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Newsletter of the Township Engineers Association

August 2022

Latest News

Interested in Presenting a Workshop at the 2023 PSATS Educational Conference?

PSATS recently issued its request for proposals for workshop presentations to be made at the 2023 Educational Conference & Exhibit Show, which will be held April 23-26, 2023, at the Hershey Lodge in Hershey. Workshops will be held the afternoons of April 24 and 25 on a wide variety of topics, including all aspects of township administration, planning and zoning, public safety and emergency management, and public works.

Every year, nearly 4,000 elected and appointed township officials and employees, municipal service providers, and others register to attend this event, which also includes the largest municipal exhibit show in Pennsylvania. **Interested parties must submit workshop proposals to PSATS by September 12, 2022, through the following link: [Conference Workshop RFP](#).** All applicants will be notified by November 28, 2022, whether their proposals have been accepted. If you have any questions about the conference workshop RFP process, please contact Scott Coburn at 717-763-0930, ext. 171, or scoburn@psats.org.

Additionally, PSATS invites engineering firms to exhibit at the conference from noon Sunday, April 23, until 1:30 p.m. Tuesday, April 25. Exhibitor sign-up will open at 9 a.m. January 10, 2023. Registration materials for this Exhibit Show will be sent out in early December.

Applications for RACP Now Being Accepted

The state Office of the Budget is now accepting applications for the latest round of the Redevelopment Assistance Capital Program (RACP). Applications are due August 19. RACP grants support the acquisition and construction of regional economic, cultural, civic, recreational, and historical improvement projects. These projects, which require a 50% local match, are authorized in the Capital Budget and must have a regional or multi-jurisdictional impact and generate substantial increases or maintain current levels of employment, tax revenues, or other

measures of economic activity. [Click here](#) to learn more.

Click [HERE](#) for step-by-step instructions for completing the required online submission process. The [RACP application search page](#) also provides access to all e-RACP applications submitted during current and past funding round windows, beginning with the 2022 funding round.

DEP Designing New Mine Reclamation Projects

The state Department of Environmental Protection has begun work to design new mine land reclamation and mine drainage treatment projects to be funded by the \$297.9 million the department expects to receive for projects in federal fiscal year 2022 from the federal Bipartisan Infrastructure Law. These initial funds are a small piece of the nearly \$4 billion Pennsylvania expects to receive over the next 15 years to address contamination and pollution caused by its coal mining legacy.

The department's focus for these funds are to:

- 1) Reclaim mine land hazards or eliminate or reduce acid mine drainage (AMD) sources, such as coal refuse piles that generate AMD and sources of acidic sediment runoff into streams;
- 2) Fund operation and maintenance of critical passive treatment systems; and
- 3) Launch a new grant program for local groups to submit AML and AMD projects for funding.

USGS Publishes Notification of Intent to Update Streamgage Datums

Over the next year, the U.S. Geological Survey's Pennsylvania Water Science Center will be updating the geodetic vertical elevations for its network of streamgages to the current datum of North American Vertical Datum of 1988 (NAVD88). Prior to a change in geodetic vertical elevation (gage datum) at a streamgage, USGS will provide a 90-day notification to users of the data.

Current and accurate geodetic vertical elevations provide a universally based datum that benefits federal, state, and local agencies, along with engineers, academics, and others that use water-level information. These updates are also part of preparations for a future transition to the North American-Pacific Geopotential Datum of 2022 (NAPGD2022). This update in geodetic vertical datum does not affect the location of the streamgage nor the observed local gage height (stage) or discharge recorded at the streamgage. A list of streamgages with upcoming datum changes can be found [HERE](#). This table will be updated monthly. For more information on the streamgage datum conversion process, contact Marla Stuckey at mstuckey@usgs.gov.

