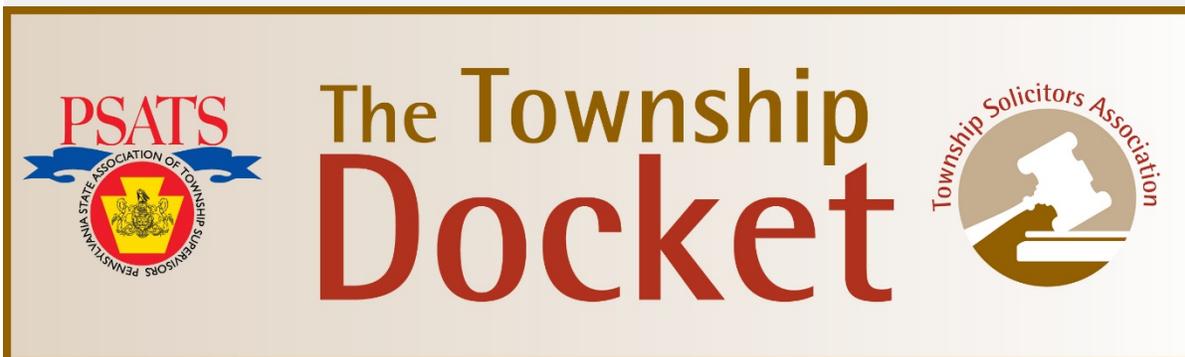


Click [here](#) to view this email in your browser.



Newsletter of the Pennsylvania State Association of Township Solicitors

May 10, 2021

Headlines

All Mitigation Orders Except Masking to Be Lifted May 31 ... Act 15 Still in Effect

With Gov. Wolf's recent announcement about the planned lifting of all COVID-19 mitigation orders except masking later this month, some townships and solicitors have inquired as to what that means for their public meetings. Gov. Wolf's Proclamation of Disaster Emergency remains in effect, which allows those townships that are currently conducting virtual public meetings pursuant to Act 15 of 2020 to continue to do so. Once the proclamation expires, the virtual meeting provisions in Act 15 will likewise expire.

Time to Make the Switch: Changes in .gov Domain Announced

In a recent edition of its public sector blog, McNees Wallace & Nurick, the sponsor of the Township Solicitors Association, reported that now is a good time for municipalities to switch to using the .gov domain name for email and websites.

The federal Cybersecurity and Infrastructure Security Agency (CISA) recently announced that it has successfully taken over the administration of the .gov top-level domain in accordance with the DOTGOV Act. As part of its takeover, CISA is eliminating the \$400 annual fee previously assessed for use of a .gov domain name (a fee that is much higher than the normal annual fee for domain names).

Given that .gov domain names will now be free, solicitors may wish to encourage their municipal clients, especially those without dedicated domain names, to make the switch.

No Fines for Statements of Financial Interest Filed by June 1

In case you missed it . . . the State Ethics Commission has announced that it will not take enforcement action against anyone who submits their statements of financial interest by June 1. The commission made that determination due to the impacts of the COVID-19 pandemic.

Upcoming Opportunities for Speaking Engagements before PSATS Members

PSATS will host numerous in-person events around the state, both for solicitors and regular members, this summer and fall. If you are interested in making a presentation, please contact

Scott Coburn at scoburn@psats.org.

Articles Wanted!

PSATS is looking for solicitors to draft articles for inclusion in upcoming issues of the *Pennsylvania Township News* magazine, which is distributed monthly to townships across the state. Articles can be of various lengths and on any municipal-related topic. If interested or to find out more, contact Editor Ginni Linn at glinn@psats.org or 717-763-0930, ext. 127.

Recent Decisions

DUI Sentencing Statute Thrown Out by Supreme Court

In *Commonwealth v. Eid*, ___ A.3d ___, 2021 WL 1683279 (Pa.Cmwlth. April 29, 2021), the Pennsylvania Supreme Court upheld the conviction but vacated the sentence of someone who refused a warrantless breath test after being stopped while driving under a suspended license because the sentencing statute (75 Pa.C.S. § 1543(b)(1.1)(i)) fails to specify a maximum term and was therefore unconstitutionally vague.

The court confirmed the U.S. Supreme Court's prior holding in *Birchfield v. North Dakota*, 136 S.Ct. 2160 (2016), that warrantless breath tests are "significantly less intrusive than blood tests" and may be administered as a search incident to a lawful arrest for drunk driving. As for the sentencing requirements, the court found that the statute requires a minimum of 90 days for driving with a suspended license and refusing a breath test, but that for it to "infer a maximum term here 'would force us to engage in sheer speculation as to which sentence the General Assembly intended.'" Therefore, the court left it "to the General Assembly to remedy this impediment, if it so chooses, either by amending the statute to provide for a maximum term of imprisonment or by expressly permitting flat sentencing within a range not to exceed that maximum sentence."

