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Newsletter of the Pennsylvania State Association of Township Solicitors

April 26, 2021

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## Headlines

### **PSATS Virtual Conference Workshops Start Today!**

Beginning today and running through May PSATS will be hosting more than 60 virtual versions of the workshops that would have been held in Hershey as part of PSATS' 2021 Annual Educational Conference. Thank you to the many members of the PSATS Solicitors Association who are participating as presenters and panelists. Approximately 20 of the workshops are eligible for CLE credits so they are a terrific way to knock out some of your 2021 CLE requirements. For a full list of conference workshops (or to purchase the Virtual Conference Workshop Pass), click [here](#).

### **DOL Issues Cybersecurity Guidance for Employee Benefit Plans**

The U.S. Department of Labor recently announced new guidance for employee benefit plan sponsors, fiduciaries, record keepers and participants to better maintain cybersecurity. While the guidance is directed toward those plans regulated under ERISA, solicitors are encouraged to work with their township clients and their retirement plan providers to ensure that they are up to speed on best practices to protect the security of their employees' retirement benefits. For more information, click [here](#).

### **PA Supreme Court to Decide Whether County Judge Can Handle Cases Brought by Son's Employer**

The Pennsylvania Supreme Court will be reviewing an administrative order from the president judge of the Erie County Court of Common Pleas that prohibits a county judge from handling matters brought by Lake Erie College of Osteopathic Medicine, where her son, an attorney, is the HR director. According to [goerie.com](#), the county judge argued that the order amounts to "improper public shaming and reprimand."

### **PA Use of Force Statute on Review**

Last Wednesday, the Pennsylvania Supreme Court agreed to hear an appeal in *Commonwealth v. Pownall*, No. 363 EAL 2020, where a Philadelphia police officer charged in the aftermath of a 2017 officer-involved shooting is challenging the constitutionality of the state's use of force statute (18 Pa.C.S. § 508(a)(1)(ii)).

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## Recent Decisions

### **Municipal Employee Caught Dealing Drugs at Home Ineligible for UC Benefits**

In *Masters v. Unemployment Compensation Bd. of Review*, No. 314 C.D. 2020, 2021 WL 1529306 (Pa.Cmwlth. April 19, 2021), the Commonwealth Court upheld the denial of unemployment compensation benefits to a municipal employee who was terminated after being arrested for dealing drugs out of his home. The employee argued that he was entitled to benefits because the drug dealing was off-duty conduct. The court found that because the municipality had a work rule that prohibited certain off-duty conduct and was relying on that rule, it did not need to show that the employee's performance was impacted by the off-duty conduct.

### **Township's Reliance on Repealer Language to Incorporate New Requirements in Existing Ordinances Fails**

In *Green Acres One, LLC v. Halfmoon Twp.*, No. 336 C.D. 2020, 2021 WL 1561373 (Pa.Cmwlth. April 21, 2021), the court reversed a trial court order and found that repealer language in the ordinance upon which a township relied to deny an application for a preliminary subdivision plan and sewer planning module did not incorporate changes into the township's existing land use ordinances. For more, click [here](#).

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## Upcoming Educational Offerings

### **[Right-To-Know Law Update: The Second Decade – 4/27 Virtual Workshop \(1 CLE\)](#)**

This session will explore significant Right-to-Know Law decisions in the last year from both the courts and the Pennsylvania Office of Open Records. The presenters will also review legislative changes that affect your open records procedures and public record determinations.

### **[Free Speech Can be Costly – 4/27 Virtual Workshop \(1 CLE\)](#)**

We live in a "call-out" culture, and when employees post controversial, politically charged, or even racist or sexist statements or images, employers feel the pressure. This session explores how townships can balance an employee's right to free speech with its need to prevent disruption and unrest in the workplace. The presenters will examine recent court cases and share real-world actions that townships can take when investigating and assessing public complaints about employee speech.

### **[Land Use and Zoning Law Update – 4/28 Virtual Workshop \(1 CLE\)](#)**

Attend this session to learn about significant land use and zoning cases in Pennsylvania and changes and developments in related laws. The presenters will discuss how these cases and laws impact municipalities and their planners. Topics will include variances, special exceptions and conditional uses, and spot zoning.

### **[Common Sources of Municipal Liability and Risk Management – 4/30 Virtual Workshop \(1 CLE\)](#)**

Admittedly, this is a boring title for an important topic! If you attend this session, however, you will walk away with a holistic understanding of municipal liability and the history of claims, the impact of COVID-19, and basic insurance terms and concepts. You will also know exactly what to do once a claim is filed.

### **[Development Disasters and How to Defend Against Them – 4/30 Virtual](#)**

### **Workshop (1 CLE)**

Vacant, failed, or fledgling development projects can create a myriad of issues for townships, including poor maintenance, incomplete infrastructure, stormwater management impacts, and declining property values in the surrounding community. This session will explore how an approved, compliant land development can fail and what townships can do to protect themselves.

### **New Uses & Zoning Regulations: What We Learned from 2020 – 5/5 Virtual Workshop (1 CLE)**

2020 forced many changes in our lives, but with change comes creativity and innovative ideas. This workshop will encourage participants to consider new uses that have evolved and their impact on townships. The presenters will discuss such trends as zombie kitchens, man caves and she-sheds, emotional support animals, DAS/small cells, short-term rentals, temporary uses, and distribution centers. They will also offer advice on zoning ordinance updates to address these new uses.

### **Collection Strategies in Times of Crisis – 5/6 Virtual Workshop (1 CLE)**

In challenging times, townships face a double-sided challenge: They need to collect revenues for operations while knowing that some residents are struggling financially. Townships, therefore, must understand their legal options when collecting delinquent accounts in times of crisis. Strategies will be discussed that allow townships to work with struggling residents while still bringing in revenue from those who are able to pay.



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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).



Pennsylvania State Association of Township Supervisors

David M. Sanko, Executive Director

4855 Woodland Drive

Enola, PA 17025

