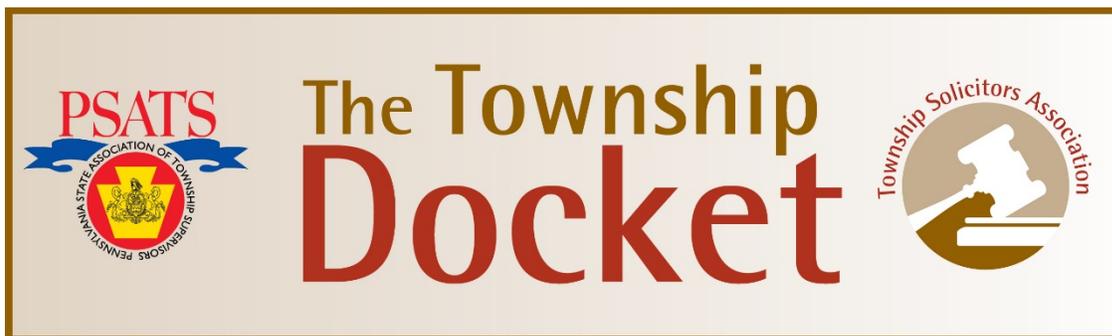


Click [here](#) if you are having trouble viewing this message.



November 23, 2020

Welcome to The Township Docket.

This biweekly enewsletter for members of the Pa. 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.

Feel free to let us know what you think of this new concept. Email comments and suggestions to scoburn@psats.org.



Headlines

Updated Mask Order Applies to Townships

The Department of Health confirmed on its FAQ webpage that the recent order requiring masks to be worn inside and outside (subject to certain exceptions) applies to local government facilities. One of the exceptions to the order, which took effect November 18, is when working alone in an office or cubicle. Given this change, it may be necessary for your township clients to update their operating policies. For a copy of the order, [click here](#).

Travel Restriction Order May Impact Townships During Holiday Season

In another order issued by Secretary of Health Rachel Levine, individuals must receive a negative COVID-19 test within 72 hours before entering the state or quarantine for 14 days upon arrival. The order, which took effect last Friday, is subject to exceptions, such as travel for work or medical treatment. Given the impact that this order may have on township operations during the holiday season, including the potential for paid leave under the Families First Coronavirus Response Act, make sure that your townships are prepared to address employee questions and make decisions while still ensuring appropriate levels of township operations.

PSATS Webinar PowerPass Available for Solicitors in 2021

The popular PSATS Webinar PowerPass, which makes the entire Wednesday Webinar series (plus select others) available for free for a one-time annual payment, will be offered to individual and firm members of the Solicitors Association in 2021. Nearly 25 of more than 60 Wednesday Webinars offered by PSATS in 2020 were eligible for CLE credits. The 2021 cost of the PowerPass will be \$89 and can be paid for when making your regular dues payment. (CLE credits are an additional fee.)

Access PSATS Town Hall on COVID-19 Personnel Management On Demand

Last Thursday, PSATS hosted a virtual Town Hall focused on addressing personnel issues caused by COVID-19. It is now available on demand for free and is eligible for 1 CLE (\$15 fee for CLE credit). To access, [click here](#).

Recent Decisions

Water Authority Complaint Bounced Due to Lack of Permission to Operate Outside Borders

The Commonwealth Court recently rejected a bid by a water authority to shut down an expansion project by a neighboring authority because it never received approval from the Public Utility Commission to operate outside its borders. For more information on *East Dunkard Water Authority v. Southwestern Pa. Water Authority*, [click here](#).

Court Rejects Characterization of Wawa Store as a ‘Take-Out Restaurant’

In *Hatboro Borough v. Buckingham Retail Properties, LLC*, No. 703 C.D. 2019, 2020 WL 6554871 (Pa.Cmwth. Nov. 9, 2020), the Commonwealth Court upheld an order finding that an ordinance was exclusionary because it did not permit a Wawa store with fuel pumps within the borough. It also found that a zoning hearing board’s characterization of the Wawa as a “take-out restaurant” was unreasonable because it ignored the retail sales of other items besides prepared food.

Mandamus Claim Fails Because Enforcement of Ordinances was Discretionary

In *Grabowsky v. Borough of Whitehall*, No. 99 C.D. 2020, 2020 WL 6573128 (Pa.Cmwth. Nov. 10, 2020), the court rejected a property owner’s mandamus claim because enforcement of the stormwater management and property maintenance ordinances that the property owner sought to have enforced was within the discretion of the borough. For more info, [click here](#).

Legislative/Regulatory News

OOR Hosts Annual Meeting

The Office of Records held a virtual annual meeting on November 18 during which it provided highlights on agency responses during the pandemic and final determinations and court decisions. To access the recording, [click here](#).

Upcoming Educational Offerings

Claims of Racism at Your Doorstep: What is a Township to Do? – 12/2 Webinar (1 CLE)

What happens when a claim of racism is made against your police department and the newspaper and TV reporters appear at your meeting? What should you do before such a claim is made, when a claim is made, and going forward? This webinar will leave you better prepared for what might appear at your township.

RTKL, Sunshine and Ethics, Oh My! – 12/8 Virtual Class (3 CLE, 1 Ethics)

This virtual class will provide best practices on how to more efficiently handle tricky (and common) Right-to-Know Law (RTKL) requests, ensure smooth and legal public meetings, including remote meetings, avoid tripping up township officials with conflicts of interest and other Ethics Act problems, and much more.

Employment Law Update: Things You May Have Missed During Quarantine – 12/10 Webinar (1 CLE)

This program will provide an overview of recent and upcoming developments in employment law. Whether your township has one employee or one hundred, the program will address lessons learned from 2020, proactive strategies to plan for changes in the law, and recommendations for new policies and practices in 2021.



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