



# Municipal Reporter

## Equity Edition

### CITY OF ERIE

West Bayfront Porchfest - page 14

**League Leaders Feature: Amy Farkas**  
*Manager, Harris Township - page 12*

**The League's 2022 Legislative Priorities - page 36**

**PSATC 2022 Legislative Priorities - page 49**



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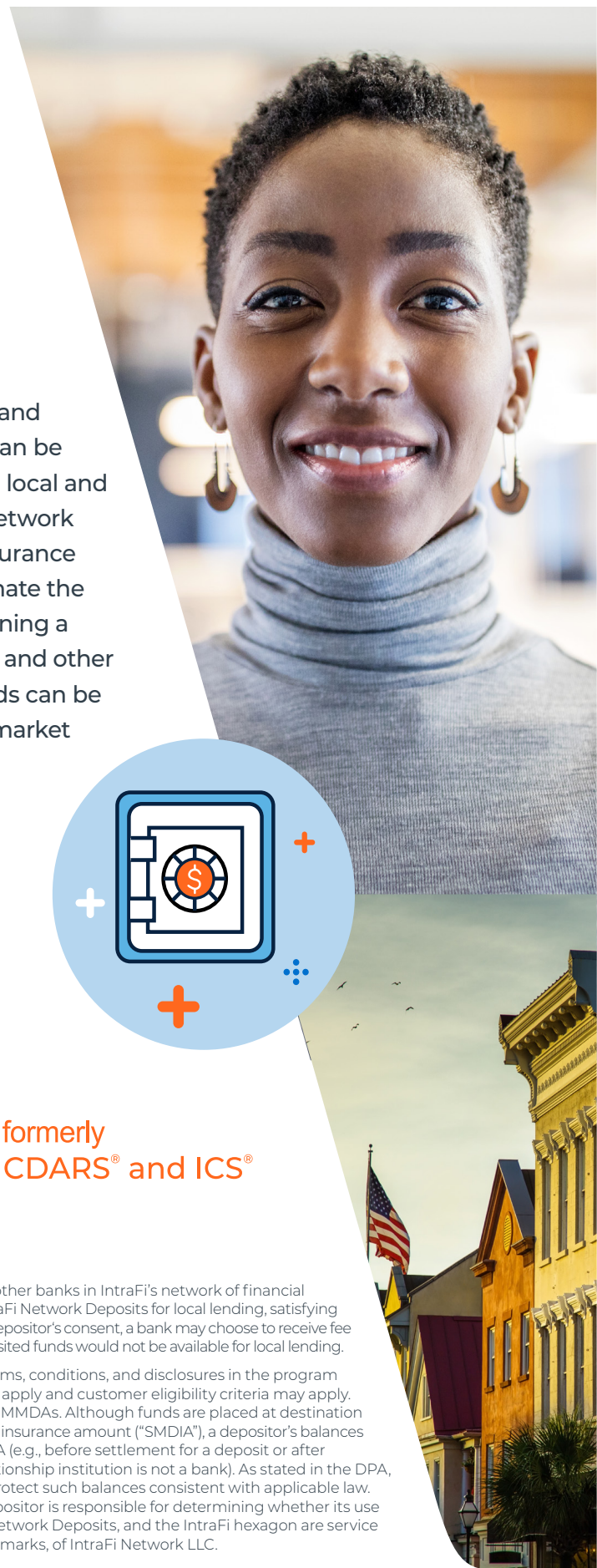


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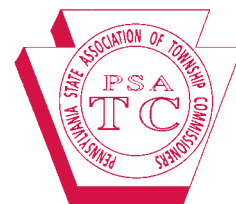




# Municipal Reporter



Pennsylvania Municipal  
**League**



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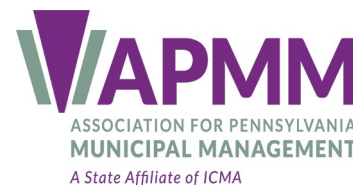
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To strengthen, empower and advocate for effective local government.

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.

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All inquiries should be addressed to Debbie Bitting, Director of Communications, at:

717-236-9469, x \*223, [dbitting@pml.org](mailto:dbitting@pml.org), Fax 717-724-1663  
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#StrengthThroughEngagement

## COVER



## EQUITY EDITION CONTENTS

3... Association Officers and League Staff

7... Calendar of Events

8... League President's Message

9... League Executive Director's Message

11.. Inside The League

12.. League Leaders - Amy Farkas, Harris

14.. Equity Articles

24.. Business Leaders Network

26.. League News

28.. PennPRIME

29.. U•COMP

30.. Legislative Status Report – State

38 .. Legislative Status Report – Federal

40 .. Public Finance

44 .. Legal Notes

46 .. Professional Directory

48 .. PSATC President's Message

49 .. PSATC Legislative Priorities

50 .. APMM President's Message

52 .. APMM News

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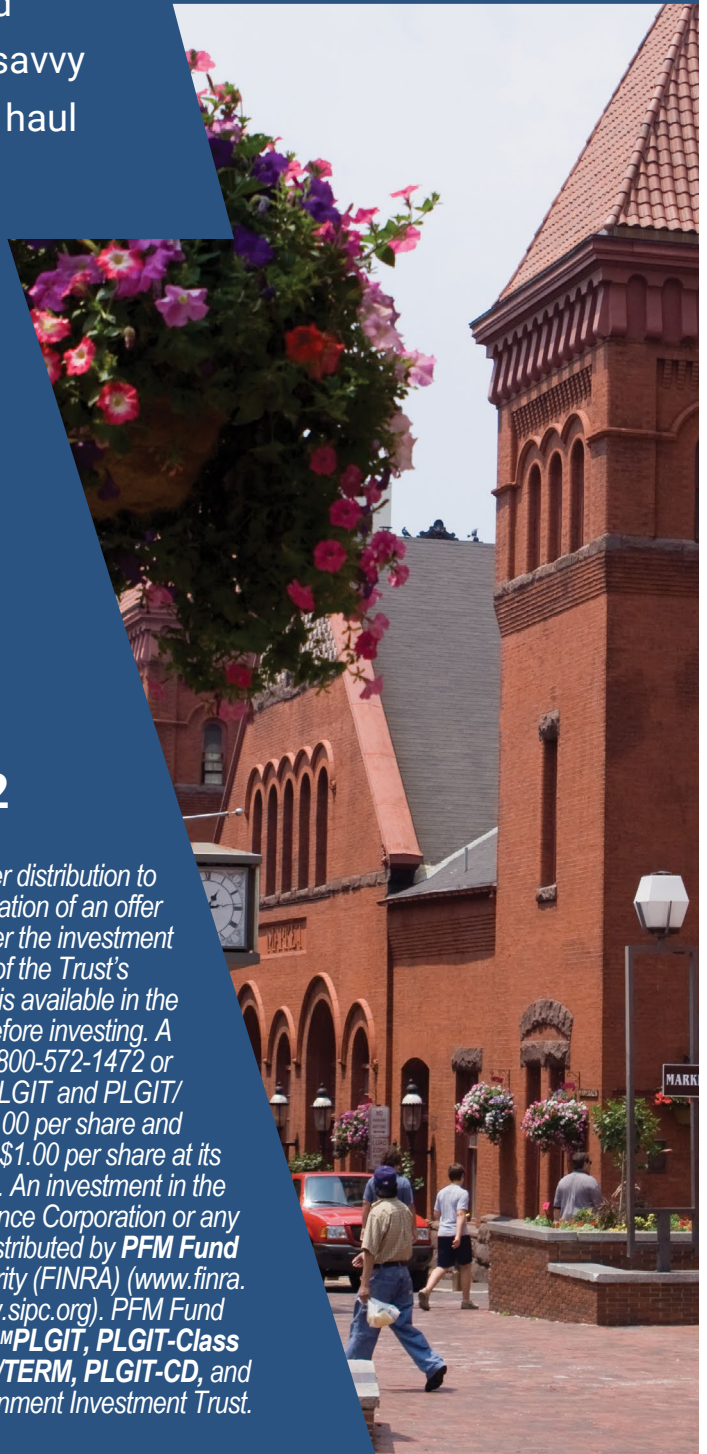
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# Mark Your Calendar

