiations.

The League does not support legislation requiring executive sessions to be recorded. This requirement would have a chilling effect on the free exchange of ideas during important discussions/negotiations and is completely at odds with the purpose of executive sessions.

Local Government Sovereign Immunity

Current law grants local governments sovereign immunity except in cases where damages arise out of the negligence of a government employee or entity, such as a dangerous condition on government property that results in an injury or a car accident caused by a government employee. Such local government liability is currently limited to $500,000 per event.

A Legislative Budget and Finance Committee report, published in June 2022, found that the current $500,000 liability cap sufficiently provides relief for over 99 percent of claims against local government entities. The report specifically states that the cap satisfies a majority of non-catastrophic claims, where no serious bodily injury and/or major trauma has occurred.

The report also recommends increasing the liability cap for catastrophic claims; however, an increase in liability exposure for catastrophic claims would result in prohibitively expensive insurance premiums and possible difficulty obtaining insurance.

The League agrees with the recommendation to maintain the current $500,000 liability cap for non-catastrophic claims. However, The League strongly opposes increasing the caps for catastrophic claims, as this would have a significant impact on local government finances and the ability to obtain insurance.

The concept of Home Rule allows municipalities to act, unless specifically limited by state law or their own charters. From an advocacy perspective, The League supports preservation of local autonomy for Home Rule communities, as well as an understanding that new authorizations given to the traditional forms of local government also apply to Home Rule.

Pension Benefits and Home Rule
Home Rule and Optional Plan municipalities often provide pension benefits that differ from those contained in current statute. These benefits are provided under the authority granted by the Home Rule Charter and Optional Plans Law. The Auditor General’s office has issued findings that penalize Home Rule municipalities for the differing pension benefits. The League supports the authority of Home Rule communities to design and administer pension plans which vary from the state mandated plans.

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Right to Know Law
Local governments have worked to comply with the Commonwealth’s 2008 Right to Know Law. Commercial requests, however, have become a costly issue that needs to be addressed. A commercial request essentially uses taxpayer resources to generate information for private business gain. Under the Right to Know Law, local governments may only charge for copying and mailing of requested records – they may not charge for the cost of compiling requests.

The League supports an amendment to the Law that further defines commercial requests; requires disclosure of whether a request is for a commercial purpose; and allows fees that will reimburse for the actual personnel costs of fulfilling a commercial request, in addition to any copying or mailing costs.

Additionally, burdensome or vexatious requests submitted to local governments for public records that are considered voluminous or repetitive in nature have become an increasing problem. Many times these vexatious requests intend to harass or overburden local governments.

The League supports amending the Right to Know Law to create a process for local governments to petition the Office of Open Records seeking appropriate relief from an alleged vexatious requester under the Law.

Legal Advertising

Proposed Ordinances
Municipalities are required to publish notice of proposed ordinances in a newspaper of general circulation at least seven days prior to passage. They have the option of publishing the full text of the ordinance or printing the title with a brief summary of the ordinance. In the latter case, municipalities must provide the full text of the ordinance to the newspaper and county law library. The League supports authorization for the publication of the ordinance title only with a requirement that the full text of the ordinance be made available to the public at the municipal office during normal business hours.

Relief from Advertising Costs
Municipalities are required to advertise notice of public meetings, proposed ordinances, contracts, requests for proposals and other official business in a newspaper of general circulation. In most instances, there is only one newspaper of general circulation in each municipality, eliminating the ability to seek competitive pricing.

The League supports authorization for municipalities to use cost effective alternatives to traditional newspapers, such as penny-savers, merchandisers and other low cost local newspapers, or to advertise on a municipal or statewide website.

The League also supports authorization for municipalities to advertise dates, times and the nature of business in a newspaper of general circulation, while allowing them to make copies of the full text available at the municipal office during business hours or by placing the full text on the municipal website.

Education

Schools and communities must work together through citizenship and student/community interaction. A knowledge of local government is essential to the well-being and preservation of American democracy. Schools are urged to make the study of local government a priority in preparing students to assume the vital role of citizen. The League supports the implementation of a local government curriculum in all private and public schools using our Civics and You e-book.

High-Quality Pre-K for Pennsylvania
The League supports a statewide effort to expand access to high-quality Pre-K education for all three and four-year-old children in Pennsylvania.

Full and Fair Funding for Pennsylvania Public Schools
The League supports full and fair funding for all public schools in the Commonwealth. The new state funding formula must be based on the real costs necessary to meet state academic standards and must use accurate school district and community data that reflect factors such as poverty, English language proficiency, school enrollment, and other objective measures that impact the cost of education.

School Violence
The League supports cooperative and on-going emergency planning and preparedness between school districts and the municipalities they serve.
High-Risk Drinking Among College Students

A majority of The League members host institutions of higher learning where the issues of underage drinking and binge drinking are prevalent. Excessive alcohol consumption affects the quality of life for residents and students and is an ever-present public safety concern for host municipalities. The League supports statewide efforts to solve the problem of high risk drinking among college students.

The League urges the General Assembly to adopt legislation that will offer new solutions to municipalities and universities to protect and preserve communities, such as:

- providing eligible municipalities with an equitable reimbursement for liquor law enforcement expenses;
- providing municipalities with more than one liquor license per 3,000 residents with the authority to enforce Pennsylvania’s liquor laws;
- requiring the State System of Higher Education universities and state-related universities to provide quarterly reports to their host community detailing how they have handled students breaking laws within the community;
- subject to applicable laws, requiring all Pennsylvania institutions of higher education to inform parents of their notification policy for students violating laws related to drug and alcohol use; and
- requiring a joint state commission to be formed to study how other states handle parental notification rights under federal statutes.

Alcohol Related Fines and Prevention Funds

The League supports legislation authorizing county-wide Alcohol Offense Prevention Accounts funded by the collection of a $100 court fee and shared with the municipalities in the county in proportion to the conviction of underage alcohol related offenses.

PA State System of Higher Education Campus Police Powers

Act 48 of 2003 recognizes that there may be times when state system campus police are needed to assist host municipality police with quality of life issues that place extra demands on police and emergency services, such as crime, vandalism, assaults, noise and student drinking. Act 48 authorizes the state system to enter into cooperative police services agreements with municipalities overlain or abutting its campuses in accordance with 42 Pa.C.S. 8953 relating to statewide municipal police jurisdiction.

Under such agreements, campus police would have the same powers, immunities and benefits granted to municipal police officers. Even with this authorization, the state system has prohibited the negotiation of local service agreements. The League urges the General Assembly to amend Act 48 to clarify that state system universities are not only authorized, but obligated, to enter into negotiations with host municipalities and impacted municipalities to grant campus police the authority to patrol and enforce off campus, subject to a local agreement.

The League also supports cooperative police service agreements between private universities and their host municipalities.

Host Municipality Representation

The League supports providing host municipalities with representation on the Board of Governors of the State System of Higher Education and each University Council of Trustees.
Intergovernmental Relations

The relationship between federal, state and local government has a significant impact on citizens. Cooperation, sharing services and regionalizing efforts for efficiency and cost savings are all important goals to work toward whenever possible.

Cabinet Level Local Government Secretary

Every Pennsylvanian lives within more than one local government jurisdiction — county, municipal and school district. Therefore, local government plays a very important role as the government closest and most accessible to citizens. Too often, at the state level, there is a lack of consistency in seeking the input of local government on policy issues. The League supports the creation of a cabinet level Secretary of Local Government within the Department of Community and Economic Development to be an advocate for local government before the Administration and the General Assembly.

Intergovernmental Cooperation Act

The League encourages and supports the principles of the Intergovernmental Cooperation Act allowing for joint agreements between municipalities for the delivery of services and programs where not specifically limited by law. One method of promoting this cooperation is through Council of Governments (COGs) and other regional entities.

Regional Service Provision

The League urges the Commonwealth to encourage municipalities to work together and provide services on a regional basis by offering economic incentives to those municipalities willing to cooperate and share services.

State Police Services

Although public safety is a primary function of local government, about 67 percent of municipalities rely on the State Police, while 33 percent fund their own police departments. The extraordinary cost of public safety, usually amounting to half a municipal budget, discourages municipalities utilizing the State Police from establishing and funding their own local departments. This has led to a financially unsound reliance by both state and local government on the State Police. A better and more sustainable solution is needed to remedy the astronomical costs of public safety and over-reliance on the State Police.

The League supports measures that would provide local governments with the funds and tools needed to make establishing and maintaining local police departments an affordable endeavor. Furthermore, The League opposes a blanket assessment of a State Police Service Fee across all municipalities to pay for State Police services.

Finally, one-half of the fine revenue from violations issued by the State Police are distributed back to all municipalities. The League does not support municipalities relying on the State Police receiving fine revenue. This revenue should be put toward reimbursement of the State Police for services provided.

Shared Municipal Management

The League supports legislation authorizing municipalities to share or regionalize municipal management services. This can be accomplished by allowing a person, partnership, association or professional corporation to hold the office of municipal manager. The League also supports municipalities, especially those with insufficient resources to hire dedicated municipal managers, to explore regional cooperation and cost efficient delivery of services through shared municipal management services.

Commonwealth Tax Information

The collection of local taxes, such as the Business Privilege Tax and the Earned Income Tax, rely heavily on the Commonwealth’s Income Tax rolls to determine the proper amount of local tax due. However, the Commonwealth does not provide tax information in a timely fashion to political subdivisions. The League supports making the tax rolls available electronically, such as through a secured website, for more efficient sharing of information.

Liquid Fuels Tax

Distribution of the Liquid Fuels Tax to local governments is based on a formula of 50 percent population and 50 percent road mileage. The League supports a revision of the liquid fuels formula to more adequately reflect the needs of populated municipalities where there is greater utilization of the street system. The League advocates for a formula based on the amount of lane miles, rather than linear miles, alleyways and traffic density.

Additionally, The League supports amending the allocation formula to provide weight to municipalities that have 50 percent or more of tax exempt and tax immune properties combined to ensure a more equitable distribution of funds based on need.

The League also supports maintenance of the current levels of liquid fuels funding; historically 20% has been passed on to local government. In 2021, municipalities received seven percent less in liquid fuels funds compared to the previous year. Pennsylvania’s gas tax is one of the highest in the country, but the tax rate is stagnant, becoming an unreliable and outdated funding source as transportation costs soared and the result is a steady decrease of gas tax revenue.

A restructuring of state transportation funding mechanisms and formulas away from the gas tax cannot result in a decrease of funds to local governments. The League calls for local government transportation funding to remain whole and insists any new funding mechanisms and formulas provide additional and meaningful funding for local governments to undertake critical community transportation projects.

Further, The League opposes any gas tax holiday, as it would impact the local share of the Liquid Fuels Tax, create a larger transportation funding gap and impede necessary transportation projects.
Finally, payment of liquid fuels funds to local governments is not required in the same year as collection. The League supports a revision to this procedure requiring collection and disbursement in the same year.

**Gaming Revenue**

The Commonwealth is increasingly turning to gaming as a way to close budget gaps. Gaming activities create challenges for municipalities in terms of demands for services and enforcement. The League supports a consistent public policy for all forms of gaming, including providing local government with a portion of the proceeds from any statewide gaming activity.

**Recreation Funding**

The League supports efforts to provide grants for the maintenance and development of recreational and cultural programs despite trends at the federal and state levels to reduce funding to municipalities. The League also encourages the state to provide stable and dedicated funding for parks and recreation and other multi-purpose public facilities.

**Pre-Audit Advice**

It is necessary for municipalities to understand the applications and interpretations of state regulations to ensure equitability when making decisions on the utilization of state funds. Municipalities, however, have no source of pre-audit advice from the Auditor General's office. This can result in actions which are made in good faith, but are subject to severe penalties.

The League strongly urges the establishment of a pre-audit advisory source to assist municipalities in understanding the interpretations and applications of regulations by the Auditor General's office.

