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Risk Management Edition



2020-2021 ASSOCIATION LEADERSHIP



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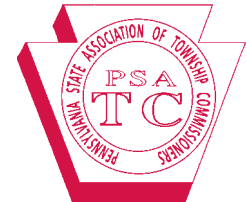
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Municipal Reporter



Pennsylvania Municipal League



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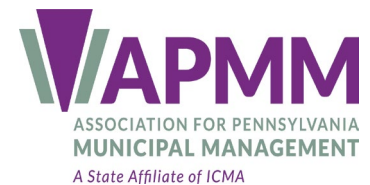
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To strengthen, empower and advocate for effective local government.

The League is a nonprofit, nonpartisan organization established in 1900 as an advocate for Pennsylvania's 3rd class cities. Today, The League represents participating Pennsylvania cities, boroughs, townships, home rule communities and towns that all share The League's municipal policy interests. Our Board of Directors oversees the administration of a wide array of municipal services including legislative advocacy (on both the state and federal levels), publications designed to educate and inform, education and training certification programs, membership research and inquiries, programs, and group insurance trusts.

We are continually monitoring the needs of our members and are committed to providing the Commonwealth's municipalities with cost-effective programs and services required to meet the distinct needs of their communities.

The *Municipal Reporter* is a publication of the Pennsylvania Municipal League, the Pennsylvania State Association of Township Commissioners and the Association for Pennsylvania Municipal Management. It is published three times a year.

Opinions expressed by authors and advertisers are not necessarily those of the officers, members and staff of The League. Original articles on subjects of interest to municipal officials are welcome, but subject to review by editorial staff. The publisher has the right to reject unsuitable advertising.

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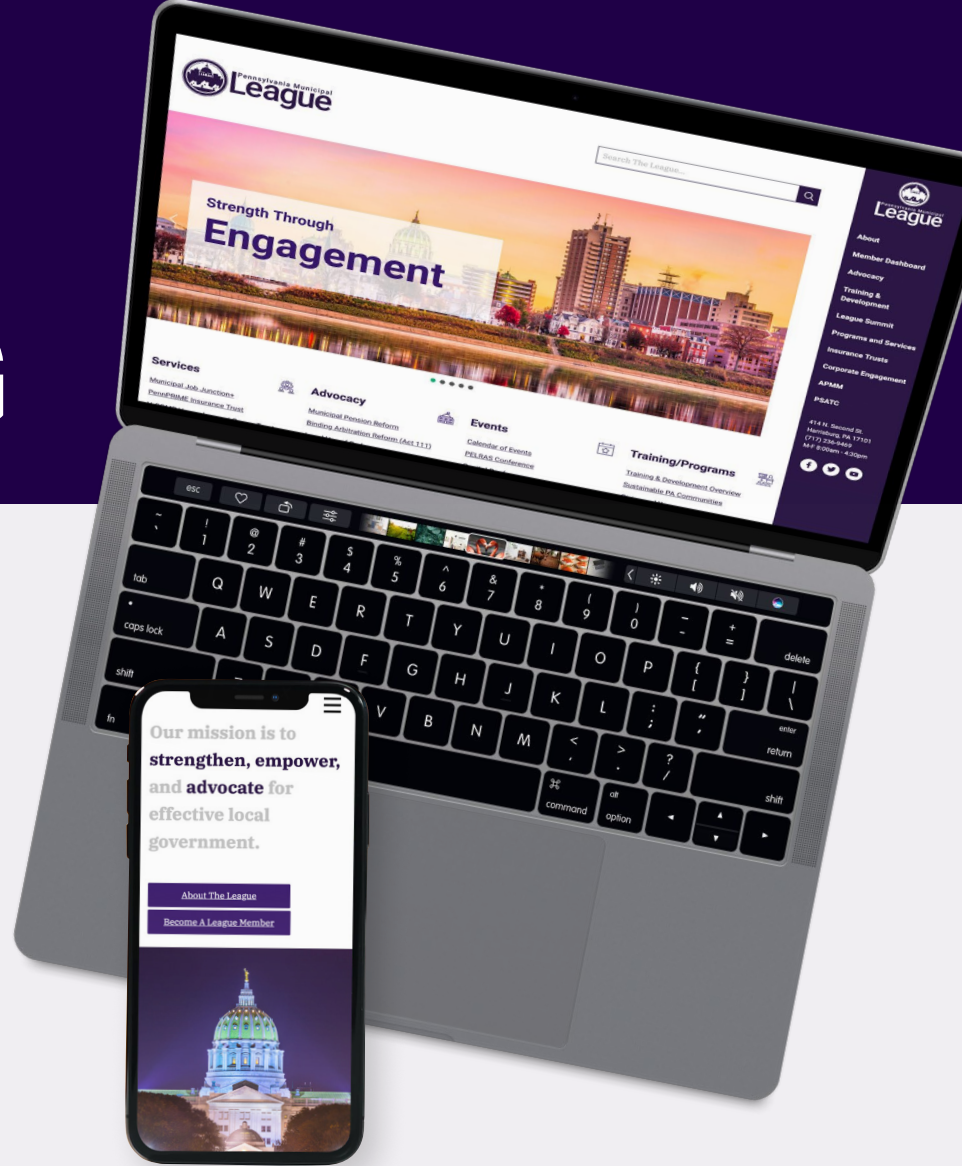
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Mark Your Calendar

Please note that we are working to meet your educational/training needs during this pandemic. Some of our scheduled events will be virtual as noted and others are subject to change as needed. Please click the calendar link to our website above for additional/updated information.

**PennPRIME Virtual Board of Trustees Meetings
February 26**

**U•COMP Virtual Board of Trustees Meeting
March 5**

**NLC Virtual Congressional City Conference
March 7–10**

**Annual PELRAS Virtual Conference
March 17–19**

**League Virtual Capitol Conference
May 3–4**

**PennPRIME Board of Trustees Meeting
May 21**

**APMM Annual Conference
May 23–26**

**U•COMP Board of Trustees Meeting
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**U•COMP Board of Trustees Meeting
August 19**

**PennPRIME Board of Trustees Meeting
September 13**

**PennPRIME Risk Management Conference
September 14–15**

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The League President's Message



DEREK GREEN
COUNCILMEMBER
CITY OF PHILADELPHIA



Dear Members,

Thank you for your service as elected officials. Your commitment to service and this organization is why I am so honored to serve as the President of the Pennsylvania Municipal League for this term.

I would like to thank Past President Mayor Matthew Pacifico of Altoona for providing sound guidance and leadership for The League. Further, I would like to thank our incredible staff, under the direction of Executive Director Rick Schuettler, for your work and commitment to The League. I look forward to working with First Vice President Mayor Danene Sorace of Lancaster and Second Vice President Mayor Michael Lombardo of Pittston as we strive to enhance our organization.

2020 has been a year like no other. As local leaders, we were confronted with a global pandemic, civil unrest and an economic crisis. Although this is the Risk Management edition of the Municipal Reporter, no amount of planning could have prepared us for these risks or challenges.

As we prepare for the new year, it is more important than ever for our federal and state governments to provide us with the necessary resources and autonomy for our cities, boroughs and townships to bounce back from COVID-19.

To achieve this goal, we need every member engaged. Further, we need your support to help The League accomplish its mission to strengthen, empower and advocate for effective local government.

For so many, this year has been incredibly challenging and almost impossible to endure. Yet, and as we close out 2020, your leadership has enabled your constituents and The League to get through this very difficult period. With 2021 on the horizon, I believe that we will see better days and a brighter future.

I hope to see you next year, either virtually or in person, at an upcoming League event. If I can be a resource, please feel free to call me at 215-686-3450 or send me an email at Derek.Green@phila.gov.

Happy Holidays.

Take care and be well,

Derek S. Green

The League Executive Director's Message

We dedicate this Municipal Reporter edition to the subject of risk management. Certainly the pandemic has produced new exposures and risks but also expectations for municipalities. These risks include health, safety, fire, environmental, financial, technological, investment and expansion. Proper risk assessment, planning and mitigation measures are in the forefront as never before. It is our hope that this edition provides examples of best practices and risk management techniques to better protect the public.

Stay safe and well,



Richard J. Schuettler



RICK SCHUETTLER



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All facts and figures are as of December 31, 2019.

League News . . .

Inside The League



JOHN BRENNER
EXECUTIVE DIRECTOR DESIGNATE

During The League's first-ever Virtual Municipal Leadership Summit, Keynote speaker, former Federal Emergency Management Agency Administrator, Craig Fugate, reminded us of the importance of proper planning, coordination and leadership in preparing for disasters and emergency response. He talked about how we can build resilient communities including the importance of updating and rebuilding our infrastructure.

This edition of the Municipal Reporter focuses on managing risk. The League has been helping local leaders do just that for decades. Our PennPRIME and U-COMP Trusts offer stability and quality risk management. Our Municipal Utility Alliance offers cost savings and predictable energy price purchasing. Our training and development opportunities offer a wide range of training including Floodplain Management, Construction Codes Academy and our Sustainable Pennsylvania voluntary community certification. Each of these member-driven programs give you, as elected and appointed leaders, solid resources and meaningful opportunities to help you manage your community's various risks.

Local government, "we've had your back" for a long time in Pennsylvania. Our advocacy efforts have centered on commonsense municipal pension and labor law reforms. Our Business Leaders Network members, like National League of Cities Service Line Warranty Program administered by HomeServe, offer your citizens a quality, low-cost opportunity for property owners' sewer and water lines. Yes, all of these efforts can help you manage your risks. If you haven't done so lately, please check out each and every one of our programs and our partners' services.

As we work through the pandemic, another reminder that Benjamin Franklin's words, "An ounce of prevention is worth a pound of cure," ring true today.

From Inside The League,

A handwritten signature in black ink that reads "John S. Brenner". The signature is written in a cursive, flowing style.

John S. Brenner

Q&A with League Leader Danene Sorace Mayor City of Lancaster League 1st VP



This Q&A feature section of the Municipal Reporter highlights an individual local leader who has been involved and engaged with their community and The League.



Pennsylvania Municipal League

Q: How did you get involved with local government?

I was the Executive Director of a non-profit working on environmental issues. I had the good fortune of working with the Gray Administration to advance the city's green infrastructure program. This was my first exposure to local government. As a follow-on to that work, I decided to run for City Council where I had the opportunity to continue to advance the green infrastructure plan and other initiatives.

Q: What leadership advice do you have for other local leaders or those deciding to serve in municipal government?

Stay focused on a few key priorities that are core to local government. It is easy to be pulled in a lot of different directions and the time in office goes quickly. Have a plan, hire people who are committed to the plan and work the plan!

Q: What has been your most rewarding experience as an elected or appointed official?

There are so many. Working in our neighborhoods, supporting downtown businesses, elevating accomplishments of staff, partnering with community benefit organizations – the list goes on! It is also heartening when I am reading to a classroom of students and the girls tell me that they want to grow up and be a mayor just like me.

Q: What has been your greatest challenge in your position?

In a word: 2020. Twin pandemics of COVID-19 and racism are certainly top of mind. With vaccine development progressing, I believe we will overcome COVID-19 in 2021. Overcoming racism will take much

longer despite the fact that we've been wrestling with racism for hundreds of years. The difference today is that I believe more people see it for what it is – a weight which separates people from one another in ways that affect access to capital, education, housing, health care and more.

Q: How has your involvement with The League helped you and your community?

The League has ensured that I stay connected to what's happening in the state legislature and connected me to peers across the state. Both have proven to be invaluable.

Q: What advice do you have for other people considering municipal government as a career or in an elected role?

First things first: show up! Know the basics about how city government runs, learn about the issues that are affecting your community and ask questions. There are many, many dedicated public servants who have spent their careers working in local government and they know a lot. Residents know a lot too! Leverage their knowledge to help inform your position on issues. Your positions will be better for it and you will also generate a lot of goodwill along the way. □



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SAVE THE DATE

The Annual PELRAS Conference will return in 2021 as a live virtual event. Stay tuned for program details.



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Risk Management . . .

It's Good Policy To Have A Good Policy



BY DAVID J. MACMAIN¹

Everyone in law enforcement, municipal government . . . heck, any industry . . . can agree that one of the keys to running a successful enterprise is to (1) have good policies, (2) make sure your staff is familiar with, trained in and aware of them, (3) enforce the policies and the resulting consequences when someone violates them, and (4) document the prior three items.

Policies give uniformity to the services that are provided, guidance and direction to your staff and protects the entity and its administrators from 'surprises' and liability. Ultimately, the strength of the policy, and all that goes with it, often does not get tested until something goes wrong and the entity is put under the microscope of a critical incident, litigation and the court of public opinion. To be clear, policies in and of themselves cannot prevent all problems, but they can go a long way towards minimizing them.

Over the course of my 30+ years of counseling and representing law enforcement, and public entities, I have seen the implementation, training and application of policies play out in a variety of ways – through the good, the bad and the ugly.²

The Good

- ▶ Accreditation of policies by a professional organization is one of the best ways to 'bullet-proof' your agency from liability. To be clear, it does not mean that individual officers won't make mistakes, and there won't be isolated incidents of misconduct, but having the policy and/or policy manual accredited accomplishes several things. First, it forces management to critically think about how they wish to do things – rather than just continuing to use the dusty, musty policy manual that has been used for the past 30 years. Second, it establishes that things are done in a way that is in conformity with 'best practices.' Third, it sends a message to the staff that we want to be the best, want to be progressive, and want to try to equip and direct you with the best the industry has to offer – we're not doing things 'just because that is how we have always done it.' Fourth, if the agency is 'accredited,' you are a less attractive target to plaintiff's attorneys who make their living suing law enforcement and public entities.
- ▶ Given that accreditation can be a lengthy and expensive process, a compromise may be that you have certain **critical policies reviewed and 'approved' by an expert in the field.** For example, a correctional facility client that had a series of suicides, retained an expert in this area to review and give them direction on their policies and practices. It showed that they were not 'deliberately indifferent' to this important area of preventing suicides and provided them with some suggested tweaks and improvements to what was an already good policy and training protocol.
- ▶ Consider using **model policies** or policies that have been implemented by other agencies as a guide. Why start from scratch or 'reinvent the wheel,' particularly if you are a small agency with limited resources, when these policies have been researched, considered and created by experts in the field over the course of time and consideration. I want to caution that you should not simply 'cut and paste' blindly as there may be portions of the policy that

→

don't fit your needs or are not practical given the particulars of your agency or its resources.