## **League Regional Envision Forum – Northwest**

**April 20**

*Wanango Country Club, Reno*

## **League Regional Envision Forum – Southwest #1**

**April 21**

*RLA Regional Learning & Conference Center, Cranberry Twp.*

## **League Regional Envision Forum – Southwest #2**

**April 22**

*Upper St. Clair Twp. Community & Recreation Center*

## **PSATC Executive Committee Meeting, Lobby Day & Legislative Reception**

**April 24-26**

*Hilton Harrisburg*

## **League Regional Envision Forum – Southcentral**

**May 5**

*Hilton Harrisburg*

## **League Regional Envision Forum – Southeast**

**May 6**

*RiverCrest Golf Club, Phoenixville*

## **League Virtual District Meeting with Breakouts**

**May 17**

## **PennPRIME Board of Trustees Subcommittee Meetings**

**May 19**

*Hotel Hershey*

## **PennPRIME Board of Trustees Meeting**

**May 20**

*Hotel Hershey*

## **APMM Annual Conference**

**May 23-25**

*Hotel Hershey*

## **U•COMP Board of Trustees Meeting**

**June 3**

*Hyatt Place State College*

## **League Capitol Conference**

**June 8-9**

*Hilton Harrisburg*

## **League Sustainability Web Conference**

**June 21**

## **U•COMP Board of Trustees Meeting**

**August 19**

*Gettysburg Hotel*

## **PennPRIME Board of Trustees Subcommittee Meetings**

**September 20**

*Wyndham Garden State College*

## **PennPRIME Risk Management Conference & Annual Membership Meeting**

**September 21-22**

*Wyndham Garden State College*

## **KaBOOM! Playground Build**

**October 5**

*West Penn Park, Pittsburgh*

## **2022 Municipal Leadership Summit**

**October 6-8**

*Omni William Penn Hotel, Pittsburgh*

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# The League President's Message



**DANENE SORACE**  
**MAYOR**  
**CITY OF LANCASTER**



*It is wonderful to greet you as part of the Spring Edition of the Municipal Reporter. This spring feels especially joyful as COVID recedes and the weather warms. This issue is devoted to equity, which is rooted in best practices within local government. As municipal officials, we understand that we must respond to and treat all residents equally. We cannot favor one resident over another or one neighborhood with more investment than another.*

*However, we do not have to look far to see that government – including local government – has a history of inequity. There are many examples of programs that fostered inequity including urban renewal which involved the destruction of neighborhoods, primarily neighborhoods of color, and redlining, which was the practice of withholding loan funds from people who lived in neighborhoods deemed “hazardous for investment.”*

*Being an elected leader presents many opportunities externally and internally to address racial equity. Externally, it could mean going the extra mile to ensure engagement to help shape public investments in our neighborhoods. It could mean structuring meeting times to ensure the majority of residents can attend, and to make accommodations for those who cannot. It could mean being mindful of how those without digital access or online comfort may miss critical opportunities to provide feedback through online platforms and creating alternatives.*

*Internally, equity can look like setting compensation across the organization using objective measures about job responsibilities, education requirements and experience to determine salaries.*

*There are many other ways that local governments are tackling the work of equity and I invite you to not only read about these efforts in this issue, but challenge yourself and your team to take up an equity-focused activity in your community. You will make better decisions by having more voices at the table and ensure that decisions are made fairly and be able to describe the process of arriving at that decision, which promotes transparency. Ultimately, this restores faith and confidence in local government, a goal we all want to achieve.*

*Sincerely,*

A handwritten signature in dark ink that reads "Danene Sorace". The signature is fluid and cursive.

**Mayor Danene Sorace**



# The League Executive Director's Message

*Equity. Simple fairness or as my parents used to say over and over to me, my brother and sister during our childhood years, “treat people the way you want to be treated.” The term equity has become part of the supercharged vitriol spewing from vastly different political viewpoints. In financial terms, assets minus liabilities equals equity. For local government and those of us working to help local leaders, equity is certainly about helping residents build fiscal capacity. The unbanked, those that may distrust financial institutions and folks that still use the mattress as their savings account come to mind (there are more out there than you may think). But equity goes beyond a simple math equation. It’s about families, single parents and teenagers getting a fair shot. It’s about education, employment and most importantly, it’s about opportunity.*



**JOHN BRENNER**

*In the 19th and early 20th centuries, waves of immigrants – our great grandparents and great, great grandparents – came to this country looking for a better life. Of course, millions more arrived at our shores in bondage and would not experience true freedom for generations, the results of which we still reckon with to this day. All newcomers wanted their children to have it better than they did. Maybe they didn’t have undergraduate and master’s degrees, but they had a burning desire to succeed. And America offered them hope and opportunity to realize that success.*

*This issue of the Municipal Reporter shines a light on equity. What can we learn from each other? Whether we are a larger city, township or a small borough, we have successes to share as we work to diversify our workforces, build partnerships with non-profit groups and corporations, improve housing options, strengthen small businesses and neighborhoods. In short, create opportunity onramps on the road to a more equitable community and country. How’s your municipality doing? If you haven’t checked out the [Sustainable Pennsylvania](#) program lately, here are a few questions to get you started:*

