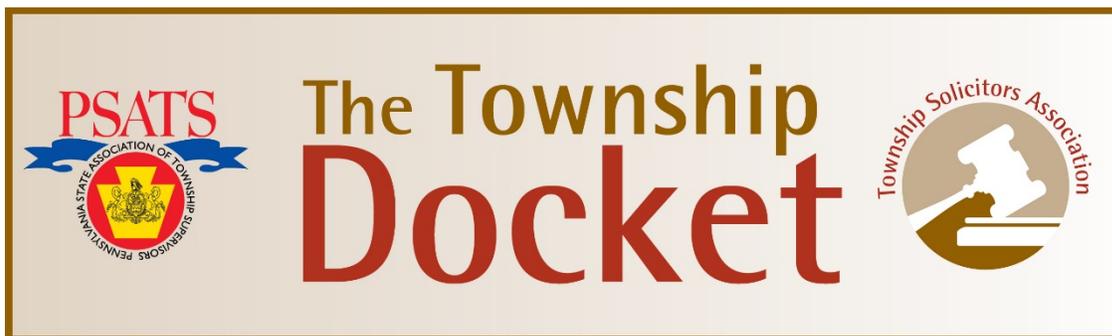


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January 4 , 2021



Welcome to The Township Docket. This biweekly enewsletter 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

Are You and Your Townships Ready for Today's Organization Meetings?

To assist with today's township organization meetings, PSATS has compiled a helpful checklist for townships to follow to ensure they complete all required items at their annual meetings. This checklist can be found [here](#) as well as on page 50 of the November 2020 issue of the Township News. Good luck!

Townships No Longer Required to Provide FFCRA Leave to Employees

The Families First Coronavirus Relief Act's requirement that townships provide paid leave to employees for certain COVID-related absences expired as of December 31, 2020. Private businesses that voluntarily provide this leave through March 31, 2021, will be eligible for continued tax credits.

EEOC Provides Guidance that Employers May Require Vaccines

On December 16, the Equal Employment Opportunity Commission confirmed that all employers are permitted to require that employees receive one of the vaccines approved by the Food and Drug Administration. Such a requirement may trigger issues under various laws, including the Americans with Disabilities Act. For more information on the EEOC's guidance, [click here](#).

Registration for 2021 PSATS Conference Opens January 12; Solicitors Seminar to be Held April 19

Anyone planning to attend PSATS' Annual Conference and Exhibit Show in Hershey from April 18-21 may register and reserve hotel rooms beginning at 9 a.m. on Tuesday, January 12.

Not only are we looking forward to our first conference in two years, but this is our **Centennial Celebration year** and we have many plans under way for that as well.

For more information about this year's registration process, [click here](#).

Also, mark your calendars for the PSATS Spring Solicitors Seminar, which will be held on Monday, April 19, from 9:30 a.m. to 3:30 p.m. To register, [click here](#).

PSATS Provides Information on Township Advertising Requirements

PSATS has compiled a reference guide on advertising requirements that townships must comply with, from annual budget inspection to zoning ordinance amendments. [Click here](#) to access this member service.

Recent Decisions

In *Uniontown Newspapers, Inc. v. Pennsylvania Dept. of Corrections*, ___ A.3d ___, 2020 WL 7502321 (Pa. Dec. 22, 2020), the Pennsylvania Supreme Court ruled that open records officers do not fulfill their duties under the Right-to-Know Law "simply by relying on the representations of others without inquiring as to what investigation was made and without reviewing the records upon which the individual responding to the request relied." Because the open records officer in this case relied on the representations of another agency employee, the Supreme Court upheld a finding of bad faith on the part of the agency.

The Supreme Court also upheld the Commonwealth Court's decision that Section 1304(a)(1) of the Right-to-Know Law "permit[s] recovery of attorney fees when the receiving agency determination is reversed, and it deprived a requester of access to records in bad faith."

Given that agency open records officers are not permitted to simply turn over a request to another agency employee to fulfill (or not), without more, PSATS recommends that solicitors review this decision with their township clients.

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.

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.

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.



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