Legal Update

Supreme Court to Review Validity of Township Gun Range Ordinance

In *Barris v. Stroud Twp.*, the Pennsylvania Supreme Court will be considering the constitutionality of a township ordinance that permits shooting ranges in only two zoning districts. The Commonwealth Court previously ruled that the township had not justified why an outright ban in other zoning districts was necessary, but that municipalities could impose requirements on shooting ranges such as minimum lot sizes, setbacks, and safety requirements. [Click here](#) to read more.

Supreme Court to Decide Zoning Dispute Over Construction of Medical Center

The Pennsylvania Supreme Court has agreed to hear an appeal from a residents group challenging a decision of the Commonwealth Court that a zoning hearing board "erroneously delved into broader concerns beyond whether the zoning officer properly concluded that the proposed use was allowed" by the zoning ordinance when it ruled that a zoning officer could not issue a use permit for a medical center. To review the issues before the Supreme Court in *AUUE, Inc. v. Borough of Jefferson Hills ZHB*, No. 328 WAL 2021, [click here](#).

Legislative Report

Following are a veto, a resolution, and new acts affecting townships that were recently approved by the General Assembly and signed by the governor.

Veto

Restrictions on utility services prohibited

Veto 9 of 2022/SB 275

Major provisions:

- Would have prohibited municipalities from restricting access to any energy source.
- Would have clarified that the bill did not affect municipal land use authority under the Pennsylvania Municipalities Planning Code or a municipality's ability to take steps to reduce greenhouse gas emissions from municipal facilities and operations.

Date of veto: July 11, 2022.

Resolution

Recycling study

SR 285/PN 1801

Major provision:

- Directs the Joint State Government Commission to assess and analyze Pennsylvania's recycling infrastructure and operations, review recycling investment strategies adopted by other states, including public-private partnerships and industry-managed product collection strategies, and recommend legislative changes.

Status: Adopted by the Senate.

Acts

Underground storage tanks

Act 34 of 2022/HB 1780

Major provision:

- Amends the Storage Tank and Spill Prevention Act to extend the sunset dates for the Underground Storage Tank Environmental Cleanup Program and the Underground Storage Tank Pollution Prevention Program from June 30, 2022, to December 31, 2027.

Effective date: July 7, 2022.

Updating assessment records and boundary change procedures

Act 41 of 2022/SB 477

Major provisions:

- Clarifies that improvements to real property, other than painting or normal repairs, valued at more than \$4,000 (*to be adjusted annually*) must be reported by the property owner on a county improvement certificate if a building permit is not required and creates penalties for failure to file.
- Defines "normal regular repairs" as the repair or replacement of materials or components of property features for the purpose of maintenance and the replacement of existing property features with new versions reasonably similar in function, quality, material, and dimension.
- Defines "property features" as roofing, siding, flooring, heating and air conditioning systems, and windows.
- Authorizes the county assessment office to accept electronic submissions of building or demolition permits from municipalities and third-party agencies. (*Note: Municipalities*

and third-party agencies that issue building or demolition permits are currently required to forward a copy of these permits to the county assessment office each month to update property assessment records for tax purposes.)

- Creates a legal process to compel a third-party agency or municipality to submit building and demolition permits.
- Establishes the Municipal Boundary Change Act to consolidate and standardize municipal code provisions that deal with boundary change but not mergers or consolidations.
- Allows municipalities to adjust a municipal boundary or settle a dispute over an unclear boundary by agreement.
- Creates a judicial procedure for determining disputed boundaries that cannot be resolved by agreement of the impacted municipalities.
- Repeals Sections 301-307 of the Second Class Township Code.

Effective date: September 6, 2022.

Property assessed clean energy improvements

Act 43 of 2022/SB 635

Major provisions:

- Amends the Pennsylvania Commercial Property Assessed Clean Energy Program (C-PACE) to include multifamily commercial buildings with at least five units and indoor air improvements (*such as ventilation*) and resiliency improvements (*such as flood mitigation and backup power generation*) as eligible projects.
- Clarifies that the collection of delinquent installments must follow either the Real Estate Tax Sale Law or the Municipal Claim and Tax Lien Law.
- Clarifies that funds may not be used for any owner-occupied residential unit, including condominiums.