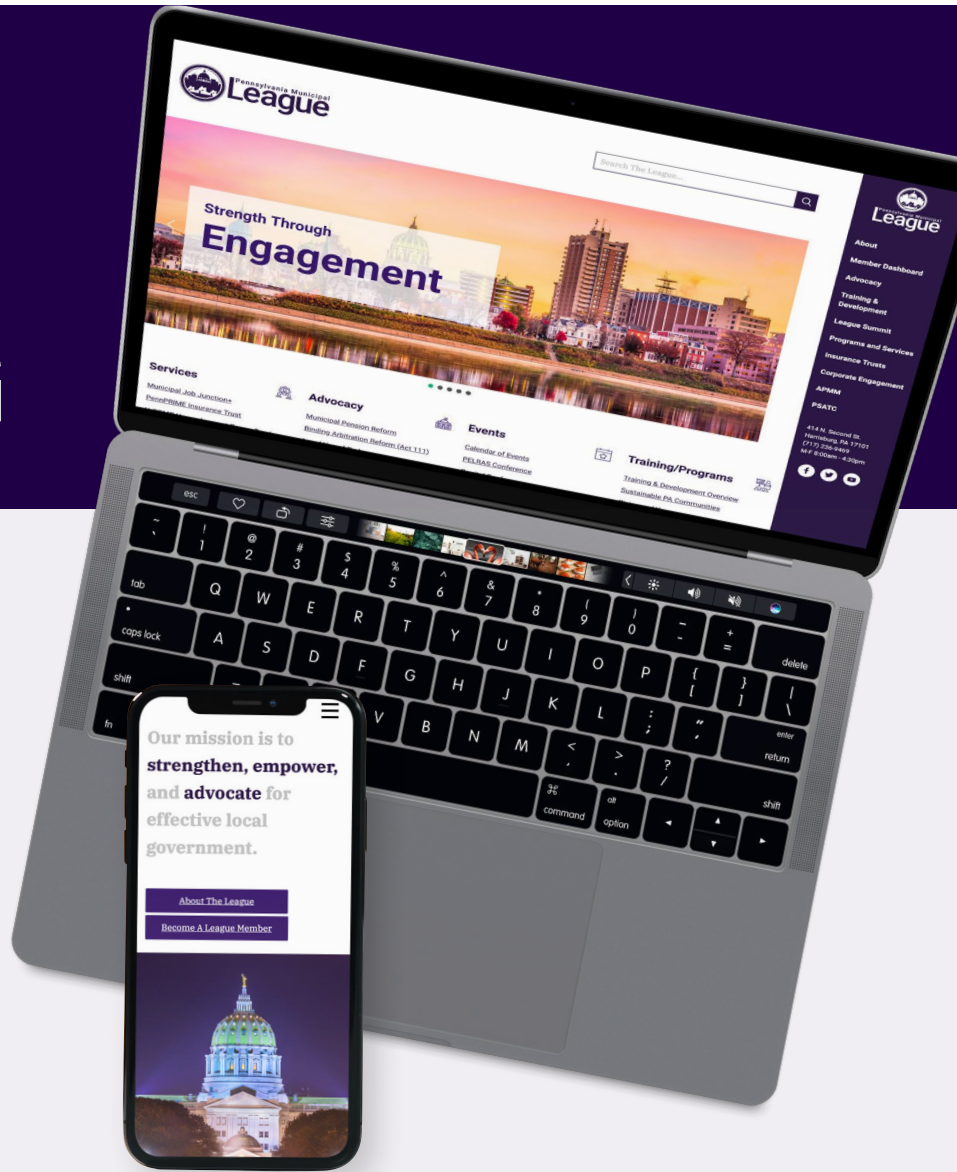
1. *Are measures taken to ensure a wide range of candidates are interviewed for all municipal job openings? i.e., the Rooney Rule.*
2. *Does your municipality have a written municipal policy prohibiting discrimination and valuing diversity and inclusion?*
3. *Do you provide diversity training for municipal employees?*
4. *Does your municipality annually assess, and report to the public, diversity of all boards, employees, volunteers, committees?*
5. *Does your municipality report annually to the public on progress in creating a more diverse workforce?*

Continued on [page 15](#) →



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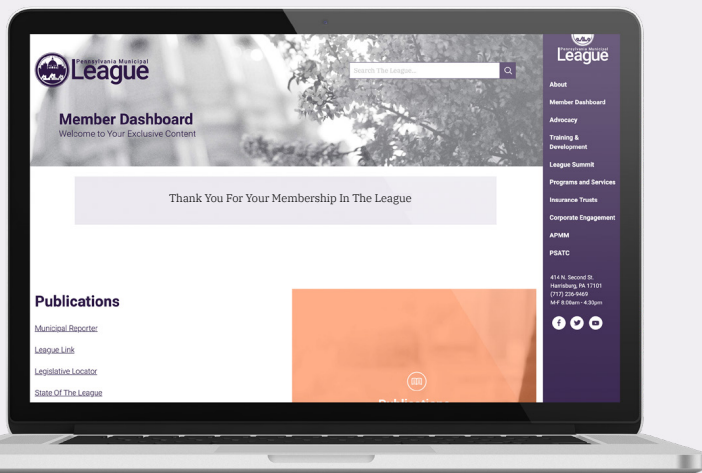
PML.org was built with our membership in mind. It's **easy to navigate** with the important information just a click away. **See upcoming League Events, Services, Training Programs** and have **access to the information your community needs.**

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League News . . .

# Inside The League



**ABE AMORÓS**  
**DEPUTY EXECUTIVE DIRECTOR -**  
**OPERATIONS**

*Government and politics have been in my blood ever since I witnessed a gubernatorial election in Puerto Rico in 1972 when I was barely five years old. Not only was I fascinated by the campaigning aspect, but I recall my father speaking glowingly about the challenger who eventually won, Rafael Hernández Colón. That campaign left an indelible impression on me and formulated my intrigue with public service.*

*That sentiment stayed with me and I couldn't wait to turn 18 in order to register to vote. I cast my first vote in the Pennsylvania Governor's race in 1986 and became active on campus at Penn State. Upon graduating in 1990, I decided to run for public office the following year wanting to make positive contributions to my community.*

*In 1991, I became the youngest and first Latino member of the York City Council at the age of 24. There, I learned the power that local government has and how often it is overlooked by the electorate. I was able to create public policy, have an impact on day-to-day operations of the City of York and make significant changes to the community. It was at the local level where I was able to make an impact on the lives of those I felt needed help the most. It also afforded me the opportunity to learn about local budgets and how they are really a reflection of the City's priorities and what they really say about their local leaders.*

*While I was a member of Council, I was also a legislative aide to then state Senator Mike Bortner (now a judge in the York County Court of Common Pleas) along with our executive director John Brenner who went on to become Mayor of the City of York. Subsequently, I became Mayor Brenner's first Director of Community Development in York in 2002 and was responsible for an \$8.3 million budget that included the bureaus of Housing, Health, Planning and Zoning. Together, we left a lasting legacy in the community through the formation of the York City Little League in 2005 which remains vibrant to this day. We also earned our master's degrees in Governmental Administration from the University of Pennsylvania during this time.*

*Fast forwarding to 2020, I was honored to become Managing Director for the City of Reading by Mayor Eddie Morán. There, I was able to assist the City with its \$61 million allocation from the American Rescue Plan Act along with shepherding Reading through the exit of Act 47, which it's poised to do in June. Reading is definitely a city on the rise!*

*Former Speaker Tip O'Neill was correct when he said, "All politics is local." It's where you can make a tremendous impact for the greater good all while interacting with family, friends, neighbors and stakeholders.*

*For that reason, I am pleased to be at the Pennsylvania Municipal League as it assists all of you in similar endeavors. I look forward to meeting as many of you as possible in person!*

*From Inside The League,*

A handwritten signature in black ink that reads "Abe Amorós".