The League also encourages the Auditor General's office to perform regular and consistent audits and that the final audit reports be returned to municipalities within six months of the completion of the field audit work.

**Commonwealth's Escheat Law**

The League supports an amendment to the Commonwealth's Escheat Law permitting municipalities that maintain and secure unclaimed property to dispose of such property by public auction after a specified period of time.

**County Buildings**

The League is concerned with county offices being relocated outside the boundaries of county seat municipalities. Such relocation has a direct and negative impact on the economics of the municipalities serving county seats.

The League encourages counties to keep their offices in county seat municipalities and opposes legislation which would permit the relocation of county courts, row offices or other county functions outside the boundaries of the county seat.

**Municipal Utilities**

The League supports removal of the Public Utility Commission's control over municipal utilities when rates are adjusted in equal dollar amounts both inside and outside the corporate boundaries of the municipality where the utility is located.

**Preemption of Local Authority**

Generally speaking, The League opposes state or federal preemption of local authority. A specific examples of preemption includes:

**Borough Electric** - The League supports the continued independent operation of borough electric systems. These local facilities provide reliable, responsive, and less expensive service to residents. Furthermore, a locally managed utility can reduce the burden of municipal electric facilities, as well as preemption of local regulations of borough owned electric facilities.

The relationship between federal, state and local government has a significant impact on citizens.

**Boundary Changes**

Article IX, Section 8, of the Pennsylvania Constitution, as amended by the 1968 Constitutional Convention and ratified by Pennsylvania voters, required the General Assembly, within two years following adoption of the Article, to enact uniform legislation establishing procedures for consolidation, merger or change of municipal boundaries.

To date, the General Assembly has not complied with this constitutional requirement. Current law is a hodgepodge of contradictory requirements intermingled among various municipal codes. A uniform consolidation law would lessen the complexity of local government and provide the means for increasing cost efficiency of government services.

The League supports legislation authorizing boundary change through annexation, merger or consolidation provided the following provisions are included:
**Municipal Authorities**

The Municipality Authorities Act of 1945 has led to much confusion and litigation at the local level concerning appointment and removal powers of authority board members. Authorities are created by municipalities and are municipal corporations accountable to the public. However, the standard for removal of authority board members which is for cause by the Court of Common Pleas is too restrictive. The League supports a less restrictive standard to ensure a level of accountability to the municipality and residents that created the authority.

Another point of confusion is the lack of clarity in the Third Class City Optional Charter Law and the Home Rule and Optional Plans Law concerning the separation of powers between the chief executive and council when it comes to appointing authority board members. The League seeks clarification that appointments be vested in the chief executive with the advice and consent of council. Additionally, language should be included to allow board seats to be declared vacant sixty days after a term expires and that council must reject appointment nominations by official action.

Finally, The League does not support rate regulation by the Public Utility Commission of water and sewer authorities when they are providing service to neighboring municipalities who are not represented on the authority board.

Specific to housing authorities, county appointments have become embroiled in political stalemates that impact the ineffectiveness of the authority. Housing authorities and their executive directors need to be responsive to the local decision making process. The League supports legislation reforming the state's Housing Authority Law to provide more protection of urban interests. To assist in establishing responsive authorities, state civil service procedures for housing authority executive directors should be removed.

**Infrastructure Improvement Financing**

Local governments have massive needs to rebuild and expand their existing infrastructure. Water and sewer improvements, storm water management, and road projects are needed to continue basic services, as well as to attract new commercial and industrial development. Infrastructure improvements by their very nature are costly and these costs are increased exponentially by mandates to comply with federal and state regulations. Municipalities need flexibility and local discretion to decide the most appropriate way to pay for infrastructure costs.

As one avenue, The League supports an infrastructure development program for municipalities which combines the fiscal resources of existing state and federal programs, general fund appropriations and state bond authority. Such a program should feature low or no interest loans, as well as grants. The League also supports funding on a statewide basis that encourages partnerships among various stakeholders including regional municipal partnerships to more effectively upgrade systems and make the best use of available funds.

Finally, The League urges the Commonwealth to review its local project permitting process and streamline the process among its various agencies in order to allow for a more efficient and timely review and permitting process of local infrastructure projects.
Public-Private Partnerships

Public-Private Partnerships (P3s) are arrangements between government units or authorities and private entities to collaborate on projects designed to meet the needs of the public while not relying entirely on tax revenue or municipal bonds.

P3s allow the government unit or authority to maintain a high-level of involvement with the project while sharing the financial, technological or operational responsibility with private sector experts. Act 88 of 2012 authorized Public-Private Transportation Partnerships in Pennsylvania.

The League supports legislation that authorizes P3 arrangements at the sole option of local governing bodies.

The League supports the continued adherence to existing local procurement laws in respect to P3 agreements.

Unfunded Mandates

The League is in strong opposition to any legislation or policy that places an unfunded mandate on local governments. Prevailing wage and the Separations Act are just two examples of many found throughout the Policy Statement that The League opposes.

Prevailing Wage Act

The Pennsylvania Prevailing Wage Act was enacted in 1961 exempting projects under $25,000 from prevailing wage requirements. The $25,000 cap does not reflect inflation over the past six decades. The League supports legislation to increase the prevailing wage exemption for local governments to at least $185,000 with an annual inflationary adjustment to keep the rate on par with future costs.

Additionally, The League takes the following positions on prevailing wage.

- Support for a municipal option to decide if prevailing wage will be paid.
- Support for an exemption for projects in Enterprise, LERTA, KOZ and TIF Zones.
- Support for calculation of the prevailing wage on a county, rather than regional basis, to better reflect the local market.
- Support for a reversal of the current definition of “maintenance work.” This would remove projects, such as road surfacing and repair; bridge cleaning, resurfacing and painting; replacement of guide rails and curbs; and line painting from the current wage requirement and restore the meaning of the definition prior to the 2008 PA Supreme Court case Borough of Youngwood v. Prevailing Wage Appeals Board.
- Opposition to any regulatory changes to prevailing wage that would significantly alter the scope or intent of the law.

Separations Act

Pennsylvania's 1913 Separations Act requires public entities to bid and award separate contracts for general construction, plumbing, heating and ventilating, and electrical work when a public construction project is over $4,000. Pennsylvania is one of the only states still requiring this outdated practice which often results in delays and a lack of centralized management. The League supports repeal of the Separations Act thereby allowing all aspects of the project to be bid under one prime contractor.
While we work to repeal the Separations Act, the League supports project delivery options for bidding construction projects as an alternative to the Separations Act. For example, methods used in private construction include: construction management at risk; design-bid-build with multiple prime contractors; design-bid-build with a single prime contractor; and design-build. The option to choose one of these methods of project delivery would create a flexible and easier procurement process, as well as saving taxpayer dollars.

**Public Health**

Local officials must be aware of the many and varying public health issues impacting their communities. From chronic diseases, to outbreaks of disease, drug abuse, violence, environmental health and generational health – the list is long and ever changing. Public officials must educate themselves, their emergency services personnel and their constituents to ensure adequate preparedness and response measures are in place to appropriately address issues in a timely manner.

In addition to education and preparedness, it is important to have collaboration among all levels of government to effectively respond and recover from public health emergencies, much like the COVID-19 pandemic. The League urges the federal and state government to recognize the role of local government in a public health crisis and to work in collaboration with local government to share both information and resources.

**Drug Abuse**

Drug abuse has become the nation’s top social problem and has placed staggering demands on public and private resources. The League supports a concerted and coordinated national, state and local approach to combating drug abuse.

**Drug Forfeiture Laws**

Significant assets are seized during drug raids. These assets, however, are controlled solely by district attorneys with no requirement to use such assets to help offset the cost to municipalities of staffing drug task forces. The League supports legislation to require a portion of all seized assets be dedicated to municipalities participating in the task forces. Furthermore, such assets should also be subject to certified audit.

**Civil Liability for Drug Dealers**

Drug users are not the only people harmed by drug abuse. Families, employers, insurers and society-at-large suffer financial and emotional losses from the actions of drug users and drug dealers. In light of this, The League supports legislation that imposes civil liability on drug dealers for the economic and emotional damages ultimately caused by their illegal actions.

**Decriminalization of Marijuana**

Under state law, possession of a small amount of marijuana (30 grams) for personal use is a misdemeanor drug offense. If convicted, a person not only faces fines and/or imprisonment, but has a criminal record for life. Many view a lifelong criminal record for the possession of a small amount of marijuana to outweigh the crime, as it hinders many aspects of life including the ability for an otherwise productive citizen to get a job, go to college, rent an apartment or take out a loan. The League supports the decriminalization of the possession of small amounts of marijuana for personal use by making it a summary offense, rather than a misdemeanor.

**Bottle Clubs**

Bottle clubs are not subject to Liquor Control Board regulations. These clubs encourage customers to bring their own alcoholic beverages and often contribute to underage drinking. Generally, these clubs operate between 2:00 a.m. and 8:00 a.m., disrupting communities and posing a public safety threat. Court decisions have restricted the ability of municipalities to enforce local regulation of such clubs. The League supports local authorization to curtail the operation of bottle clubs and the consumption of alcohol in non-licensed facilities.

**Licensing of Tattoo Artists**

The sanitary conditions of tattoo parlors are not regulated by the Pennsylvania Department of Health, risking the health of those obtaining tattoos. Many professionals are required to pass an examination and obtain a license prior to being permitted to practice their chosen profession. The League supports legislation requiring every tattoo artist to pass a written examination and obtain a license from the Pennsylvania Department of Health prior to being able to practice this profession.

**Lead Poisoning**

Lead poisoning in children is one of the most common, preventable pediatric health issues. The persistence of lead poisoning is a constant challenge to public health authorities, clinicians, regulatory agencies and families. The League supports a comprehensive lead reduction law designed to establish a cost effective prevention program at the state and local levels in an effort to reduce this preventable and dangerous disease.

**Accessibility**

The League supports legislation providing grants and financial incentives for property owners to meet handicapped accessibility standards for structures built prior to establishment of such standards.

**Pennsylvania Health Care Plan**

The League supports the enactment of a Pennsylvania Health Care Plan which will provide greater access to care at a reduced cost to citizens, businesses, municipalities and school districts.
Act 111 Collective Bargaining Reform

Act 111, the Police and Fireman Collective Bargaining Act of 1968, is outdated, vague and has been broadly construed by the Courts in favor of the public safety unions it protects. Under the law, police and fire unions are entitled to binding arbitration to settle contract negotiation impasses in lieu of striking.

Act 111 needs to be updated to put employers on a level playing field with public safety employees because contract awards have far-reaching impacts on the future costs of pensions and other employee benefits. A minor change of a pension benefit today, often results in significant future expense.

The League supports the following commonsense amendments to Act 111:

- require evidentiary hearings to be open to the public;
- require a thorough, reasoned justification for a binding arbitration award based on the evidence presented and specific findings of fact;
- prohibit post-retirement healthcare and pension benefits, not required by law, from being the subject of collective bargaining;
- start the collective bargaining process earlier in the year and require arbitration to be requested earlier in the process;
- expand the list from which the third, neutral arbitrator is selected and provide an equal chance at being the first side to start the selection process;
- require the cost of the neutral arbitrator to be shared equally by both sides; and
- create arbitrator accountability with a codified and less stringent appeal standard of a written decision supported by findings of fact and conclusions of law.

Municipal Pension Reform for Public Safety Employees

The League supports reform of the future pension benefits provided to police officers and firefighters. The current mandated defined benefit plans are not sustainable for a number of reasons including an early retirement age, the impact of Act 111 agreements and awards, and the placement of investment risk solely on the employer. The League supports a defined contribution or cash balance plan for new hires that removes Act 111 from pensions, requires an employee contribution and reduces benefits resulting in future plans that are affordable and sustainable.

Municipal Pension Funding

Most municipal pension benefits are mandated by state law, including those for uniformed employees. In addition, Act 111 collective bargaining agreements and awards strongly influence future pension benefits.