Zoning Ordinance Invalidated Due to Insufficient Ad Notice

In *Yannacone v. Lewis Twp. Bd. of Supervisors*, No. 856 C.D. 2020, 2021 WL 1714218 (Pa.Cmwlth. April 30, 2021), the court affirmed the grant of summary judgment in favor of a township resident on the basis that the township failed to comply with the advertising requirements in Section 610(a) of the Municipalities Planning Code.

The advertisement for the 150-page ordinance stated that it was "amending comprehensive zoning within the township, repealing inconsistent ordinances and providing for an effective date" and included that the full text of the ordinance was available for public inspection at the township building. The court stated that it was "perplexed as to how the above-quoted Notice can be considered as containing 'the title and a brief summary....setting forth all the provisions in reasonable detail'" as required by Section 610.

Legislative & Policy

Right-to-Know Law Reform Bills Before Senate

The Pennsylvania Senate is currently considering two Right-to-Know Law bills: 1) SB 312, which would allow townships to charge a reasonable fee for commercial requests, and 2) SB 552, which would allow townships to petition the Office of Open Records for relief from “vexatious requesters,” which are those who use the Right-to-Know Law to intimidate, harass, or punish an agency, leading to wasted taxpayer resources.

House Passes Special Permit Bill

Last week, the House unanimously passed HB 765, which would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to prohibit PennDOT from requiring municipalities to indemnify it when a third party with a special-event permit has already provided indemnification to PennDOT. HB 765 is now awaiting committee assignment in the Senate. PSATS supports HB 765.

Upcoming Educational Offerings

[Claims of Racism at Your Doorstep: What is a Township to Do? - 5/11 Virtual Conference Workshop \(1 CLE\)](#)

What happens when a claim of racism is made against your township’s police department and reporters start camping out at your meetings? The answer: Be prepared. Attend this session to learn how to take a proactive response to allegations of racism, including what to do before and after a claim is made and how to prepare for the future.

[That Day You DIDN’T Make National Headlines! Creating Effective Police Policies - 5/14 Virtual Conference Workshop \(1 CLE\)](#)

Today, the actions of police are often viewed through a “social justice” lens as protesters pressure elected leaders to make changes AFTER an incident becomes national news. So, what can you do upfront to minimize the chances that your township will be front-page news? The presenters will explain how understanding current law, implementing good personnel practices and policies, and providing direction and leadership can help mitigate these problems.

[2021 Employment and Labor Law Potpourri - 5/19 Virtual Conference Workshop \(1 CLE\)](#)

This session will update township officials on recent changes in employment and labor laws, regulations, and court decisions. Topics will include the Fair Labor Standards Act, the Affordable Care Act, collective bargaining, employment discrimination and harassment, and more.

[Labor Contract Negotiation and Arbitration in the New Normal - 5/19 Virtual Conference Workshop \(1 CLE\)](#)

This session explores workforce options for townships that are facing decreased revenues from the COVID-19 pandemic. The panel of experts will address personnel issues and strategies, including rolling furloughs, reduced work weeks, and contract givebacks. They will also explain how townships can realize long-term savings by proactively evaluating their collective bargaining agreements.

[Case Studies in Code Enforcement - 5/20 Virtual Conference Workshop \(1 CLE\)](#)

Using case studies, the presenters will discuss the proper enforcement of municipal codes,

including nuisance ordinances and property maintenance and building codes. Participants will also learn about options available to deal with noncompliant properties and how to recognize those that require legal action.

[Social Media: The New Public Forum - 5/26 Virtual Conference Workshop \(1 CLE\)](#)

Attend this session to learn more about the newest public forum, social media. The presenters will cover a number of concerns for local leaders, including navigating the First Amendment, the Right-to-Know Law, and record retention requirements.

[Successful Collective Bargaining with Municipal Employees - 5/26 Virtual Conference Workshop \(1 CLE\)](#)

It is essential for solicitors to understand the Act 111 and Act 195 collective bargaining and interest arbitration process. The presenters will review critical skills, including how to negotiate and communicate your goals appropriately. Participants will walk away with practical advice on getting the most out of these processes.

[Navigating the Minefield of Employee Medical Leaves of Absence - 5/26 Virtual Conference Workshop \(1 CLE\)](#)

Many public employers have difficulty navigating the legal minefield surrounding employees who have medical issues that require time away from work. This workshop will explain the rules of the road in an easy-to-understand manner and provide practical, real-world advice on how to get these issues right every time. Participants will leave knowing how to confidently handle such situations in the future.

[Employment Disasters in Social Media - 5/27 Virtual Conference Workshop \(1 CLE\)](#)

From the White House to the local police station, examples abound of officials and employees who have used social media in good and bad ways. This session will address recent social media disasters and how townships can avoid them.



Comments and suggestions about this biweekly newsletter for members of the Pennsylvania State Association of Township Solicitors can be emailed to Scott Coburn at scoburn@psats.org.



Pennsylvania State Association of Township Supervisors

David M. Sanko, Executive Director

4855 Woodland Drive
Enola, PA 17025