Abe Amorós

# Q&A with League Leader Amy Farkas Manager Harris Township Director-at-Large



*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: Amy, thank you for your service as the manager of Harris Township. How did you get involved with local government?**

*I was actually a reporter at a local weekly newspaper in Elizabethtown, PA in 1997, covering Elizabethtown Borough, among other municipalities. I was fresh out of college and didn't know much about local government. The Borough Manager called me seven months into my tenure and offered me a position with the Borough. He told me that he thought I had what it takes to be a municipal manager and hired me to be his assistant. I ran the recycling program, wrote grants, wrote our community newsletter and even rescued a few ducks out of storm drains. I fell in love with everything local government is and does during my time in Elizabethtown. I also owe the Borough a huge debt of gratitude for investing in my future and paying 75 percent of my master's degree in public administration.*

**Q: What leadership advice do you have for other local leaders?**

*Listen first. Listening seems to be such a lost art in today's society. As a manager, I know that I don't have all of the answers. I also know that I haven't walked in everyone's shoes. I try to listen and to really hear what someone is saying before acting.*

**Q: What has been your most rewarding experience as a municipal official?**

*I had an elected official in Elizabethtown who said that public service is the price we pay for the space we occupy. I adopted that as my mantra early on in my career. It's rewarding to me to see the impact the projects I've been involved with have on a community. In Elizabethtown, it's the train station and the library (two projects I wrote the grant applications for). In Harris Township, it's a lot of things – our maintenance facility, our rural zoning rewrite, the parks we've rehabilitated,*



*our community engagement program. It makes me happy to know that these projects will positively impact the Township and its residents for years to come.*

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

*The pandemic has hands down been the greatest challenge. There was no playbook for all of the curveballs that were thrown at us. On top of that, we were dealing with residents who were scared and who wanted a sense of normalcy. My office windows face Main Street in Boalsburg. During the initial lock down period, I had residents who stopped by every day, knocked on my window and just wanted to chat. I became the community drive through. It was something I embraced – I told residents in our e-newsletter to wave as they walked by. I wanted them to know we were in this together and that their local government was there for them.*

*I think that's the most important lesson we can take from this. We are all in this together. We have to deal with mandates, lockdowns and disruption of the life we know, but at the end of the day, we're a community and we look out for each other.*

**Q: Thank you for serving on The League Board as a director-at-large. How has your involvement with The League helped you and your community?**

*I really enjoy serving on the Board. I have a tremendous amount of respect for the members of the Board. I usually leave a meeting with a new idea that I can take back to Harris. Recently, it's been ways to utilize our ARPA funds to ensure they leave a legacy in our community. I also value the advocacy The League does for its members.*

**Q: You are also currently the president of the Association for Pennsylvania Municipal**

**Management. How has your involvement with APMM helped you as a municipal manager?**

*I always tell people that APMM is the premier association for municipal managers because of the networking opportunities it presents. I am grateful for the career and life advice I've gotten from my colleagues from across the state. I hope we can continue to build networking and mentoring opportunities for our members.*

**Q: What advice do you have for people considering municipal government as a career?**

*Local government is the most accessible form of government. If you enjoy meeting your residents, helping a community grow and prosper and finding new ways to tackle issues, this is the profession for you. We have our challenges (like any profession), but the good far outweighs the negative in this field.*

**Q: As this is our Equity edition, can you please share some of Harris Township's practices and/or programs to address equity in your community?**

*It's very important that we work to ensure our local governments adequately reflect the communities we serve. That means casting a wider net and finding more opportunities to involve as many members of our community in our programs, including on our various boards and commissions. We still have areas to improve on, but we've seen more participation by women and by women of color on our boards and commissions. We also try to consider how we can better serve our low to moderate income areas. That's meant fighting with our local transit agency when they wanted to cut bus service to these areas. It's also meant adding a walking path and footbridge to a community park and working with residents to install a landscape buffer along Business Route 322. □*

# Porchfest in Erie's West Bayfront

***Instead of bringing neighbors to events,  
we took the events to them***

BY CHUCK NELSON  
ERIE CITY COUNCILMEMBER

The West Bayfront neighborhood of Erie is a historic neighborhood with a great deal of economic and racial diversity, and an even better view. A few years back, a resident had brought the concept of Porchfest to his little corner of the neighborhood for a day of residents walking through the community listening to various bands on designated porches. Without many sponsors and a small team, eventually the event went to the wayside. 2020 left residents itching for activity. At that point, a neighbor, Dave, and I revisited the event. We relaunched with a quick event the first year with nine porches and bands, but quickly grew the event to 21 bands in 2021.

The concept is easy. In a neighborhood that is about 12,000 residents, 800 acres and 5 neighborhood associations, each neighborhood association gets 4 music acts over the course of 4 hours, with one large band playing at the end to bring all the neighborhood together. With 5 bands to choose from, we provide a variety of genres, had a few rappers, jazz bands, rock bands, folk musicians



and even a band of traditional Syrian music played by refugees. The city donates a trolley for the day, but there is always a band within walking distance as the music moves to a central location for the finale.

Music ends up being a draw to all walks of life. The differences of people are pretty indistinguishable when they are dancing on the sidewalk together as Familiar Spirit covers some Michael Jackson songs. Older residents may have been disappointed when the musicians assigned to their porch perform

rap music, but Jordy The Traveler and Yeshuwa really won them over when they spruced up their landscaping in preparation for the event. The local paint company was happy to sponsor a porch that they just painted and took compliments from the crowd as a 3-piece rock band played on it.

The neighborhood associations offer suggestions for the host porches, some musical preferences and they move tip jars and print material throughout the day to make the event run smoothly. Each neighborhood



association leaves some flexibility with the event organizers so that we can make sure that there is a nice inclusive representation of the neighborhood. As the neighborhood associations and watches offer a little bit of support, this also becomes a great event for them to promote their own neighborhood watch or association to their neighbors.

Over the course of three years, sponsorships have really picked up. We have a detailed sponsorship package with various levels. Sponsors may fund a musician, a stage, the mainstage or the whole event. The expenses are minimal. The musicians are paid. There is a little bit of print expenses and most of our advertising comes through the press. The host porches tend to be the neighbors that are known for their hospitality, so some of them are catering their own yard, cooking out or setting up a lemonade stand. Various sponsors are often staples in the neighborhood and those staples that have nightlife will often sponsor a porch during the event to advertise music at their establishment later.

There is plenty of room to tweak the event. This year, we are actually dropping the number of bands down to 16, but extending the sets to 90 minutes and offering a little more of a staggering. As the event has progressed, we've gained more of a roster of musicians and bands that live in the neighborhood. Every act involves a band, a porch and a sponsor. If a neighbor has a business and a friend with a band, we get all the planning worked out for us! □





# Working Together to Advance Digital Equity



BY TONI MURPHY, SENIOR VICE PRESIDENT, COMCAST KEYSTONE REGION

Municipal leaders have a once-in-a-generation opportunity to advance digital equity. The bipartisan infrastructure law's \$65 billion commitment to universal broadband – on the heels of the American Rescue Plan's unprecedented funding for state and local connectivity needs – is a chance we will never have again. We can't waste it.

