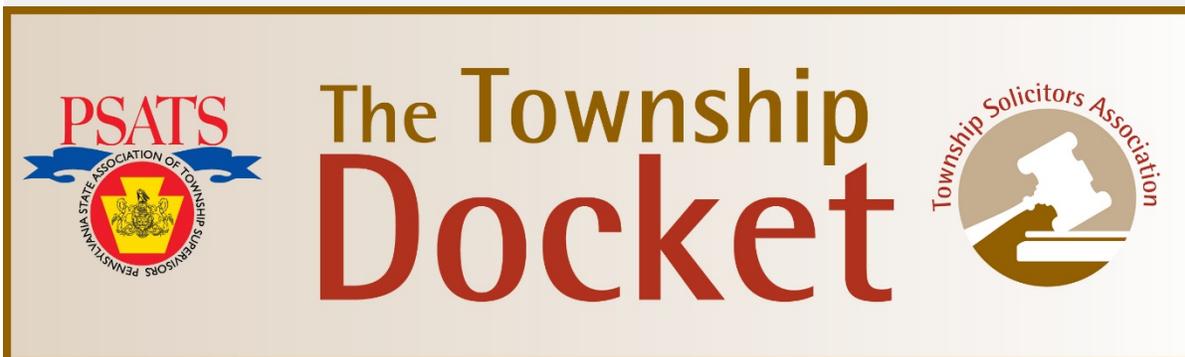


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## Newsletter of the Pennsylvania State Association of Township Solicitors

September 13, 2021

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### Headlines

#### Upcoming PSATS Solicitors Seminars Going Virtual

The Solicitors Seminars scheduled for September 28, October 7, and November 4 are being moved to a virtual classroom setting. The agendas and times will remain the same. If you are already registered, you will not need to do anything further; PSATS will transfer your registration and send you a link to access the event. For those not yet registered, you can click on the links in the "Upcoming Educational Offerings" section below. We hope to see you there!

#### Damage from Ida? Coordinate with Your Counties

The Pennsylvania Emergency Management Agency (PEMA) is asking townships to make assessments of public infrastructure damaged by Tropical Depression Ida from August 31-September 5. PEMA will be determining if the commonwealth and eligible entities can qualify for FEMA grants to allow for reimbursement for eligible expenses. Please touch base with your township clients and encourage them to contact their county emergency management agencies with any questions.

#### Recording Available from PSATS Town Hall on Public Meeting Agendas

If you are interested in learning more about the recent changes to Pennsylvania's Sunshine Act, [click here](#) to access the recording from last Wednesday's PSATS Town Hall.

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### Recent Decisions

#### City Library Steps Contractor Liable for Post-Completion/Acceptance Conditions

In *Brown v. City of Oil City*, \_\_\_ A.3d \_\_\_, 2021 WL 3887906 (Pa.Cmwth. Sept. 1, 2021), the Commonwealth Court confirmed that contractors can be liable to third persons who are injured by an artificial condition of the land created by the contractor after the work has been accepted and completed.

In this case, an individual slipped and fell on the steps of the Oil City Library and suffered fatal injuries. Her executor sued the city and others and alleged poor construction or maintenance of the library steps. The allegations included that Oil City notified its contractor of defects in the steps after a reconstruction project was completed but did not warn the public of those defects. The contractor filed a motion for summary judgment in which it argued that it had no liability to the decedent because it was a non-possessory contractor. The trial court granted the motion.

The Commonwealth Court reversed. It held that Section 385 of the Restatement (Second) of Torts extends contractor liability to third persons injured by artificial conditions on land created by the contractor after the work has been completed and accepted by the possessor. It found that Section 385 does not state that the artificial condition must be latent for liability to attach to the contractor. "Otherwise, the possessor cannot hold the contractor liable in negligence," the court said. It also held that while the fact that Oil City was aware of the defective nature of the library steps and may relieve the contractor from liability to Oil City as the possessor, it is "irrelevant" to the contractor's liability to "others."

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## Upcoming Educational Offerings

### [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.

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

Topics will include: 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.

### [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.

### [Perils of the Digital World: An Employer's Guide to Dealing with Data Breaches – 10/6 Webinar](#)

Data breaches are seemingly constantly reported in the news. Not only are municipal governments not immune, they are prime targets. In this webinar, learn about the most common ways that employers suffer from data breaches and the best practices to put your township in a position to avoid breaches and know how to respond in the event that a breach occurs.

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

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.

**[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; legal and legislative update; and signs, spot zoning, and short term-rentals.

**[How to Use Your Solicitor Efficiently and Effectively – 10/20 Webinar](#)**

This session will highlight real-life experiences and ideas that the presenters have implemented with their municipal clients and leave you with practical advice that you can implement to maximize your municipality's legal budget.

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

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

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

Agenda not yet finalized – stay tuned.

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

Topics will include navigating municipal ethical and legal gray areas; effective enforcement of municipal code and zoning violations; must-have checklists for zoning hearing board meetings; intergovernmental cooperation in city, town, suburban, and regional zoning; and zoning for controversial uses.



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](mailto:scoburn@psats.org).

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Pennsylvania State Association of Township Supervisors

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