Effective date: September 6, 2022.

Fiscal Code

Act 54 of 2022/HB 1421

Major provisions:

- Provides for the implementation of the 2022-2023 commonwealth budget, including appropriations of the state's share of the American Rescue Plan funds and creation of new grant programs.
- Allocates \$214.4 million to the Commonwealth Financing Authority for grants to municipalities and municipal authorities through the H2O Programs for drinking water, sanitary sewer, and storm sewer projects.
- Allocates \$105.6 million to the Commonwealth Financing Authority for the Small Water and Sewer Program, which provides grants for small sewer, storm sewer, and flood control projects.
- Directs the state Department of Conservation and Natural Resources to provide \$25 million in grants of \$50,000 to \$5 million for greenways, recreational trails, open space, natural areas, watersheds, community parks, and other natural resource projects.
- Allocates \$220 million to the Clean Streams Fund to be used as follows:
 - 70% to the State Conservation Commission to implement a new Agriculture Conservation Assistance Program;
 - 10% to PENNVEST to implement a new Clean Water Procurement Program;
 - 10% to the Nutrient Management Fund;
 - 4% to the state Department of Environmental Protection for grants to

- o municipalities for developing stormwater management plans;
 - o 4% to the Keystone Tree Restricted Account; and
 - o 2% to the Acid Mine Drainage Abatement and Treatment Fund.
- Appropriates funds to the Office of the State Fire Commissioner for a statewide recruitment and retention coordinator and regional technical advisors to develop and implement recruitment and retention training programs and provide technical assistance to local governments and fire organizations.

Note: This act addresses several PSATS resolutions.

Effective date: July 11, 2022.

Floodplain management

Act 65 of 2022/HB 1598

Major provisions:

- Amends the Flood Plain Management Act to complete the transfer of administration and oversight of the program from the state Department of Community and Economic Development (DCED) to the Pennsylvania Emergency Management Agency (PEMA).
- Includes review and approval of municipal flood plain management ordinances.
- Completes the transfer of responsibilities to PEMA that was incorporated into the Administrative Code in 2021.

Effective date: September 9, 2022.

Road bonding

Act 91 of 2022/SB 1171

Major provisions:

- Amends Title 75 of the Pennsylvania Consolidated Statutes (*Vehicle Code*) to exempt government-owned vehicles and vehicles of local government contractors that are providing material for road construction or maintenance from bonding requirements on commonwealth-owned highways provided that a bill of lading, shipping order, or service order or other document indicating the site address and purpose of the trip is provided.
- Extends the existing road bonding exemption for loggers traveling to a permanent processing mill located or reachable only through posted roads until December 31, 2028.
- Allows garbage, municipal waste, waste, refuse, or rubbish in a tightly compacted and baled form to be transported if covered over all exposed areas by a woven bag to prevent materials from escaping.
- Allows commercial implements of husbandry not exceeding 12 feet wide to be driven between sunrise and sunset on a freeway (*not including an interstate or the Pennsylvania Turnpike*), provided it meets the requirements in the act, such as it is capable of traveling at 40 mph, is driven for less than 30 miles, and has flashing or revolving yellow lights.

Note: Act 91 fulfills a PSATS resolution by exempting municipal vehicles from state weight limits.

Effective date: September 9, 2022.

Upcoming Educational Opportunities *(many PDH eligible)*

Calling All Subject Matter Experts!

PSATS continues to host numerous in-person and virtual educational events targeted at both

township engineers and municipal officials as detailed below. If you are interested in sharing your expertise for an in-person or virtual presentation on any topic of interest to our audience, please contact Education Director Scott Coburn at scoburn@psats.org.