First the good news. Broadband providers have invested nearly \$2 trillion over the past generation to build world-class networks. During the pandemic, these networks held up and carried us through an unprecedented surge in traffic as work, education and health care shifted online.

And speeds are getting faster every year. During COVID, the average broadband connection speed increased 54%. Today, 88% of Americans now have gigabit-speed broadband available at their front door, and recent consumer reports found 76% of Americans say it is "somewhat easy" or "very easy" to afford at-home

broadband service. And providers' low-cost programs, including Comcast's Internet Essentials initiative, have connected more than 10 million low-income Americans to home broadband over the past decade. But the pandemic also underscored the connectivity challenges that still remain: availability gaps in unserved rural areas of our state, and



low adoption rates in the cities and suburbs where world-class networks already exist – [particularly among](#) communities of color, lower-income households and individuals with disabilities.

The infrastructure bill gives Pennsylvania the tools we need to close this digital divide.

- For rural communities, the law's unprecedented buildout

funding can achieve universal availability – as long as the dollars are carefully targeted to unserved communities.

- Help is also available for low-income families needing broadband. For low-income Pennsylvanians, the new Affordable Connectivity Program – offering \$30 a month to any family earning up to 200% of the poverty limit – is a game changer. Coupled with providers' low-income discount programs, it will essentially make broadband service free for more than a million households across Pennsylvania.

But even as these historic investments remove availability and affordability as barriers to broadband adoption, a harder and more complicated challenge will still remain: helping the digitally disconnected gain the digital skills, the interest and the inspiration to sign up and join the digital world.

After all, it's one thing to hand someone a violin and tell them they're welcome to play it. But if our goal is to help them find a place in the symphony, we'll also need to connect them to basic

lessons, introduce them to what's possible and inspire their love of music.

Years of [research](#) suggest we face a similar challenge with broadband adoption. Offering free or near-free home internet service to low-income households is a great start. But it's not a silver bullet.

For one thing, far too few people are even aware of these assistance programs. A recent [survey](#) in Philadelphia showed that only 31% of households were aware of providers' low-cost initiatives, and only 13% knew about the federal government's low-income subsidy programs. With millions of Americans leaving money on the table for connectivity, this means we need to work together to do the critical outreach work to build awareness and put those dollars to good use.

Digital skills are a real hurdle as well: [31% of US workers](#) lack the basic digital skills needed to succeed online and an [estimated 75% of eighth graders](#) are not digitally proficient. By 2030, [90% of American jobs](#) will require digital skills. We need to seriously ramp up our investments in training if we hope to have the pipeline of skilled talent needed to fill these jobs.

This means partnering with schools, community centers and local non-profits like the Boys & Girls Clubs to develop and deploy training resources that are accessible, convenient and relevant to the unconnected neighbors we need to reach.

Perhaps the hardest hurdle we'll need to overcome is helping everyone understand the benefits of connectivity to their lives.

Pew Research found [71% of unconnected adults](#) say they're just not interested in signing up.

We can't create change with speeches and PowerPoint decks: instead, we'll need to invest real resources on the ground, in the neighborhoods, in collaboration with the local voices our unconnected neighbors know and trust: neighbors, faith leaders, community associations, schools, local businesses and other neighborhood pillars.

This needs to be a true partnership, with all-hands-on-deck: federal agencies crafting smart guidelines for these resources; state agencies deciding where they'll be allocated; and local governments working hand-in-hand with broadband providers and community leaders to build ground-up campaigns driving awareness and enrollment.

Here in Western and Central PA, Comcast has invested in more than 100 non-profit and community organizations working to open the doors to opportunity with digital literacy and access to digital resources. For example, through funding to Boys and Girls Clubs in Pittsburgh, Harrisburg, and Northeastern PA, more than 400 school-age children are being taught digital skills programming ranging from basic digital literacy to introductory robotics and artificial intelligence.

The resources are committed and the roadmap is in hand. It's now up to us, working together, to seize this opportunity to advance digital equity. Let's get to work, together.

□

**Executive Director's Message...**  
*continued from [page 9...](#)*

*In other words, does your community treat people the way you want to be treated? As municipal leaders, it's our job to rise above the noise and divisiveness and do what we do best. Roll up our sleeves and get the job done to move our communities forward. The League is ready to help. In addition to our outstanding Business Leaders and their many helpful solutions and services, we offer a full contingent of training opportunities, including Sustainable Pennsylvania Community Certification and more. In the months and years ahead, we will step up our efforts to be a resource and a focal point for best municipal practices as we all work toward a more equitable Commonwealth.*

Stay safe and well,



John S. Brenner

***Due to the global impacts of the Russian invasion of Ukraine, [resources are available](#) which give local governments options to consider in support of Ukraine.***

# Water Equity – An Issue Facing Utilities Across the State



BY ASHLEY SHIWARSKI, SENIOR DIRECTOR, BUSINESS DEVELOPMENT,  
NATIONAL LEAGUE OF CITIES SERVICE LINE WARRANTY PROGRAM ADMINISTERED BY HOMESERVE

Climate change and COVID-19 have been a one-two punch to water infrastructure, especially in those areas where the population is especially vulnerable, including low-income, rural and minority communities.

There are [two million people](#) in the country without running water and basic indoor plumbing, and there is a correlation between a lack of wealth and lack of access to infrastructure. [Household income, unemployment levels and education](#) all play a factor, with entire communities sharing in both poverty and poor infrastructure, with “clusters” of lack of access found in the Navajo Nation, California’s Central Valley, Texas’ Colonias, Appalachia, Puerto Rico, Alaska, Maine, the Dakotas and the rural South. Race played the largest role in lack of access, with indigenous Americans 19 times more likely to lack access than white Americans, while Black and Latinx households are twice as likely to lack access.

In Pennsylvania, the American Society of Civil Engineers found that drinking water system breaks [increased by 40 percent](#) between 2012 and 2018, earning the state’s water systems a D grade. These breaks were primarily due to aging

cast iron mains, which saw break rates of 35 per 100 miles per year, especially in smaller communities which struggle to fund projects.

In many of these communities, money wasn’t invested in infrastructure to begin with, and, as federal funding withered, these communities fell further behind. This country has had a problem with federal funding of infrastructure in the decades prior to the passage of the Infrastructure Investment and Jobs Act. Since 1977, the amount of federal funding for water infrastructure of all types has atrophied – from 63 percent of total capita to 9 percent prior to the passing of the bipartisan infrastructure bill –

and much of it was in low-interest loans.

Many of those loans either required matching funds or repayment terms that at-risk communities couldn’t manage, even before the pandemic drained many municipal coffers. From Philadelphia to Fayette County, many communities are seeing significant drops in population, [putting increased pressure on already struggling systems](#) as water utilities attempt to maintain systems built and budgeted for larger populations with dwindling income from a shrinking user base.