Today, many pension plans, large and small, are underfunded. The Auditor General has estimated the amount of municipal unfunded pension liability to be $8 billion. Local pension plans and the taxpayers that pay for them, cannot sustain changes that result in more expenses. As such, The League opposes any new pension benefit from the state that is not fully funded.

Act 205 Funding Formula

The Municipal Pension Plan Funding Standard and Recovery Act of 1984, commonly known as Act 205, provides a distribution formula for municipal pension state aid. The revenue is derived from a 2% tax on foreign casualty insurance premiums. After more than 30 years, there is a wide disparity among municipalities in the amount of state aid received.

Efforts to adjust the formula, however, would meet strong opposition and not solve the underlying structural inequities caused by outdated municipal pension laws.

The League has adopted the following principles regarding any change in the Act 205 funding formula:

- municipalities currently receiving a state aid distribution must remain whole;
additional revenue is necessary and should be generated by an increase in the 2% levy on the Foreign Fire and Casualty Tax; and

the new revenue should be distributed to municipalities with distressed pension plans under the current formula while the benefit levels of distressed pension plans remain insulated from enhancements under Act 111 or local action.

Actuarial Assumptions of Municipal Pension Plans

One factor affecting the unfunded liability of many municipal pension plans is an unrealistically high assumption of the expected rate of return on investment. A high actuarial assumption not matched by actual growth results in an increase in a plan’s unfunded liability and a subsequent increase in the required annual minimum municipal obligation (MMO) paid by the municipality.

The League supports incentives in Act 205 to encourage municipalities to lower their actuarial assumptions without being penalized by increased MMOs. This can be achieved by amortizing the increased costs over ten years or more.

State Consolidated Municipal Healthcare and Pension Plans

The League believes local government can benefit financially and administratively from consolidated healthcare and pension plans. Savings will not be immediate, however, long term benefits could be significant for municipalities and employees. The League supports the Commonwealth in offering statewide, consolidated healthcare and pension plans for municipalities to join at their option. Furthermore, The League also supports the Commonwealth in offering incentives to municipalities to make joining consolidated healthcare and pension programs attractive financially.

Statewide Municipal Pension System

The League supports, in concept, a statewide municipal pension system. The premise of our support rests on a statewide system eventually offering savings to municipalities from the consolidation of administrative services, as well as increased investment earnings from pooled resources. The League does not support a statewide pension system that increases the benefit levels above the current law for new employees entering a statewide plan. Additionally, The League does not support mandated entry into a statewide pension system, but rather incentives that make entry attractive to municipal employers and worth pursuing at the local level.

Fiduciary Standards

Fiduciary responsibility and liability for local government employee retirement systems is not clearly addressed in statute. Proper standards will protect the assets of retirement plans, as well as protect the taxpayer. The League supports clear and concise legislation establishing fiduciary responsibility and liability criteria.

Pension Benefits for Non-Uniformed Employees

Pension benefits for non-uniform employees differ across forms of local government. Third class cities are required by statute to provide specific benefits, while boroughs and townships are authorized to decide locally what benefits they will provide to their non-uniformed employees. The League supports local control and flexibility in determining the pension benefits municipalities offer their non-uniformed employees. The League supports only prospective changes to non-uniformed pension benefits thereby keeping current employees whole.

New Pension Benefits for Municipal Employees

The League is opposed to legislation that provides new pension benefits without providing the resources to pay for the corresponding and true costs of the benefits to the municipal employer/taxpayers. For example, The League is opposed to legislation mandating that full-time police officers be offered the ability to purchase up to five years of prior service in the form of a pension service credit for previous full or part-time employment in another department.

Heart and Lung Benefit

Pennsylvania’s Heart and Lung Act was intended to provide a temporary monetary payment to public safety employees to close the gap between 100% of their salary and the 66% of salary payable under workers’ compensation. Today, because of tax law changes, recipients are receiving 125% of salary - tax free for indefinite periods of time. The Heart and Lung Act now conflicts with the Workers’ Compensation Act adding expensive delays and acting as a disincentive for employees to return to work.

The League supports a standard procedure for processing Heart and Lung claims utilizing the current, well established workers’ compensation system as a model, including its administrative practices, procedures and judges. The League also supports defining “temporary disability” in order to limit the length of time an employee can receive the Heart and Lung benefit. Finally, a reduction in the Heart and Lung benefit that will bring the combined benefit received back down to 100% of salary is warranted.

Workers’ Compensation

It is The League’s position that work programs and any community service work programs created at the county or state level must provide workers’ compensation benefits for the program participants when the work is performed for a municipality.
Firefighter Cancer Presumption

Act 46 of 2011 granted firefighters the presumption that cancer is an occupational disease caused by fire fighting. The potential for catastrophic claims caused the workers’ compensation insurance market to fold and municipalities to transfer their volunteer firefighters to the PA State Workers’ Insurance Fund (SWIF) for coverage. In addition to the transfer to SWIF, municipalities have experienced drastic increases in workers’ compensation premiums for firefighter coverage. These increases in premiums are borne by the taxpayers.

The League supports legislative action that would mitigate the costs that Act 46 has imposed upon local governments and their respective taxpayers.

Post-traumatic Stress Injury in First Responders

The League supports efforts to address post-traumatic stress injury in first responders including legislation and funding to proactively manage stress from a coordinated and preventative care model. The League opposes legislation that adds post-traumatic stress injury to the Workers’ Compensation Act as an occupational disease, as the resulting costs to employers will be more harmful than helpful to the first responder community. The League is seeking a commonsense solution that balances compensation for post-traumatic stress injury with the cost of providing the benefit.

Police Officers’ Bill of Rights

The League opposes any new limitations placed on the local administration of police disciplinary proceedings via a Police Officers’ Bill of Rights that would preempt the traditional powers of local government as the employer.

Occupational Safety and Health Standards

Worker safety is important and many laws and regulations are in place in Pennsylvania to protect workers and promote safe working conditions. Therefore, a mandate for local governments to adopt and enforce federal Occupational Safety and Health Standards (OSHA) is unnecessary, expensive and onerous. The League opposes legislation that would mandate local government entities to comply with federal OSHA standards as implementation costs must be weighed against benefits when tax dollars are the funding source.

Public Safety Services

Public safety is the most vital service provided to constituents. As the first on the scene, local government must be prepared to respond and deliver service in the face of both natural and man-made crises. To support local needs, there must be a partnership with federal and state government to ensure resources are available, that they are used wisely, and that efforts are coordinated.

Delivery of Emergency Services

Senate Resolution 6, adopted in 2017, is an updated, comprehensive look at the delivery of emergency services in the Commonwealth, the basis of which was the 2003 Senate Resolution 60 Report. From funding, to recruitment and retention of volunteers to how services are delivered, this report makes numerous recommendations on how to address the crisis of dwindling volunteers and growing costs that threaten public safety. The League supports the final SR 6 Report and will evaluate the resulting legislation on a case by case basis with a goal of supporting passage of the legislation whenever possible.

Fire and Emergency Medical Services

Many communities are facing threats to the vital services provided by fire and emergency services units. The League supports efforts to properly reimburse life support services for their costs; to incentivize regional delivery of services; to eliminate duplication of services; to encourage cooperative purchasing of equipment; and to encourage health prevention measures, such as community paramedicine programs.

The League supports permanent authorization of the Fire Company and Volunteer Ambulance Service Grant Program which provides paid and volunteer departments with grants for the purchase or repair of equipment, the construction or renovation of facilities and firefighter training.
Public Safety Authorities

As volunteer fire and EMS companies continue to experience staffing shortages and a lack of funding, the Commonwealth must act. One potential solution found in the SR 6 Commission Report of 2018 recommends that the legislature simplify the process to regionalize EMS and fire services to allow for regional or county-wide service. A public safety authority for EMS and fire services would be an optional tool that municipalities and counties may utilize, and if implemented, the public safety authority would be created locally and support and/or provide services as determined at the local level. The League supports amending the Municipality Authorities Act to provide counties with the option to create public safety authorities for EMS and fire services.

Police

Police officers play a vital role in the safety of our communities. To support that role, The League is an advocate for the following.

- Continuation of the Municipal Police Officers’ Education and Training Program.
- Authorization to use radar as a public safety tool to control speeding.
- Establishment of intergovernmental reciprocal agreements among police and fire departments for regional safety and efficient, comprehensive emergency preparedness.
- Reimbursement to the PA State Police for services provided to municipalities.
- Adoption of police pursuit policies by all police departments.
- Imposition of parental liability for personal injury, theft, willful destruction or loss of property caused by the acts of minor children.

Police Recruitment and Retention

Over the last several years, the number of applications for open police officer positions have fallen, recruitment class sizes have decreased and vacancies have increased. As a result, municipal police departments in the Commonwealth are struggling to maintain service levels due to difficulties with recruitment and retention of officers.

Any new legislative or administrative policy regarding municipal police retention and recruitment must not place additional costs on local governments in the form of unfunded mandates.

The League supports measures that will provide local governments with the tools and funding necessary to make maintaining and improving local police departments and personnel an affordable, sustainable and practicable endeavor. The League opposes any solutions that impose new unfunded mandates increasing the cost of public safety.

Career Firefighters

Education and training of paid firefighters enhances public safety and protects the firefighter. Uniform course criteria consistent with established standards promotes consistent operations and practices among departments. Municipalities, however, require financial assistance to provide this training to their firefighters. The League supports a mandatory education and training program for full-time municipal firefighters, if the program includes a state appropriation to carry out the requirements of the mandate.

The League also supports a low interest loan program for the purchase of equipment and facilities for paid fire departments as is now provided for volunteer fire companies.

Volunteer Firefighters

The volunteer fire departments and ambulance services in the Commonwealth are providing invaluable service to their communities. Volunteers are called upon to fight fires, provide emergency medical assistance, clean and maintain equipment, as well as raise funds to remain solvent. They are in need of additional funding to provide apparatus and equipment that they use to protect and secure our communities.

Sheriffs’ Powers

The League does not support legislation expanding the powers of sheriffs or deputy sheriffs beyond their current statutory role.

Firearm Regulations

The League supports the following concepts as common sense approaches to effectively address gun violence and the proliferation of illegal handguns throughout Pennsylvania’s communities:

- Allow the purchase of no more than one handgun in any 30-day period.
- Mandatory sentencing for violent crime repeat offenders.
- Create a definition of gang offense.
- Require the reporting of a lost or stolen handgun within 24 hours.
- Crack down on illegal “straw” purchases.
- Enact a state or federal extreme risk protection order law which allows for a temporary court ordered removal of firearms in the possession of a person exhibiting threatening behavior to himself or others.
- Enact a state or federal universal background check law that closes the loophole of purchases from unlicensed sellers.

In the absence of statewide legislation concerning the above, The League supports the local option to enact and enforce gun ordinances and opposes legislation punishing municipalities for enacting local firearm regulations.

Firearms in Municipal Buildings and Parks

Pennsylvania’s Uniform Firearms Act (18 Pa.C.S. Chapter 61, Subchapter A) prohibits county and municipal regulation of the lawful ownership, possession, and transfer of firearms or ammunition. The League believes there is an important safety
consideration in protecting families and citizens utilizing municipal parks and buildings.

The League supports an amendment to the Uniform Firearms Act that prohibits the possession of firearms and ammunition in municipal parks and buildings.

**Constables**

Constables are servers of process for the Commonwealth’s minor judiciary. They are elected to six-year terms in a municipality, but can serve throughout the Commonwealth. Certified constables have the status of independent contractor and are not employees of the Commonwealth, the judiciary, the municipality or the county in which they work. The League supports the Legislature’s review and implementation of the 2014 Joint State Government Commission report outlining recommended reforms of the Constable Law. These reforms include new training requirements, uniform application of the Constable Law among forms of local government, clarification of conflicts between the office of constable and other professions, arrest authority, the wearing of identifiable uniforms and accountability.

