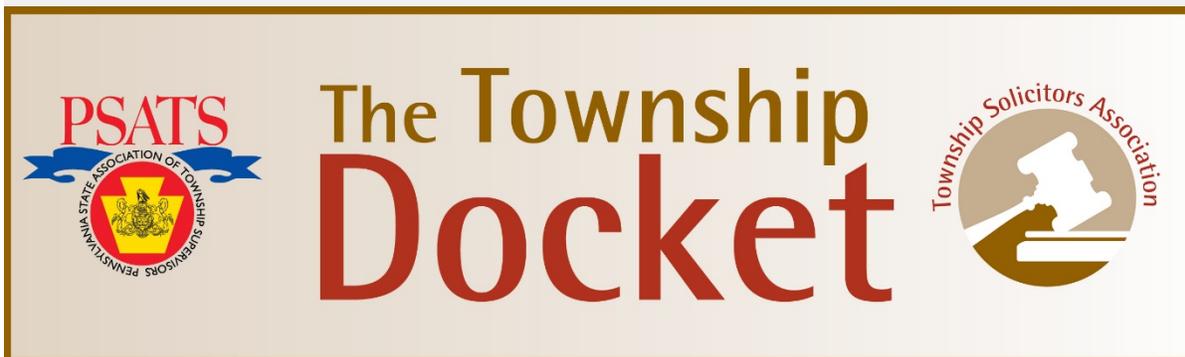


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## Newsletter of the Pennsylvania State Association of Township Solicitors

November 8, 2021

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### Headlines

#### **PSATS Boot Camps Coming Up**

If your township clients have newly elected supervisors or veteran supervisors or other employees looking for a refresher on their roles and responsibilities, please encourage them to sign up for the PSATS Boot Camp, which will be held at 15 locations around the state from December through March. These are an excellent way for elected and appointed officials to get off on the right foot in their township positions. For more information, go to [learn.psats.org](http://learn.psats.org).

#### **PA Medical Marijuana Act Requires 'But For' Causation for Discrimination Claim**

In the latest post on its Labor & Employment Blog, the Township Solicitors Association sponsor, McNeese Wallace & Nurick, discusses a recent decision out of the Eastern District of Pennsylvania — *Reynolds v. Willert Mfg. Co., Inc.*, No. 5:21-CV-01208, 2021 WL 4860759 (E.D.Pa. Oct. 19, 2021) — in which the court ruled that employees must demonstrate that but for their status as a certified medical marijuana cardholder, they would not have suffered adverse employment action. For more information about this decision and its impact, [click here](#).

#### **Commonwealth Court Provides Guidance on Planned Residential Developments**

As planned residential developments become more popular as a zoning classification, there is little legal precedent in Pennsylvania for how to address them. In this [article](#), Alan Shuckrow and Alexis Wheeler of Strassburger McKenna discuss the Commonwealth Court's decision in *Gouwens v. Indiana Twp. Bd. of Supervisors*, \_\_\_ A.3d \_\_\_, 2021 WL 4075406 (Pa.Cwmlth. July 8, 2021).

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### Recent Decisions

**Recent Ethics Commission Order Highlights What Can Go Wrong if**

## **Incorrectly Conducting Family Hires**

The State Ethics Commission ruled in Order No. 1794 (*In re Schneider*, Docket No. 20-017) that a township police chief violated the Ethics Act in connection with his role in hiring his son as a patrolman with the township's police department. After reaching a consent agreement, the commission ordered the police chief to pay more than \$3,000 in penalties.

The chief's son had been unsuccessful in a prior bid to gain employment with the township; at that time, the chief did not have a role in the hiring process. After becoming chief, he reached out to the unsuccessful candidates, including his son, and inquired as to their interest in reapplying. The only interested candidate was the chief's son, who provided the only application the township received. The chief interviewed his son, conducted his background investigation, and recommended his hiring. On the solicitor's recommendation, the board conducted a second interview with the chief's son because of the concern for bias. He was later hired.

At a time when township boards may have changed following last week's municipal election and boards will be considering employment changes in early 2022, this ruling serves as an important reminder that township officials and employees should be aware of their obligations under the Ethics Act. To read the Ethics Commission's full adjudication and order, [click here](#).

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## **Legislative Update**

### **Senate Bill Would Prohibit Municipalities from Restricting Access to Energy Sources**

On October 27, the Pennsylvania Senate passed SB 275, which would prohibit municipalities from restricting access to any energy source. The bill clarifies that it does not affect municipal land use authority under the Municipalities Planning Code or a municipality's ability to take steps to reduce greenhouse gas emissions from municipal facilities and operations. It now moves to the House for consideration.

In addition, the Pennsylvania House of Representatives recently reported several bills of interest to townships out of committee, including:

- SB 208, which would amend the Municipalities Planning Code to confirm that municipalities may not require developers to post a bond of more than 110% of the costs of improvements.
- HB 1877, which would create the Municipal Boundary Change Act to standardize provisions among the various municipal codes dealing with boundary changes (but not mergers and consolidations). The proposed law would allow municipalities to adjust boundaries or resolve boundary disputes by agreement.

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## **Upcoming Educational Offerings**

### **[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.

**[Preparing for an Audit of ARPA Expenditures: What to Do Now – 11/22 Webinar \(1 CLE\)](#)**

This webinar is designed to address the potential audit of township expenditures of ARPA funds by the federal government. Ryan Gonder and Tim Horstmann of McNees Wallace & Nurick will review the process, the most recent guidance and/or regulations that townships and the federal government will be following, what township need to do to prepare for a potential audit, and other timely advice as practicable.



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](http://psats.org). Email comments and suggestions to Scott Coburn at [scoburn@psats.org](mailto:scoburn@psats.org).



Pennsylvania State Association of Township Supervisors

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