Even as community leaders celebrate the much-needed influx





of federal dollars, especially those billions directed toward water infrastructure in particular, they also fight with the public perception that municipal water [may not be safe](#) in the wake of the Flint, Mich. crisis, according to Asher Rosinger, a Pennsylvania State University researcher. In fact, one in five American adults say they will not drink tap water, even though the great majority of water systems meet federal safety guidelines. Worsening the problem is private-side plumbing – also in need of maintenance – which may color water or add an unpleasant taste and is completely out of the water utilities’ hands.

Some cities, like Philadelphia, are taking the narrative back by actively engaging with the community to educate them about their tap water, the treatment process and the benefits, going so far as to seek out members of the community to become education ambassadors to conduct outreach at community events.

Mistrust and lack of access aren’t the only obstacles to running water in homes – more than [one in ten](#) American households had unaffordable water bills in 2017, but that was estimated to soar up to more than a third by 2022, because of the need for infrastructure repairs and resiliency measures to combat climate change.

Prior to the pandemic-induced economic downturn, a study found that utilities were forced to shut off service to an estimated [5 percent](#) of customers, meaning that approximately 15 million Americans lost access to running water. This study also found a link

between poverty, unemployment and race and lack of access to water and recommended additional federal funding and affordability programs at a local level.


In 2020, a study of the water rates in 12 cities found that, on average, water rates increased by [80 percent](#) over the course of a decade, primarily because of skyrocketing costs associated with aging infrastructure and climate change. The study found that large swaths, ranging from 46 percent to 80 percent, of those considered low-income – making less than 200 percent of the [federal poverty line](#) – would have water bills that exceeded 4 percent of their household income by 2030. The study also found liens and shutoffs could force residents to abandon their homes.

A lack of access to water can impact physical and mental health – those without access to clean water may not be able to adequately engage in hygiene practices that prevent the spread of disease or may become dehydrated or ill from drinking from contaminated sources. In more than 20 states, a lack of access to water is considered child neglect, and the stress of not being able to reliably access water can negatively impact mental health.

An inability to access sanitary sewers can similarly have a negative impact on health – for example, in Lowndes County, Alabama, only [20 percent](#) of residents have access to a sewer system and it isn’t unusual to have raw sewage backing up into homes and yards. When untreated sewage backs up, it can taint local water supplies and wells. In Lowndes

County, the ground is too moist for traditional septic tanks, and other areas may find themselves in similar circumstances as climate change causes hotter and wetter weather and puts unforeseen strain on infrastructure.

And this doesn’t account for aging private infrastructure – many of the service lines that connect utility’s systems with homes and business are also aging, and an estimated more than [9 million](#) lead service lines are still in use, and they are expensive for homeowners, especially low-income homeowners, to replace. The aging lines also may leak or break, causing the loss of valuable treated water and an expensive repair bill for your residents.

You can help by partnering with the National League of Cities Service Line Warranty Program. The Program works with municipalities to craft educational messaging to inform residents about their responsibility to maintain their service lines, something many are unaware of until it’s too late, and provides optional emergency home repair programs to shield them from the financial shock of unexpected repair. For more information on how you can bring these residents peace of mind, [contact us](#). 

---

*Ashley Shiawski is a Director of Business Development for HomeServe. Ashley has a B.S. in Applied Mathematics from Robert Morris University and has a diverse background which includes customer service, financial sales, insurance, and education. Over the past six years, Ashley has developed partnerships with over 200 municipalities and utilities, making the National League of Cities Service Line Warranty Program and the ServLine Leak Protection Program available and bringing peace of mind to their residents.*

# Taking Action on Equity with the American Rescue Plan

BY MATT MAHONEY, DIRECTOR OF GOVERNMENT AFFAIRS,  
SUSTAINABLE PITTSBURGH

Every government policy proposal tells a story, and like a good story, a good policy largely depends on the process under which it was developed. A recent policy that sets this scene is the [American Rescue Plan Act](#), or ARPA. ARPA calls for everyone in society to have their voice heard when decisions are made on how the [Coronavirus State and Local Fiscal Recovery Funds](#) are used. These funds were authorized to assist local governments in their response to the impacts of the public health emergency so that we can build a strong, resilient and equitable recovery.

ARPA offers a unifying and hopeful story of a nation eager to get back on track after a once in a generation disruption to life as we know it. Its preface sets a stage for equitable recovery that engages the most overburdened, under-resourced people in our society in healthy and authentic conversations about how to relieve and uplift those most impacted by COVID-19. The Department of Treasury's [Final Rule](#) and [Sustainable Pittsburgh's Guidance for Local Governments](#) outline the steps and tools that we can use to get to a brighter future with all of our neighbors.

**ARPA gives our communities an unprecedented leg-up in prioritizing equity** and it's as important now as it's ever been to ensure everyone in our communities has a seat at the table. ARPA encourages local governments to connect communities and policymakers on current priorities and needs. Actively involving those whose stories might be underrepresented, misunderstood or forgotten helps local government leaders lead the way to quality of life and equitable access to opportunity.

Examples of how local Pennsylvania governments are prioritizing equity with ARPA are likely to come from our state's [Certified Sustainable Pennsylvania Communities](#); one such example is the [City of Lancaster](#). City

employees and officials are going to high school football games, parks and community centers to have a conversation with their neighbors and ask, "How do we get to where we need to go?" The City of Lancaster is using ARPA to conduct widespread, genuine community engagement, meeting people where they are and asking them where they want to be. Offering residents an opportunity to have their voices heard puts the City in a strong position to design and administer programs with community leaders and partners to ensure long-term impact and verification of a strong, resilient and equitable recovery.

While ARPA's Fiscal Recovery Funds provide monetary tools, Sustainable Pittsburgh, with support from multiple



partners, has developed a tool for Pennsylvania's local municipal policy makers seeking to actively embrace equity as a priority. [The Sustainable Pennsylvania Municipal Equity Toolkit](#) provides guidance for municipalities that want to take action on equity with ARPA as well as other policies. The Toolkit offers a framework, data resources and recommended actions that local governments can consider when integrating an equity lens into their policies and programs.


ARPA's Coronavirus State and Local Fiscal Recovery Funds provides an invaluable opportunity for every Pennsylvania community to give and receive guidance and feedback that will produce meaningful results for all. Thirty-

eight Pennsylvania cities, 67 Pennsylvania counties, 2,445 Pennsylvania municipalities and our state government are collectively receiving billions of dollars, with another tranche of billions coming in the summer of 2022. For some, this is the largest infusion of federal funds in a community's history, offering an opportunity to ask and take action on the question, "Are there historically underserved, marginalized or adversely affected groups in our community that we need to hear from?"

Those of us that track the policy making process (like our friends at the Pennsylvania Municipal League) are listening for the voices that might get overlooked or hidden – and we're working to

elevate them in public discourse. Groups like the [National League of Cities](#) and [National Association of Counties](#) are tracking how ARPA's recovery funds are being put to work while government leaders across the Commonwealth write the stories of how the first tranche of ARPA funds were used. These examples offer a look at how ARPA is being activated for a healthier, more equitable and prosperous future for everyone.

