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## Newsletter of the Pennsylvania State Association of Township Solicitors

May 23, 2022

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### Headlines

#### **'Summer School' for Solicitors Set for June 23**

On June 23, PSATS will be hosting a Summer Solicitors Seminar (*eligible for 3.5 substantive CLEs*) in Cranberry Township, Butler County. Topics will include zoning enforcement issues, municipal wireless and broadband, solar projects, and a recent case update. Tee times have also been reserved at Cranberry Highlands Golf Course in the afternoon for those interested. To register, click here: [2022 PSATS Summer Solicitors Seminar](#).

#### **Bridge Tolling Plan Comes to a Screeching Halt**

Last Wednesday, Judge Ellen Ceisler issued a temporary injunction against PennDOT's plan to toll numerous bridges around the state, including spans on I-83 in central Pennsylvania and I-79 in western Pennsylvania. Several municipalities and counties filed separate lawsuits to stop the tolling, arguing that the project did not comply with the Public-Private Partnership law.

#### **Like to Teach? PSATS Wants You!**

PSATS will be hosting its 2022 Regional Forums in Erie, Lancaster, Cranberry Township/Butler, Gettysburg, State College, Plymouth Meeting, the Lehigh Valley, and Poconos this summer and fall. It will also be hosting seminars for zoning officials and is seeking presenters for all these training opportunities. Keep in mind that speakers receive double CLE credits. If you or your colleagues are interested in presenting at one or more of these events, contact Scott Coburn at [scoburn@psats.org](mailto:scoburn@psats.org).

#### **Deadline Approaching for Act 13 Grant Applications**

Please remind your township clients that they have until May 31 to submit applications for grants in one or more of the following Act 13 programs: abandoned mine drainage, water quality, flood mitigation, greenways, trails and rec programs, well plugging, sewage facilities, and watershed restoration.

#### **Got Space? Let Us Know**

PSATS is looking for facilities that are suitable for classes of at least 15-20 people. If your firm or any of your township clients have space, contact Kathy Kronicz at [kkronicz@psats.org](mailto:kkronicz@psats.org).

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## Recent Decisions

### **Failure to Timely Provide Documents after Final Determination Provides Grounds for Bad Faith**

In *McFalls v. Municipality of Norristown*, No. 737 C.D. 2021, 2022 WL 1553720 (Pa.Cmwlth. May 17, 2022), the court ruled that an unexcused failure to produce records until after the Office of Open Records' production deadline may constitute bad faith worthy of sanction under Section 1305(a) of the Right-to-Know Law. To read more, click here:

[The Office of Open Records (OOR) ordered the municipality to produce records related to its policies on the custody and care of prisoners and restraint procedures for combative prisoners, certification and training of officers, and use of force policies. Neither the requester nor the municipality appealed, and more than 30 days later, the municipality provided the responsive documents.

The court held that the municipality's failure to timely produce records may be sanctionable and stated that an *in camera* review may be appropriate to determine whether the redactions made by the municipality to the produced documents were unauthorized and in bad faith. The court vacated an order granting summary judgment to the municipality and remanded for a determination on whether a civil penalty under Section 1305(a) was warranted. The court also noted that the requester's motivation requesting records has no bearing on the decision of whether sanctions should be imposed.]

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## Upcoming Educational Offerings

### **[A Handbook for the Effective Administration of State and Local Broadband Programs - 6/22/22 Webinar](#)**

This webinar will help guide local governments at all levels to develop comprehensive strategies for building high-speed broadband networks in areas where they do not yet exist and help residents subscribe to broadband where it does exist while maintaining public confidence by spending funds wisely and optimally.

### **[2022 PSATS Summer Solicitors Seminar - Cranberry Township, Butler County - 6/23/22 Seminar \(3.5 CLE\)](#)**

During the Summer Solicitors Seminar, you will hear from experts on a range of important topics, including zoning enforcement issues, municipal wireless and broadband, solar, and a recent case update. Note: For those interested, there will be a golf/networking opportunity following the seminar.

### **[Engaging the Public - Agendas, Minutes, Public Comment & RTKL Requests - 6/28 Virtual Class \(1.5 CLE\)](#)**

This virtual class will cover a series of common, but challenging, issues that township administrators face when working with and responding to members of the public and media and highlight ways to effectively address them.

For example, we will review how much detail you are required (and should not) include in your agendas and minutes, how to best reflect public comment, and tips to make the entire process easier for you and your board members. We will also address challenging residents during the public comment period and how your township boards can respond to them to ensure the

continuation of a productive meeting. As for the Right-to-Know Law, we will cover hot topics, ways to streamline your response process to limit headaches, and more. The class also explores other public engagement issues and challenges. There will also be an opportunity for attendees to share their own tips and tricks.

**[2022 MS4 Stormwater Ordinance Updates - 6/28 Webinar \(1 CLE\)](#)**

If your township has a NPDES MS4 permit, you are required to update your stormwater ordinance for consistency with DEP's 2022 Model Stormwater Management Ordinance. This presentation will review the updates required and considerations for improving your stormwater ordinance and streamlining the process. MS4s with general permits must adopt the updated ordinance and submit it to DEP with an Annual MS4 Status Report by September 30, 2022.



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](mailto:scoburn@psats.org).



**Pennsylvania State Association of Township Supervisors**  
David M. Sanko, Executive Director  
4855 Woodland Drive  
Enola, PA 17025