- ▶ Having good policies is not an end in and of itself – there must be **training** on the policies. Simply handing them out and telling staff that they are to read and understand them does not ensure that it is actually done or understood. Instead, when distributing new policies, time should be spent going over them and explaining what they mean and the key points. And document that this has been done – even if it is 15 minutes at roll call, or in the context of a yearly training class.
- ▶ **Periodic reviews and updates of key policies** is also a good idea. For example, at yearly firearms qualification, it is a good practice to spend time going through the use of force policy with the troops to make sure that they understand and are 'qualified' on not just how to fire their weapons, but when they are permitted by policy to use deadly and other levels of force. Similarly, it would be a good practice to review key policies such as use of force, search and seizure, pursuits and emergency driving, workplace behavior and non-harassment policies once a year – **and** document that it was done.
- ▶ Having good policies and providing training is good, but **enforcing** the policies when they are violated is equally important. It sends the message that the policies are not just 'paper tigers' or a 'suggested standard' that staff may follow if they want – it is what is mandated and expected.
- ▶ All of the above is good, but the final piece is keeping records. For example, make sure your

policies reflect, if applicable, sources or basis upon which you consulted – either in heading of the policy or in a back-up folder (e.g. IACP Model Policy No.???, etc.). Make sure training provided – even roll call training – is memorialized and kept in a central location so it can be retrieved later if necessary.

The Bad

- ▶ While having a thorough policy manual can be a good thing, having **too many policies** can be both overwhelming and tend to 'water down' the importance of those policies that are most important. For example, I had a case a few years ago wherein a police department had a three volume set of policies that made Tolstoy's *War and Peace* seem like a short story. There was little more importance placed on the use of force policy than there was to 'policy ZZ-99' dealing with the air pressure in the cruiser's tires. Further, the officers in the department felt that the main reason for the three volume policy manual was for the agency to CYA itself, not to meaningfully direct its officers (i.e. 'we have a policy on every issue so if the officer screws up it is his/her fault, not ours').
- ▶ Having **policies that are contradictory or inconsistent** are problematic. For example, I had a case wherein the general use of force policy provided for one series of criteria as to when an electronic control weapon (e.g. Taser) could be used, whereas the later-issued specific Taser policy had a different criteria. The officer's actions violated one policy but was in conformity with the other. I have also seen this when a correctional facility has

one policy on a specific issue such as suicide classification, yet the subcontracted medical provider's policy on suicide classification is slightly different.

- ▶ I have seen **policies that** have lofty goals, yet **set the bar too high**. These are policies that use a lot of 'shalls' and 'musts.' For example, I recently defended a police pursuit case where the department policy on pursuits was 'no pursuits' – period! While it is understandable that this department would want to curtail and limit pursuits, the 'no pursuit' policy made liability a certainty and really hamstrung its officers from doing their job. In the prison context I have seen this same 'bar too high' language used in policies requiring videotaping of certain actions. Instead of a 'must' phrasing, I would rather see 'when reasonably practical' language used.

The Ugly

- ▶ Among the most common 'uglies' that I have encountered is that an agency does not have a written policy on a critical area. If there are no written 'rules' then how is an employee to be guided in doing his or her job? How do they know what is expected of them?
- ▶ The best (or worst) example I can give is a police use of force claim I defended in which the department had no policy or rules on what less-than-lethal weapons officers must carry – it was up to them. Want to carry a baton, Taser, OC spray – sure, let us know and we will issue them to you and give you some training. If not – that's fine, it is your choice. In the case, the officer in question, who shot

and killed a suspect, explained that he did not carry any type of less-than-lethal weapon because the department left it up to him – and he was not comfortable with any of these ‘newfangled’ weapons – just the trusty gun that he has used for the past 30 years. He added that, in hindsight, he wished that he was forced to carry OC spray or a baton – as he would have preferred that he had one of these to use and have in his hand, not his gun, which accidentally discharged when he and the suspect collided during a foot pursuit and the suspect died.

- ▶ Another example that I have encountered is the absence of a policy regarding access and retention of video or other electronic evidence. One example is a case wherein a video of a use of force/cell extraction was not retained ‘because it really did not show anything.’ When the suit was later filed, the Plaintiff argued and the jury was instructed by the Judge that ‘you may consider that the video was purposely not preserved because it was damaging to the correctional officers’ (i.e. they destroyed the bad evidence). The policy has since been changed that **all** such incidents that are recorded are kept for 2 ½ years.
- ▶ Another example is the case wherein a melee in a police holding cell with an unruly arrestee was ‘compromised’ (i.e. the key parts were taped over – accidentally or intentionally?) as a result, we think, of multiple officers having access to the tape and recording equipment. The policy now explicitly restricts access to the recording system to only two persons.
- ▶ Another area of ‘ugly’ and perhaps the most common

is that a written policy is not enforced when there have been violations of it, or it has been enforced inconsistently. This is what Plaintiffs’ attorneys call a ‘practice’ or ‘de facto policy.’ You may have a rule, but no one follows it, thus it is understood that it is not really a rule.

- ▶ Finally, as discussed above, having a policy that is ‘unknown’ to your staff and for which they receive no training or guidance is problematic.

Areas of Focus

I understand that it is impossible and impractical, given time and budgetary constraints, to have a perfect policy manual, give perpetual training and do everything that ideally could be done in a perfect world. Thus, in my view, the focus ought to be placed in several key areas where I see most of the cases arise, or where future cases are likely to come, in the fields of corrections and law enforcement. These are as follows:

- ▶ Anti-Harassment Policies – A significant portion of the federal docket is comprised of employment related claims. Good anti-harassment policies, department-wide training on the policies and enforcement when the policies are violated are critical to limiting employment related claims and making such claims more defensible when they are filed.
- ▶ Use of Force Policies – About 40% of the claims I handle for corrections and law enforcement are use of force cases. Clear direction, a good use of force policy and force continuum, and training make my job much easier, and our chances of success much greater.

- ▶ Technology retention policies – This includes in-car cameras, holding cell video, incoming phone calls, dispatch and 911 calls, cell extraction videos, and how all of these valuable pieces of evidence are retained and for what length. Be aware that the more prevalent use of ‘Taser-cams,’ body-worn cameras and other new technology needs to be addressed as agencies add these tools.

Mental Health / Suicide / Special Needs – Properly dealing with suspects, arrestees, prisoner transports and incarcerated inmates with special needs and mental health issues is an increasingly ‘hot’ topic in law enforcement and corrections, and the subject of increasing litigation, scrutiny and various schools of thought.

In conclusion, the foundation of what law enforcement agencies do is rooted in having good policies, good training, good enforcement and good documentation memorializing the prior three. These are all simple and controllable tools to help guide and protect your agency and staff in what is a highly difficult field with many things otherwise out of your control.

1 David J. MacMain is the Managing Partner of MacMain Connell & Leinhauser, LLC in West Chester, Pennsylvania. www.macmainlaw.com David is a former Pennsylvania State Trooper who has been representing law enforcement agencies, correctional facilities and public entities for over 30 years throughout the nation. He can be reached at dmacmain@macmainlaw.com or 484-318-7703.

2 To the extent I give example from actual cases or clients, I will follow the old TV show disclaimer – ‘the names have been changed, and the facts have been altered to protect the innocent.’ □

Now Is the Time to Create a Minority and Small Business Program

BY TREMAYNE E. TERRY AND WILLIAM W. WARREN, JR.¹

COVID-19 has revealed just how vulnerable our supply chains and vendor pools are. For years, public and private organizations have been trending toward lean and efficient supply chains that reduce the number of vendors that they are working with. But in light of COVID-19, these organizations are reevaluating their approach and moving towards a more resilient, robust vendor base in the effort of ensuring that goods and services will be delivered regardless of what the world throws at us.

As a result of the economic downturn that has accompanied COVID-19, it is reported that 40% of black-owned businesses are expected to close permanently. The vulnerability for ALL businesses that are exposed because of COVID was heightened for black-owned businesses. Because these companies often do not have the access to capital required to sustain them during tough times, many face an uncertain economic future. Our country's historical past and present acts of discrimination obviously play a role.

Municipalities and other governmental entities are of course

experiencing their own economic challenges. But the business of government must continue. Small businesses, including minority-owned small businesses that are locally based, offer not only attractive pricing, they pay local taxes and employ locally based majority and minority individuals whose employment generates additional tax revenues. "Buy local" doesn't apply only to your groceries and restaurant purchases.

Then, of course, there's also the matter of social justice. Recent events, almost too numerous to mention, have forced a large percentage of the electorate to recognize the inequalities that too often define our country. Simply put, access to quality education, health services and housing, are all too often unavailable to a large segment of the population. Calls for change are coming from the people, and clearly, something is different now. And the response from government needs to go beyond criminal justice reform.

A meaningful business diversity program will help rebuild local economies and help to close some of the economic gaps in our society.

No, it won't happen overnight, but if not now, then when? Local government entities and public utilities have responsibility to not only release supportive statements but to follow up with action. And there are many examples of successful municipal programs.

The Commonwealth has had a minority and small business program in various forms since 1987 in connection with hundreds of millions of dollars of purchasing. The Harrisburg City School District utilized a minority business program for a \$200 million construction program with great success. Capital Region Water operates a minority business program in connection with its water and sewage facilities. There are many other examples. What is required to create and operate these programs successfully is a commitment from governmental leadership and the allocation of resources. In the long-run, these programs pay for themselves in both tangible and intangible ways.

The present circumstances may in fact support a regional approach or other approach of a collaborative nature. Cooperative purchasing using straightforward legal processes

is of course well established. All levels of government benefit from a robust small and minority business program beyond the benefit of increased economic activity. For example, counties may see a diminution in social service costs. Governmental entities that separately might not be interested in a standalone program might well be attracted to the opportunity that a regional program would present. A program that erases geographic boundaries and allows collaboration among various governmental entities in a region can be fas-

ioned without the loss of independence and accountability.

The time is now to create a small and minority business program in your municipality. The legal mechanisms are in place and have been tested. There is even an opportunity for a regional approach that leverages the economic strength of an area. The creation of a sustainable system of diverse business contracting will collectively strengthen our vendor pool, workforce and economy.

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Mr. Warren has worked on minority, women and veterans business programs for governmental entities for over 30 years, and is Senior Partner at Saul Ewing Arnstein & Lehr LLP, 717-979-5570, and william.warren@saul.com □



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Fireworks in Pennsylvania

BY JAY DELANEY, EMT/P, CITY OF WILKES-BARRE, FIRE CHIEF
PENNSYLVANIA CAREER FIRE CHIEFS ASSOCIATION, PRESIDENT

In October of 2017, the Pennsylvania State Legislature and Governor made consumer grade fireworks **legal** in Pennsylvania with some conditions under Act 43. Consumer grade fireworks include devices that have a combustible or explosive composition and can be ignited on the ground or shot into the sky. This legislation poses a significant risk to public safety and the safety of the First Responders. The risk of fire, trauma and burn injuries have been seen by fire fighters and Emergency Medical Service providers across the state. Fireworks also have an effect on our neighborhoods, our pets, some of our military veterans, our health and our homes.

Immediately after the expansion of consumer grade fireworks became legal, several groups came together to map a plan to repeal or amend Act 43 of 2017. The Pennsylvania Career Fire Chiefs Association and the Pennsylvania Fire and Emergency Services Institute began discussions with the Pennsylvania Municipal League to address statewide municipal concerns with the new and legal use of aerial and other consumer fireworks. The feedback from fire chiefs and municipal leaders from across the state was completely aligned for the new law to be repealed or amended.

The current legal USE OF CONSUMER FIREWORKS under Act 43 includes:

- a. **Conditions** – A person who is at least 18 years of age and meets the requirements may purchase, possess and use consumer fireworks.
- b. **Prohibitions** – A person may not intentionally ignite or discharge:
 1. Consumer fireworks on public or private property *without the express permission of the owner.*
 2. Consumer fireworks or sparkling devices within, or throw consumer fireworks or sparkling devices from, a motor vehicle or building.
 3. Consumer fireworks or sparkling devices into or at a motor vehicle or building or at another person.
 4. Consumer fireworks or sparkling devices *while the person is under the influence of alcohol, a controlled substance, or another drug.*
 5. **Consumer fireworks within 150 feet from an occupied structure.**

The July 4, 2018, 2019 and 2020 holiday seasons saw a dramatic increase in the response from municipalities dealing with law enforcement, fire response and emergency medical service calls directly correlated to fireworks. While some cities like Lancaster and Wilkes-Barre have enacted municipal ordi-

nances to make fireworks illegal on city streets and city parks, little else can be done under the state law. The new law gives no opportunity for municipalities to regulate the use of consumer fireworks.

Keep in mind the present law allows a person to ignite an aerial firework 150 feet from an occupied building. Does anyone have any idea where the aerial firework will go, once ignited? Put simply, fireworks are dangerous, and their expansion should never have happened. There are no safe fireworks. There is something wrong when an industry sells an amateur pyrotechnic product that emits chemical-grade materials that, when ignited, create enough heat to melt glass and maim a person for life.

In Pennsylvania, Consumer Fireworks are taxed at 12% in addition to the state sales tax of 6%. The 18% fireworks tax offers little to municipal government. One sixth of the tax (not to exceed \$2,000,000.00) is mandated to – 75% for EMS grants and 25% for volunteer fire fighter training. There has been at least a half dozen pieces of fireworks legislation over the past two years with sponsorship by State Representatives and Senators. Representative Frank Farry sponsored HB 1667 which was a great start to amend Act 43 of 2017. The Pennsylvania Career Fire Chiefs Association, Pennsylvania Municipal League and the Pennsylvania Fire and Emergency Services Institute offered solid testimony at

the House Agriculture and Rural Affairs Committee on September 24, 2019.