Virtual Classes

[Engineers Fall 2022 Virtual Seminar – October 27, 2022](#)

Register now to attend our virtual, full-day fall educational event eligible for six PDHs! If you are interested in making a virtual presentation at this event, please send an email with the proposed title and description of your presentation to engineers@psats.org by August 31, 2022.

In-Person Classes

PSATS 2022 Stormwater Conferences

Do you have municipal clients whose stormwater management program needs some help? Do they have problems complying with their current MS4 permit? Are they wanting to know more about the next MS4 permit? Are they interested in learning the latest best practices for stormwater management? If you answered “Yes” to any of these questions, then you (and they!) will want to attend the “2022 PSATS Stormwater Conference” nearest you!

Want to attend? Click on the appropriate link below to register for your preferred location.

Want to present? If you have a “Stormwater/MS4 Great Idea” you would like to share with others at these events, click [HERE](#) to submit a workshop proposal.

Want to sponsor? If you or your company want to be a sponsor of these events, click [HERE](#) for sponsorship package information.

Attending the “2022 PSATS Stormwater Conference” will up everyone’s stormwater game! Make sure you register early to reserve your spot to learn cost-effective ways to improve compliance with your MS4 NPDES permit and state-of-the-art practices for improving your overall stormwater management program from the best in the business. Click on the link below to register for the location nearest you. And note that we are offering the “Policy” track and “Technical” track on separate days at the PSATS Education Center if you are inclined to attend both tracks:

- [October 20 – Policy Track / DoubleTree Convention Center, Monroeville \(Allegheny County\)](#)
- [October 20 – Technical Track / DoubleTree Convention Center, Monroeville \(Allegheny County\)](#)
- [November 2 – Policy Track / PSATS Education Center, Enola, \(Cumberland County\)](#)
- [November 3 – Technical Track / PSATS Education Center, Enola, \(Cumberland County\)](#)
- [November 17 – Policy Track / DoubleTree Suites, Plymouth Meeting \(Montgomery County\)](#)
- [November 17 – Technical Track / DoubleTree Suites, Plymouth Meeting \(Montgomery County\)](#)

Each event starts at 9 a.m. and concludes by 3:15 p.m. **Register before October 1, 2022, to get the “early bird” discount fee of \$150;** after that, registration is \$175 per person. Registration includes lunch, breaks, certificate of attendance, and all workshop presentation materials. If you are a consulting engineer or a member of a municipal stormwater operations staff, select the “Technical” track; if you have managerial and administrative stormwater responsibilities, select the “Policy” track.

Not yet ready for the advanced Stormwater Conference?
Attend our new “Stormwater 101” class first!

This half-day, in-person introductory class will educate any newly elected or appointed supervisor or employee who needs to know the basics of municipal stormwater management, including the effects of stormwater runoff, the impact of new development and redevelopment in a municipality, and best practices that a municipality can implement to efficiently manage stormwater without breaking the budget. This course is intended as a primer for elected officials, managers, secretaries, and others who want a fundamental understanding of stormwater management.

Attending this class will better prepare anyone new to stormwater management to take full advantage of our upcoming PSATS 2022 Stormwater Conference as shown above. To register for this introductory stormwater class, click on the link to your preferred date below:

- [August 4 @ Montgomery County \(1-3:30 p.m.\)](#)
- [August 12 @ Clearfield County \(9-11:30 a.m.\)](#)
- [August 19 @ Lackawanna County \(9-11:30 a.m.\)](#)

[The Role Of The Planning Commission - York County - 9/14/22](#)

In this class, you will learn the integral role that the planning commission plays in the short- and long-term development of the township and the quality of life of its residents. We will cover how much authority planning commissions have (and do not have) under the Municipalities Planning Code and township ordinances, the development of comprehensive plans, the interplay between planning commissions and township staffs and boards, compliance with the Sunshine Act, and much more. We will also discuss best practices for the internal management of your planning commission.

