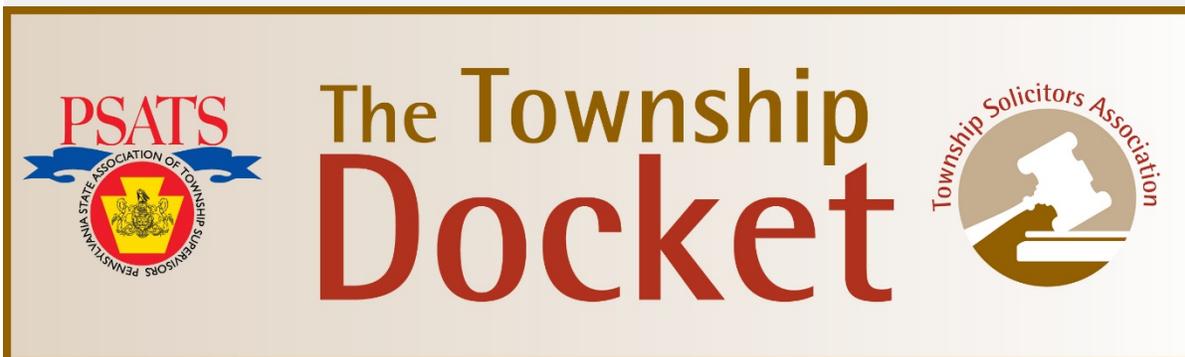


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Newsletter of the Pennsylvania State Association of Township Solicitors

August 30, 2021

Headlines

Deadline for 2022 PSATS Conference Workshop Proposals This Friday

PSATS will be accepting proposals to present workshops at the 2022 PSATS Annual Conference through this Friday, September 3 (yes, it is almost September!). Workshops can be 30, 70, or 140 minutes long and can focus on anything that would be beneficial for municipal officials and employees. We would love to see a strong contingent of Solicitors Association members participate. To access the RFP link, [click here](#).

Agendas for PSATS Fall Solicitors Seminars in Western & Central PA Set

On September 28 and October 7, come join your colleagues from the West and Central regions for PSATS' Fall Solicitors Seminars and earn five CLE credits.

The **West Solicitors Seminar** will be held on Tuesday, September 28, in Cranberry Township, Butler County, and will feature the following topics: 1) Municipal Regulation of 5G Wireless Facilities in the Wake of New PA Act 50; 2) Recent Trends in Municipal Health, Safety, and Welfare Legislation; 3) Our Board is Divided – What Now?; 4) Police Personnel Management: Navigating the Rules of Act 57 and 59; and 5) Legal & Legislative Update. For more information or to register, [click here](#).

The **Central Solicitors Seminar** will be held at PSATS on Thursday, October 7, and the topics will include: 1) Municipal Legal Update Game Show; 2) Townships, Social Media, and the First Amendment; 3) Signs, Spot Zoning, and Short-Term Rentals; and 4) Legal & Legislative Update. The final topic will be confirmed shortly. [Click here](#) to register.

Finally, there will be an East Solicitors Seminar held in Exton, Chester County, on Thursday, November 4. That agenda will be finalized by the next edition of the Township Docket.

Reminder: Townships Required to Post Agendas 24 Hours Before Meetings

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. In addition, 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 PSATS fact sheet on

the new rule.

Recent Decisions

ZHB's Failure to Determine Meaning of 'Arcade Game' Leaves Township with Loss

In *786KTZ, LLC v. Zoning Hearing Bd. of Lancaster Twp.*, No. 883 C.D. 2020, 2021 WL 3720112 (Pa. Cmwlth. Aug. 23, 2021), the Commonwealth Court affirmed a trial court decision that reversed a zoning hearing board (ZHB) order because the board failed to consider the usual and customary definition of "arcade game."

The township issued a notice of violation to the owner of a convenience store that contained four Pace-O-Matic machines. The machines are like Pennsylvania Lottery machines but are not regulated by the state and are considered games of skill.

The ZHB denied the owner's appeal and found that while the township zoning ordinance does not contain a definition of "arcade games," it did have a definition for an "amusement arcade." The ZHB determined that the zoning ordinance "sought to include games of skill as a game that would be found in an arcade, and therefore not permitted in a convenience store."

On appeal the township argued that the ZHB appropriately used the definition of "amusement arcade" and determined the machines were arcade games under the ordinance. The Commonwealth Court disagreed. It found that the ZHB used the examples contained in the definition of "amusement arcade" as the definition for the undefined term, "arcade game," when what it should have done was attempt to determine the usual and ordinary meaning of the term.

Upcoming Educational Offerings

[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.

[Overtime and Other Employee Pay Issues – 9/15 Webinar \(1 CLE\)](#)

This webinar will cover a variety of employee pay-related issues, including which of your township employees are eligible for overtime pay, when employees must be paid for on-the-clock and off-the-clock work, how to calculate overtime pay, and the differences between state and federal laws governing overtime pay.

[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 – Three Dates & Locations \(5 CLE\)](#)

PSATS will be holding three in-person Solicitors Seminars this fall. Register at the links below:

[West – Courtyard Marriott, Cranberry Township, Butler County - 9/28 \(5 CLE\)](#)

[Central - PSATS, Cumberland County - 10/7 \(5 CLE\)](#)

[East - Holiday Inn, Lansdale-Hatfield, Montgomery County - 11/4 \(5 CLE\)](#)

[Everything You Need to Know about Township Vacancies – 9/29 Webinar](#)

In this webinar, we will discuss all the tricky issues that arise when a vacancy occurs on a township board of supervisors, including accepting letters of resignations (or having letters of resignation withdrawn), calculating the timing of required actions, and the process for convening the vacancy board. It will also highlight ways to make the process of filling vacancies as smooth as possible and provide best practices for conducting interviews with potential candidates.

[Hot Topics in Planning: Storefront Vacancies, Recovery & Multifamily Impacts – 10/13 Webinar](#)

In this webinar, representatives of the Montgomery County Planning Commission will cover several new and emerging areas in the planning world and their efforts to address them. They will review the impacts the COVID-19 pandemic has had on commercial environments and how those impacts might continue. They will also share suggestions on what municipalities and developers are doing or could do in the future to address the pandemic's impacts on their commercial areas. In addition, they will address the uptick in the number of multi-family residential developments that have been proposed or are in development and review new research on the impacts of multifamily housing and how the COVID-19 pandemic impacts this residential segment.

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

Topics will include zoning for controversial uses; best practices for “quality of life” enforcement; intergovernmental cooperation for city, town, suburban, and rural zoning; solar farms; and a legal and legislative update.

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

Topics will include municipal regulation of 5G wireless facilities; intergovernmental cooperation in city, town, suburban, and regional zoning; and a legal and legislative update (full agenda not finalized).

[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. You can access past

newsletters under the “Newsroom” tab when you are signed in at psats.org. Email comments and suggestions to Scott Coburn at scoburn@psats.org.



Pennsylvania State Association of Township Supervisors

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