**Local Use of Radar**

Speed timing devices were introduced into the marketplace in the 1950s. Radar is the most cost-effective, reliable speed-timing device in use today. Pennsylvania’s municipal police are the only law enforcement officials in the country who are not permitted to protect public safety by enforcing local speed limits with radar.

The League supports legislation that will allow municipal police to use radar to enforce local speed limits.

**Consumer Fireworks Data**

Act 74 of 2022, which updates the Fireworks Law, does not include provisions to capture statewide data regarding fireworks-related incidents. It is important that this information be recorded to understand the full impact consumer fireworks has in the Commonwealth ultimately helping state and local governments to make informed policy decisions and to respond to any troubling trends in an effort to increase fireworks safety.

The League supports a legislative or administrative initiative to collect fireworks data by requiring the recording of fireworks-related accidents, injuries or deaths on first responder incident forms or other reporting mechanisms.

**Local Share of Recreational Marijuana Revenue**

If Pennsylvania legalizes and taxes recreational marijuana, the Commonwealth is positioned to raise a substantial amount of revenue. The Commonwealth’s municipalities would be directly impacted by the legalization of recreational marijuana from the standpoint of public safety, at a minimum, and should share in any new revenue as a way to defray the costs to local government.

The League supports local governments with police departments receiving a share of any new tax revenue from the legalization of recreational marijuana to cover the additional responsibilities and public safety costs that would be incurred.
Community and Economic Development

Community and economic development of the Commonwealth’s urban, core communities is second only to public safety in terms of fostering attractive, thriving places to live, work and play. Federal, state and local governments must be partners in this on-going endeavor.

Community Development
Municipalities of every size throughout the Commonwealth struggle with the challenges of affordable housing needs, an aging housing stock, blight remediation and prevention, aging infrastructure, crime prevention, job creation, community support services and re-building of the tax base. The League supports state policies that permit municipalities to directly undertake community and economic development programs, as well as policies that allow the maximum level of local flexibility to achieve local goals.

The League supports Act 179 of 1984, the small communities program that provides federal Community Development Block Grant funds to counties for disbursement to communities meeting federal criteria. The League believes the communities slated to receive funds should have input into their disbursement.

Downtown Revitalization
The League supports policies that encourage the economic development of downtown areas including funds from the Commonwealth for marketing and promotion. More than one downtown in a county should be eligible to receive funds and the funds should be distributed directly to municipalities.

The League encourages the Commonwealth to locate leased and state-owned facilities in downtown areas in accordance with the Downtown Location Law of 2000.

Economic Development
Business location and job creation benefit the entire Commonwealth, not just the municipality or region hosting the new enterprise. Economic development initiatives that bring investment into our core communities, replenish the tax base and find new uses for old industrial sites and vacant retail sites are paramount to revitalization.

The League looks to the federal and state government to be partners in attracting business to Pennsylvania. The League supports financing tools that incentivize investment including but not limited to loans, grants, tax credits, tax abatements, tax increment financing, special financing, business incubators, public/private partnerships and subsidies. The key to all financing is local input and flexibility that supports local economic goals and initiatives.

The League supports a state plan to reduce the PA Corporate Net Income Tax – one of the highest in the country – to make the Commonwealth more business friendly.

Affordable Housing
All residents of Pennsylvania have the right to stable, safe and affordable housing. Although housing is a basic human right, affordable housing has become more scarce and difficult to obtain as the cost of housing has increased faster than incomes in Pennsylvania and across the nation. Policymakers must prioritize the development of new low cost housing for both renters and homeowners to increase the affordable housing stock. The League recognizes there is an affordable housing crisis in Pennsylvania and calls upon the legislative and executive leaders to work in partnership with local governments, to address the crisis and develop solutions to increase affordable housing in the Commonwealth.

Local Tax Revenue for Economic Development
The current local government tax structure does not encourage municipalities to work toward revitalization, nor does it provide compensation for increased service demands from revitalization. Under the current tax structure, local government gains little to no increase in revenue from economic revitalization for several reasons – real estate reassessment occurs so infrequently; the Earned Income Tax is based on residence, rather than place of employment; and municipalities do not share in the sales, alcohol or business taxes imposed by the state.

The League urges the adoption of legislation that will make local government a vested partner in local economic development by providing a benefit in the form of local tax revenue from a statewide alcohol tax levied on a per drink basis and collected at the local level or provide a local portion of the state sales tax.

Other Economic Development Tools

Site Reuse
Reuse of vacant commercial and industrial facilities is an important aspect of economic development. Cleaning-up and re-purposing abandoned sites gives new life not only to the facility, but to the surrounding properties and the tax base of the region. Some old industrial sites and vacant retail sites threaten the health and safety of nearby residents, further eroding the local tax base. Reuse of these facilities often requires environmental clean-up which can be costly and create liability exposure. The League is an advocate for programs that assist the host municipality with preparing sites for reuse, including making old sites a viable option for new and expanding businesses and making environmental clean-up economically feasible.

Liquor Licenses and the Liquor Code
Downtown revitalization relies on a mix of new uses that attract a variety of people and economic opportunities. The popularity of breweries, distilleries, wineries and eclectic restaurants presents an opportunity for communities to find a niche market that brings people downtown. The League supports the expansion of restaurant liquor license availability to downtown districts and any other special districts within urban municipalities.

Furthermore, existing law authorizes the transfer of liquor licenses to establishments operating within deteriorated
urban areas only when a new facility of one hundred thousand square feet is being constructed. The League does not support the square footage requirement for new construction since many urban areas have existing facilities in LERTA Zones that could be redeveloped and utilized for entertainment purposes. The League supports an amendment to permit the transfer of liquor licenses to renovated facilities within deteriorated areas. The League supports local enforcement of the Liquor Control Board’s laws governing licensed alcohol establishments. And, in the event of liquor privatization, a local share of any new revenue generated to pay for enforcement measures.

Finally, the PA Liquor Law requires that state taxes be paid prior to approval, renewal, transfer or renewal of liquor licenses. The League supports an amendment to the Liquor Code to impose the same conditions with regard to the payment of local taxes.

**Industrial Heritage Parks**

Industrial heritage parks promote our historical, recreational and natural resources as tourist and educational attractions. The League supports the Commonwealth’s heritage parks program and encourages the continuation of funding.

**The Commonwealth’s Role in Economic Revitalization**

Pennsylvania provides support for economic initiatives through various funds that offer grants, loans, loan guarantees, matching funds, technical and business assistance, workforce education, marketing and promotion. This support is essential to a comprehensive statewide revitalization effort. The League supports the continuation of such programs and finds them especially important as the Commonwealth moves from a state built on smokestack industries to one fostering industries built on science, technology, engineering, art and mathematics or STEAM.

**Aged and Blighted Housing**

Urban areas have an especially high proportion of blighted, deteriorated, vacant and abandoned housing. Our housing stock is old, much built before 1950. Adding to the problem, urban populations have decreased leaving many homes unneeded. Remediating the housing stock is expensive and takes a concerted, organized and on-going effort to make headway.

Legislation enacted in the last decade has made great strides in providing municipalities with tools to address these issues and begin to get properties into the hands of new owners contributing to the tax base. Examples of such tools include those provided in the Neighborhood Blight Reclamation and Revitalization Act, land banks, and conservatorship. Statewide efforts are also underway. The State Housing Trust Fund creates an avenue for the rehab and support of affordable housing.

In addition to the above, The League supports continued and expanded funding of the housing and redevelopment programs offered by the Commonwealth, including the preservation of historic housing districts, the creation of low-income and market-rate housing to meet a variety of needs, and the development of a funding source for the demolition of blighted and abandoned properties.

**Delinquent Tax Sales**

The Real Estate Tax Sale Law provides for the disposal and resale of properties with delinquent real estate taxes. The current process is lengthy and cumbersome. The League supports an update to the law that recognizes the property owner’s rights, as well as the need to move forward and get the properties back onto the tax rolls. The League supports streamlining the process, shortening both the notice process and the time frame to sale. Free and clear tax sales should also be eliminated and purchasers of tax delinquent properties must not be tax delinquent on other properties they own.
Land Use, Zoning and Planning

Municipal zoning authority is granted by the PA Municipalities Planning Code or MPC. Zoning is a means by which a municipality protects the health, safety and welfare of its residents and their property. Zoning can also guide growth by regulating the extent and character of development. Zoning is also a tool to help preserve natural and historic features and create livable communities. The key to successful zoning is the ability for each municipality to determine its own land use regulations within the law. The League opposes legislation seeking to pre-empt local zoning authority or apply uniform regulations across municipalities.

The League supports zoning and land use policies that encourage the economic revitalization of urban municipalities. The League advocates for flexibility at the local level to make planning decisions best suited to an individual municipality. In this regard, The League supports the following:

- the uniform process for local planning and zoning as provided by the Municipalities Planning Code;
- legislation authorizing local governments to establish impact fees to assist with the additional service costs associated with new development; and
- an amendment to the Municipalities Planning Code establishing the clear right of local communities to regulate the placement of billboards in order to preserve the historic and aesthetic character of a community, as well as limit public safety hazards where necessary.

Growth Management

Uncontrolled and unplanned growth, combined with increases in population, have serious implications for many communities. Open space should be preserved to encourage recreational opportunities, farmland preservation, adaptive reuse of existing facilities and mitigate negative environmental impacts.

The League encourages the continuation of regional growth management plans which provide for local zoning and planning, create incentives for redevelopment, encourage mass transit, focus growth in areas already served by infrastructure and retain environmentally sensitive areas.
In addition, The League supports the creation of a state public land trust to provide the necessary funding for acquiring property for recreational, scenic or historic purposes.

**Uniform Codes and Licensing**

The enactment of the Uniform Construction Code (UCC) has provided a level of standardization and statewide application to building and safety standards. The League is an advocate for local enforcement of the adopted UCC standards. The League is also an advocate for statewide minimum licensing of contractors, as long as each municipality can conduct its own, more stringent testing/licensing. Municipalities must have the option to require contractors to register and provide proof of insurance when doing business within a municipality.

**Uniform Construction Code Inspections**

The UCC provides the option for municipalities to administer and enforce the Code, or to hire one or more third-party agencies to perform the function. This local decision is ultimately a public safety decision for the local elected officials who must decide which enforcement option best suits the needs of their community. The League opposes legislation mandating the number of third-party inspectors a municipality must have available for applicants requesting inspection services. Requiring more inspectors than a municipality wishes to have increases municipal oversight and the likelihood of inconsistent application of the UCC.

**Green Building Construction**

Although the Commonwealth’s Uniform Construction Code includes the ICC Energy Code, The League does not believe this Code goes far enough in requiring or promoting green building standards. The League supports repeal of the ICC Energy Code and adoption of the ICC 700 as a green building standard for residential construction, plus a similar standard for commercial construction.

**Historic Properties and Fire and Panic Laws**

The League supports legislation permitting municipalities to grant exceptions to Fire and Panic Laws for historic properties. The League also supports requirements that inspectors for Fire and Panic Law compliance be certified and meet defined standards.

**Regulatory Takings**

Legal challenges to municipal actions may force municipalities to compensate property owners for actions which reduce the value of their property. For example, municipalities may be required to compensate for zoning changes, variances and other land use regulations. This will result in increased litigation and erode the ability of all levels of government to meet the most basic of governmental responsibilities. The League opposes legislation requiring compensation to property owners for governmental regulatory actions.

**Utility Lines**

The League supports local control in the coordination and placement of utility lines.
Local government plays an important role in the energy conservation movement, not just from a budgetary standpoint, but also as an example to its residents. The League supports the development and use of alternative clean energy sources.

**Streetlights**
The League also supports the development of municipal street light rate schedules that encourage conversion to LED lighting.

**Solid Waste Management**
The Commonwealth manages over 20 million tons of solid waste a year from both inside and outside Pennsylvania. The amount of waste processed creates state and local revenue. With the revenue however, comes concern over the location of solid waste disposal facilities, environmental impacts, road maintenance and safety. The League supports local coordination to determine a solid waste plan that best suits the needs of a county and its municipalities.