Our goal remains to repeal the “Fireworks Law,” Act 43 of 2017. At the very least, if the Act can be amended, we would request the following:

- Local option to set local regulations;
- Increase the distance from an occupied structure from 150’ to 500’;
- Increase the penalties for a violation from \$100.00 to \$1,000.00 and increase the offense to a misdemeanor;
- Reallocate a portion of the tax revenue to include municipal police and fire departments to mitigate the effects of consumer grade fireworks; and
- Mandated reporting of fireworks incidents to the State Fire Commissioner for database collection that can be referenced and utilized by all fire responder disciplines.

So what can we all do collectively? It all starts local. Between now and the new legislative session, we can map a plan at the local level to repeal Act 43 of 2017. Wilkes-Barre Mayor George Brown organized a fireworks law repeal petition drive at the local neighborhood organizations and crime watch groups. These petitions were delivered to our local State Representative and Senator. Many municipal mayors and elected officials have engaged our state elected officials, but it will take more. Your fire fighters, paramedics and EMTs and police need your support to help keep our communities safer. □



Pictures of fireworks debris from Wilkes-Barre City Parks – July 5, 2020

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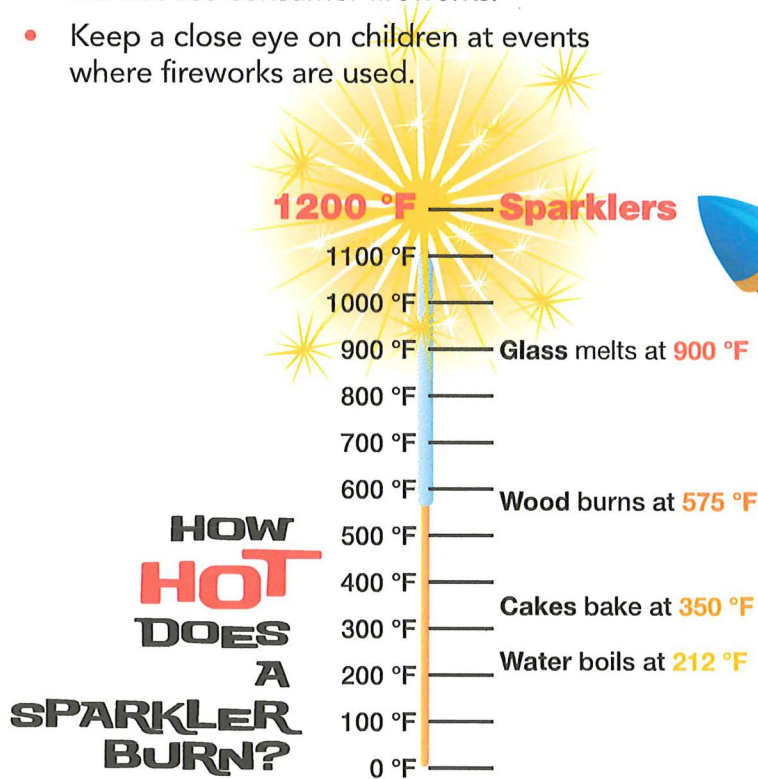
Fireworks are often used to mark special events and holidays. However, they are not safe in the hands of consumers. Fireworks cause thousands of injuries each year. People can enjoy fireworks safely if they follow a few simple safety tips:

BE CAREFUL!

- Be safe. If you want to see fireworks, go to a public show put on by experts.
- Do not use consumer fireworks.
- Keep a close eye on children at events where fireworks are used.

CONSUMER FIREWORKS

NFPA is opposed to consumer use of fireworks. This includes sparklers and firecrackers. Even sparklers burn hot enough to cause third-degree burns.



FACTS

- ! More than 16,000 reported fires are started by fireworks annually.
- ! Sparklers account for roughly one-quarter of emergency room fireworks injuries.



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Continued from Fireworks in Pennsylvania

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The New Exception to the Immunities Provided to Municipalities Under the Pennsylvania Political Subdivision Tort Claims Act

BY TRICIA M. AMBROSE¹

The newest exception to immunity – sexual abuse – may be the one that has received the least amount of attention, but has the most significant impact on immunity provided to your municipalities and could have a far reaching impact on exposure to your local municipalities.

What is House Bill 962 and How Does It Affect Municipalities?

2019 Act 87 House Bill 962 was passed by Governor Tom Wolf on November 26, 2019 and changes the way that sexual abuse of minors is handled in Pennsylvania. HB 962 provides that a municipality may be liable for the acts of the agency or any of its employees for conduct which constitutes an offense under 18 Pa.C.S. 5551(7), if the injuries to the plaintiff were caused by the actions or inactions or omissions of the local agency. The offenses in 18 Pa.C.S. 5551(7) include offenses

perpetrated against a minor in the nature of sex trafficking, sexual servitude, rape, statutory sexual assault, involuntary deviate sexual intercourse, sexual assault, institutional sexual assault, aggravated indecent sexual assault or incest. HB 962 also defines a minor as an individual who is twenty-three (23) years of age or younger – extending the age of minority by five (5) years.

Even more concerning about HB 962, is the inapplicability of the damage cap. All of the other eight (8) exceptions to immunity under the Tort Claims Act have a \$500,000 damage cap, regardless of the value of the actual damages. Under HB 962, there is no damage cap for the exception related to sexual abuse. As such, damages in these cases could be astronomical.

Lastly, the Tort Claims Act requires that the party provide the municipality with notice of the potential suit within six (6) months of the

date of the incident. The six (6) month notice requirement does not apply to this new exception and there is almost no statute of limitations associated, especially for sexual abuse of a person under eighteen (18). Generally, a plaintiff has two (2) years to commence a lawsuit, or with the case of a minor, two (2) years from the date of majority. Under HB 962, if the individual bringing suit is under eighteen (18) at the time of the abuse, they have thirty-seven (37) years from the age of majority to bring suit. If the individual is between eighteen (18) and twenty-three (23) at the time of the abuse, the individual has until reaching age thirty (30) years to bring a lawsuit.

While this sounds like bad news, HB 962 did not strip away everything that the immunity of the Tort Claims Act provides. At the outset, the waiver of immunity only applies to very specific offenses. Not every act that is sexual in nature can give

rise to liability. The actions must be criminal, and they only apply to very specific crimes. In addition, like immunity for the other eight (8) exceptions, the municipality cannot be liable for intentional or reckless conduct of its employees. The local agency can only be liable for “causing” the sexual abuse if the conduct of its employees constituted negligent acts or omissions. While there is no further information – and no Court guidance yet – as to what will be considered negligent actions or omissions, it is likely that this exception will assume other provisions of the Tort Claims Act. For example, the municipality will likely not be liable simply on the theory of respondeat superior. Like the Monell claims that can be asserted against your municipality in federal actions, this exception will likely require more than just proving the actions of the employee to establish liability against your municipality. A plaintiff may have to prove that the municipality was on notice of particular behavior and failed to act, either by way of failing to intervene or by not having proper training or policies. However, in federal actions, in order to find liability against the municipality, a plaintiff must prove that the municipality acted with deliberate indifference. Here, only mere negligence, which is a much lower standard, is required.

What Can We Take Away From This New Exception?

While HB 962 was likely passed as a result of the Church scandals and the Sandusky scandal, this could have far reaching effects past churches and schools and could

expose your municipality to civil liability in a variety of ways:

- ▶ A plaintiff could claim the Police Department did not adequately investigate a claim for sexual abuse allowing it to continue to happen;
- ▶ One of your police officers arrests a nineteen (19) year old, and in exchange to not file/drop charges, the minor performs sexual acts for the officer;
- ▶ A “consensual” sexual relationship between a supervisor and a subordinate, under the age of twenty-three (23);
- ▶ Sexual harassment in the workplace in the form of sexual favors for continued employment or other workplace benefits – “quid pro quo” to an employee under the age of twenty-three (23).

While it is up to each municipality to best determine how to prevent and eliminate risk, one way to prevent such claims is to continue to promulgate good polices and more importantly, train your employees on those policies. Policies and training on preventing and reporting sexual harassment will provide your employees with clear direction on how to handle circumstances when they are a victim of, or a witness to, this type of behavior. Further, policies on interpersonal intimate relationships in the workplace, whether it is permitted and if so, in what circumstances are important. If you are going to allow

relationships in the workplace, ensure there are procedures of disclosure and documentation of same to avoid problems that may arise if that relationship ends. Further, always treat reports of sexual abuse and harassment seriously and do your due diligence when investigating any claims of sexual abuse and harassment.

Lastly, because this exception is so new, we do not have any cases yet where potential plaintiffs have asserted a negligence claim based on sexual abuse. Therefore, we do not yet have guidance from the Courts on how this exception will be applied. We can expect to see cases in the coming months asserting this exception.

In conclusion, having good training and policies on sexual harassment and hostile work environment could eliminate the risk of the applicability of this immunity exception to your municipalities.

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Officer Wellness: Reducing Risk is Top Priority

BY MIKE GOLDSTEIN, DIRECTOR OF PUBLIC SAFETY/CHIEF OF POLICE, CITY OF PLYMOUTH, MN

While away at a leadership seminar in July of 2005, I experienced an odd heart rhythm that I chalked up to indigestion or dehydration. Sitting in my dorm studying for the next day's discussion, I figured another scotch and water might do the trick and relieve the symptoms. It didn't. The next best remedy, get some sleep and things will be fine in the morning. They weren't. I explained what I was experiencing to a classmate and he of course suggested that I seek medical attention. I didn't. After lunch, the abnormal rhythm worsened and then it was difficult to catch my breath while we were walking back to the classroom.

My classmate inquired as to how I was feeling and I lied, "Things are about the same." They weren't. As we entered the lecture hall another classmate approached and stated, just say the word and I will get you to a hospital. Thirty minutes later I gestured over to this classmate and stated, "We should probably go" as things were deteriorating.

Upon my arrival to the hospital, I made my way to the reception desk and explained some of my symptoms. Thereafter, while talking with a triage nurse, a team of ER technicians came into the cubical, grabbed me and not-so- gingerly placed me onto a gurney. Now, lying in the stabilization room, this team came into full action. With monitors ding and drip lines running into my veins, the lead doctor asked if I had family in the area. I didn't.

He stated I should contact someone.

Fast forward 24 hours while lying in the telemetry unit with my wife enroute from halfway across the country, my attending nurse, who offered exquisite care, found a quiet moment to admonish me in her perfect-pitched Nurse Ratched-like voice. "You cops are all the same! You are too stressed, eat like crap, drink too much and never sleep. If you don't change what you're doing, you're going to be dead – soon. Ask me how I know? My husband is a cop and he could easily be lying in this bed. Figure it out, so your wife actually has someone to visit once she arrives."

With the virus that attacked my heart now at bay, I made a commitment to follow that influential nurse's advice and moreover, in my role as police chief, to ensure that none of the officers I had the privilege to lead ever found themselves in a similar circumstance.

The Irrefutable Data

The literature is vividly clear. "Law enforcement is considered one of the most dangerous, stressful, and health-threatening occupations."¹ So, while we train our personnel to manage high stress encounters, encourage them to face and help navigate the public's shifting expectations and the evolving social contract, and continue to deliver an unending array of services to the communities we serve, how

much attention is focused on our personnel's wellbeing? Today, the distrust of police in certain communities has never been greater; the call for sweeping reforms has never reached these heights and never before has there been such a large mass exodus from the job as officers are seeking early disability retirements at record levels or are just simply moving onto new chosen paths to avoid the chaos.

As such, it is incumbent upon today's law enforcement leaders, municipal managers, elected officials and insurance trusts to recognize the current state of emergency that police officers are finding themselves within and to provide the requisite services to mitigate and build resilience to the mounting stress they are enduring. In this vein, it is no mistake that officer wellness and safety was highlighted as a major pillar in the President's Task Force Report on 21st Century Policing with its claim, "The bullet-proof cop does not exist."² The report also suggests, that establishing transparent, legitimate, well-trained, and properly aligned policing organizations is improbable without an adherence to their personnel's wellness and safety — healthy police officers will make for healthy law enforcement organizations.² Meeting the report's recommendations under its sixth pillar is the responsibility, and quite frankly, the duty of police leaders.

Further, the research illustrates that the morbidity and mortality

rates for law enforcement personnel are greater than that of the general population including: higher incidents of cardiovascular disease, metabolic disease, substance abuse, divorce, mental ill health and suicide. Is it any wonder with the additional stressors that have erupted over the last several months that the sucking sound of those leaving the job is deafening?

For far too long, law enforcement leaders have either ignored these indisputable facts or were simply ignorant of the research. And, while some were paying attention and implemented proactive measures to best care for their workforce, there are not enough resources currently available to sustain an evidence-based approach to care for the health and wellbeing of our nation's police officers in a systematic manner.

As previously stated, physical inactivity and other unhealthy behaviors in law enforcement contribute to excess morbidity and mortality through greater incidents of cardiovascular disease, cancer, diabetes, obesity, and chronic pain.^{3,4,5} A study of Connecticut law enforcement officers found their mortality ratio for cardiovascular disease to be 32 percent higher when compared to the general population.⁶ Therefore, "Physical fitness programs in law enforcement are important for both the strenuous activities and cardiorespiratory fitness required for the job as well as for maintenance of officers' overall health."⁷

While the body keeps the score as noted by research scientist, Bessel van der Kolk, one cannot ignore the psychological injuries that law enforcement personnel encounter as well. The effects of job stress are well-studied and include increased levels of psychological disorders such as anxiety, depression and post-traumatic stress disorder.⁸ For example, in Scotland, more than 200,000 days of work for police officers have been lost to mental

ill health in the last four years. The reasons for absence include anxiety, depression, insomnia and post-traumatic stress.⁹

Related, and most disturbing, the rate of suicide for police officers exceeds that of the general population where an estimated 228 officers were reported to have died by suicide in 2019, according to Blue H.E.L.P.¹⁰

Beyond the human costs, which could not be more significant, the economic impact on law enforcement organizations and the insurance trusts that provide coverage for both physical and mental health claims and early disability retirements are enormous and are increasing exponentially. For example, it is estimated that each in-service myocardial infarction costs \$400,000 to \$750,000.¹¹ Additionally, in Minnesota, Post-Traumatic Stress Disorder claims from public safety personnel since 2013 account for \$14.6 million out of a total of \$14.7 million in incurred claim costs.¹² Early disability retirements have also increased exponentially, including a sharp surge in retirements due to psychological injuries. In Minnesota, these have risen from 27 early disability retirements in the period of 2006 through 2009, to 113 from 2016 through 2019.¹³ Other states across the country are experiencing this similar and concerning trend.