Much like good storytelling, good policymaking seeks to include and respect all voices. Engaging in meaningful dialogue with everyone – to include their voices in our collective policy story – will not only ensure ARPA dollars are well spent, but will better prepare ourselves when addressing the next issue. □



**Proactive  
*beats* reactive.**

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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#### **Pittsburgh**

535 Smithfield Street, Suite 700  
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#### **Philadelphia**

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# Playworld Donates ‘Destination Playground’ to Its Hometown of Lewisburg, Honoring the Heroic Efforts of the Region’s First Responders

BY WILLIAM LOWTHERT  
LEWISBURG BOROUGH MANAGER/TREASURER

Lewisburg Borough is excited to be the recipient of a first responder themed destination playground scheduled for construction this spring. The new Hufnagle Park Kidsburg Playground is a donation from Playworld, that will pay homage to the community’s courageous first responders and the spirit of volunteerism. Numerous career and volunteer fire companies from around the region, led by the William Cameron Engine Company based in Lewisburg, extinguished a major fire at Playworld’s manufacturing facility on its Buffalo Road campus on May 4, 2021. The efforts of these career and volunteer fire fighters saved the manufacturing facility and the many well-paying jobs of the employees who work in Lewisburg for Playworld.

“Community is at the heart of everything we do at Playworld, and the new Hufnagle Park Kidsburg Playground will serve as a powerful, significant example of our commitment to the Lewisburg area, and our appreciation of its first responders,” said David Sheedy, vice president of global sales for Playworld. “With a focus on distinctive innovation

that challenges and unites kids through unstructured, outdoor play, we expect Hufnagle Park to become a destination playground for the entire region, and a celebration of the heroes who live and work here.”

Most of the new playground components will be manufactured at the Playworld facilities in Lewisburg and New Berlin, Union County and will be assembled on-site by employees of PlayPower/Playworld with the assistance of Lewisburg Borough staff.

“On behalf of the entire Lewisburg community, we are very grateful for this generous donation. This is a shining example of how our communities support businesses and how the business community supports us,” said Steven Beattie, community development/grant manager for the Borough of Lewisburg. “Working hand in hand with Playworld on the design,



coordination and scheduling, this world-class playground will complement the many other recreational improvements currently under construction in the park.”

The new Kidsburg Playground construction is only a part of the on-going improvements in Hufnagle Park. A Mixed-Use Path/Nature Play/Floodplain Restoration project, funded through a \$1,000,000 grant from PennDOT, a \$250,000 grant from DCNR, a \$100,000 grant from DCED, and funding from Lewisburg Borough, is currently under construction in Hufnagle Park with an expected completion date in June. This project will extend the Buffalo Valley Rail Trail from its current terminus at Market

Street in Lewisburg to the Bucknell University Campus. The project will also reconnect the community with Limestone/Bull Run by creating easy access to the creek for play opportunities and to provide natural play areas for children and the young at heart. From a practical standpoint, the project will also reestablish the natural floodplain of Limestone/Bull Run making habitat for wildlife and create additional floodwater holding capacity helping to protect the residential and business properties in Lewisburg Borough.

Hufnagle Park is named after Gordon Hufnagle, a 25-year Lewisburg Police Department veteran who was serving as the town's safety director when he lost his life while attempting to save others, during the 1972 flood.

The reimagined Hufnagle Park Kidsburg Playground will feature a yellow fire engine play structure, celebrating the William Cameron Engine Co.'s traditional engine color, along with custom signage commemorating all first responders who came together to support Playworld and ensure the safety of its employees.

The playground will also include many swings (including early-childhood tot seats, an accessible swing seat and a [Swing Along](#) multigenerational, face-to-face swing seat); the distinctive 8-foot (2,44m) [Mighty Descent Slide w/ Prism Pass](#), which is the largest single-piece, rotationally molded slide in the world, allowing for multiple children at one time; [PlayTown™](#) playhouses designed to meet the demands of all 2- to 5-year-old play experts; and a new frame net climber for children ages 5 and up that soars to over 15 feet (4,57m) tall, providing a challenging, social, dynamic rope play experience.

New [PlaySoleil™](#) solar-powered lighting will help protect the playground, shining light in a downward trajectory from atop the equipment to illuminate the area and discourage unwanted after-hour activity.

Lewisburg Borough is also constructing a restroom



and handwashing facility in Hufnagle Park using Community Development Block Grant COVID-19 funding. The new facility will provide a sanitary location where residents and visitors can use the restrooms and use an exterior hand washing facility to help prevent the spread of viruses (including COVID-19). The Entitlement and Competitive CDBG-CV funds were made available to the Borough from DCED. The restroom and handwashing facility construction project should be completed this May.

If construction proceeds as expected, a Grand Opening-Ribbon Cutting Ceremony will be held in late June or early July. □







# Business Leaders Network



**AT&T**

**David Kerr**  
dkerr@att.com  
717-269-5872

**AT&T**  
351 Stanley Drive  
Palmyra, PA 17078



**CAMPBELL DURRANT, P.C.**  
PUBLIC SECTOR, LABOR AND EMPLOYMENT LAW

**Mike Palombo, Esq.**  
mpalombo@cdblaw.com  
412-395-1280

**Campbell Durrant, P.C.**  
535 Smithfield Street  
Suite 700  
Pittsburgh, PA 15222



**Jennifer Frees**  
jennifer\_frees@comcast.com  
610-401-6482

**Comcast Keystone Region**  
400 Riverfront Drive  
Reading, PA 19602



**Constellation**  
An Exelon Company

**Brian Weatherford**  
brian.weatherford@constellation.com  
410-470-1852

**Constellation**  
1310 Point Street  
9th Floor  
Baltimore, MD 21231



**Cornerstone Wealth Advisory  
& Insurance Services, LLC**

**Patrick Geary**  
pgeary@cornerstonewais.com  
814-315-2000

**Cornerstone Wealth Advisory  
& Insurance Services, LLC**  
3910 Caughey Rd., Suite 220  
Erie, PA 16506



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Trash@gfsdawood.net  
717-514-2605

**Government Finance Solutions**  
4250 Crums Mill Road  
Suite 301  
Harrisburg, PA 17112



**Kathleen McKenzie**  
Kathleen.McKenzie@highmark.com  
717-302-7836

**Highmark Blue Shield**  
1800 Center Street, 1B/L4  
Camp Hill, PA 17011

**NLC Service Line  
Warranty Program**

by



**Ashley Shiwarski**  
Ashley.Shiwarski@homeserveusa.com  
724-749-1097

**Homeserve**  
4000 Town Center Boulevard  
Suite 400  
Canonsburg, PA 15317

**MaherDuessel**

**Jennifer CruverKibi, CPA**  
jcruverkibi@md-cpas.com  
(717) 232-1230 x204

**Maher Duessel**  
1800 Linglestown Road  
Suite 306  
Harrisburg PA, 17110





# Business Leaders Network



**Municipal Benefits Services**

**Steve Solman**

Steve.solman@mbgbenefits.com  
412-394-9332

**Municipal Benefits Services**

301 Grant Street, Suite 270  
Pittsburgh, PA 15219



**Fred Bean**

fbean@benecon.com  
717-723-4600

**Pennsylvania Municipal Health Insurance Cooperative**

201 E. Oregon Road  
Suite 100  
Lititz, PA 17543



**PennPRIME**  
INSURANCE TRUSTS | A Service Program of The League

**Angela Tennis**

atennis@pml.org  
717-236-9469 \*258

**PennPRIME**

414 North Second Street  
Harrisburg, PA 17101

**pfm asset management**

**John Molloy**

molloyj@pfm.com  
717-232-2723

**PFM Asset Management**

213 Market Street  
Harrisburg, PA 17101

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kporter@portercurtis.com  
610-891-9856