The League also supports resource recovery as a method of trash disposal, including preferential financing of facilities, because it is a cost efficient, environmentally safe alternative to landfills.

**Recycling**
The League urges the Commonwealth to fully support the recycling mandate under Act 101 and to allow funds to be used for local operational costs. The League also urges the Commonwealth to support local and or county efforts to expand recycling to electronics, organic materials and hazardous materials.

The demand for recycling grants out paces available revenue. The League urges adequate funding to meet the demand for the Section 904 performance grant program and the Section 902 development and implementation grant program.

The League supports continuation of waste tire management and disposal programs, as well as funding for the abatement, education and enforcement costs of municipalities.

**Recycling Market**
The recycling mandate on local government must match the recycling market. A 2018 drop in the recyclables market has resulted in a glut of materials with no value, but municipalities must continue to comply with the collection mandate. The League urges the Commonwealth to play a significant role in the creation of a recyclables market in PA, including supporting the recycling industry and serving as a market of last resort. The League also urges the Commonwealth to amend its recycling mandate until the recyclables market returns.

**Electronics Recycling**
The Commonwealth's current Covered Device Recycling Act, Act 108 of 2010, has not resulted in the efficient and cost effective disposal of covered devices – computers and televisions. The mandate on manufacturers to recycle a particular quota based on product weight, along with insufficient recycling infrastructure, has resulted in stored or illegally dumped electronics. The League supports a revamped recycling program for covered devices, such as laid out in Senate Bill 800 of 2017. This legislation provides a new funding formula for the program, convenience for consumers and a default program operated by the state.

**Beverage Container Deposit Recycling Program**
These recycling programs charge a deposit fee on containers at the point of sale. Consumers then return the clean, empty containers and their deposit is returned. The purpose of this type of program is to incentivize the return of specific, high-quality, clean, recyclable material and to reduce litter. The League supports the implementation of a beverage container deposit recycling program in Pennsylvania as a way to supplement our current curbside and volunteer recycling programs and to reduce litter.

**Environmental Hearings**
Municipalities allegedly violating provisions of federal and/or state laws are required to present arguments to district offices of the Department of Environmental Protection (DEP) or the Environmental Protection Agency (EPA). Costs to municipalities to transport witnesses and staff to these meetings place additional burdens on already tight budgets.
Additionally, municipalities can better present their position through hearings conducted at the site of the alleged violations.

The League supports legislation to require that environmental hearings be held in the municipality where the alleged violation occurred, rather than in a regional office of DEP or EPA.

**Sinkholes and Mine Subsidence**

Sinkholes and mine subsidence serve as potential avenues of pollution and other environmental hazards. They also cause considerable and costly property damage. The League supports legislation to provide assistance to homeowners and businesses for losses suffered as a result of mine subsidence and sinkholes.

**Clean Air and Water**

Access to clean, safe air and water is a right of every citizen in our nation. Today’s local governments face new challenges in ensuring this right. Local government must be a partner with federal and state authorities in determining and implementing laws and regulations to achieve clean and safe natural resources. Local governments need monetary and technical support from the federal and state governments if there are new requirements to test, treat or monitor the quality of our air and water.

Mandates from the federal and state government must come with a funding source and flexibility for local compliance. Finally, there must be a cost benefit analysis of mandates to ensure the cost of compliance will result in an equal benefit.

**Storm Water Management**

Act 167 of 1978 requires the Commonwealth’s counties to adopt storm water management plans. Municipalities are required by the Act to implement ordinances to regulate development in a manner consistent with their county’s plan. The costs associated with implementing and carrying out a storm water management plan need a dedicated funding source whether at the local or state level. In the absence of adequate federal or state funding, The League advocates for local flexibility to decide the best avenue to fund storm water management.

Implementation and enforcement of county and municipal plans is not consistent across the Commonwealth, thereby putting counties and municipalities that do comply at an economic disadvantage. In addition to adequate funding, The League supports a compliance system that is enforced, a study of the financial costs to local government and taxpayers, an assessment of the impact of storm water management policies, and approval by the General Assembly of the storm water guidelines and a model storm water management ordinance pursuant to Section 14(b) of the Act.

Storm water management is an important responsibility of government that impacts water quality, floodplain management, infrastructure, public health and safety. However, compliance measures are expensive, confusing, and oftentimes changing. The League urges the General Assembly to elevate the issue of storm water management to a priority; and to work with local government to develop reasonable, achievable goals; regional approaches to avoid duplication of resources; and economically viable solutions.

**Chesapeake Bay Program**

With the Susquehanna River as a major tributary to the Chesapeake Bay, Pennsylvania has joined with Maryland, Virginia and the District of Columbia as regional partners in the Chesapeake Bay Program’s efforts to clean up the Bay’s eco-system.

The League supports local, regional, and state efforts to reduce the level of pollutants entering the Bay from Pennsylvania. Local governments and municipal authorities have worked to meet pollutant reduction measures and have spent billions to comply. The League believes future reductions must be made by non-point sources, particularly, although not limited to agriculture. Overall, there must be a consideration of the costs that will be incurred and the benefits achieved.

The League does not support nutrient reduction programs that require additional investment; proclaim to transfer and alleviate municipal responsibility for nutrient reduction mandates; or that underwrite private investment.

**Reclaimed Water**

Reclaimed water is produced from the treatment of waste waters from various sources and can be a valuable resource. The Department of Environmental Protection regulates reclaimed water and restricts its use. The League supports expanding the use of high-quality reclaimed water. This expansion can create economic development opportunities, reduce the use of potable water for non-drinking applications and promote energy savings. Uses for high-quality reclaimed water include landscaping, industrial processes, athletic field irrigation, heating and cooling and vehicle washing.

Local government plays an important role in the energy conservation movement, not just from a budgetary standpoint, but also as an example to its residents.
Transportation

Public Transportation
Public transportation, including light and high speed rail, is important to many citizens of the Commonwealth. The expense of operating transit systems necessitates a partnership between local and state government, as well as regions in order to implement and sustain reliable, cost effective operations. Multi-modal transportation is an important aspect of connecting the mass transit user to local transportation options. The League supports dedicated funding sources for public transportation and multi-modal planning and implementation.

The League also supports the Commonwealth’s recognition of the value of rail service between Philadelphia and Pittsburgh and urges the Commonwealth to be an advocate for its continued and upgraded service.

State Highway Turn Back Program
Act 32 of 1983 implemented a program to return Class 6 roads to municipalities for local maintenance. The League supports this conveyance as long as the turn back is voluntary, the details of the turn back are mutually agreed to by PennDOT and the accepting municipality, and the state payment for the turn back is separate from liquid fuels payments. The League also supports the transfer of local roads to the state by mutual agreement.

State Reimbursement for Services
The League supports full reimbursement by PennDOT to municipalities for mandated services provided on state roads, for example road and storm drain maintenance, traffic signalization, line painting, snow removal and winter material removal.

Storm Drain Maintenance on State Roads
PennDOT’s highway maintenance policies regarding storm drainage facilities on state roads is not consistent. There is substantial cost, liability and burden on those municipalities mandated to maintain the state’s storm drains. The League urges the General Assembly to require PennDOT to assume responsibility for maintenance of all storm drainage facilities on state highways or provide municipalities with the funding necessary to carry out such maintenance procedures.

Traffic Signalization on State Roads
PennDOT policy requires municipalities to take over operation and maintenance of traffic signals on state roads after 30 days. The signaling equipment is under warranty for 180 days and then it becomes the responsibility of the municipality. Municipalities, however, have no control over the choice of system and may not have the expertise or funds to maintain more sophisticated systems. The League supports an extension of PennDOT’s warranty to one year following the initial 30-day field test of the equipment.

Maintenance of State Roads
PennDOT is responsible for maintaining the cartway of certain roads, including those sections within municipal boundaries. Currently, there are no criteria for repair or curb reveal for PennDOT to follow. This may lead to situations where no curb or other control channel for water exists. The League urges PennDOT to revise its regulations relating to maintenance, construction and reconstruction standards to include curb reveal criteria sufficient to require that where a curb exists, PennDOT must maintain the cartway in such a manner that there is a control channel for water.

Growing Greener III
The Growing Greener I and II programs have invested close to $2 billion in environmental projects since 2002. Funds are at an all-time low and need to be replenished in order to build upon the conservation and preservation efforts undertaken through Growing Greener I and II. Many programs and funding opportunities are contemplated by the Growing Greener III initiative that will benefit The League members directly. The League supports implementation and funding for a Growing Greener III initiative.
Distributed Antenna Systems

Distributed Antenna Systems or DAS play an important role in bringing reliable wireless access to the Commonwealth's residents. However, the antenna systems are just one piece of infrastructure in a larger wireless network. As such, the contractors that install antenna systems should be treated as the installers of other network components are treated and should not be given public utility status. Public utility status would allow the contractors to place antennas on public or private property without permission. The League believes DAS, as a component of a wireless network, is subject to local zoning regulation and urges the PUC to discontinue the issuance of certificates of convenience and other public utility status to DAS installers.

Local Cable Franchising Authority

The League opposes legislation that would allow new entrants into the cable market to bypass the current local franchising process and apply for a standard, blanket agreement to provide cable services. This would result in a decrease in municipal autonomy, municipal revenue and the negotiation for public access channels.

E-Scooters and Other Micro-Mobility Devices

E-scooters and other micro-mobility devices offer transportation flexibility, increase access to other modes of transportation, foster innovation and provide economically-friendly use on demand. Municipalities, however, need time to understand the applicability of micro-mobility devices to their current transportation systems. Local regulation is absolutely necessary to meet the needs of individual communities. The League opposes any legislation that preempts local regulation and decision-making concerning micro-mobility devices.

Autonomous Vehicles

Autonomous vehicles have the potential to provide many benefits to Pennsylvanians including enhanced mobility, safer roadways, and economic opportunities. All levels of government must partner in preparing for the age of autonomous vehicles. Such a partnership must include preservation of local authority, including planning authority and local rights-of-way management. The League opposes legislation or regulation preempting local authority and urges the Commonwealth to partner with local government in the planning and regulation of autonomous vehicles.
The League supports the following concepts:

- local governments believe cable competition is good for consumers;
- local governments are in favor of prompt, reliable customer service;
- local governments believe all areas within a municipality should be serviced with the best product available at the best price;
- local governments must retain control of local rights-of-way;
- local governments must not lose current franchise fee revenues; and
- local governments favor streamlining the franchise agreement process to provide new and incumbent cable providers with a process that is timely and offers an alternative procedure for local governments that want to

**Local Elected Officials**

**Fulfilling the Duties of Office**

Elected officials have a duty to fulfill their role in fostering effective governance by carrying out the duties of their office. The League does not condone local elected officials who hinder their community’s governance by not attending meetings or carrying out other responsibilities. If a local official is unable or uninterested in fulfilling the duties of office, she or he should not hinder local governance, but should instead resign and allow another to fill the role. While the Pennsylvania Constitution controls removal from office, The League supports legislation also establishing a path to removal for cause when a local elected official is negligent in carrying out the duties of office, including chronic absenteeism and dereliction of duty.

**Personal Liability of Elected Officials**

Municipal officials have had their livelihood and personal security threatened by legal action. Municipal officials are performing a public service and should not be put in financial jeopardy while carrying out the duties of their office. The League supports legislation protecting public officials from possible law suits arising from their role as elected officials.

**Workers’ Compensation for Elected Officials**

Elected municipal officials are continuously engaging in activities on behalf of the municipality. These activities may subject officials to injury and accident. Elected officials injured while engaging in municipal affairs are not afforded Workers’ Compensation insurance protection under current law. The League supports adding elected municipal officials to the definition of “employee” under the Law.