Consequently, there are also associated legal implications and a police department may be found liable on the grounds of negligent retention or failure to train.¹⁴ For example, in the case of *Parker v. District of Columbia*, the arresting officer was accused of using excessive force in an arrest of a combative suspect.¹⁵ Due to the officer's lack of physical fitness, he was unable to use less-harmful defense tactics and resorted to using his firearm, causing the suspect to become paraplegic. In the verdict, the D.C. Metropolitan Police Department was found to

be deliberately indifferent to the physical training needs of its officers and the plaintiff was awarded a substantial sum of money.¹⁵ Perhaps fitness standards would have prevented this incident.

There is no dispute, the benefits of law enforcement fitness programs are numerous and include improved physical and mental health, decreased injuries, and increased employee morale and job satisfaction. Additionally, they can serve as a recruitment and retention tool. For example, a four-month circuit weight-training program for Florida law enforcement officers led to significant increases in strength and cardiovascular fitness, as well as psychological benefits of decreased somatization, anxiety, depression, and hostility and improvements in job satisfaction.¹⁶

A Call to Action

There is an old military adage: "You must take care of your troops if you want to carry out your mission." This notion is not new, and thankfully, its adoption within the law enforcement arena is capturing the attention of forward-thinking leaders who also recognize the extreme value of another adage, "Pay now, or pay later."

One cannot in good conscience dispute the need for this paradigm shift from the "suck it up buttercup" mantra to a more enlightened approach as the research and endorsements by healthcare providers, scientists and trainers to create evidence-based, sustainable and systemic wellness opportunities for law enforcement personnel has been empirically validated.

Again, while some departments across the country have adopted various physical, mental and spiritual fitness programs, many have not. As there is no one-size-fits-all approach, each organization that chooses to design a health and wellness program must determine what

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is the best fit for their own department prior to implementation. This discovery process requires careful consideration in that there are a number of philosophical considerations and potential impediments to ponder, for example, budgetary constraints, collective bargaining issues, political acceptance, etc. So where does one start? Further, how far does one have to go? How do law enforcement leaders balance the trials and tribulations of the job that police officers face on a daily basis? With a front row seat, law enforcement personnel witness the good and to an extent, most of the bad that humankind has to offer. As such, no one can enter the profession and avoid being exposed to the toxic and disturbing events police officers are called to help resolve.

With that, how do we appropriately address the realities of the job and also appropriately care for our personnel without creating a culture where organizations now have to debrief a debriefing? Thankfully, the proverbial pendulum has rightfully moved into a better position, but a more conscientious and coordinated approach is needed.

After experiencing my own health scare, I initiated a comprehensive physical, mental and spiritual health and wellness platform for our personnel to combat the irrefutable trauma and potentially debilitating consequences of the job. This intentional approach was strategically crafted over the course of several years and included the input of subject matter experts to help build our case. Thankfully, our city's administration and elected officials were supportive of the data derived from our research and approved to fund our program. They, too, recognized the need to pay for these proactive services up front to help stave off the far more costly impacts of those who have a work-related injury and incur workers' compensation claims. Plus, from a humanistic perspective, they real-

ized and agreed that those who are protecting the community must also be protected.

The Comprehensive Approach

There is no one best approach to developing an appropriate wellness program. As such, there is no need to reinvent the wheel on this matter either. There are numerous resources, within the private market, some more legitimate than others, that will consult with law enforcement organizations on how to establish sustainable programs. Moreover, there are helpful examples from peer law enforcement organizations across the country that can be called upon to assist with the development of an appropriately sized wellness program for your department. I am called monthly by police leaders and/or department wellness committee members asking for the roadmap our department instituted. As progress in this area continues to develop, so will best practices that will better enable one department to learn from another.

Thoughtful conversations are imperative with local government leadership, union officials, and department members about the reasoning for these programs. Input from all stakeholders is required. Collaborative decisions on mandated versus voluntary participation are key, as well as on the pros and cons of the use of incentives and potential partnerships with local gyms, mental health providers and other subject matter experts.

The evolution of these programs takes time and needs champions to keep the progress moving forward.

While our program is not the end-all and be-all, it does work for our department. We have an established Wellness Committee that is comprised of me, a commander and our wellness officers, which is an ancillary assignment for these officers who receive advanced

training in a variety of health and wellness subjects. For obvious reasons, most departments appoint range instructors, field training officers, defensive tactics instructors, and the like. We have taken that practice one step further with the creation of a wellness officer assignment that is solely focused on the well-being of its personnel. With this program in place, the desire to provide fitness opportunities to the department's employees is not allowed to fall to the proverbial "back burner" as other competing priorities demand attention and resources. Wellness, which directly correlates to enhanced safety practices, is a top department priority, and the wellness officers are assigned to hold the administration accountable in this important regard.¹⁷ Through its work, the entire Wellness Committee maintains a strong line of communication with the rest of the department through various mediums. Further, we are fortunate to have a part-time officer, the only one in our department's history, who is a full-time emergency medicine physician. His expertise is instrumental in our overall program.

While participation in the physical fitness options the department offers is voluntary, including the opportunity to exercise while on-duty, the mental health program is a mandated feature, which includes the department's "Check Up for the Neck Up" offering. Here, officers are required to meet with a "cop-competent" mental health provider at least once per year, with the option to have more frequent visits if desired. These confidential sessions provide the officers an opportunity to learn stress management techniques and to take burdening issues off of their shoulders.

On the spiritual health front, the department has amended the services of our Chaplain Corps that provide care to the public we serve, to offer internal services too. Our internal chaplain has established

office hours, will ride along with officers and hosts a popular podcast that is appreciated by its listeners. His role is not to proselytize, but to help officers with their concerns, to provide support and to help members understand they are serving for a greater good.

Through our newsletter, family wellness forums, financial fitness seminars, in-service trainings and the reinforcing coaching from our wellness officers, the department has established a palpable and real culture of care and support for our personnel. In a recent culture survey conducted by outside consultants, our officers fully acknowledged and offered their appreciation for the focused care they receive. **By caring for our personnel, they in turn strive to carry out our department's mission. Our officers understand that they are valued and that their wellbeing is paramount to our department's collective success.**

Whether in total or in parts thereof, these services can be replicated. Beyond the provided examples, there are other programs readily available to assist law enforcement personnel in their wellbeing. Links to other sources of information have been provided for those seeking these imperative services.

In a Nutshell and One Not to Ignore

As described in the 21st Century Policing Report, "The officers who protect us must also be protected – against incapacitating physical, mental, and emotional health problems as well as against the hazards of the job."² In more basic terms, broken cops lead to broken services. It behooves law enforcement leaders to incorporate programs, or better yet, systems, to help build resiliency in our personnel and help keep them as healthy as reasonably possible. We will either pay now or pay later, and those downstream healthcare costs are far greater on

several levels. In order to appropriately meet the various professional demands and evolving expectations, a well-developed healthcare system for American law enforcement officers is not a "nice-to-have" notion. Rather, it is a "must-have" priority, especially today.

If you would like more information about officer wellness, please contact Mike Goldstein at mgoldstein@plymouthmn.gov. After January 31, 2021, Mike can be reached at mike@provicta.com.

Resource Links

<https://www.theiacp.org/topics/officer-safety-wellness>
<https://cops.usdoj.gov/RIC/ric.php>
<https://www.policefoundation.org/valor/>
<https://nij.ojp.gov/taxonomy/term/20421>
<https://www.sheriffs.org/Mental-Health-Officer-Wellness>

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Municipal Leadership Virtual Summit

A joint Summit of The League and the Pennsylvania State Association of Township Commissioners through photos . . .

2020 VIRTUAL MUNICIPAL LEADERSHIP SUMMIT

Thank you to League President Matt Pacifico & PSATC President Dave Zarnick for presiding over our first-ever Virtual Municipal Leadership Summit!



Mayor Matt Pacifico
City of Altoona
League President



President Commissioner
Dave Zarnick
Butler Township
PSATC President

#MunicipalLeadershipSummit20



The first joint Municipal Leadership Summit, a virtual event due to the pandemic, was a great success! We were pleased to have a number of dignitaries join us as well as many interesting and informative speakers. The numerous sessions were educational and relevant to the needs of Pennsylvania municipal officials and ranged from *Diversity, Equity and Inclusion to Making Sense of the Markets to Managing Through an Economic Crisis: City of Easton Case Study*. There was even a virtual exhibit hall for participants to obtain information from businesses providing products and services for the municipal marketplace. And of course the associations held their individual annual business meetings where policy was set and new officers were sworn in. Thank you to all who participated, as this Summit was designed to provide you with the latest information to assist in governing your municipalities more effectively and efficiently and making your communities vibrant and healthy!


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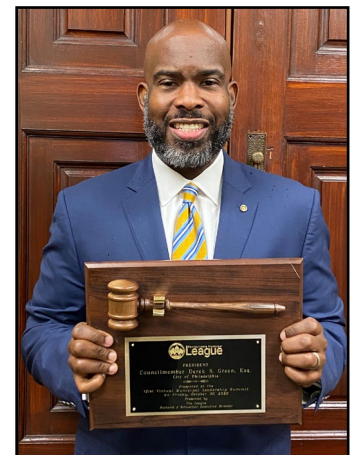
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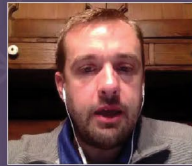
Derek Green, Philadelphia Councilmember, was sworn in as League President

2020 VIRTUAL MUNICIPAL LEADERSHIP SUMMIT

OPENING SESSION



U.S. Senator
Bob Casey



Speaker of the PA
House
Bryan Cutler



DCED Secretary
Dennis Davin



DCNR Secretary
Cindy Adams Dunn



NLC President
Joe Buscaino



#MunicipalLeadershipSummit20

FIREWORKS PANEL DISCUSSION



Jay Delaney
President, PA Career Fire
Chiefs Association



Jerry Ozog
Executive Director, PA Fire &
Emergency Services Institute



Mayor Danene Sorace
City of Lancaster,
League 2nd Vice President



Kerry Golden
Majority Ex. Dir., Agriculture &
Rural Affairs Committee, PA
House of Representatives

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Trinity High
School, Camp Hill



2ND PLACE
Jamie Santiago
Scranton High
School



3RD PLACE
Jonah Zolnak
Altoona Area
High School



(l to r) Rep. Kerry Benninghoff, Auditor General Eugene DePasquale and Lt. Governor John Fetterman addressed delegates during Thursday's opening ceremony

(l to r) Executive Director Designate John Brenner was the moderator for the informative Economics Session presented by Ed Fortunato, Chief Economist for Exelon

Craig Fugate, former FEMA Administrator, was the Municipal Leadership Summit Keynote Speaker

Please see pages [57-59](#) for photos from PSATC's Hampden Township watch party during the Virtual Municipal Leadership Summit.



The Sixth Sense – Risk Perception

BY CHERYL LEES, PENNPRIME MANAGER OF LOSS CONTROL SERVICES

Loss Control Rep:

I'm ready to tell you my secret now.

Insured Client: *Okay.*

Loss Control Rep:

Come closer... but please maintain a safe distance of 6 feet.

Insured Client: *Okay.*

Loss Control Rep:

(in hushed tones) I see... risk.

Insured Client: *Where is it?*

Loss Control Rep:

(horrified, eyes agape, arms flailing)
EVERYWHERE!!!

There is no disputing that risks are all around us. Simply by waking up each morning, and getting out of bed, we face a multitude of perils. In the movie, *The Sixth Sense*, from which the above lines were parodied, the troubled child told the psychologist, played by Bruce Willis, "You can't help me." Unlike that movie, loss control "doctors" can certainly help insured clients battle their deepest, darkest dangers through regular "checkups" or assessments.

One of the issues with risk perception is that each person has their own interpretation of it for a particular action, behavior, event, or strategy. In reality, risk level de-

pends upon many factors such as training, experience, probability of the event occurring, severity of the potential outcome, and many others. As an example, evaluate the following scenario, rating it as a low, average, or high risk.

Using a kitchen knife

Let's say that most people would rate this as an average risk. However, before ranking it, some individuals might ask "What type of knife?", "Who is using it?", and "What is their skill level?" So let's provide additional detail. An unsupervised 10-year-old, with no previous experience with a butcher's knife, is cutting a large side of beef. With the situation more clearly defined, the majority would probably rate this risk as high. Let's blur the lines a little and change the scenario to a professional chef, trained at a culinary institute, with six months of proficiency. While most might rate this as low risk, some might rank it as average, and others might evaluate it as high.

If risk perception is personal, how do we determine a benchmark for it? Data and experience can help us. Standards such as the MUTCD, NEC, NFPA, NIOSH, and OSHA (go to the end of this article to see how

many expansions you can list) to name but a few, were developed by experts in their field and are reviewed and updated continually. When injury statistics, research, or other new information is presented, these standards are updated to reflect necessary changes. The following example illustrates this further.

As far back as 10,000 years or more, asbestos was touted as magical since mixing it with other materials improved the end product considerably. From ancient clay pottery to its heavily commercialized use during the Industrial Revolution and beyond, asbestos was a material of choice for its amazing fire-proofing properties. For centuries, handling asbestos was linked to debilitating cancers, but it wasn't until 1972 that it was decided that the dangers to human health outweighed the benefits.

The first standard for asbestos placed the Permissible Exposure Limit (PEL) at 5 fibers/cubic centimeter (f/cc). This is the maximum amount of a substance to which a worker can be exposed for a specified time period. After more was learned about its detrimental effects and additional illness data was evaluated, the PEL was drasti-

cally reduced three times over the next 22 years to its present value of .1 f/cc. Asbestos is but one example of a workplace hazard. Implementing a PEL is one example of a safety standard that was continually tightened to minimize the overwhelming negative health effects to employees.