SAVE THE DATE! Spring 2023 Engineers Seminar – April 24 & 25, 2023

Save these dates for our in-person Spring 2023 Engineers Seminar at the Hershey Lodge. We already have several very compelling presentations lined up that will be of interest to any consulting engineer who has municipal clients with MS4s or roads.

Register for Fall Certified Zoning Officer Training

For engineering firms that have employees that provide zoning officer or building code services to municipalities, PSATS will be hosting the “PA Association of Zoning Officials (PAAZO) Fall Forums” around the state as follows:

- [September 13 at PSATS in Cumberland County](#)
- [October 13 at the Holiday Inn Landsdale in Montgomery County](#)
- [November 17 at the Hilton Garden Inn Pittsburgh/Cranberry in Butler County](#)

Attendance at these events provides five continuing education credits for those who are [Certified Zoning Officers \(CZOs\)](#) and/or five PMGA Planning/Zoning points or five CLE credits.

PSATS SEO Precertification Academy - August 22-26, 2022

Only a few seats are left for the next [PSATS SEO Precertification Academy](#). This is the only DEP-approved class that future sewage enforcement officers (SEOs) must complete before they can take the state’s SEO certification examination. Whether you work for a municipality in need of a good SEO or are considering the SEO field as a career, you should check out the benefits of sending someone or attending the academy yourself.

PowerPass-Eligible Webinars

[Webinar - FEMA Grant Funding Opportunities - 8/3/22](#)

Tom Hughes, PEMA’s State Hazard Mitigation Officer, will discuss numerous funding opportunities through FEMA, including the Building Resilient Infrastructure and Communities (BRIC) program, which assists with hazard mitigation projects. He will also address grants available through the Flood Mitigation Assistance program, which can be used for projects that reduce or eliminate the risk of repetitive flood damage to buildings insured by the National Flood Insurance Program.

[Webinar - Streaming Municipal Code Enforcement With GIS/Automation - 8/10/22](#)

This webinar will demonstrate how municipalities are using simple, user-friendly GIS-based solutions to make municipal operations, such as code enforcement, more streamlined, automated, and efficient. Featured applications will include digitizing a municipal code enforcement inspection “smart form,” using a GIS-based dashboard to view spatial data and search property records, creating event-driven digital notifications, and automating letter and report production.

[Webinar - Making Inter-Municipal Stormwater Management Work For You - 8/25/22](#)

Municipal stormwater regulations can put pressure on limited administrative and financial resources. This webinar will provide an overview of inter-municipal collaborative arrangements that have been used in Pennsylvania and have yielded efficiencies and cost savings. Pros and cons of each will be discussed in terms of initial investment, cost of compliance, co-benefits, and suitability for different situations.

[Webinar - Taking Charge: Using Conservatorship To Eliminate Blight - 9/14/22](#)

A property is abandoned, and the neighbors are outraged. What do you do when an owner ignores/avoids code enforcement and tax sales? The Abandoned and Blighted Property Conservatorship Act gave municipalities a powerful tool to eliminate persistent blight. This webinar will introduce participants to the process of conservatorship, how to evaluate if a property fits the qualifications, and how to bring a property from blight to blessing in just one year.

[Webinar - Stormwater Management Practices For Residential Property Owners - 9/28/22](#)

In this webinar, learn how your township can help its residents (and itself) with better stormwater management practices on residential properties. This presentation will discuss small scale practices designed to minimize runoff from residential properties including, rain gardens, rain barrels and cisterns, pervious pavement, lawn to natural area conversions, tree planting, and sustainable turf care.



This monthly newsletter for members of the Pennsylvania State Association of Township Engineers focuses on news and matters of interest to municipal engineers and provides details on upcoming training opportunities. To access previous editions, log onto psats.org and look under the “Newsroom” tab. Email comments and suggestions to James Wheeler at jwheeler@psats.org.



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