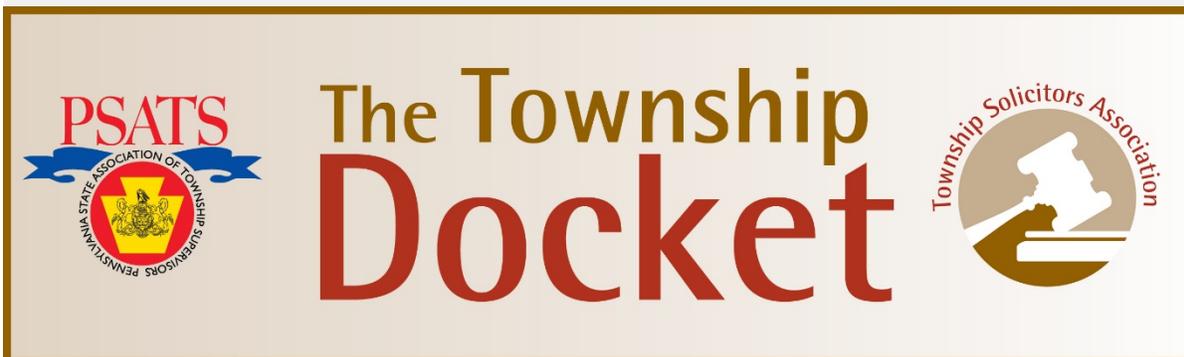


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Newsletter of the Pennsylvania State Association of Township Solicitors

April 12, 2021

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## Headlines

### **PSATS Virtual Spring Solicitors Seminar is Next Week!**

Join solicitors from around the commonwealth next Monday, April 19, from the comfort of your home or office for the PSATS Virtual Spring Solicitors Seminar. Topics include: 1) An Ounce of Prevention – Best Practices in Public Ethics Compliance and Internal Investigations; 2) Township Risk Management on Construction Projects; 3) Top Misconceptions about Public Sector HR/Labor Law; 4) Here Comes the Sun...and the Wind and Other Sources of Renewable Energy; and 5) Municipal Tort Liability – Is Your Township Prepared? The seminar is eligible for five CLE credits (one ethics). To register, click [here](#).

### **Townships on Their Own for EIT Extension Decisions**

Last Wednesday, DCED issued a letter about the April 15 deadline for filing and payment of local taxes. DCED stated that it lacks the legal authority to extend the statutory filing and payment deadline (unlike last year's authority provided through Act 10 of 2020) but stated that local governments "may wish to consult with their solicitors on whether and how they might explore alternatives to waive interest and/or penalties for local tax filings and payments that are made on or before May 17, 2021, which is the extension for filing federal and state taxes." To read the letter, click [here](#).

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## Recent Decisions

### **Court Quashes Appeal from Order that Township Lacked Authority to Require Reimbursement of PRD Consulting Fees Because All Claims Not Resolved**

In *Arcadia at Newtown Holdings, LP v. Township of Newtown*, 469 C.D. 2019, 2021 WL 1259423 (Pa.Cmwth. April 6, 2021), the Commonwealth Court quashed a township's appeal from an order declaring that the township lacked authority under the Municipalities Planning Code to require a developer to reimburse the township for the consulting fees the township incurred

when reviewing the developer's planned residential development application. Because the trial court did not dispose of the township's counterclaim that the developer owed it reasonable fees under a professional services agreement, but instead appointed a referee to determine the reasonableness of all charges due the township for its review, the order was interlocutory and not appealable.

### **Commonwealth Court Upholds Dismissal of Land Use Appeals for Failure to File Briefs Pursuant to Local Rule**

In *Kesarkar v. Birmingham Twp.*, No. 428 C.D. 2020, 2021 WL 1259426 (Pa.Cmwlt. April 6, 2021), the Commonwealth Court affirmed the dismissal of numerous land use appeals because of the appellants' failure to comply with the local rule and file supporting briefs before the trial court. This came after the appellants took action to challenge a preliminary/final minor subdivision plan application over a year after it was filed. The court rejected the appellants' argument that dismissal would violate Rule 5002(g) of the Pennsylvania Rules of Judicial Administration, which provides that no case shall be dismissed because of failure to initially comply with a local rule. The court found that the combination of the trial court's order scheduling argument on the motion to dismiss, the substance of the motion, and the length of time before the argument was scheduled "undoubtedly" put the appellants on notice that they had not abided by the local rule and gave them sufficient time to correct their mistake.

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## **Upcoming Educational Offerings**

### **[Cable Franchising 101 – 4/14/21 Webinar \(1 CLE\)](#)**

This webinar is designed for township officials who are not familiar with the intricacies of cable franchising. It is a primer for understanding municipal rights with respect to cable/internet companies. What are franchise fees and how are they calculated? Can we increase our franchise fee revenue? How can we get cable/internet service to unserved areas? Can we improve our broadband service through a franchise agreement? What is a PEG channel? We will address these and other important questions.

### **[Spring Solicitors Seminar – 4/19/21 Virtual Seminar \(5 CLE, 1 Ethics\)](#)**

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. Topics include risk management on construction projects, top misconceptions about public sector HR/labor law, and municipal tort liability.

### **[PAAZO Spring Virtual Educational Forum \(Zoning\) - 4/23 & 4/30 Virtual Seminar \(5 CLE\)](#)**

This two-day virtual program explores issues that zoning officers and planning and zoning officials face on a regular basis and discusses effective strategies to address them. Topics include 1) New Uses and Zoning Regulations – What We Learned From 2020; 2) Personal Delivery Devices – Is Your Township Prepared?; 3) How to Say "I Do" to Zoning for Event Barns (and Other Hard-to-Zone Uses); 4) Current Trends and Best Practices for Municipal Sign Regulation; and 5) Legal Update and Open Forum.



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This biweekly 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 Scott Coburn at [scoburn@psats.org](mailto:scoburn@psats.org).

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