So while risk is, indeed, everywhere, so too is the availability of risk management. Standards, whether they be for asbestos, fire prevention, electricity, trenching, or pandemic control are the countermeasure to thwart rampant, reckless risk and help protect us. You can manage your own organization's risks by partnering with your insurance carrier's safety rep and consistently applying universally-recognized standards developed by experts.

On a more personal level, you can help lower the risk of illnesses and injuries to your family and coworkers by remembering that it's **kind to remind** others about safe practices. We all get complacent and need a little encouraging from time to time. And when someone cares enough to remind you, have an **attitude of gratitude**.

Listed below are links to a few of the many professional agencies that play a role in developing and maintaining standards towards the goal of lowering risk and improving health and safety.

- ASHRAE [American Society of Heating, Refrigerating and Air-Conditioning Engineers](#)
- ANSI [American National Standards Association](#)
- CDC [Centers for Disease Control](#)
- FDA [Federal Drug Administration](#)
- MUTCD [Manual on Uniform Traffic Control Devices for Streets and Highways](#)
- NEC [National Electrical Code](#)
- NFPA [National Fire Protection Association](#)
- NHTSA [National Highway Traffic Safety Administration](#)
- NIOSH [National Institute for Occupational Safety and Health](#)
- OSHA [Occupational Safety and Health Administration](#)
- WHO [World Health Organization](#) □



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As a service program of The League, solid and strong for 33 years, we embrace The League's core values in our Property & Liability and Workers' Compensation Trusts. We innovate new ideas and solutions to mitigate exposures specific to municipal entities. We understand and support our members by providing the most current insurance strategies and personalized services, focused on local government needs.

Hand in hand, we work with our members to ensure that the identification, evaluation, prioritization, and cost-effective control of risks are an integral part of all operations within our members' organizations. We are proud that our members are committed to the safety of their employees, residents, volunteers and contractors, and the protection of their assets.

PennPRIME offers hands-on leadership and advocacy, a stable alternative to the uncertainties of commercial insurance carriers, a voice in our management, custom-tailored coverage programs, and a wide range of safety and training resources for implementing and maintaining an effective risk management process. Over time, our members have been afforded steady rates, expanded services, and the potential for dividends. We advance The League's vision to be "the one-stop shop" for Pennsylvania local government.

For more information, please contact Angela Tennis, PennPRIME Director of Insurance Services, at atennis@pml.org or 717.236.9469, press *258. □



Safety Leadership is Key to Risk Management

BY CHERYL LEES, PENNPRIME MANAGER OF LOSS CONTROL SERVICES

Leaders are typically found in the municipal environment in the following job positions: housekeeping staff, administrative assistants, mechanics, snow plow operators, tax collectors, accounting clerks, computer support, patrol officers, highway workers, codes inspectors, park employees, wastewater treatment plant operators, heavy equipment drivers, borough secretaries, and many more.

If you were surprised by this list, perhaps you are confusing leadership with management. "Leadership is a choice. It is not a rank."¹ Each concept stems from a substantially different philosophical basis.

"A person responsible for controlling or administering all or part of a company or similar organization"² is a manager.

"If your actions create a legacy that inspires others to dream more, learn more, do more

and become more, then, you are an excellent **leader**."³

While it's true that safety is a value that needs to be embraced by, and implemented from, executive directors and managers, it is also a principle that can, and must be, pollinated from each worker. According to Simon Sinek, there are "many people who are at the bottoms of organizations who have no authority and they are absolutely leaders and this is because they have chosen to look after the person to the left of them and they have chosen to look after the person to the right of them. This is what a leader **is**."⁴

A mechanic is a **safety leader who embraces risk management** when she reminds the police sergeant, who drove into the garage without wearing his seatbelt, of the importance of wearing this safety device so that he can actually arrive at the scene and carry out his oath to protect and serve.

An administrative assistant is a **safety leader who embraces risk management** when he reminds the public works laborer, who is changing the light bulb in his office, not to stand on the top rung of the ladder, but instead, to take the time to retrieve and use a longer ladder that is appropriate to do the task.

An accounting clerk is a **safety leader who embraces risk management** when he reminds his municipal manager, who is wearing her face mask below her nose, of the importance of wearing the mask properly at all times to prevent the spread of COVID-19.

The following true story is recounted from a safety presentation. Mike, a probationary employee, had joined Karyn's team and was not using the proper personal protective equipment, was taking short cuts, and generally not following established procedures. Karyn made sure Mike received additional training from several different

experienced operators. In addition, each of her team members individually shared their commitment to the company's safety philosophy. Despite these efforts, Mike continued to do his own thing. Finally, having tried every possible approach, Karyn, who was a member of the collective bargaining unit, escorted Mike out the door and told him not to return because she was unwilling to risk her safety or the safety of her team. If you are a general laborer, Karyn is certainly a role model.

If you are an executive director or mid-level manager, you have a more critical role in making sure all workers go home to their families. Paul O'Neill was the chairman and CEO of Alcoa for twelve years. The production of aluminum was historically considered an inherently unsafe operation – a necessary evil

for an industrialized world. At the start of his reign, Alcoa was considered a fatal enterprise. And yet, Mr. O'Neill did not focus on financials as a metric of improvement, but instead, he chose to focus on employee safety, a decision considered crazy by investors. This intensely unpopular strategy has been reported to have increased market capitalization by \$27 billion and annual net income fivefold.⁵ How? It has been theorized that when implemented effectively, a safety process requires teamwork and concentration which benefit other organizational goals.

Those are really great stories, but manufacturing is not at all like municipal operations, is it? Nope. Nothing like it. What is similar, are the seeds that germinate throughout a company. Every organization's growth depends on culti-

vating its employees. This is equally as possible in a tiny municipality with a staff of four as it is in a multi-site international corporation.

"Be safe" is often an empty sentiment, rotely expressed, lacking commitment and verbalized monotonously at the beginning of each work day or at the start of a risky job task. Both managers and general personnel must take action to demonstrate effective risk management through genuine safety leadership all day, every day, especially during the increased risks of these challenging times. It is up to each of us to be a leader by inspiring others to dream more, learn more, do more, care more, and become more.

If not us, who? If not now, when?⁶

- 1 Sinek, Simon. (19 Jun 2020). *Why Good Leaders Make You Feel Safe* [video file]. Retrieved from youtu.be/lmyZMtPVodo
- 2 "Manager." *Lexico*. Oxford University Press 2019. [Lexico.com/en/definition/manager](https://lexico.com/en/definition/manager). Accessed 19 Jun 2020
- 3 Dolly Parton, *The Most Important Thing I Know: Life Lessons From Colin Powell, Stephen Covey, Maya Angelou and Over 75 Other Eminent Individuals*, Compiled by Lorne A. Adrain, Cader Books, 1997, pp. 60-61
- 4 Sinek, Simon. (19 Jun 2020). *Why Good Leaders Make You Feel Safe* [video file]. Retrieved from youtu.be/lmyZMtPVodo
- 5 Rodd Wagner, "Have We Learned The Alcoa 'Keystone Habit' Lesson?", 22 Jan 2019, 2020 Forbes Media LLC, [Forbes.com](https://www.forbes.com)
- 6 Hillel the Elder, *Pirkei Avot* (c. 60 BC-10 AD). George Romney, 1963. Cheryl Lees, 2020 □

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Unemployment and Risk Management

BY DEBBIE GROSS, U-COMP MEMBER SERVICE REPRESENTATIVE

The purpose of this brief article is to assist you with risk management for your municipality as it relates to the tracking and payment of COVID claims. The specific time period identified by the Pennsylvania Department of Labor and Industry (L&I) for the payment of COVID claims is March 21, 2020 through December 26, 2020. It is entirely possible that, as you are reading this article, unemployment laws have changed somewhat, however, this article looks back at the period mentioned above because many employers have questions about it.

As a municipal employer, you will be one of two statuses with L&I;

- ▶ **Contributory** – where you pay a percentage times the wage base per employee into the State Unemployment Fund, or
- ▶ **Reimbursing** – where you pay for your municipality’s unemployment on a

dollar-for-dollar basis. There are only about 8,000 reimbursable employers in the State of Pennsylvania. Most of those are municipal employers.

L&I has divided claims for the above period of time (March 21, 2020 through December 26, 2020) into two categories:

- ▶ COVID claims
- ▶ Non-COVID claims

It is important for you to make it clear to L&I if any claims are related to COVID-19. If you are a Contributory employer, your COVID-related claims are paid automatically by the Department with no risk to your municipality. This is also known as “relief from charges.”

If you are a reimbursable employer, you must have paid the Solvency Fee for 2020 in order to be eligible

to receive full Relief from Charges for COVID-related claims. Each year in November, L&I sends a notice to each reimbursable employer providing an opportunity to elect coverage under the Solvency Fee. While paying the Solvency Fee is strictly voluntary, those employers who choose to pay it are covered for certain base period claims that may occur under normal conditions in the following calendar year. Earlier this year, L&I declared that those employers who paid the Solvency Fee for coverage in 2020 would receive full reimbursement for any COVID-related claims incurred during the time period indicated above. If your municipality has paid the Solvency Fee for 2020, please check your claims carefully to ensure COVID-related claims have been classified correctly.

It is also important to note that while total relief of COVID-related claims was afforded by the Department in 2020 for those

reimbursable employers who paid the Solvency Fee, there has been no additional guidance provided, as of December 15, 2020, that indicates that this relief will carry forward to 2021.

If your office is of reimbursable status, but you opted *not* to pay the Solvency Fee, you have an extended period of time in which to pay the COVID-related claims. You have up to 120 days from the date of the statement in order to pay those claims and can be entitled to another 60 days for the repayment period if you are able to prove financial hardship. According to PA Act 9 of 2020, no interest will

accrue or be charged until January 1, 2021.

Please note that if you receive interest charges on your timely account, you may contact the UC Employer Contact Center at 1-866-403-6163. Please provide your office's State Unemployment Number and a brief explanation of your issue.

The PA Department of Labor and Industry updates their website regularly and the web address is <https://www.uc.pa.gov/unemployment-benefits/UCGuide/Pages/default.aspx>.

The U•COMP program will provide you with the latest legislative information on relevant topics such as the above. A free, non-binding proposal may be obtained by contacting:

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Legislative Status Report STATE



PREPARED BY AMY STURGES, LEAGUE DIRECTOR OF GOVERNMENTAL AFFAIRS – asturges@pml.org

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All legislation can be found on the General Assembly's website:
legis.state.pa.us

Enacted Legislation

Act 86 of 2020

House Bill 885 (PN 4075)

Signed: October 29

Effective: 60 days

[Act 86](#) amends the Public Works Contractors' Bond Law. This Act removes the flexibility of the contracting body to accept and approve alternative means of financial security. Instead, it limits the contracting body to a few financial security options: a performance bond, a federal or commonwealth chartered lending institution irrevocable letter of credit; or a restrictive or escrow

account in a lending institution. A contractor is required to secure two of the financial securities listed above for 100 percent of the contract amount, one as a condition on the performance of the contract and the other to cover the costs of materials and labor.

Act 91 of 2020

House Bill 1673 (PN 4573)

Signed: October 29

Effective: various/earliest is 60 days

[Act 91](#) incorporates a number of SR 6 recommendations supporting

the provision of fire and emergency services, as well as the recruitment and retention of volunteers. Following is an abbreviated list of provisions in the Act.

The Volunteer Loan Assistance Program (VLAP) is renamed the Emergency Services Loan Assistance Program (ESLAP). Loan amounts are increased and include an adjustment for inflation. Provides for a ballot referendum in Spring 2021 to expand the ESLAP to include municipal fire departments.

The duties of the State Fire Commissioner are redefined. The Commissioner is designated as the primary representative for fire services and is responsible for training development, grant administration and data collection. The Commissioner is now appointed by the Governor and approved by the Senate. The Act renames the State Fire Safety Advisory Committee the State Fire Advisory Board. The Commissioner will chair the Board and 10 firefighters, along with General Assembly members and relevant stakeholders will make up the voting and non-voting members of the Board.

The Act expands the use of fire relief funds to include assistance to firefighters, equipment purchases and recruitment and retention efforts. It defines the Length of Service Award Program and provides tax-deferred benefits to active volunteers. It allows non-fire company relief associations to continue to receive monies if they were receiving prior to 2010. And, it requires the State Fire Advisory Board to study the fire relief funding formula and make recommendations by November 30, 2022.

Additionally, the Act reauthorizes the Fire Company and EMS Grant Program to June 30, 2024. Allows grant funds to be used for recruitment, retention and new construction. It also allows grant funds to be used to fill revenue losses caused by COVID-19 for 2021 and 2022.

The first responder tax credit is expanded to school and county taxes and may be up to 100 percent of property tax liability.

Act 93 of 2020
House Bill 1838 (PN 3590)
Signed: October 29
Effective: 120 days

[Act 93](#) amends Title 35 (Health and Safety) requiring 30 percent of Emergency Medical Services Operating Funds (EMSOF) be allocated to provide training to underserved rural areas. No less than 10 percent of this portion of the funds shall be provided to assist with medical purchases for ambulances. The Legislative Budget and Finance Committee shall review, within one year, court records to ensure the money for the EMSOF is being properly collected and deposited into the fund. The Act also amends Title 75 (Vehicles) increasing the ticket surcharge from \$10 to \$20 and the cost from \$25 to \$50 on defendants who participate in Accelerated Rehabilitative Disposition, all of which would be deposited into the EMSOF.

Act 96 of 2020
House Bill 2073 (PN 3052)
Signed: October 29
Effective: 60 days

[Act 96](#) comprises the First Class Township Code Rewrite – a modernization of the Code. Summaries of the changes are available [here](#).

