

# PSATS News Bulletin

A NEWSLETTER  
CONTAINING  
THE LATEST  
INFORMATION  
ON LEGISLATION  
AND NEWS OF  
INTEREST TO  
TOWNSHIPS

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## Don't Miss PSATS Training Opportunities!

Don't miss these in-person and virtual training options! Go to [learn.psats.org](https://www.learn.psats.org) for details and to register.

- **Mini Boot Camps Coming in March!** If you have been appointed as a supervisor or staff member in the last year or since the 2021 election and are looking to get caught up on your new township responsibilities, join PSATS for one of three one-day Mini Boot Camps in March. Sessions will be offered in Clarion on **March 11** and Lewisburg and Allentown on **March 18**. This course will cover the authority and powers of township boards, personnel management, the Right-to-Know Law, Sunshine Act and Ethics Act, public safety/emergency management, basic budgeting/finance, internal and external communications, and more.
- **Upcoming Webinars:** Don't miss the packed lineup of seven PSATS webinars in February! The schedule includes the benefits of stream restoration (**February 8**), electric vehicle fleets (**February 15**), ways to limit your township's exposure to liability (**February 16**), using GIS to assist with economic development (**February 21**), preparing for DEP MS4 inspections (**February 22**), and the Sunshine Act (**February 23**).
- **In the Line of Fire: Best Practices in Police Department Management:** This upcoming in-person class will be held in Lehigh County on **February 16**. The course will arm the attendees with practical guidance to conduct a meaningful assessment to ensure compliance with federal and state law.
- **Basic Training for Secretaries and Administrators:** PSATS will hold a full-day in-person class in York County on **February 23** to get newer township administrators up to speed on their many obligations. This is a must-attend if you have been in township government for only a short time.
- **Attention Northwest PA!** PSATS will be hosting a half-day event in Erie (lunch included) on **February 28** that will cover the top retirement plan mistakes and how to fix them, hot topics in managing municipal employees, the role of the solicitor, and a general Q&A session.



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## Gas Tax Increases, Senate Acts to Freeze Rate

The Pennsylvania gas tax increased on January 1 from 57.6 cents to 61.1 cents per gallon for gasoline and from 74.1 cents to 78.5 cents per gallon for undyed diesel fuel. This tax, called the oil franchise tax, is levied on the wholesale price of fuel and the rate is based on the average price of fuel in the prior year. These revenues must be used to maintain roads and bridges and are the only source of municipal liquid fuels funds. The increase could lead to a higher liquid fuels distribution in 2024 if it remains in effect.

When the legislature approved Act 89 of 2013, which modernized Pennsylvania's gas tax and increased transportation funding to local governments, it acknowledged that higher oil

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prices directly increase the costs of maintaining Pennsylvania's transportation infrastructure. At the time, townships were facing significant decreases in liquid fuels funds due to the ceiling on the gas tax levy. Act 89 eliminated the ceiling for the tax and replaced it with a "floor" of \$2.99/gallon. This is the first time since the passage of Act 89 of 2013 that the tax is higher than the "floor."

However, in January, the state Senate passed [SB 35](#) which would eliminate automatic oil franchise tax increases. Instead, the bill would freeze the levy at \$2.99/gallon, eliminating the 4-cent increase that took effect January 1. PSATS is concerned that this bill will decrease municipal road funding without replacement revenues and prevent future increases in needed funds. The bill now goes to the House, which has yet to organize for the session.

## Capitol Roundup

**New Governor Takes Office** — Gov. Josh Shapiro and Lt. Gov. Austin Davis took office January 17. Shapiro has submitted his slate of cabinet members for Senate confirmation and is expected to give his first budget address on March 7. See the February issue of the *Pennsylvania Township News* for Shapiro's cabinet and administration officials.

Shapiro signed a new gift ban for state employees that will continue to prevent improper influence from lobbyists and special interests, while restoring commonsense exceptions for di minimis exceptions, such as a bottle of water and plaques.

