

Click [here](#) to view this email in your browser.



## Newsletter of the Township Engineers Association

November 2022

---

### Latest News

#### **Save the Dates for PSATS' 2023 Educational Conference and Exhibit Show**

PSATS invites all engineering firms to save the dates and plan on exhibiting at the PSATS 2023 conference. The exhibit show will run from 1 p.m. Sunday, April 23, until 1:30 p.m. Tuesday, April 25, 2023. Registration materials for the Exhibit Show will be mailed in early December. The conference, hotel, and exhibit show registration websites will open at 9 a.m. January 10, 2023.

#### **Abandoned Mine Land and Acid Mine Drainage Grant Program**

The state Department of Environmental Protection has opened the first round of funding through the [Abandoned Mine Land \(AML\) and Acid Mine Drainage \(AMD\) Grant Program](#). A total of \$103.4 million is available under this grant round, and townships, councils of governments, and municipal authorities are eligible to apply. Applications are due **January 13, 2023**.

Eligible projects must reclaim or enhance AML sites that pose a threat to the environment and/or public health and safety. Sites must be determined to be eligible by the Bureau of Abandoned Mine Reclamation, entered into AML inventory systems, and, in most cases, be associated with a coal mine that was abandoned prior to August 3, 1977. For AML/AMD grant program guidance and application instructions, please visit [DEP's website](#). Questions can be directed to [RA-EPAMGrantProgram@pa.gov](mailto:RA-EPAMGrantProgram@pa.gov).

#### **\$310 Million in New Water, Sewer, and Stormwater Grant Funding Available**

Pennsylvania recently appropriated \$205.4 million of its American Rescue Plan Act funds to the "H2O PA – Water Supply, Sanitary Sewer, and Stormwater Projects Program" and another \$105.6 million to the "Pa. Small Water and Sewer Program." Applications for both programs are being accepted until **December 21**. All applications must be submitted online through DCED's [Single Application for Assistance](#).

Eligible projects include the acquisition, construction, improvement, expansion, or rehabilitation of all or part of a water supply, sewage disposal, or stormwater system. An eligible project also includes consolidation or regionalization of two or more water supply systems, sewage disposal systems, or stormwater systems that are managed or operated as an integrated system.

Funding under the [H2O PA – Water Supply, Sanitary Sewer and Storm Water Projects Program](#) is available for projects with a total cost between \$500,000 and \$20 million. Matching funds of not less than 50% of the amount awarded are required.

Funding under the [PA Small Water and Sewer Program](#) is available for projects with a total cost between \$30,000 and \$500,000. Matching funds of not less than 15% of the total eligible project cost are required.

---

## Recent Decisions

### **Munis Get Court to Throw Out PUC Regulation Governing Gas Meters**

In [City of Lancaster v. Pennsylvania Public Utility Commission](#), \_\_\_ A.3d \_\_\_, 2022 WL 6572195 (Pa.Cmwlth. Oct. 11, 2022), the Commonwealth Court sided with three central Pennsylvania municipalities and ruled that Section 59.18 of the PUC's regulations, which mandates outdoor gas meter locations but permits consideration of indoor gas meter locations by private natural gas distribution companies in historic districts and requires that the companies "be allowed to make the final decision," was an unconstitutional delegation of PUC authority to those companies.

---

## Legal Update

### **Township Unable to Rely on Copy of Letter of Credit for Funds Disbursement**

In [Windsor Twp. v. Tompkins Financial Corp. t/d/b/a VIST Bank](#), No. 592 C.D. 2021, 2022 WL 10218661 (Pa.Cmwlth. Oct. 18, 2022), the Commonwealth Court reversed a trial court order directing a bank to honor a letter of credit held by the township because the township was required to present the original letter of credit and did not do so.

The township and a townhome developer reached an agreement that required the developer to complete all improvements within one year and provide the township with a letter of credit in the amount of the cost of those improvements. The developer failed to complete the improvements within the one-year period and the township sought to enforce the letter of credit. The bank refused to do so because the township did not provide it with the original letter, but instead an exact copy.

The court held that the township's failure to provide the bank with the original letter prevents it from compelling the disbursement of funds. It stated, "the Township could neither avail itself of contract law's more relaxed dictates in this instance, nor present a copy of the Letter to VIST in the original's stead, and Common Pleas erred by concluding otherwise."

---

## Legislative Report

### **Legislative Session Nears End**

As for the rest of the 2021-2022 legislative session, no further days are scheduled to consider legislation. Both the House and Senate will return briefly after the election to vote on leadership

for the 2023-2024 legislative session. While the current session ends November 30, the General Assembly has not considered legislation after the general election in more than a decade.

In the final days and hours, many bills fell short. A package of bills that would have made it easier to obtain permits to perform needed maintenance in streams to prevent flooding did not make it through the Senate, despite moving forward. While Right-to-Know Law reform was an active subject of debate, the weak reforms that moved in the final days fortunately stalled. PSATS will pursue member priorities in the new session seeking better solutions with the new General Assembly.