Act 98 of 2020
House Bill 2438 (PN 4545)
Signed: October 29
Effective: 60 days

[Act 98](#) amends Title 68 (Real and Personal Property) further providing for broadband services in rural areas. The Act authorizes an electric cooperative or its affiliate to use existing infrastructure, through an existing easement owned, held or used by the cooperative, to deploy and maintain broadband facilities. The

attachment of broadband facilities to existing infrastructure and easements shall not constitute a change to the physical use of the easement, interfere or impair any vested rights of the property owner or place any additional burdens on the property. The Act does not apply to new poles or structures in an existing easement.

Broadband suppliers may access a cooperative's easement if safety standards are met and if the suppliers provide retail or wholesale of broadband services and the cooperative enters into a written attachment agreement with a supplier. Suppliers are permitted to use the easement pursuant to rates, terms and conditions no less favorable than those offered to an affiliate.

Act 101 of 2020
Senate Bill 940 (PN 1951)
Signed: October 29
Effective: 60 days

[Act 101](#) creates the Municipality Condemnation Order Act allowing for condemnation orders to be issued against the actual property and requiring all purchasers of the property to be held accountable for code compliance. A municipality may file a condemnation order with the office of recorder of deeds in the county where the property is located. If a municipality files an order, it serves as notice to all purchasers that they are responsible for the property and code compliance. A municipality may recover the costs of recording a condemnation order from the tax sale proceeds or directly from the purchaser. If a municipality vacates a condemnation order, the municipal officer shall file a statement with the office of recorder of deeds within 15 days. A properly recorded condemnation order is a lien on the property and

→

the validity of the condemnation order is not affected by an upset, judicial or repository sale of the property.

Act 102 of 2020
Senate Bill 952 (PN 2043)
Signed: October 29
Effective: 60 days

[Act 102](#) amends Title 51 (Military Affairs) providing new definitions to determine who is qualified for the veterans' hiring preference. When a veteran passes a civil service exam for an appointment at any municipal agency or other public agency, an additional 10 points shall be added to the veteran's final score. A veteran will not be able to begin or hold a public position until proof of discharge or separation is provided. Agencies will consider relevant training and education received during the veteran's service in lieu of formal training and education.

The Office of Administration is responsible for providing a consolidated report to the Adjunct General; and the Department of Military and Veterans Affairs is responsible for providing an annual report to the majority and minority chairs of the State Government and Veterans Affairs and Emergency Preparedness Committees of each chamber of the General Assembly.

Act 106 of 2020
Senate Bill 1199 (PN 2042)
Passed into law without the Governor's signature on October 31
Effective: 90 days

[Act 106](#) amends Title 75 (Vehicles) establishing the use of personal delivery devices (PDD) on state and local roads and sidewalks by authorized entities. A PDD would be regulated as a pedestrian and would be defined as a device that:

- ▶ is manufactured for transporting cargo or goods;
- ▶ is operated by an automated driving system or a driving system that allows remote operation, or both; and
- ▶ weighs 550 or less pounds without cargo or goods.

The Act allows only entities with authorization issued by the Department of Transportation to operate PDDs. The Act also gives the Department regulatory authority over PDDs and authorized entities, including the approval, renewal, revocation and suspension of PDD authorizations. The Department is required to make a list of authorized entities; PDD policies and standards; and a process to report violations or accidents publicly available on its website. Lastly, the Department may prohibit PDDs on any state roadway if the Secretary determines they would constitute a hazard.

Entities wishing to operate PDDs must file an application for authorization with the Department. The applicant must provide a general operation plan including anticipated roadways to use for transport; a description of goods intended for transport; a detailed educational campaign regarding PDDs, and other information as required. Applicants must also attest that they would temporarily cease or restrict the operation of PDDs due to a weather emergency or other hazardous event as defined by the Department or a municipality. Each PDD authorization is valid for one year.

On local roads, local authorities may permit the use of PDDs where the posted speed is greater than 25 miles per hour, but not greater than 35 miles per hour. On other

roadways and in pedestrian areas, local authorities may prohibit use, after consultation with the business entity operating the device, if the device would constitute a hazard. In either case, local action must be by ordinance or resolution. Local authorities may regulate the operation of such devices in a manner not inconsistent with the Act and promulgated regulations, but are not able to prohibit their operation outright. Entities authorized by the Department are required to notify the governing body of a municipality of its intent to operate PDDs within the municipality's jurisdiction no less than 30 days prior to commencing operations.

The Act also establishes the operational and equipment requirements for the PDDs. Initially, authorized entities may operate PDDs under phase one with an operator within 30 feet of a device. Within 90 to 180 days after beginning phase one, an authorized entity may transition to phase two which allows remote operation.

All authorized entities operating PDDs are required to maintain insurance including general liability coverage of at least \$100,000 per incident. And, finally, the Act provides that government entities are immune from suit by authorized entities and the owners of cargo; and government entities do not have a duty to make roadways and other real estate safe for PDD operations.

Act 107 of 2020
Senate Bill 30 (PN 2102)
Signed: November 3
Effective: Immediately

[Act 107](#) creates a PA Housing Tax Credit Program modeled after the federal low-income housing tax credit. Housing developers

may apply for tax credits and in exchange pledge to keep rents affordable for a specific number of years. The PA Housing Finance Agency is charged with establishing guidelines and procedures for the administration of the program. The Act does not authorize the allocation of tax credits. This will be addressed in legislation next session.

Act 108 of 2020
Senate Bill 94 (PN 2101)
Signed: November 3
Effective: Immediately

[Act 108](#) amends the Workers' Compensation Act clarifying that certain members of volunteer firefighter departments, fire companies and ambulance corps are eligible for workers' compensation.

The Act defines members of volunteer fire departments or volunteer fire companies as any of the following: an active volunteer firefighter who responds to emergency calls; an individual appointed as special fire police; an officer or director of a volunteer fire department or fire company; or a participating member who provides necessary operational support to the volunteer fire department or fire company, but does not respond to emergency calls. The term does not include a social member of either a volunteer fire department or fire company.

It also defines members of volunteer ambulance corps as any of the following: an active volunteer ambulance corpsman who responds to emergency calls; an officer or director of a volunteer ambulance corps; or a participating member of a volunteer ambulance corps who provides necessary operational support to the volunteer. This term does not

include a social member of an ambulance corps.

Finally, social members are defined as members whose class of membership is social and primarily intended to facilitate fraternization with other members or access to social amenities and events regardless of whether a member occasionally provides unpaid operational support.

Act 112 of 2020
Senate Bill 1110 (PN 2107)
Signed: November 3
Effective: Immediately

[Act 112](#) amends the Disease Prevention and Control Law of 1955, providing a definition for "aerosolized transmission" of a communicable disease. During a proclamation of a disaster emergency by the Governor that is based upon a communicable disease, the administrator of a health care facility or personal care home must promptly report any incidence of the communicable disease to the local department of health in the municipality where the patient resides, or to the PA Department of Health if required by regulation.

The Act provides an exception from confidentiality for the Department of Health and local departments to release, within 24 hours of notification of an aerosolized transmission, the address of a confirmed case of the communicable disease to the local 911 dispatch so that public safety personnel can be notified of the presence of the communicable disease if dispatched. The Department of Health may release additional information determined to be essential to protecting public health and safety and preventing the spread of communicable disease as outlined in the Act.

The confidentiality exception provision does not apply to cities or counties of the first class during the disaster proclamation issued by the Governor on March 6, 2020 or any subsequent renewals.

Act 114 of 2020
House Bill 2536 (PN 4626)
Signed: November 23
Effective: Immediately

[Act 114](#) became part of the budget legislation amending the Fiscal Code. The original intent of the legislation, authorizing emergency tax anticipation notes for local government, was preserved. Local governments may obtain emergency tax anticipation notes through December 2021 with a maturity date at of the end of fiscal year 2022 in order to help manage cash flow during the current COVID-19 emergency.

Act 129 of 2020
House Bill 2233 (PN 3276)
Signed: November 25
Effective: Immediately

[Act 129](#) amends Title 75 (Vehicles) allowing political subdivisions and volunteer fire, ambulance and rescue squads to commingle their tax-exempt motor fuel in common storage tanks. Each exempt entity, a political subdivision and/or volunteer service, is authorized to enter into a commingling agreement which includes provisions for purchase, delivery, use and safety of motor fuel. Each entity is responsible for their own recordkeeping of their use of fuel. Storage tanks must be located on the property of the political subdivision and each entity in the comingling agreement must separately contract for purchase and delivery of fuel.

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Act 132 of 2020
Senate Bill 835 (PN 2112)
Signed: November 25
Effective: Immediately

Act 132 establishes the Unserved High-Speed Broadband Funding Program to be administered by the Commonwealth Financing Authority (CFA). Non-government entities with the ability to build and operate high-speed broadband service infrastructure are eligible

for the program, but must use private capital to fund a minimum of 25 percent of a project. The CFA is responsible for establishing an annual application period and making all applications received available for review on its website. The CFA shall award grants for projects based on a scoring system and criteria as outlined in the Act. The CFA may not award a grant to fund deployment of broadband

infrastructure if the project results in an overbuild.

The Act appropriates \$5 million to the CFA from the General Fund for the 2020-2021 fiscal year for the purposes of the program; and repeals the Mobile Telecommunications Broadband Tax Credit also \$5 million. □



Taking steps to prevent labor and employment issues is a far better strategy than trying to mitigate them after the fact. We partner with municipalities in every corner of the Commonwealth, helping them address potential risks and create work environments where people and public service can thrive. We'd like to do the same for you.

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A Legislative Session in Review



November 30 marked the end of a very active and unique 2019-2020 legislative session. In March 2020, the spread of COVID-19 forced the General Assembly, The League and the Commonwealth's municipalities to work remotely, shifting the focus from day-to-day business to emergency provisions and public health. Despite these unforeseen hurdles, The League and its member municipalities continued to serve members and constituents.

Throughout these two years, the General Assembly introduced more than 5,000 bills, of which The League tracked 1,150 bills affecting local governments. The League has also tracked more than 500 bills related to the COVID-19 pandemic. In addition to bill tracking, The League's Governmental Affairs staff advocated for issues important to our members, as well as opposing legislation that would preempt or decrease the efficiency of local government. Several key League priorities were signed into law or gained traction through the legislative process, while other detrimental legislative efforts were stalled.

Enacted Legislation Highlights

Act 96 of 2020, the First Class Township Code Rewrite, modernizes and recodifies the Code to reflect current practices and court rulings. Act 91 of 2020 addresses a

significant number of recommendations from the SR 6 report. Act 79 of 2019 establishes a universal definition of blight, and Act 101 of 2020 creates a condemnation blight tool. Lastly, Act 15 of 2020 provides temporary authority for all local governments to meet remotely due to the pandemic.

Bills on the Move...

While these bills did not make it to the Governor's desk, they gained traction and greater attention in the General Assembly. Fireworks have become an increasing nuisance, and for this reason, The League has updated our consumer fireworks policy to one of repeal. The General Assembly introduced 11 bills addressing the issue of consumer fireworks, including two bills repealing the act entirely. Act 111 and police reform also became prevalent legislation this session, encompassing more than 25 police reform bills and two comprehensive Act 111 reform bills. Local use of radar (Senate Bill 607) advanced the furthest in the legislative process to date, and municipal pension reform legislation was introduced to address Auditor General DePasquale's 2015 Municipal Pension Task Force Report. The League will continue to engage our members

on these issues through our advocacy efforts in the next session.

Stalled Bills: Dead but Not Gone

House Bill 432 and House Bill 1400 regarding post-traumatic stress injury (PTSI) in first responders and deployment of wireless broadband respectively, died with the end of session after failing to make any legislative traction. The League proactively opposed both bills due to unfunded mandates and local preemption provisions that would be detrimental to local governments. The League supports increasing the awareness of PTSI in first responders and deploying broadband across the Commonwealth and looks forward to continuing conversations next session to achieve those goals without impairing local governments.

We look forward to continuing our advocacy efforts as the new session gets underway in January. □

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2021 Legislative Priorities

Municipal Mandate Reform

Collective Bargaining

Act 111, the Police and Fireman Collective Bargaining Act, is 52 years old and has never been updated. Public safety pay and benefits, however, have increased significantly since the late 1960s. A “reset” of Act 111 is necessary to provide a level playing field for employers reflecting today’s work standards and economic realities. A “reset” will put control back in the hands of the employer by addressing the accountability of the neutral arbitrator. Without such changes, any future police reform measures will be in jeopardy.

Public Safety Pensions

Municipal pension costs are one of the most pressing financial challenges facing local governments today. Pension statutes must be updated to provide cost predictability and financial sustainability without negatively impacting current employees.

Tax-Exempt Entities

Municipalities host a multitude of tax-exempt entities. While offering important community services, tax-exempt entities do not directly contribute to the tax base. This creates an inequitable burden on the entities that do pay taxes. Municipalities and taxpayers need relief. Regular review of each tax-exempt entity’s designation, as well as continuation of a high threshold to meet that designation are important aspects to relieving the burden of tax-exempt entities.

Consumer Fireworks

The legalization of consumer fireworks has resulted in a very expensive unfunded mandate. Communities are paying a high price as they work to address quality of life complaints while trying to enforce a law that is nearly impossible to enforce. The cost to municipalities is far greater than the monetary benefit to the Commonwealth, making repeal of this law the only option for local government.

Investment in Core Communities

Revitalization

Investment in core communities must be a priority for the Commonwealth. Housing, job creation, private investment, venture capital, business tax credits and low-interest loan financing are key economic development tools that urban municipalities must be able to access in order to create and maintain livable, attractive communities. Direct, targeted investment is even more critical as communities look to recover and help their residents and small businesses recover from the economic devastation brought about by the COVID-19 pandemic.

Local Control

Local Taxation

Local governments provide services under an archaic and regressive taxing structure that does not reflect today’s society or meet today’s needs. The flexibility of options, determined locally or regionally, would better serve taxpayers. Local government officials are ready to accept the responsibility of determining the local taxing options that best fit their community.

Local Use of Radar

Radar is a reliable, accurate and efficient public safety tool. Pennsylvania is the only state still protecting speeding motorists by denying localities the use of radar. It is a falsehood that radar will be used as a local revenue tool. With the Commonwealth receiving the bulk of fine revenue, the cost of enforcement will outweigh the municipal share.