**PSATS Releases 2023-2024 Policy Statements** — Each session, PSATS releases policy statements, which represent its legislative agenda for the next two years. PSATS' 2023-2024 Policy Statements were established through the Association's resolutions process. Resolutions approved at the Annual Conference become part of the PSATS platform for five years. Association staff is at work sharing these policy positions with legislators and encouraging them to introduce legislation to implement PSATS resolutions. To view the policy statements, go to [psats.org](https://psats.org) and choose "Legislation & Policy."

**2023-2024 Legislative Session Begins** — The Pennsylvania House of Representatives and Senate returned to Harrisburg on January 3 to begin the 2023-2024 legislative session, swear in members, and elect leadership. Both chambers have recessed until February 27.

The Senate officially elected Sen. Kim Ward of Westmoreland County as the Senate President Pro Tempore. She is a former township supervisor and the first female to ever hold the position. The Senate organized and appointed committee chairs. See the February 2023 issue of the *Pennsylvania Township News* for the list of chairs and go to [legis.state.pa.us](https://legis.state.pa.us) to see which committees your senator will serve.

In the House, Rep. Mark Rozzi from Berks County elected as Speaker of the House. Rozzi formed a bipartisan work group and tasked it with finding a bipartisan agreement to end gridlock in the House, which has prevented it from organizing.

**Sanko Urges Legislature to Give Options for Legal Notices** — PSATS Executive Director David M. Sanko penned an op-ed urging the Pennsylvania General Assembly to enact legal advertising reform and give municipalities the flexibility to determine which options will best provide information to their residents, businesses, and potential vendors while promoting competition and transparency. To view, go to [psats.org](https://psats.org) and choose "NewsRoom."

**Special Elections Scheduled for February 7** — Special elections to fill vacant state House of Representatives seats for the 32<sup>nd</sup>, 34<sup>th</sup>, and 35<sup>th</sup> districts, all in Allegheny County, will be held February 7.

Don't miss out!  
Register for the  
PSATS Annual  
Conference  
by March 31  
to avoid  
higher rates!

**Senate Approves High School Fire Training Pilot Program** — The Senate unanimously approved **SB 114**, which would authorize a pilot program for three community colleges or universities to provide firefighter training for local high school students in partnership with their school. A similar program was authorized for emergency medical service in 2022. PSATS supports this bill, which would address a PSATS resolution. The bill will now go to the House for consideration.

**Borough's Stormwater Management Charge Ruled a Tax** — In *Borough of West Chester v. Pennsylvania State System of Higher Education*, No. 260 M.D. 2018, 2023 WL 27942 (*Pa.Cmwlth. Jan. 4, 2023*), the Commonwealth Court ruled that a stormwater management charge imposed by a borough on all developed properties was not enforceable against the State System of Higher Education because it is a tax, not a fee, and those entities are immune from taxes.

The Borough of West Chester is a home rule municipality and levied its fee under the Home Rule Charter and Optional Plans Law, which does not have specific language on stormwater fees. The court did not consider the specific stormwater fee language in the Second Class Township Code or the Municipalities Authorities Act as part of its decision.

**PA Broadband Authority Submits FCC Challenge** — The Pennsylvania Broadband Development Authority submitted a bulk challenge to the Federal Communications Commission's National Broadband Map for approximately 35,000 locations. The bulk challenge submission is the best opportunity for Pennsylvania's data to be considered as part of state broadband funding allocations from federal funds, anticipated in summer 2023.

Townships that haven't yet done so are encouraged to view the maps to see if it accurately represents the land-based broadband service available to your residents. If it does not, challenges may continue to be submitted by the township or the impacted residents or both. To learn more, go to [psats.org](https://psats.org) and choose the [broadband article](#).

