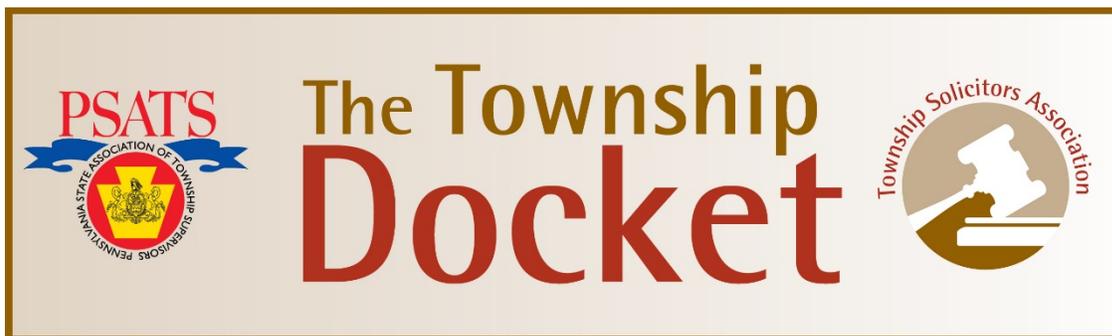


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January 19, 2021

Welcome to The Township Docket. This biweekly e-newsletter for members of the Pennsylvania State Association of Township Solicitors is intended to focus on news and matters of interest to solicitors, share case updates in a timely manner, and provide details about upcoming training opportunities. Email comments and suggestions to scoburn@psats.org.

Headlines

PSATS Hosting CLE on Municipal COVID-19 Vaccination Policies

On February 2 at noon, PSATS will be hosting a one-hour webinar titled "COVID-19 Vaccines: What Municipal Employers Need to Know." Attorneys from Eckert Seamans will present a focused discussion on the relevant factors municipal employers should consider when implementing vaccination policies.

The webinar is free for PSATS Webinar PowerPass holders (\$15 for CLE credit). For more information or to register, [click here](#).

OOR Offers Newsletter on Court Filings, Gets New Executive Director

The state Office of Open Records (OOR) recently announced that it will start sending a new email newsletter in March. The document, called "Court Filings Update," will include information about appeals from OOR and final determinations filed in the Courts of Common Pleas, the Commonwealth Court, and the state Supreme Court. This newsletter will be in addition to the OOR's current general email newsletter and "Daily Final Determinations Update." To subscribe to any or all the newsletters, [click here](#)

Also, Gov. Wolf announced on January 11 that Liz Gerloff Wagenseller will be appointed as executive director of the OOR. She was previously the chief of staff to the Pennsylvania auditor general and will replace Erik Arneson, whose term expired last week.

Attorneys May Earn 2021 CLE Credits Exclusively Through Distance Learning

The Pennsylvania Supreme Court recently announced that all 2021 CLE credits may be obtained through distance learning. Given that, be sure to take advantage of the many distance learning opportunities

offered by PSATS, including several of the webinars listed below.

Recent Decisions

Court Orders City Officials to Attend Sunshine Act Training

In *Mid-Mon Valley Publishing Co. LLC v. City of Monessen*, No. 581 of 2020 (Westmoreland C.C.P.), a judge ordered the mayor and council members of the City of Monessen to attend Sunshine Act training as a result of numerous Sunshine Act violations. The court found that there was “absolutely no opportunity for public comment” on numerous motions and there were “facially apparent violations of Section 710.1(a) of the Sunshine Act.” The court noted that the training was necessary because “further violations will only lead to both the disenfranchisement of the residents of the City and further costly litigation.”

According to the Office of Open Records, this is believed to be the first time that a Pennsylvania court has ordered such relief in a Sunshine Act dispute.

Township Denial of Liquor License Transfer to Weis Overturned

In *Weis Markets, Inc. v. Lancaster Twp.*, No. 54 C.D. 2020, 2021 WL 115945 (Pa.Cmwlt. Jan. 13, 2021), the Commonwealth Court overturned a township’s denial of an intergovernmental liquor license transfer to Weis Markets because the township’s justification – that it would adversely affect the health, peace and morals of the township and its residents – was supported by “no evidence of any adverse effect on the Township or its residents.” (emphasis in original) The court also reaffirmed its analysis in *Giant Food Stores, LLC v. Penn Twp.*, 167 A.3d 252 (Pa.Cmwlt. 2017), and held that the township’s decision was an abuse of discretion because the “legislature could not have intended to confer unfettered discretion on municipalities to deny intermunicipal license transfers.”