Preservation of Local Zoning and Rights-of-Way Management

Local zoning laws protect the health, safety and welfare of residents and property. Zoning also guides growth and preserves the natural and historic features of a community. Legislation aimed at preempting local land use decisions and limiting rights-of-way management infringes on a local governing body’s inherent duty to protect its citizens and their property.

Contact Amy Sturges, Director of Governmental Affairs, at (717) 236-9469, ext.*225 or asturges@pml.org with questions and/or comments.



Legislative Status Report FEDERAL

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A Closer Look at the New COVID Deal: What Local Priorities Made the Cut? BY ANGELINA PANETTIERI, DECEMBER 21

Last week, the House and Senate approved an [omnibus deal](#) to fund the federal government and provide a new round of COVID-19 relief – absent direct aid to local governments, despite months of advocacy from communities, economists, and legislators on both sides of the aisle.

NLC Executive Director and CEO Clarence E. Anthony noted in response, “It is beyond disappointing that after months of watching our hometowns and our local economies ravaged by COVID-19, congressional leaders have failed to deliver critical support for the first responders, public safety personnel, and municipal officials who have worked tirelessly to keep our communities safe since the beginning of the pandemic. As COVID-19 cases rise across the country and local officials race to put in place the infrastructure to distribute vaccines to their residents, there has never been a more important moment to deliver critical relief to our communities. While we appreciate the limited provisions aimed at temporarily alleviating the financial pain in our communities, these measures are woefully inadequate to address the systemic and long-term challenges facing local governments due to the pandemic.” Read [NLC’s full statement](#) on local governments’ absence from the final bargain.

The package fails to provide any additional direct relief to state or local governments, although it does extend the deadline for using unspent funds from the Coronavirus Relief Fund to December 31, 2021. The deal does not provide additional flexibility for the use of those funds. The package also fails to increase the federal cost share for the Federal

Emergency Management Agency (FEMA) Public Assistance grants to 100%. Instead, the package provides FEMA up to \$2 billion in assistance through states for families with funeral expenses due to COVID through December 31, 2020. It requires FEMA to provide this assistance and waives an otherwise required 25% state match.

Despite the failure on the part of Congress to provide much-needed aid to struggling communities, the bill does contain some potential bright spots for businesses and residents in need. The final package includes aid for struggling households, in the form of an additional round of \$600 stimulus payments, a \$300 unemployment insurance supplement through March 14, 2021, and extensions to the Pandemic Unemployment Assistance program for self-employed or gig workers and the Pandemic Emergency Unemployment Compensation program, which covers unemployment for workers who exhaust state benefits.

Other top-line totals in the [relief package](#) include:

- \$25 billion for rental assistance;
- \$325 billion in small business aid (\$284 billion of which is another round of modified PPP loans, along with \$20 billion in Economic Injury Disaster Loan Advance Program funding and \$15 billion to support closed performance and entertainment venues);
- \$45 billion for transportation, including \$14 billion in additional transit support, \$10 billion in additional surface transportation block grant funding that can be used directly by communities above 200,000

and across the state, as well as \$2 billion additional for primary and general aviation airports;

- \$54.3 billion for public K-12 schools;
- \$10 billion for childcare (funding the Child Care & Development Block Grant and Head Start);
- \$13 billion for the Supplemental Nutrition Assistance Program;
- \$7 billion for broadband (\$3.2 billion of which is dedicated to a low-income broadband emergency subsidy for households, and another \$300 million for rural broadband); and
- \$4.25 billion to provide increased mental health and substance abuse services and support, including \$1.65 billion for the Substance Abuse and Prevention Treatment Block Grant.

In addition to COVID aid, the “Christmas tree” legislative package includes [funding for federal programs](#) mostly at level or slightly increased funding from FY2020 through the end of September 2021 and a number of [policy reauthorizations and actions](#) important to cities, including the Water Resources Development Act, the Don’t Break Up the T-Band Act, energy provisions, and tax extenders.

After the COVID assistance and federal funding package is passed into law, NLC will continue to advocate for cities and their residents to access as many of these resources as possible. While some programs, such as the stimulus payments, are expected to move quickly, others will require a brief rulemaking process or additional guidance from federal agencies before they can reach communities, families, and businesses. □

Public Finance

Cybersecurity and Local Governments

Recognizing and understanding a trillion-dollar problem

BY CHRISTOPHER TRUMP, PLGIT CLIENT SERVICES GROUP

Attacks on our digital information is not news: each of us likely gets at least one malicious email a day asking us to click on a link to solve a nonexistent problem with an account, track a fictitious package, or one of a dozen other scams.

We can usually count on our spam filters to catch emails like the ones mentioned above. But for each of those “head-on” attempts to access – or steal – our information, there are scores of other efforts underway that we don’t see to crack into servers, hack passwords, and overcome security measures. This is especially true for large organizations or local governments with lots of valuable information, lots of web-connected employees, and lots of ways to be severely compromised by a data breach.

PLGIT published an article in the Winter 2019 edition of the *Municipal Reporter* (pages 52-54) about the risks of ransomware and ways in which municipal employees can protect against that type of attack. Because the topic is such an important one, PLGIT has expanded the topic to cover a broader range of common Cyberattack tactics that have the potential to create a substantial headache for your municipality – plus a few ways to defend against them.

Too Big To Ignore

You’ve heard it said often that computer breaches and other types of cyberattacks are a big problem, but that description is used for a lot of things. To help emphasize the issue, here are a few statistics to illustrate how big of a problem it really is*:

- \$148: The average cost, in dollars, of each lost or stolen record in a data breach
- 70: The average number of days it takes to resolve and contain a data breach
- \$740,000: the average cost of notification after a data breach
- \$3.86 million: the average cost of a data breach
- \$4.2 million: the average amount of lost business **after** a data breach
- \$2.1 trillion: the estimated cost of global data breaches in 2019

And these numbers are growing. The evolution of networks from internal servers and “dummy” keyboard terminals, to cloud-based storage, personal computers, and web-based applications have increased opportunities not only for productivity, but also for cyber criminals.

*Sources: *Statistica, 2018 Data Breach Investigations Report, IBM*

Examples of Common Attacks

Some of the most frequently used cyberattacks are also the most difficult to discern, even after they’ve happened. Here is a brief description of four of them.

Business Email Compromise

Business Email Compromise is an example of a cyberattack in which an attacker gains access to a corporate email account and pretends to be an owner or senior executive to defraud the organization, employees, customers or partners.

An attacker may use legitimate email accounts that have been compromised, and target staff that have access to company bank accounts or sensitive data.

These emails usually appear very authentic, even containing the signature of a CEO or senior executive, and often conveying a sense of urgency. Most often, these attacks target the payroll department and focus on the theft of payroll files.

Vendor Impersonation Fraud

In this type of fraud, an attacker will impersonate a legitimate

vendor or contractor and contact a local government by telephone, email, regular mail or fax, requesting that account information for payment be changed to an account controlled by the attacker. When an invoice is received, the municipality then processes payment to the attacker.

Criminals may create an email address that is similar to an actual email address, making it difficult to spot. Written correspondence from the attacker may even appear to be printed on legitimate letterhead.

Because their contracting information is a matter of public record, local governments are more vulnerable to targeting by legitimate-looking – but fake – correspondence.

Ransomware

As we wrote in our earlier article, ransomware is a type of malicious software designed to make files and systems inaccessible to the rightful owner in order to demand a price, or “ransom,” for restoring access. Network hackers use a variety of ways to gain illicit access to computing devices in order to plant software. A few of these means of access include:

- **Phishing:** An email that makes a personal appeal to influence a user to click a link or run a program. Once the link is opened, the software gains access and infects a user’s system.
- **Trojan Horses:** Viruses that are embedded or disguised within innocuous programs or even seemingly necessary software that an unwitting user runs on their machine.
- **Worms:** A self-replicating program that moves through computer networks. Unlike the methods above, a worm does not depend on tricking users – all

it needs is an undefended device.

Once ransomware has infected a computer or a network, it quickly notifies users on the network that their data has been taken hostage. Invariably, there is a payment requested and instructions for how to pay it.

Hacking of Backup Systems

The risk of data loss from a local government’s backup system receives much less attention than the risk to its primary IT systems. Backup systems are often monitored less diligently than primary IT systems, making them more vulnerable to infiltration.

In addition, backup systems are often purchased from and managed by third-party vendors, giving a local government less control over who has access to the data.

Equal care should be given to the security of backup systems, and vendors of those systems and resources should be carefully vetted and monitored.

Prevention

While the most obvious solution to the threat of these types of cyberattacks might be additional technological measures, often the most effective prevention is based in the technology’s users. The majority of cyberattacks can be avoided with widely available technology, a well thought-out approach to network and data protection, and end-user vigilance and education.

Municipalities should have a routine process for distributing and installing critical security patches. They should also have trained security professionals who anticipate and understand the vulnerabilities of their system and can take proactive steps to mitigate the risks. As those on the front lines in dealing with email traffic and online access,

staff at all levels can benefit from regular training on current cybersecurity issues.

Christopher Trump is a managing director with PFM, PLGIT’s Investment Advisor and Administrator, and oversees investor security efforts for all PLGIT investors. He can be reached at trumpc@pfm.com.

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LEGAL NOTES

Managing Risks In The New Phase of COVID-19

BY HOBART J. WEBSTER, ESQ., CAMPBELL DURRANT
NOVEMBER 16



As we move into the next phase of the COVID-19 pandemic, it is critical that municipal employers have updated policies and sound risk management strategies designed to keep the workplace as safe as is possible. This is particularly true as the United States experiences its first consecutive days of more than 100,000 new cases of COVID-19, even before entering the traditional flu season. Many municipalities did not adopt or have not revisited their COVID-19 policies and procedures since the early days of the pandemic. In order to successfully mitigate risk, municipal employers must review their policies to ensure that they are up to date, inform their employees of changes to the policies and hold employees accountable for policy infractions.

After months of stress caused by the uncertainty of COVID-19, many public managers and employees are exhausted. This fatigue can result in complacency about COVID-19 mitigation efforts and increase reluctance to enforce COVID-19 mitigation rules. While this fatigue is understandable, public managers must continue to model good behavior, require compliance, and remain focused on reducing the transmission of COVID-19 in the workplace. Each municipality should require its employees to inform a supervisor and/or human resources of COVID-19 symptoms before reporting to work or, at a minimum, immediately upon experiencing symptoms while at work. Steps should be taken to

mitigate exposure in the workplace by requiring employees to stay at home if they are not feeling well.

Be prepared for employees to report their co-worker's sneezes, coughs or other symptoms. A well-defined protocol for determining when to exclude an employee from the workplace will remove subjectivity and inform all employees that the municipality is actively attempting to mitigate COVID-19 workplace spread. Employers should be tracking paid leave that is taken pursuant to the Families First Coronavirus Act.

Each municipality should have an Americans with Disabilities (“ADA”) compliant face covering policy to outline the expectation of work-

place conduct. Employees who do not follow the face coverings policy should be held accountable.

Social distancing also remains important for transmission reduction. Elevators, access points and shared workspaces are common features that pose social distancing challenges and increase the risk of COVID-19 transmission. Employees should be reminded of their obligations to maintain a social distance from their co-workers when possible.

A municipal employer may consider implementing staggered work schedules to minimize the number of employees entering and exiting buildings. Before implementing scheduling changes, be sure to consult with labor counsel to determine whether such changes require collective bargaining with impacted unions.

The Centers for Disease Control and Prevention (“CDC”) and other public health experts also emphasize the necessity of handwashing and disinfecting surfaces. Does your municipality have a written cleaning protocol for employees to follow? What efforts, if any, are you taking to ensure that cleaning is being performed?

Combating COVID-19 related stress is more challenging. Employee Assistance Programs (“EAP”) can play a critical role in helping employees navigate these difficult periods. Employees have access to professional assistance from substance abuse counselors, mental health workers and other services.

Employers should note that referring an employee to EAP may

implicate the ADA. The ADA protects employees who either have or are perceived to have a disability, including a mental disability, from workplace discrimination. Taking adverse employment action, such as discipline, against an employee who refuses to utilize EAP services or who does not comply with treatment recommended via EAP may result in claims of disability discrimination based on a perceived disability. In addition, employers are obligated to engage in the interactive process with employees who have mental health issues to determine if there are reasonable accommodations that would enable an employee to perform the essential functions of their job. Whenever you are dealing with a situa-

tion that involves EAP or medical issues, it is wise to consult with labor counsel.

Due to the dramatic increase in remote work necessitated by COVID-19, every municipality should have technology policies which outline the expectations of employees while using employer devices or accessing its systems. More importantly, training employees to recognize phishing attempts commonly embedded in emails is critical to mitigating risk. Municipal employers should review their cybersecurity policies to ensure that they are up to date and provide clear guidance on the how employees are to utilize technological resources.

Takeaways:

- ▶ **Public employers must have updated COVID-19 prevention policies and protocols that explain what employees are expected to do and what will happen if they fail to follow the rules.**
- ▶ **Common risk mitigation strategies such as changing lunch schedules, may trigger bargaining obligations.**
- ▶ **Be mindful that many situations involving EAP services also trigger an employer’s obligations under the ADA.**
- ▶ **Review your cybersecurity policies to ensure that they are up to date, adequately address the risks you face and expressly prohibit misuse of technology.**

Bottom Line:

Far too many municipal employers have not reviewed their COVID-19 related policies since the spring. As we head into the traditional flu season, it is essential that public employers review their policies to ensure they are up to date, inform their employees of any changes to these policies and hold employees accountable to mitigate COVID-19 spread in the workplace. □



LEGAL NOTES

Pennsylvania Commonwealth Court Rules in Favor of Home Rule and Act 47 Taxation Authority



BY WILLIAM W. WARREN, JR., ESQ.*

The Commonwealth Court, on October 26, 2020, resolved an issue that threatened over a dozen Pennsylvania municipalities with financial disaster, reversing a decision in the Lackawanna County Court of Common Pleas. See *St. Fleur v. City of Scranton*, No. 112 C.D. 2020 (Oct. 26, 2020) (en banc). On November 26, 2020, the deadline for the filing of a petition for allowance of appeal (allocator) passed, and the Commonwealth Court's decision is final. The request that the Commonwealth Court decision be published was

not granted. In any event, the Commonwealth Court's decision can be cited as persuasive authority.