**PA Adopts New PFAS Limits for Drinking Water** — The Environmental Quality Board published notice of an amendment to the PA Code setting **new maximum contaminant levels (MCLs) for Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate PFOS at 14 ng/L (ppt) and 18 ng/L (ppt)**. These new levels will apply to all water systems in the commonwealth. Initial compliance monitoring for community water systems serving more than 350 persons will begin January 1, 2024; initial monitoring for community water systems serving less than or equal to 350 persons will begin January 1, 2025.

Townships that own water systems should plan for additional expenses related to water testing and potentially higher cleanup costs if contaminant levels exceed the new standard. For more information, go to [dep.pa.gov](https://dep.pa.gov) and search for "PFAS MCL Rule."

## Federal News

**Revised WOTUS Rule Adopted** — The U.S. Environmental Protection Agency and Department of the Army recently released the [Revised Definition of 'Waters of the United States' \(WOTUS\) rule](#). This rule establishes the definition for determining if a water body is regulated under the federal [Clean Water Act](#), and takes effect **March 20, 2023**.

The final rule generally restores the longstanding categories which previously defined WOTUS, and now establishes case-specific limitations on regulating a waterbody based on either the "relatively permanent standard" or the "significant nexus standard" for certain categories of waters. Under the new rule, fewer waters will be subject to the Clean Water Act.

Legal challenges are expected and the Supreme Court will likely issue an opinion in 2023 in a running dispute regarding whether certain wetlands are “waters of the United States” subject to protection under the CWA.

**Costly Federal Mandate Will Impact Reporting for Townships Issuing Bonds** — The recently passed National Defense Authorization Act will have a future impact on townships with bonds. These townships should be aware that the act will require new formats for federal reporting, which will require the purchase of new or reconfigured software. Federal agencies must implement regulations within four years.

Current cost estimates are based on each municipality purchasing new software to comply or reconfiguring existing software, which reports quote at \$100,000 each. PSATS suggests impacted townships work with their financial consultants and bond counsel to determine the most cost-effective means to comply once the proposed regulations are available for review

## PSATS Wants YOU to Be a Conference Ambassador!

Want to get more out of your conference experience? Sign up to be a conference ambassador! Share your knowledge and a little of your time by helping with one or more of these tasks during the Annual Conference:

- Mingling and answering questions in the Member Lounge and Hive
- Greeting people
- Scanning badges for events
- Handing out or collecting materials
- And much more!

If you have questions or want to volunteer, please email [powerofone@psats.org](mailto:powerofone@psats.org). To learn more about the conference or register, go to [conference.psats.org](http://conference.psats.org)!

## This and That...

Be sure to check this section each month, where you will find important reminders and information.

- **Sanko named to City and State Power 100 in Harrisburg** — *City and State Magazine* released their Power 100 list of Harrisburg Government Relations professionals, ranking PSATS Executive Director David Sanko 39<sup>th</sup>, the highest municipal association ranking.
- **Be Sure to Make the Most of Your Township's Webinar PowerPass!** — If your township purchased PSATS' 2023 Webinar PowerPass, all township officials (*including volunteer board and commission members*) and employees may access any PSATS webinar – live or on-demand – held in 2023 at no charge. To register for webinars, go to [learn.psats.org](http://learn.psats.org).
- **Supplement #1 for Township Code Printed** — Township officials should expect to receive Cumulative Supplement #1 to the 2020 printed edition of the Second Class Township Code in February. Once you receive the supplement, it should be maintained along with the 2020 printed edition of the Township Code.
- **2023 IRS Mileage Rates Issued** — The Internal Revenue Service set the 2023 standard mileage rate for the business use of a vehicle at 65.5 cents per mile.
- **2024 Organization Meeting Date Clarified** — Townships' 2024 organization meeting date will be **Tuesday, January 2, 2024**, because the legal holiday for New Year's will be Monday, January 1, 2024. The board of auditors will meet on Wednesday, January 3.
- **Auditor Wages Remain at \$10** — Elected township auditor wages remain at \$10 per hour under the Second Class Township Code. While there was legislation to increase this amount last year that passed the Senate, it was not considered by the House.