

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



Newsletter of the Pennsylvania State Association of Township Solicitors

August 2, 2021

Headlines

Deadline to Apply for American Rescue Plan Funds TODAY!

Today is the deadline for townships to apply to DCED for their share of the federal American Rescue Plan dollars. Townships that fail to apply by August 2 will lose ALL their funds. All funds that are declined or unclaimed will be reallocated (based on population) to municipalities with less than 50,000 people that have applied. Please reach out to your township clients today to make sure that they have completed their applications.

Registration Opens Today for PSATS Centennial Celebration Dinner

PSATS will be celebrating its 100th anniversary with a celebratory reception and dinner at the Hershey Lodge on October 14. Registration for the event opened today at psats100.mypli.org. Please consider joining PSATS and your township clients there! For more information, [click here](#).

Recent Decisions

Supreme Court Confirms Longer Deadline for Filing Firefighter Cancer Claims

The Pennsylvania Supreme Court recently ruled in *City of Johnstown v. Workers' Compensation Appeal Bd.*, ___ A.3d ___, 2021 WL 3070753 (Pa. July 21, 2021), that the time for filing a firefighter cancer claim under Section 108(r) of the Workers' Compensation Act is governed solely by Section 301(f), which permits claims made within 600 weeks after the last date of employment in the occupation that exposed the claimant to the condition. The Supreme Court rejected the City of Johnstown's argument that claimants must satisfy the requirements of both Section 301(f) and Section 301(c)(2), which provides that death or disability must occur within 300 weeks of the claimant's last date of employment.

Time Spent Waiting to Undergo and Undergoing Security Screening is 'Hours

Worked'

The Pennsylvania Supreme Court held in *In re Amazon.com, Inc., Fulfillment Center Fair Labor Standards Act (FLSA) and Wage and Hour Litigation*, ___ A.3d ___, 2021 WL 3059773 (Pa. July 21, 2021), that time spent on an employer's premises waiting to undergo or undergoing mandatory security screening constitutes "hours worked" under the Pennsylvania Minimum Wage Act (PMWA). The court found that Section 231.1 of the Pennsylvania Code, part of PMWA's implementing regulations, "specifically designates all 'time during which an employee is required by the employer to be on the premises of the employer' as compensable hours worked, regardless of whether the employee is actually performing job-related duties while on the premises." (emphasis in original). The court also found that there was no de minimis exception to the "PMWA's irreducible requirements."

[Click here](#) for a more detailed analysis of the decision prepared by McNeese Wallace & Nurick, the sponsor of the PSATS Township Solicitors Association.

Court Rejects 'Drive-By' Investigation Claim, Upholds Township Enforcement Notice

In *Granny N Pops, LLC v. East Lampeter Twp. Zoning Hearing Bd.*, No. 287 C.D. 2020, 2021 WL 3012174 (Pa.Cmwlth. July 16, 2021), the Commonwealth Court rejected an argument that a zoning officer's "drive-by" investigation was insufficient and upheld an enforcement notice issued to property owners for constructing two apartment units in an accessory building without zoning approval.

The property owners contended that the zoning hearing board failed to present substantial evidence to establish the zoning violation because the zoning officer conducted no investigation other than a "drive-by" of the property and the accessory structure was more than 150 feet from the road and behind the primary structure and thus had no witness with personal knowledge of the interior of the structure.

The court found that the testimony of the assistant zoning officer — he spoke with the resident who confirmed the existence of the units, performed a drive by inspection, and observed improvements and cars parked in front of the structure — was sufficient to support the enforcement notice. The court also noted that the property owners, when submitting a request for a special exception after receiving the enforcement notice, stated that the use had existed for several decades.

Legislative & Policy

PSATS Fact Sheet Details New 24-Hour Agenda Posting Requirement

As a reminder, beginning August 29, Act 65 of 2021 will require all township boards and commissions to post agendas on a website, if they have one, and at the township building and meeting place at least 24 hours before the meeting. Action items may still be added to the agenda at the meeting by majority vote after first stating the reason for the change. An amended agenda will need to be posted on the website, if the township has one, and at the township building and meeting place on the first business day after the meeting. [Click here](#) for a new PSATS fact sheet with the details.

Upcoming Educational Offerings

[PSATS Regional Forums \(In-Person\) - Various dates and various CLEs](#)

These Regional Forums will be PSATS' first major return to in-person educational events and will offer a variety of CLE opportunities. The next three will take place on August 5 in Williamsport, Lycoming County, August 17 in Grantville, Dauphin County, and August 24 in Canonsburg, Washington County. For more information go to <https://www.psats.org/psats-regional-forums/>.

[Best Practices for 'Quality of Life' Enforcement – 9/8 Webinar \(1 CLE\)](#)

This session will cover a variety of common "quality of life" matters for townships, including managing short-term rental issues, fireworks, and numerous property maintenance challenges and will leave you with best practices to better position your township to be proactive.

[2021 PSATS HR & Labor Management Institute – 9/23-9/24/21 \(8 CLE\)](#)

This 1.5-day class is a must-attend for anyone who has responsibility for HR and personnel management in their township.

[2021 Solicitors Fall Seminar \(West\) - 9/28 \(5 CLE\)](#)

[2021 Solicitors Fall Seminar \(Central\) - 10/7 \(5 CLE\)](#)

[2021 Pennsylvania Association of Zoning Officials Seminar \(Central\) - 10/19 \(5 CLE\)](#)

Topics will include zoning for controversial uses and intergovernmental cooperation for city, town, suburban and rural zoning, and solar farms (full agenda not finalized).

[2021 Pennsylvania Association of Zoning Officials Seminar \(West\) - 10/21 \(5 CLE\)](#)

Topics will include intergovernmental cooperation in city, town, suburban, and regional zoning (full agenda not finalized).

[2021 Solicitors Fall Seminar \(East\) - 11/4 \(5 CLE\)](#)

[2021 Pennsylvania Association of Zoning Officials Seminar \(East\) - 11/9 \(5 CLE\)](#)

Topics will include effective enforcement of municipal code and zoning violations, must-have checklists for zoning hearing board meetings, and intergovernmental cooperation in city, town, suburban and regional zoning (full agenda not finalized).



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.



Pennsylvania State Association of Township Supervisors

David M. Sanko, Executive Director

4855 Woodland Drive
Enola, PA 17025