Gov. Wolf signed the following bills into law November 3, 2022:

- Act 99 of 2022 (HB 103) creates a felony offense for assaulting a law enforcement officer if the person intentionally or knowingly caused or attempted to cause the law enforcement officer to come into contact with body fluids or feces. The act takes effect January 2, 2023.
- Act 102 of 2022 (HB 284) amends Title 37 (*Historical and Museums*) of the Pennsylvania Consolidated Statutes to modernize artifact disposition, acquisition, and retention for the commonwealth and municipalities. The act permits the Pennsylvania Historical and Museum Commission to retrieve an archival record from a private entity upon request of a local government. The act takes effect January 2, 2023.
- Act 104 of 2022 (HB 397) increases the time limit on additional funding for merged fire and EMS companies from the Fire Company and EMS Grant program from 10 to 20 years. The cap on fire grants is increased from \$15,000 to \$20,000 per fire company and from \$10,000 to \$15,000 per EMS company.
  - In addition, Act 104 creates new programs funded by the fireworks tax in Act 74 of 2022. This includes a loan forgiveness and tuition assistance program for active volunteer firefighters and volunteer EMS providers of up to \$1,000 per year for full-time students and \$500 per year for part-time students; scholarships for EMS personnel and reimbursement for EMS agency recruitment and retention costs; fireworks public safety education; reimbursement to bomb squads for storage and destruction of illegal fireworks; and capital grants for municipal and combination fire departments and emergency services training centers.
  - Act 104 also requires the Office of the State Fire Commissioner to make online training available through an education certification management system, including registration, transcripts, and certificates. The act extends the deadline for the State Fire Advisory Board's report to change the Fire Relief Funding Formula and Fire Relief Services from November 30, 2022, to December 31, 2023. The act allows volunteer fire tax credits to be established by resolution in addition to ordinance. Act 104 addresses several PSATS resolutions. Sections 7813(b)(3) and 7823(b)(3) take effect January 2, 2023; the rest took effect November 3, 2022
- Act 121 of 2022 (HB 1988) authorizes the Municipal Police Officers' Education and Training Commission (MPOETC) to certify Pennsylvania State System of Higher Education campus police officers that have completed MPOETC training. In addition, the act provides for certification of school police officers. The act took effect November 3, 2022.
- Act 123 of 2022 (HB 2079) amends the Uniform Construction Code to state that an otherwise prohibited refrigerant may be used if the refrigerant is permitted for the applicable use conditions by the U.S. Environmental Protection Agency and the equipment containing the refrigerant is listed and installed in accordance with the applicable use conditions. The act takes effect January 2, 2023.
- Act 126 of 2022 (HB 2210) amends Act 135 of 2008 to include land banks as a "party in interest" that may petition the court to become a conservator, with the ability to bring residential, commercial, and industrial buildings into municipal code compliance when the owners of these properties do not comply with these codes. The act takes effect January 2, 2023.

- Act 130 of 2022 (HB 2398) regulates the operation of highly automated vehicles (HAVs) with and without a driver and authorize testing conditions for these vehicles, including platooning. The act directs the state Department of Transportation to oversee and regulate the operation of HAVs. Various effective dates.
- Act 136 of 2022 (HB 2528) changes the Oil and Gas Well Plugging Grant program to bring it into compliance with requirements for federal funding. The maximum grant amounts are increased from \$10,000 to \$40,000 for wells 3,000 feet deep or less and from \$20,000 to \$70,000 for wells greater than 3,000 feet in depth. The act takes effect January 2, 2023.
- Act 141 of 2022 (HB 2648) moves the Public Works Employment Verification Law into the Administrative Code of 1929; repeals the Coordination of Commonwealth Community Service Programs law and replaces it with a new PennServe Advisory Board; and requires the State Inspector General to provide a report on its ability to investigate instances of actual or attempted fraud associated with the commonwealth's unemployment compensation program and resources needed to do so. The act takes effect January 2, 2023.
- Act 145 of 2022 (SB 153) increases the maximum allowable weight for commercial vehicles powered by electric batteries from 80,000 to 82,000 pounds. The act takes effect January 2, 2023.
- Act 149 of 2022 (SB 439) makes permanent the optional \$15 county fee for each deed and mortgage recorded, which is used to demolish blighted property. The act takes effect January 2, 2023.
- Act 151 of 2022 (SB 696) would require the state and local governments to notify affected individuals within seven business days following determination of a breach of personal information, such as driver's license number, financial account numbers or credit or debit card numbers, medical and health insurance information, and username and password. The bill would require local governments to notify the district attorney of the breach within three business days. The act takes effect May 2, 2023.
- Act 155 of 2022 (SB 1027) allows a 17-year-old to train for an interior firefighting module with live burns if they have permission to engage from a fire chief and a parent or guardian. The minor must be under the supervision of a credentialed Pennsylvania State Fire Academy Instructor. Act 155 addresses a PSATS resolution. The act takes effect January 2, 2023.
- Act 158 of 2022 (SB 1152) requires law enforcement officers to report overdose incidents to an overdose information network no later than 72 hours after the overdose. Municipal officials and police chiefs can receive data from the network on overdose spikes in their community. The act takes effect January 2, 2023.