**Cross-Filing by Local Candidates**

Cross-filing by candidates does not eliminate partisanship in elections, as intended. It only serves to create confusion for the voter. The League supports the elimination of cross-filing.

**Compensation of Local Elected Officials**

The commitment to serve in the capacity of a local elected official has increased substantially over the years and is no longer accurately reflected in the compensation schedules set forth in the various municipal codes. The League supports an increase in compensation levels across all municipal codes, as well as an inflationary index that adjusts compensation periodically in the future.

**Local Elected Official Training**

In their capacity as local leaders, local elected officials must make decisions on multifaceted issues that have financial and other long-term implications for their municipalities, residents and businesses. Currently, local officials must seek out education on their own to stay informed of new issues and developments impacting local government operations. Pennsylvania’s local officials, and constituents, would benefit from a more robust training program at the state level. The League supports the establishment of an official training curriculum for newly elected officials to be offered and funded by the Department of Community and Economic Development.

**Nomination Signatures and Filing Fees for Elected Officials**

Each candidate seeking local office is required to collect signatures for their nomination petition to successfully appear on the primary ballot. While the Third Class Code requires potential candidates to obtain 100 signatures on their nomination petition and pay a $25 filing fee, the Borough, First Class Township and Second Class Township Codes only require potential candidates to obtain 10 signatures on their nomination petition and there is no filing fee. The League supports consistent language among municipal codes where possible, and therefore, supports amending the Third Class City Code to decrease the number of signatures for a nomination petition from 100 to 10 and to remove the filing fee.

**Cellular Tower Site Planning**

The League encourages the establishment of cellular tower corridors that would provide a regional strategic development plan as to where cellular towers should be sited. Such a plan would provide consistency of service benefiting the cellular industry, as well as the communication needs of the communities and the region.

**Broadband Implementation**

Access to the latest communication technologies is the foundation for economic growth and competitiveness throughout the Commonwealth. While all areas of the Commonwealth should at least have reliable access to Broadband, The League supports deployment of and access to the latest technologies as an economic development tool.
Pennsylvania Municipal League

414 NORTH SECOND STREET
HARRISBURG, PA  17101

717-236-9469
WWW.PML.ORG
# LAND DEVELOPMENT PLAN COUNCIL ACTION DEADLINES

<table>
<thead>
<tr>
<th>Title</th>
<th>Submitted</th>
<th>Action Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Summit Park Subdivision</td>
<td>7/17/2023</td>
<td>October 15, 2023</td>
</tr>
<tr>
<td>Medlar Field LDP</td>
<td>7/17/2023</td>
<td>October 15, 2023</td>
</tr>
</tbody>
</table>

## LAND DEVELOPMENT PLAN ACTIVITY

<table>
<thead>
<tr>
<th>Title</th>
<th>Recording Deadline</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhodes Lane Condos</td>
<td>October 31, 2023</td>
<td>10/17 submitted; 10/18 completeness review; 10/18 sent for full review (comments due 10/28); plan revisions came 11/7, accepted 11/14; P&amp;R 11/14; PC 11/15; 12/1 plan tabled per PTE request, PTE granted review time extension; 12/29 revised plan submitted, comments due 1/13; to P&amp;R 1/9; revision 4 received 1/19, comments due 1/27; revision due 2/6; P&amp;R 2/13 as staff informative; 2/20 tabled by PTE; to PC 2/21 tabled; review period extended by PTE; 4/17 revision submitted, comments due 4/21; to CTC 5/4; conditional approval sent 5/5; 5/18 received and approved surety estimate; 6/30 received ext. request, to CTC 7/20, approval letter sent 7/21</td>
</tr>
<tr>
<td>MNMC – Bed Tower</td>
<td>October 3, 2023</td>
<td>2/21 submitted, letter sent 2/22; comments due and sent 3/3; revision due 3/13; to PC 3/21; to CTC 4/6; conditionally approved; 4/7 sent conditional approval letter; 6/9 90-day ext requested; 6/15 extension approved, 6/16 approval sent to Kirsch and Saville; grubbing permit may be issued prior to recording and surety; surety estimate being discussed</td>
</tr>
<tr>
<td>PSU – Environmental Health &amp; Safety Chemical &amp; Radiation Waste Accumulation Facility</td>
<td>October 31, 2023</td>
<td>3/20 submitted, comment request sent 3/21; comments due 3/31; revision due 4/10; to PC 4/18; comments due 4/14; to CTC 5/4; conditional approval sent 5/5; 6/30 sent email for ext. request, spoke w/ Erminio; 7/6 received ext. request, to CTC 7/20, approval letter sent 7/21; addressing meeting 8/8, decided building</td>
</tr>
</tbody>
</table>
title is acceptable at this point, to be addressed w/ 911 Jan 2024; 8/10 received plan for signatures; 8/17 signatures captured, plan sent back to Langan; full set to be recorded

**UAJA Biosolids Upgrade Project October 18, 2023**

5/22 submitted, comment request sent 5/22; Comments due 6/2; revision due 6/12 (unable to make the revision deadline, extended to 6/19); revision received 6/16; to PC 6/27; to CTC 7/20; conditional approval letter sent 7/21, accepted 7/27

**Summit Park Subdivision October 15, 2023**

7/17 submitted, comment request sent 7/18; comments due 7/28; revision due 8/7; comments due 8/11; to PC 8/14; to CTC 9/7

**Medlar Field LDP October 15, 2023**

7/17 submitted, comments request sent 7/18; comments due 7/28; revision due 8/7; comments due 8/11; to PC 8/14; to CTC 9/7

**MINOR PLANS**

**Bonfire BBQ**

*Submitted 7/27/2023*  
*Expires 9/25/2023*  
sent to Schnure, Kauffman, Boeckel; comments due 8/4; revision due 8/14; 8/21 no revision, surveyor has been in contact with Zoning Officer; 8/29 revision received, comments due 9/8

**Moerschbacher**

*Submitted 8/22/2023*  
*Expires 10/21/2023*  
sent to Schnure, Kauffman, Boeckel; comments due 9/1; revision due 9/11

**Stocker Body Shop Minor**

*Submitted 8/28/2023*  
*Expires 10/27/2023*  
sent to Schnure, Kauffman, Boeckel; comments due 9/8; revision due 9/18

**OTHER**

**Dale Summit Area Plan**

PC made recommendation to Council January 18, 2022; Joint Council/PC meeting held March 28; RFQ is on the website: Pre-submission meeting to be 7/14 (5 firms have signed up for pre-submission meeting); Deadline to submit proposals 8/1; to be reviewed by committee (2 Council members, 2 PC members; 1 CRPA; staff); committee established 8/4; submissions sent to committee members 8/9; member meeting 8/29 1-3pm Library; 9/7 follow up with interview candidates to request sealed quotes; interviews October 25th; DPZ is chosen firm; Contract to be reviewed by CTC 12/15; **1/11/2023** DPZ okayed contract and
scope; to CTC 1/19 for approval; DPZ will be present 2/27-3/1, with a tour on 2/27; 5/3 Stakeholders identified, pre-charrette May 24; Charrette to take place 6/19-6/23, supplies being collected, possible dry run 6/16; Charrette successfully took place 6/19-6/22; Market analysis under staff review, sent to PC 8/3; Draft Ordinance being reviewed by staff

Pike Street Phase 3
Surveying to begin in January; letter sent to residents, surveying started 1/11; 1/18 traffic calming maps removed from Council room; before pictures are complete (may take after pictures of traffic calming phase); dedication of traffic calming 4/21; ongoing

Traffic Signal Technologies Grant (TSTG) Frank is working with help of District 2 PennDOT; Application due September 30; resolution to be passed; Application submitted; 12/14 approved for $127,700; need RFP for traffic engineering services; 3/28 RFP submission deadline; 5/3 consultant chosen; PO for Adam to sign and return to Nick; meeting 8/9

Official Map
Council remanded to PC 2/2; 2/7 PC received maps for homework; 2/21 PC discussion; 3/7 PC request time extension and paper copies of map; 3/21 PC tabled until 4/4 meeting; P&R to submit explanations to staff for PC by 3/29 (4/13); PC should wrap up at 4/18 meeting; PC recommendations and DRAFT to CTC 5/4; CTC reviewing in detail; CTC to set public hearing after revisions made (update OMap & include Ped Plan info); to CTC 7/20, public hearing set; as of 8/9 public process is underway; to CRPC 9/7; ongoing

Zoning Amendment Consideration
Council remanded to PC 2/16; 3/7 PC introduced to rezoning consensus is to wait for DPZ; to PC 4/18, recommends waiting for Dale Summit Master Plan (12 months); to CTC 5/18, Council considered PC recommendation and staff recommendation; PRBD to allow R-3; two draft ordinances to be presented to CTC 6/15 (R-3 as limited use/R-3 as conditional use); to PC 6/27, consensus to wait for all PC members to be present to discuss; to PC 7/18, 8/1, 8/15; to CTC 8/3 8/17; 8/29 CTC Exec Session; property to be posted by 10/9

ENGINEERING BOND/LOC SURETY EXPIRING SOON

Aspen Heights (October 8th)
Gaslight Circle (Barnbridge Subdivision) (October 31st)
Sears/Steve Shannon (November 18th)
Christ Community Church (November 19th)
LDP’s UNDER CONSTRUCTION

Canterbury Crossing
Evergreen Heights
Jake’s Fireworks
Steve Shannon
Winfield Heights
C3 Phases 1 & 4
State College Area Food Bank
Rearden
Arize FCU
1. Call to Order

Mr. Lapinski, Chairman, called the regular meeting to order at 4:00 p.m., Wednesday, August 16, 2023. The meeting was held in the Board Room in the office of the Authority with the following in attendance in person: Messrs. Lapinski, Auman, Miles, Glebe, Guss and Kunkle; Cory Miller, Executive Director; Jason Brown, Assistant Executive Director; Sierra Weight, Administrative Assistant; Daren Brown, Collection System Superintendent; Andy Breon, Plant Superintendent; Jason Wert, Retlew; C-NET; Ben Burns, HRG Consulting Engineer; David Gaines, Solicitor. The following were in attendance via Zoom: Messrs. Daubert, and Derr; Sam Robbins, State College Borough; Jim May, Centre Region Planning Agency.

2. Reading of the Minutes

UAJA Regular Meeting – July 19, 2023

UAJA Meeting Minutes Approved

A motion was made by Mr. Kunkle second by Mr. Miles to approve the meeting minutes of the UAJA meeting held on July 19, 2023. The motion passed unanimously.

3. Public Comment

3.1 Other items not on the agenda

None.

4. Old Business

4.1 Puddintown Road Act 537 Plan Special Study TAR

An Act 537 Plan Special Study is being initiated to evaluate options for resolving the capacity deficiency identified as a result of the State College Borough Calder Way sewer project. The first step required to initiate a special study is to submit a Task Activity Report (TAR) to the Department of Environmental Protection (DEP) for approval. In the Centre Region, the TAR is also submitted to the Centre Region Land Use and Community Infrastructure (LUCI) Committee and Centre Region Planning Commission for approval before it is submitted to DEP. The draft TAR is included in the agenda report. Ben Burns of HRG will discuss the TAR and answer questions.