The Lackawanna County Court of Common Pleas, in an action brought by certain city taxpayers, had held that the City of Scranton, which is both a Home Rule and Act 47 municipality, was limited by the Act 511 cap on total Act 511 taxation, i.e. specifically that the City could not collect more than 12 mils (0.012) of Act 511 tax, calculated using the total

assessed value of real estate in the municipality. The amount of tax assessed and collected by the City for each of the four years in question totaled between \$34 and \$38 million, and the taxpayers argued that the City was limited to about \$27 million per year. For the four years at issue, the loss would be approximately \$10 million per year. The Lackawanna Court ordered the City to escrow about \$50 million to cover the supposedly unauthorized taxes collected.


On appeal to the Commonwealth Court, the City agreed that the **subjects** of taxation were those set forth in Act 511, but contended that the **rates** of taxation and the total amount of the tax collected were not limited by Act 511 because of provisions found in the Home Rule Law and, in the alternative, Act 47.

The Pennsylvania Municipal League submitted a brief as friend of the court (amicus curiae), that supported the City's position and described the devastating financial impact the Lackawanna Court's decision would have, if upheld, on additional municipalities that either are in Act 47 recovery or have adopted Home Rule. The municipalities potentially affected were as diverse as Pittsburgh and Easton City. Indeed, the ability to set rates of Act 511 taxes above the Act 511 limit is one of the reasons

that could support future decisions of municipalities to become Home Rule or to enter into Act 47 recovery.

The Commonwealth Court agreed with the position of the City of Scranton and the Pennsylvania Municipal League and reversed the Lackawanna Court, holding that the Act 511 limit on the rates of taxation does not apply to Home Rule municipalities. In further discussion, the Court observed that Scranton also argued in the alternative that Act 47 provided an exemption from the Act 511 limit. The Court concluded that making a decision on this alternate ground was unnecessary, and noted that in any event, Act 47 itself provides for relaxation of limits on taxation, albeit with court approval. The Commonwealth Court's decision was unanimous

and provides a solid legal basis for protecting the ability of Home Rule municipalities, and we suggest Act 47 municipalities as well, to set rates of taxation above the rates in Act 511.

**Mr. Warren is a Senior Partner at Saul Ewing Arnstein & Lehr LLP, participated with his colleague Matthew M. Haar, Esq. in the preparation of PML's amicus brief, and can be reached at william.warren@saul.com* 



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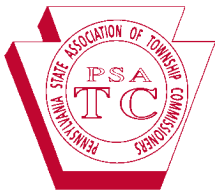
Kenneth F. Porter, ARM

continued on page 60 ➔

PSATC President's Message



[NATE SILCOX](#)
[COMMISSIONER](#)
[HAMPDEN TOWNSHIP](#)



PML.org/PSATC

Fellow Township Commissioners and Municipal Officials,

Thank you for electing me to serve as the President of the Pennsylvania State Association of Township Commissioners (PSATC).

I am excited to work with my fellow First Class Township Commissioners over the next year, but first, I would like to thank Dave Zarnick, from Butler Township, for serving as President during a very difficult, and very different, 2020.

Despite the pandemic, PSATC was successful in getting the First Class Township Code Rewrite signed into law in October. House Bill 2073 is now Act 96 of 2020. Simply put, this 452-page bill has modernized the First Class Township Code, an effort that has not been attempted in the last 70 years. The Pennsylvania Local Government Commission, in concert with a working group from the PSATC in association with the Pennsylvania Municipal League, has since early 2016 revised the Code by removing obsolete provisions; incorporating language to reflect case law and current practices; updating archaic language or language in conflict with other statutes; consolidating common subjects; and adding some language that had been part of previous recodifications. We knew this was going to be a long-term project, but it was an effort well worth the undertaking. Please have your staff and solicitor review the new law in order to implement its provisions, which takes effect on December 28, 2020.

I would like to thank Representative Dan Moul, Chairman of the House Local Government Committee, for sponsoring this important legislation. And I would also like to thank the three other Chairs of the Senate and House Local Government Committees – Senator Scott Martin, Senator Tim Kearney, and Representative Bob Freeman – for their support throughout the legislative process.

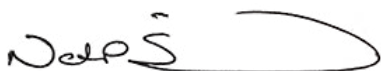
There is more work to be done in 2021, but working together, we can get similar results. While we will be putting together our Priorities for the 2021-22 Legislative Session, I am looking forward to continuing our advocacy at the state and federal levels – requesting the tools that we need, like radar for our police

officers, as well as asking for more flexibility when it comes to mandates in order to free us up to operate more efficiently – and to ultimately save taxpayer money.

I hope that you find this edition of the Municipal Reporter beneficial. I know that Risk Management can be quite daunting as you do a deep dive into all of your municipal operations, and even more so as you navigate an additional layer of concerns wrought by COVID-19, but as a full-service township, you likely have many of the key pieces – namely staff – already in place and are already on top of a number of these items. If you are unsure, start a conversation with your manager, solicitor or amongst your fellow officials in a workshop setting – or in executive session if it falls under emergency preparedness, public safety or security or property. If you have further questions, please contact the Pennsylvania Municipal League. Many of the authors herein are available to assist you. While you can't prevent every situation, awareness and having conversations is a practical first step.

As we close out 2020, and prepare for the New Year, I wish you and your family all the best. If you have any thoughts or suggestions, please email me at nsilcox@hampdentownship.us.

God Bless!



Nathan Silcox

Municipal Leadership Virtual Summit

A joint Summit of PML and PSATC

through photos from Hampden Township watch party

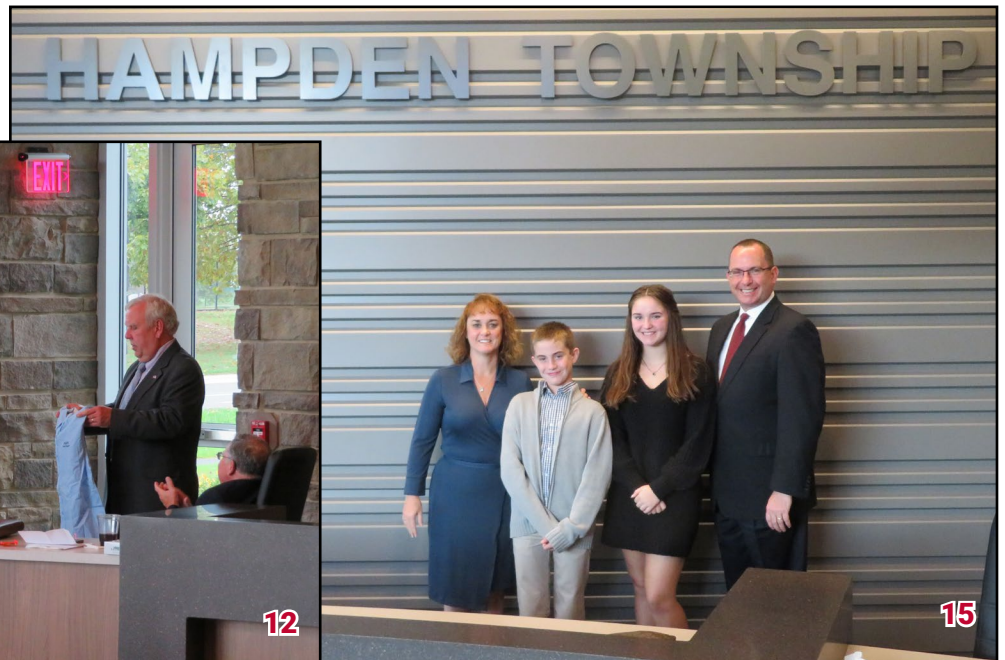


Captions for photos on pages 57-59:

1. Commissioners watch the PML/PSATC "Municipal Leadership Virtual Summit" at the Hampden Township Municipal Building
2. PSATC President Dave Zarnick addresses the PML/PSATC "Municipal Leadership Virtual Summit"
3. Incoming PSATC President Nate Silcox addresses the PML/PSATC "Municipal Leadership Virtual Summit"
4. PSATC Past President John V. Thomas nominates Nate Silcox as President of PSATC
5. Past PSATC President Dave Zarnick passes gavel to newly elected PSATC President Nate Silcox
6. Magisterial District Judge Kathy Silcox swears in Nate Silcox as PSATC President
7. Magisterial District Judge Kathy Silcox swears in Sam Valenza as PSATC 1st Vice President
8. Magisterial District Judge Kathy Silcox swears in John Jablowski as PSATC 3rd Vice President
9. Magisterial District Judge Kathy Silcox swears in Dean Villone as PSATC Secretary/Treasurer
10. PSATC President Nate Silcox addresses the PML/PSATC "Municipal Leadership Virtual Summit"
11. PSATC President Nate Silcox and PSATC Past President John V. Thomas
12. PSATC Past President Ginnie Anderson Kane presents Dave Zarnick with his "Past President" Shirt
13. PSATC 3rd Vice President John Jablowski, President Nate Silcox, and Secretary/Treasurer Dean Villone
14. PSATC Past President Dave Zarnick congratulates PSATC President Nate Silcox
15. PSATC President Nate Silcox, his wife, Magisterial District Judge Kathy Silcox, and children, Kaitlyn and Nicholas







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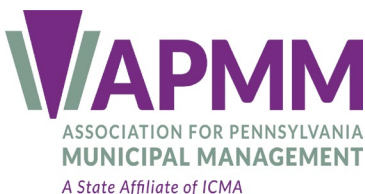
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Happy*

NEW YEAR

APMM President's Message



[RICHARD L. MELLOR, JR.](#)
[TOWNSHIP MANAGER](#)
[WHITEMARSH TOWNSHIP](#)



[**APMM.net**](http://APMM.net)

As we end the year, many will look back on 2020 and say “good riddance!” And I can’t blame you for thinking this way. The global pandemic caused by COVID-19, which has dominated this past year, still lingers with us and we must remain vigilant in our fight with mask wearing and social distancing. We do hope an end is in sight as we look toward the worldwide distribution of a vaccine.

As local municipal leaders, we will continue to be challenged into the New Year. We see the effects the pandemic has left on our local business community and those that have lost their employment. Municipal budgets are impacted with loss of revenue and many municipalities had to make difficult decisions in order to balance budgets. The long-term effects are still unknown. It is important that we work with our local businesses, find ways to support them and promote folks to patronage their establishments as they are the backbone of our local economies.

The past 10 months has given new meaning to ‘hybrid’ and ‘virtual’ when it comes to the way we interact with people. As we look to get back to a new normal in 2021, we do so with a sense of caution and with safety in mind. I applaud all the municipal employees who have found creative ways to provide municipal services to their communities throughout these uncertain times.

Municipal managers should take time to analyze and reflect on what occurred as the result of some important impacts to our society in 2020. Not only with the pandemic but also the spotlight on social injustice and the need to end systemic racism. I challenge you all as managers to look inward in your organizations. Look at ways in which hiring practices can be improved to be more inclusive. It will not only make your organizations better but also the communities you serve.

As we anxiously await the changes that 2021 will bring, the APMM Executive Board is working hard to implement the recently adopted Strategic Plan. We are drafting updates to the committees identified in the bylaws to encourage member engagement by redefining the goals for each of the committees. Finally, the 2021 Annual Conference is scheduled to be held in Bethlehem this May. I am

excited to have Amanda Serock leading the conference planning efforts. The committee is hoping for an in-person conference but also planning to pivot to a virtual conference if necessary.

As always, please feel free to contact me with any feedback or comments so that we can continue to grow and improve your Association.

Sincerely,

Richard L. Mellor, Jr.

Richard L. Mellor, Jr.

APMM Membership Update

New/Reinstated Members

Mr. Joseph Moskovitz

City Administrator
City of Pittston
Luzerne County
35 Broad Street
Pittston, PA 18640
570-654-0513
Email: jmosko@cityofpittston.org
Full Member

Mr. Mark Stivers

Manager
Columbia Borough
Lancaster County
308 Locust Street
Columbia, PA 17512
717-684-2467
Email: mstivers@columbiapa.net
Full Member

Ms. Deborah Oliveri

Manager
Union Township
Berks County
1445 East Main Street
Douglassville, PA 19518
610-582-3769
Email: managerut@unionberks.org
Full Member

In-Transition Members

Sara Gibson, former Manager, Rapho Township, Lancaster County

Gregg Schuster, former Manager, Warminster Township, Bucks County

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League

Training and Development

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- ⇒ Municipal Leadership Summit/League Training Events
- ⇒ Online Training
- ⇒ PA Construction Codes Academy (PCCA)
- ⇒ Energy Code Training
- ⇒ Floodplain Management Training
- ⇒ PA Training Hub (PATH)

Programs

- ⇒ Sustainable Pennsylvania Community Certification
- ⇒ Civics and You: Your Key to Pennsylvania Local Government e-book
- ⇒ University-Community Network (UCN)

Insurance Trusts

- ⇒ PennPRIME Property & Liability Trust/PennPRIME Workers' Compensation Trust*
- ⇒ Unemployment Compensation Trust (U-COMP)*

Programs and Services

- ⇒ Public Employer Labor Relations Advisory Service (PELRAS) – *free to League Members*
- ⇒ Municipal Utility Alliance (MUA) Electricity Procurement Program
- ⇒ EfficientGov GrantFinder Program – *free to League Members*
- ⇒ Local Public Procurement Program (L3P)
- ⇒ Pennsylvania Local Government Investment Trust (PLGIT)
- ⇒ Municipal Job Junction+ (MJJ+) – *free to League Members*

Members of these programs and services also receive newsletters and/or special publications designed to keep them up to date on the latest developments pertaining to these topics. For information on any of the above services, please contact us at 800-922-8063 or 717-236-9469 or visit our website.

*Members of The League enjoy reduced membership fees when joining these programs.

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