Upcoming Educational Offerings

Grid Scale Solar Energy – Ordinance Considerations for PA Townships/Counties – 1/21/21 Webinar

As solar energy leasing and solar array deployment increases across the state (some state officials predict 80K acres of panels before 2030), elected officials are looking at creating or updating ordinances to plan for an orderly energy transition involving renewables. Penn State Assistant Professor Mohamed Badissy, who has recently researched this issue in Pennsylvania and identified all the current ordinances in place, will offer a summary of his findings. This session will include what a model ordinance could look like and how the key aspects could be incorporated into other planned ordinance development efforts pending across Pennsylvania.

COVID-19 Vaccines: What Municipal Employers Need to Know – 2/2/21 Webinar (1 CLE)

In this webinar, Ryan J. Cassidy, Michael McAuliffe Miller, and Scott E. Blissman of Eckert Seamans’ Labor and Employment Group will present a focused discussion of the relevant factors that municipal

employers should consider when implementing vaccination policies, maintaining employee morale, handling enforcement issues, and managing accommodations requests. Topics to be addressed include ADA and religious accommodation requirements, current legal standards implicated by mandatory vaccine policies in the public sector, whether public employers can (or should) require employees to be vaccinated, how to handle employee refusals, and collective bargaining issues.

What's All the Noise about Noise Ordinances – 2/3/21 Webinar (1 CLE)

In this webinar, township supervisors, staff, and solicitors will receive sound information about the need for noise ordinances, hear about the startling current research on noise and its adverse effects on health, learn important distinctions between nuisance law and noise ordinances, and discuss ways to avoid the decibel level trap. Attendees will also learn tips on drafting a true, simple, and effective noise ordinance.

Home-Based Businesses: Is Your Township Ready for More? – 2/10/21 Webinar (1 CLE)

Home business activities and functions are considered a form of home-based businesses or occupations (HBBs) as defined, permitted, and regulated by most municipal zoning ordinances. In this webinar, representatives of Solicitors Association sponsor McNeese Wallace and Nurick, LLC, will explore opportunities and options for municipalities to proactively plan and zone for HBBs.

HR and Labor Relations in 2021 – Four New Things to Watch For – 2/23/21 Virtual Class (2 CLE)

In this virtual class, attorneys from Eckert Seamans will detail what to expect in human resources and labor relations in 2021, including work-from-home issues, employee stress and coping, compensation and bargaining, and general management issues.

Setting Up Stormwater Management Fees – 2/24/21 Webinar (1 CLE)

The uncertainties of 2020 have many municipalities thinking again about a fairly collected and reliable source of revenue to support even their basic stormwater activities. In this session, Steve Hann of Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, and Nathan Walker of Gannett Fleming, Inc., will discuss how a stormwater user fee, when properly established, can be a transparent, flexible, and equitable way for municipalities to set and achieve a long-term vision for water quality and flood control goals that meet the needs of their residents and businesses.

High Cube and Automated Warehouses: Are You Prepared? – 3/17/21 Webinar (1 CLE)

A new land use, the high cube or automated warehouse, is starting to pop up around Pennsylvania. These warehouses have a variety of forms, from “a warehouse on top of a warehouse” to largely robotic retrofits in an existing building, but in essence, they will have significant transportation, emergency management services, workforce, tax, and environmental implications, among other things. Because they come in a variety of forms — including new developments, site redevelopments and existing building additions, and retrofits — high cube and automated warehousing affect subdivision and land development, zoning, and/or building codes needs. The Lehigh Valley Planning Commission has drafted a series of

municipal considerations that its representatives will review with webinar attendees. This is a first-of-its-kind community guide in the nation to address this emerging form of development and its associated technology.

Spring Solicitors Seminar – 4/19/21 (5 CLE)

This seminar will cover a wide variety of emerging and important trends and issues vital to the practice of every municipal solicitor. Don't miss this opportunity to hear from experts and network with your peers from around the state.



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