Recommendation: Discussion Only (No Action Required)

5. New Business

5.1 Requisitions
<table>
<thead>
<tr>
<th>BRIF #</th>
<th>Vendor/Supplier</th>
<th>Project Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#789</td>
<td>EBY Paving</td>
<td>N. Oak Lane West Project</td>
<td>$22,563.34</td>
</tr>
<tr>
<td>#790</td>
<td>HRI, Inc.</td>
<td>N. Oak Lane West Project</td>
<td>$26,068.11</td>
</tr>
<tr>
<td>#791</td>
<td>Hajoca Corp.</td>
<td>Aeration System Upgrade</td>
<td>$480.48</td>
</tr>
<tr>
<td>#792</td>
<td>S&amp;C Operations</td>
<td>N. Oak Lane West Project</td>
<td>$8,620.25</td>
</tr>
<tr>
<td>#793</td>
<td>Centre Concrete Co.</td>
<td>N. Oak Lane West Project</td>
<td>$1,499.00</td>
</tr>
<tr>
<td>#794</td>
<td>Glossner’s Concrete</td>
<td>N. Oak Lane West Project</td>
<td>$4,573.38</td>
</tr>
<tr>
<td>#795</td>
<td>CDW Government</td>
<td>MS Visio &amp; Office 365 Renewals</td>
<td>$12,408.00</td>
</tr>
<tr>
<td>#796</td>
<td>Geiger Pump &amp; Equipment</td>
<td>Aeration Diffusers</td>
<td>$49,140.00</td>
</tr>
<tr>
<td>#797</td>
<td>Best Line Equipment</td>
<td>N. Oak Lane West Project</td>
<td>$1,520.00</td>
</tr>
<tr>
<td>#798</td>
<td>Filmtec Corporation</td>
<td>AWT Membranes</td>
<td>$82,645.00</td>
</tr>
<tr>
<td>#799</td>
<td>Siteone Landscape</td>
<td>N. Oak Lane West Project</td>
<td>$356.74</td>
</tr>
<tr>
<td>#800</td>
<td>Groff Tractor &amp; Equipment</td>
<td>Trench Boxes</td>
<td>$25,240.00</td>
</tr>
<tr>
<td>#801</td>
<td>Hach Company</td>
<td>DO Probe Sensor Cap Replacement</td>
<td>$2,716.00</td>
</tr>
<tr>
<td>#802</td>
<td>Morefield</td>
<td>Wireless Communication Bridge</td>
<td>$4,469.77</td>
</tr>
<tr>
<td>#803</td>
<td>Sherwin Williams</td>
<td>Clarifier Paint and Supplies</td>
<td>$3,806.72</td>
</tr>
<tr>
<td>#804</td>
<td>Landia, Inc.</td>
<td>Stainless Steel Washers for Mixers</td>
<td>$1,024.25</td>
</tr>
<tr>
<td>#805</td>
<td>John Nastase Construction</td>
<td>Scott Road Project Pay App. #7</td>
<td>$20,250.00</td>
</tr>
</tbody>
</table>
A motion was made by Mr. Auman, second by Mr. Miles to approve BRIF #789, #790, #791, #792, #793, #794, #795, #796, #797, #798, #799, #800, #801, #802, #803, #804, #805, and #806 in the amount of $276,515.94. The motion passed unanimously.

Construction Fund #094 Rettew Ozone Disinfection Project $3,994.49
Construction Fund #095 Rettew Solids Drying Project $218,115.16
Construction Fund #096 PSI Pumping Solutions Ozone Disinfection Project Pay App. #14 (G) $86,849.00
Construction Fund #097 PSI Pumping Solutions Ozone Disinfection Project Pay App. #8 (E) $34,437.50
Construction Fund #098 McClure Company Ozone Disinfection Project Pay App. #8 (M) $16,027.93

TOTAL 2020 A CONSTRUCTION FUND $359,424.08

A motion was made by Mr. Glebe, second by Mr. Guss to approve Construction Fund #094, #095, #096, #097 and #098, in the amount of $359,424.08. The motion passed unanimously.

Revenue Fund #199 Debt Service, Operation and Maintenance Expenses $1,000,000.00

TOTAL REVENUE FUND $1,000,000.00

A motion was made by Mr. Miles, second by Mr. Auman to approve Revenue Fund #199, in the amount of $1,000,000.00. The motion passed unanimously.

6. Reports to Officers
6.1 Financial Report

The different cost centers of the YTD budget report for the period ending July 31, 2023, were reviewed with the Board by Jason Brown.

6.2 Chairman’s Report

Mr. Lapinski asked Mr. Kunkle to provide the board with an update on the Rate Subcommittee.

6.3 Plant Superintendent’s Report

Compost & Septage Operations Report

The following comments are as presented to the Board in the written report prepared by Andy Breon, Plant Superintendent.

<table>
<thead>
<tr>
<th>UNITS IN CU/YDS</th>
<th>FEB 2023</th>
<th>MAR 2023</th>
<th>APR 2023</th>
<th>MAY 2023</th>
<th>JUNE 2023</th>
<th>JULY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>PRODUCTION</td>
<td>718</td>
<td>840</td>
<td>655</td>
<td>758</td>
<td>575</td>
<td>803</td>
</tr>
<tr>
<td>YTD PRODUCTION</td>
<td>1611</td>
<td>2451</td>
<td>3106</td>
<td>3859</td>
<td>4434</td>
<td>5237</td>
</tr>
<tr>
<td>DISTRIBUTION</td>
<td>840</td>
<td>452</td>
<td>1150</td>
<td>557</td>
<td>805</td>
<td>423</td>
</tr>
<tr>
<td>YTD DISTRIBUTION</td>
<td>1955</td>
<td>2407</td>
<td>3557</td>
<td>4113</td>
<td>4918</td>
<td>5341</td>
</tr>
<tr>
<td>IMMEDIATE SALE</td>
<td>1491</td>
<td>1758</td>
<td>1448</td>
<td>1546</td>
<td>1494</td>
<td>1646</td>
</tr>
<tr>
<td>CURRENTLY IN STORAGE</td>
<td>2331</td>
<td>2598</td>
<td>2103</td>
<td>2299</td>
<td>2069</td>
<td>2449</td>
</tr>
</tbody>
</table>

SEPTAGE OPERATIONS

<table>
<thead>
<tr>
<th>LBS/SOLIDS</th>
<th>FEB 2023</th>
<th>MAR 2023</th>
<th>APR 2023</th>
<th>MAY 2023</th>
<th>JUNE 2023</th>
<th>JULY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>PORT MATILDA</td>
<td>433</td>
<td>2631</td>
<td>1237</td>
<td>1981</td>
<td>1843</td>
<td>1681</td>
</tr>
<tr>
<td>HUSTON TOWNSHIP</td>
<td>617</td>
<td>300</td>
<td>537</td>
<td>307</td>
<td>350</td>
<td>306</td>
</tr>
</tbody>
</table>

TOTAL GALLONS

<table>
<thead>
<tr>
<th>TOTAL GALLONS</th>
<th>FEB 2023</th>
<th>MAR 2023</th>
<th>APR 2023</th>
<th>MAY 2023</th>
<th>JUNE 2023</th>
<th>JULY 2023</th>
</tr>
</thead>
<tbody>
<tr>
<td>RESIDENTIAL/COMMERCIAL</td>
<td>5000</td>
<td>5200</td>
<td>138000</td>
<td>20100</td>
<td>10450</td>
<td>6950</td>
</tr>
<tr>
<td>PORT MATILDA</td>
<td>6500</td>
<td>17500</td>
<td>13000</td>
<td>19500</td>
<td>19500</td>
<td>19500</td>
</tr>
<tr>
<td>HUSTON TOWNSHIP</td>
<td>6000</td>
<td>6000</td>
<td>6000</td>
<td>8000</td>
<td>6000</td>
<td>8000</td>
</tr>
<tr>
<td>TOTAL GALLONS</td>
<td>17500</td>
<td>28700</td>
<td>32800</td>
<td>47600</td>
<td>35950</td>
<td>34450</td>
</tr>
</tbody>
</table>
Plant Operation

The treatment plant is operating well with no exceptions. The 12-month rolling average effluent flow for July was 3.58 MGD with the average for the month being 3.31 MGD. The average monthly influent flow was 4.56 MGD.

On-line treatment units: primary clarifiers #1, #2, and #6; aeration basins #1 and #2; secondary clarifiers #1, #3, and #4; and eight de-nitrification filters.

<table>
<thead>
<tr>
<th>Reuse Water Distribution Data</th>
<th>July 2023</th>
<th>Year to date gallons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Best Western Hotel</td>
<td>33,000</td>
<td>231,000</td>
</tr>
<tr>
<td>Centre Hills Golf</td>
<td>6,855,000</td>
<td>25,861,000</td>
</tr>
<tr>
<td>Stewart Drive</td>
<td>0</td>
<td>5,800</td>
</tr>
<tr>
<td>Collections Maintenance Garage</td>
<td>3,000</td>
<td>13,000</td>
</tr>
<tr>
<td>CINTAS</td>
<td>502,000</td>
<td>4,058,000</td>
</tr>
<tr>
<td>Red Line</td>
<td>223,000</td>
<td>3,126,000</td>
</tr>
<tr>
<td>Plant site</td>
<td>3,910,000</td>
<td>31,196,000</td>
</tr>
<tr>
<td>GDK Park vault</td>
<td>30,240,000</td>
<td>199,965,000</td>
</tr>
<tr>
<td>Kissinger’s Pond</td>
<td>0</td>
<td>8,122,000</td>
</tr>
<tr>
<td>Elks</td>
<td>880,000</td>
<td>6,404,000</td>
</tr>
<tr>
<td>Total Gallons</td>
<td>42,646,000</td>
<td>278,981,800</td>
</tr>
</tbody>
</table>

Plant effluent temperature monthly average: 67.4°
Wetland temperature monthly average: 70.9°

Plant Maintenance

- Repaired the suction piping for the Grit Chamber.
- Replaced the impellor in the Utility Water Pump.
- Replaced the diaphragms in Primary Pumps #5 and #7.
- Repaired field wiring for Aeration Train #3 tank mixers.
- Replaced the pressure reducing valve in the AWT Building utility water line.
- Replaced the chain in the Knight Mixer and hydraulic cylinder on Composter #1.
- Replaced the air-conditioning unit in the Dewatering Building office.

6.4 Collection Systems Superintendent’s Report

The following comments are as presented to the Board in the written report prepared by Daren Brown, Collection System Superintendent.

Mainline Maintenance:

New Laterals – 0
Mainline Cleaning – 0 ft cleaned/cut with root cutter
Mainline televising – 26,011 ft televised – 168 manholes inspected (11,000 ft of interceptor through the Mill Brook Marsh was done overnight)
Paving, concrete (curb and sidewalk) and restoration of yards is all complete on the North Oak project
Reset 2 casting (Blue Course Dr., Boro Dump)

**Lift Station Maintenance:**

Cleaned (15) wet wells  
Replaced E-One grinder pump at (116 Roundhill Rd)  
Replaced E-One grinder pump at (118 Forbes Field Rd)

**Next Month Projects:**

New lateral tap for Arize Bank (Benner Pike)  
New lateral tap for Geisinger addition (Grays Woods)  
Mainline replacement (South Barkway)  
Start East Hillside Project  
Casting adjustments for paving projects  
Continue televising mainline

**Inspection:**

(1) Canterbury Crossings Phase 3 and 4 – Complete  
(2) Aspen Heights - Complete

**Mainline Construction:**

a. Toftrees West (Mount Nittany Medical Center) 90% Complete

**New Connections:**

a. Single-Family Residential  3  
b. Multi-Family Residential  1  
c. Commercial  0  
d. Non-Residential  0  

**TOTAL**  4

PA One-Calls Responded to July 1 thru July 31, 2023: 323

**6.5 Consulting Engineer’s Report**

The following comments are as presented to the Board in the written report prepared by the Consulting Engineer.

**Retainer Services (001178.0693)**

- Reviewed alternative manhole lining products submitted by Developer’s Contractor.  
- Modeled system pressures and fire flow potential along Stewart Drive for a proposed development.

**Meeks Lane Pump Station – Act 537 Plan Special Study (R001178.0663)**

- Authority staff is reviewing the alternative pump station location near Waddle with Patton Township.

**Scott Road Pump Station and Bristol Interceptor (001178.0682)**
• The General Contractor is completing final punch list items.
• The Electrical Contractor is completing final punch list items.
• The following summarizes the applications for payment received this month.
  o 2021-03-AFP No.7 has been marked down from the amount requested since several punch list items have not been completed.