---

## 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](mailto:scoburn@psats.org).

### Virtual Classes

#### PSATS 2022 Stormwater Conferences Now Virtual!

Do you have municipal clients whose stormwater management program needs some help? Do they have problems complying with their current MS4 permit? Do they want 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 either the “2022 PSATS Virtual Stormwater Conference Technical Track” or the “2022 PSATS Virtual Stormwater Conference Policy Track” as appropriate.

Click on the appropriate link below to register for one of these tracks to learn 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. Please note that we are offering the “Technical” track on Nov. 9 and the “Policy” track on Nov. 10 for those who want to take advantage of both.

[Virtual Technical Track on Nov. 9](#)

[Virtual Policy Track on Nov. 10](#)

Each event starts at 9 a.m. and concludes by 3:15 p.m. **Registration is \$150 per person** and includes 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.

#### **[Human Resources & Labor Management Institute - 12/5/22](#)**

This class is a must-attend for anyone who has responsibility for human resources and personnel management in your firm. In this seminar, the team from Eckert Seamans will explore common and emerging issues in human resources and labor relations. The event qualifies for five PMGA administrative points and/or five CLE credits.

### **In-Person Classes**

#### **SAVE THE DATE! [Spring 2023 Engineers Seminar – April 24 & 25, 2023](#)**

Save these dates for our in-person Spring 2023 Engineers Seminar the mornings of April 24 and 25 at the Hershey Lodge. We already have several very compelling presentations scheduled that will be of interest to any consulting engineer who has municipal clients with MS4s or roads and bridges.

#### **Register for Fall Certified Zoning Officer Training**

For engineering firms with employees that provide zoning officer or building code services to municipalities, PSATS will be hosting the “Pa. Association of Zoning Officials (PAAZO) Fall Seminar” this fall:

- [November 17 – Hilton Garden Inn Pittsburgh/Cranberry, Butler County](#)

Attendees of the seminar are eligible for five continuing education credits for [Certified Zoning Officers \(CZOs\)](#), five PMGA planning/zoning points, and/or five CLE credits.

#### **[PSATS Zoning Academy – 11/30-12/1 – Butler County](#)**

The PSATS Zoning Academy is a two-day class focused on providing attendees with a foundational understanding of all important aspects of zoning in Pennsylvania. This class will greatly benefit newer zoning officials, those looking to become zoning officials, and municipal officials and employees seeking a better understanding of zoning’s impact on municipal operations. Attendance at this event provides 12 continuing education credits for Certified Zoning Officers (CZOs) and/or 12 PMGA planning/zoning points.

#### **[Human Resources & Labor Management Institute - 11/15/22 - Montgomery County](#)**

This class is a must-attend for anyone who has responsibility for human resources and personnel management in your firm. In this seminar, the team from Eckert Seamans will explore common and emerging issues in human resources and labor relations. The event qualifies for five PMGA administrative points and/or five CLE credits.

### **PowerPass-Eligible Webinars**

**[Webinar - Streamlining Municipal Code Enforcement with GIS/Automation - 11/9/22](#)**

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 - What Township Records Are Confidential? - 11/16/22](#)**

In this webinar, Tricia Springer, an experienced practitioner before the Office of Open Records, will provide the latest insight into what is confidential and what cannot be considered confidential in the workplace. She will use real-world examples to make sure that your records are properly protected, and will discuss the increasing use of electronic data in the workplace and who can access that data.

**[Webinar - Working Your Way Through The Second Class Township Code - 11/30/22](#)**

Do you or your staff struggle with finding answers in the Second Class Township Code, or do you wonder if your township’s practices actually match up with the law’s requirements? Through this webinar, which will be set in a fun, game-style setting, you will become more comfortable with the Second Class Township Code and how it is organized. At the same time, you may learn some new, or possibly forgotten, key aspects that will help you do your job more efficiently and accurately.



2022 Sponsor  
Township Engineers Association

---

This monthly newsletter for members of the ***Township Engineers Association*** focuses on news and matters of interest to municipal engineers and provides details on upcoming training opportunities. To access previous editions, log into your PSATS account at [psats.org](http://psats.org) and look under the “Newsroom” tab for the “Township Engineer” link. Email comments and suggestions to James Wheeler at [jwheeler@psats.org](mailto:jwheeler@psats.org).

---



**Pennsylvania State Association of Township Supervisors**

David M. Sanko, Executive Director  
4855 Woodland Drive  
Enola, PA 17025