<table>
<thead>
<tr>
<th>Contract No.</th>
<th>Application for Payment No.</th>
<th>Amount Due</th>
<th>Current Contract Price</th>
<th>Total Completed and Stored</th>
<th>Balance to Finish Plus Retainage</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021-03</td>
<td>7</td>
<td>$20,250.00</td>
<td>$515,303.23</td>
<td>$515,303.23</td>
<td>$6,600.00</td>
</tr>
<tr>
<td>2021-04</td>
<td>12</td>
<td>$9,148.90</td>
<td>$262,972.92</td>
<td>$262,972.92</td>
<td>$15,300.00</td>
</tr>
</tbody>
</table>

• Both Contractors have submitted time extension requests. Justifying documentation is being compiled and reviewed. The Electrical Contractor has been slow to respond to requests for documentation.

Persia Pump Station Evaluation (P001178.0724)
• An existing conditions survey was completed for critical infrastructure.
• An EDU build-out and flow projection analysis is being completed based on the 2017 Centre Region Regional Development Capacity Report.
• A meeting is being scheduled with College Township to obtain additional information regarding other preliminary developments and plans.

Puddintown Interceptor Act 537 Special Study (P001178.0725)
• The Task Activity Report (TAR) for the study was prepared and submitted to the Centre Regional Planning Agency (CRPA) for distribution to the participating entities in accordance with the CRPA approval process. The TAR schedule is:
  o August 18, 2023 – comments from reviewing entities due to the CRPA
  o August 21, 2023 at 8:30 Millbrook Marsh Project Coordination meeting – discuss the Special Study process and preliminary comments on the TAR.
  o September 1, 2023 – UAJA response to comments due to the CRPA
  o September 7, 2023 – COG LUCI Committee meeting at 12:15 pm
  o September 7, 2023 – CRPC meeting at 7:00 pm
  o September 11, 2023 – Submission of TAR to DEP (pending approval at CRPC meeting)
• Field data was collected for the Puddintown Interceptor manholes. The hydraulic sewer model is being updated based on the acquired field data.
• The background sections of the study are being developed.

Developer Plan Reviews:
• There were no plan reviews this past month.

6.6 Construction Report
WWTP NPDES Permit – Phosphorus Study (094612027)
- Continuous in-stream monitoring of Spring Creek wrapped up at the end of October. We are compiling data for review with PA DEP.

Phosphorus Study Project Schedule

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete stream monitoring and compile data</td>
<td>November-December 2022</td>
</tr>
<tr>
<td>Review final data with PADEP</td>
<td>TBD Awaiting Feedback</td>
</tr>
<tr>
<td>Conduct High Temperature/Low Flow Monitoring if needed</td>
<td>TBD</td>
</tr>
</tbody>
</table>

Ozone Disinfection for Effluent (094612023)
- The General Contractor (PSI) is continuing with the process piping, including testing, inside the new Ozone Building. The last pieces of equipment are anticipated to be shipped at the end of August. The ozone equipment manufacturer will be on site at that time to begin checking and commissioning equipment.

<table>
<thead>
<tr>
<th>Contract Number</th>
<th>Application for Payment #</th>
<th>Current Payment Due</th>
<th>Contract Price to Date incl/CO</th>
<th>Total Work to Date</th>
<th>% Monetarily Complete</th>
<th>Balance of Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2021-05 GC</td>
<td>14</td>
<td>$86,849.00</td>
<td>$5,448,000.00</td>
<td>$4,828,020.00</td>
<td>88.62%</td>
<td>$861,381.00</td>
</tr>
<tr>
<td>2021-06 EC</td>
<td>8</td>
<td>$34,437.50</td>
<td>$350,000.00</td>
<td>$263,275.00</td>
<td>75.22%</td>
<td>$99,888.75</td>
</tr>
<tr>
<td>2021-07 MC</td>
<td>8</td>
<td>$16,027.93</td>
<td>$223,000.00</td>
<td>$215,881.50</td>
<td>96.81%</td>
<td>$17,912.58</td>
</tr>
<tr>
<td></td>
<td></td>
<td>$161,413.52</td>
<td>$6,021,000.00</td>
<td>$5,162,635.00</td>
<td>88.14%</td>
<td>$979,182.33</td>
</tr>
</tbody>
</table>

Contract 2021-05 (PSI) has submitted Application for Payment No.14 in the amount of $86,849.00. We recommend payment in the amount of $86,849.00. Contract 2021-06 (PSI) has submitted Application for Payment No. 8 in the amount of $34,437.50. We recommend payment in the amount of $34,437.50. Contract 2021-07 (McClure) has submitted Application for Payment No.8 in the amount of $16,027.93. We recommend payment in the amount of $16,027.93.

Ozone Disinfection for Effluent Project Schedule

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notice to Proceed Issued</td>
<td>12/27/2021</td>
</tr>
<tr>
<td>Substantial Completion</td>
<td>03/27/2023</td>
</tr>
<tr>
<td>Projected Substantial Completion Date (per Contractor)</td>
<td>10/10/2023</td>
</tr>
</tbody>
</table>

Anaerobic Digestion Project (094612026)
- Bid extension was issued via Addendum No. 04 issued July 27th. Bid opening is now scheduled for Wednesday, September 6th at 2:00 pm.
- We continue to address request for information/clarifications submitted by potential bidders.
- College Township Council has conditionally approved the land development plan.
- CFA has postponed their decision on grant awards until their September board meeting.

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Updated Biogas Term Sheets and Biosolids Agreements to Stakeholders</td>
<td>Week of December 12th</td>
</tr>
</tbody>
</table>
Modifications to GD Kissinger Meadow Stream Augmentation

- The Authority’s pending NPDES permit for the discharge of beneficial reuse water to Slab Cabin Run requires a series of modifications in control and monitoring. The changes will require modulation of the flows to the stream via SCADA, to avoid abrupt changes in stream flow. Additionally, we anticipate essentially a non-detect chlorine limit which will require de-chlorination prior to stream discharge. We are working with staff to design, permit, and implement these modifications.

6.7 Executive Director’s Report

None.

7. Other Business

None.

8. Adjournment

A motion was made by Mr. Miles, second by Mr. Auman, to adjourn the meeting at 5:06 pm. The motion was passed unanimously.

Respectfully submitted,

UNIVERSITY AREA JOINT AUTHORITY

_____________________________________________
Secretary/Assistant Secretary
EXECUTIVE DIRECTOR'S REPORT

September 20, 2023
INFORMATION ITEMS

State College Borough Delinquency

The unpaid balance for the State College Borough is $1,795,649.06. This amount includes penalties. The refusal to pay the full amount is very likely to cause another rate increase in 2024 for the other customers of UAJA to make up for the Borough delinquency.

Commonwealth Financing Authority

The Commonwealth Financing Authority once again delayed their meeting. The meeting was not cancelled, so the CFA could meet and announce H2OPA grant awards in the near future. The next scheduled meeting of the CFA is November 21st.

ACTION ITEMS

3. Public Comment

3.1 Other items not on the agenda

4. Old Business

4.1 Biosolids Project Bids

Bids were opened September 13, 2023. The bid tabulation is included in the agenda report. Bids are being reviewed, but as of this report the total construction cost for the four contracts is $72,984,426.00. This is subject to change. The costs have inflated because of the impact of the inflation reduction act and construction costs in general. RETTEW will discuss the bid results and present an update to the economic model for the project.

Recommendation: No action.

5. New Business

5.1 Requisitions

<table>
<thead>
<tr>
<th>BRIF #</th>
<th>Item Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>#807</td>
<td>APR Supply Aeration Tank Fittings</td>
<td>$793.94</td>
</tr>
<tr>
<td>#808</td>
<td>HRI, Inc. East Hillside Project</td>
<td>$9,724.26</td>
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<tr>
<td>#809</td>
<td>Auma Actuators Aeration System Upgrade</td>
<td>$384.41</td>
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<tr>
<td>#810</td>
<td>S &amp; C Operations N. Oak Lane &amp; East Hillside Projects</td>
<td>$19,338.75</td>
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<tr>
<td>BRIF #</td>
<td>Description</td>
<td>Amount</td>
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<tr>
<td>--------</td>
<td>------------------------------------</td>
<td>---------</td>
</tr>
<tr>
<td>#811</td>
<td>Centre Concrete Co.</td>
<td>$983.60</td>
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<tr>
<td></td>
<td>N. Oak Lane &amp; East Hillside Projects</td>
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<tr>
<td>#812</td>
<td>Glossner’s Concrete</td>
<td>$3,512.75</td>
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<tr>
<td></td>
<td>N. Oak Lane &amp; East Hillside Projects</td>
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<tr>
<td>#813</td>
<td>L/B Water</td>
<td>$33,739.95</td>
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<td></td>
<td>East Hillside Project</td>
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</tr>
<tr>
<td>#814</td>
<td>Rettew</td>
<td>$2,604.25</td>
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<tr>
<td></td>
<td>Phosphorus Study</td>
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<tr>
<td>#815</td>
<td>Best Line Equipment</td>
<td>$1,360.00</td>
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<td></td>
<td>East Hillside Project</td>
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<tr>
<td>#816</td>
<td>Ducken Tree Farm</td>
<td>$1,009.80</td>
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<tr>
<td></td>
<td>N. Oak Lane Project</td>
<td></td>
</tr>
<tr>
<td>#817</td>
<td>HRG</td>
<td>$1,927.50</td>
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<tr>
<td></td>
<td>Scott Road Project</td>
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<tr>
<td>#818</td>
<td>BVC Flooring</td>
<td>$4,207.00</td>
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<td></td>
<td>Office Upgrade</td>
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<tr>
<td>#819</td>
<td>Hajoca Corporation</td>
<td>$259.20</td>
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<tr>
<td></td>
<td>PVC Socket Caps</td>
<td></td>
</tr>
<tr>
<td>#820</td>
<td>Stitzer Crane Service</td>
<td>$400.40</td>
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<tr>
<td></td>
<td>Crane Rental</td>
<td></td>
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<tr>
<td>#821</td>
<td>Landia, Inc.</td>
<td>$4,126.00</td>
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<tr>
<td></td>
<td>Mixer Repair Parts</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL BRIF-**  $84,371.81

<table>
<thead>
<tr>
<th>Fund</th>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>#099</td>
<td>Rettew</td>
<td>$3,354.25</td>
</tr>
<tr>
<td></td>
<td>Ozone Disinfection Project</td>
<td></td>
</tr>
<tr>
<td>#100</td>
<td>Rettew</td>
<td>$21,924.36</td>
</tr>
<tr>
<td></td>
<td>Solids Drying Project</td>
<td></td>
</tr>
</tbody>
</table>

**TOTAL 2020 A CONSTRUCTION FUND-**  $25,278.61
Revenue Fund #200  Debt Service, Operation and Maintenance Expenses  $1,000,000.00

**TOTAL REVENUE FUND**  $1,000,000.00

6. **Reports of Officers**

7. **Other Business**

   Executive Session to discuss legal matters.

8. **Adjournment**
CATARIDE Fare Increase from $4.00 to $4.25 Effective Sunday, October 1st

The Centre Area Transportation Authority (CATA) announces effective date of CATARIDE fare increase from $4.00 to $4.25 which will go into effect on Sunday, October 1st, 2023.

The CATA board of directors approved an increase for CATARIDE fares in 2021 to take place over the next two fiscal years. This two-year increase was discussed in public hearings in the spring of 2021. Following those hearings, PennDOT approved the initial application for a 50 cent increase from $3.50 to $4.00 for FY 2021/22. At that time PennDOT requested that CATA submit a separate application for the subsequent 25 cent increase, which will take place Sunday, October 1st 2023.

There will be no changes to the current $2.20 CATAGO! or CATABUS fares.

For more information on CATARIDE services, please visit https://catabus.com/cataride/.

####

For more information, contact: Sara Romage
Release date: Septemeber 13, 2023
Phone: (814) 238-2282 ext. 5141
Date: September 13, 2023