**Porter & Curtis, LLC**

225 State Road  
Media, PA 19063

**SAUL EWING  
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& LEHR<sup>LLP</sup>**

**William W. Warren, Jr., Esq.**

William.warren@saul.com  
717-238-7698

**Saul Ewing Arnstein & Lehr**

2 North Second Street  
7th Floor  
Harrisburg, PA 17101

**GIANT.**

**Ashley Mahaffey**

Ashley.mahaffey@giantmartins.com  
717-254-2950

**The Giant Company**

1149 Harrisburg Pike  
Carlisle, PA 17013



**U-COMP**  
Unemployment Compensation Trust

**Deb Gross**

dgross@pml.org  
717-236-9469 \*254

**U-COMP**

414 North Second Street  
Harrisburg, PA 17101

**verizon**

**Frank Buzydlowski**

f.p.buzydlowski@verizon.com  
717-777-5858

**Verizon**

210 Pine Street  
7th Floor  
Harrisburg, PA 17101

# Join Us!

## ENVISION 2032 Forums

### ABOUT

We are pleased to announce that The League will be sharing the ENVISION 2032 survey results during seven in-person ENVISION forums across the Commonwealth, which started in March through early May.

We are excited about this 10-year visioning initiative and invite you to join us for the ENVISION forum in your region. Registration is open and complimentary for all League members. The forums provide a unique opportunity for municipal leaders to gather, learn about, and discuss how municipalities are tackling today's most pressing challenges and the priorities that will be most critical to address in the next 10 years. The input we receive from the forums will help The League create an essential publication for all elected and appointed officials in Pennsylvania!

Following these forums, the initiative will culminate in the fall of 2022 with the release of a publication that will contain valuable insights and reference points that can be applied to future planning and decision-making by municipal leaders and elected and appointed officials at all levels of Pennsylvania's government.

**Click on your district to the right to register and learn more.**

[PML.org/about/envision-2032](https://PML.org/about/envision-2032)

# ENVISION 2032

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✓ 1

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20

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APRIL  
21

**Southwest #1  
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APRIL  
22

**Southwest #2  
Upper St. Clair**

MAY  
5

**Southcentral  
Harrisburg**

MAY  
6

**Southeast  
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# Upcoming League Events

For more information,  
visit [www.pml.org](http://www.pml.org).



## League Capitol Conference

Hilton Harrisburg

June 2022

**8-9**



## Spring Sustainability Conference

Held Virtually via Zoom

June 2022

**21**

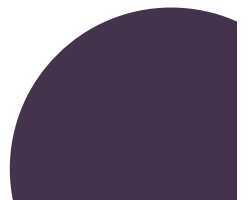
## Municipal Leadership Summit

Omni William Penn Hotel Pittsburgh

October 2022

**6-8**

[www.pml.org](http://www.pml.org)







# Your “Script” for Sewer Backup/Overflow Events

## PROVIDED BY PENNPRIME

Please review the following risk management suggestions relating to sewer backup and/or overflow events. These suggestions should be provided to all applicable personnel: administrative, claims and/or risk management, public works, supervisors, legal officials, elected officials, etc. The distribution of this “script” will help ensure that any staff member who is contacted regarding an event will provide consistent information.

### Suggestions for “Your Script”:

1. Liability should never be admitted or denied. While this incident is unfortunate, it does not mean the municipality is responsible for it and will pay any costs. The goal is to assist the person, but the assistance cannot be misconstrued as an acceptance of liability. The team member(s) should reiterate that an investigation needs to be completed by the insurance company to determine whether or not the claim is compensable.
2. Always ensure you are speaking to the actual property owner (i.e., the landlord not one of the tenants).
3. Document the date and time of arrival (if applicable).
4. Assess the situation.
5. Document the cause (if able to identify).

6. Do not assist in the clean-up process. Any improper steps in the clean-up process could result in liability against the municipality.
7. Provide the customer with suggested “next steps.” They should report the claim to their homeowner’s or renter’s carrier as their policy may provide a broader range of coverage(s).
8. Provide the customer with local clean-up vendors and/or restoration company(ies) contact information. Do not recommend any company as there may be implied liability against the municipality if the clean-up or restoration process is not properly completed.

### Administrative Suggestions:

1. Sewer Ordinance should be in place which addresses the following:
  - A. Establishes desired grade requirements for sewer service lateral lines.
  - B. Requires backflow valves and cleanouts are installed on sewer lines.
  - C. Prohibits connection of down spouts, sump pumps, and drainage lines directly to the sewer system.
  - D. Requires grease traps and cleanouts to be installed

at all restaurants on the system.

2. Maps of all the sewer system and all utilities have been developed which includes tie-ins and manholes.
  - A. It is recommended that the maps be updated every 3 to 5 years.

### Maintenance Suggestions:

1. Maintenance should occur every 3 years (at the minimum).
2. Tree roots be eradicated with chemicals or a vac truck.
3. Wet and dry flows should be routinely checked to determine the level of infiltration.
4. Overflows and backups should be checked annually, especially in “problematic areas.”

### Miscellaneous Items:

1. The statute of limitations in Pennsylvania is 3 years, which means the person has 3 years from the date of the incident to present a claim or file a lawsuit.
2. One of the first questions an attorney will ask is for the maintenance records and related documents for this area. If the public works department is aware of an event, it is recommended that your council or board should be made aware of it as well. □



# Why did I Receive a UC 1099-G?

BY DEBBIE GROSS, U•COMP PROGRAM CONSULTANT

It's tax season and one of your employees comes to you asking why they have received a UC 1099-G. It's not the usual form you see, and when you look at it, you see it's a Statement for Recipients of PA Unemployment Compensation Payments. The employee explains that they have been working during the entire 2021 year. So why are they receiving this form?

While you may not be a tax preparer, you may be able to assist the employee by helping them to remember any jobs they worked in the 2021 tax year. Several questions will help them:

- Did the employee receive any unemployment benefits during 2021? If they are unable to recall, below are other questions to ask.
- Did the employee have a reduction in the hours that they would normally work? If the employee answers yes, there is a chance that they received benefits as a result of them filing for these benefits. If the employee says no, proceed to the following.
- Did the employee have other employment in addition to their

current job at the municipality? If the answer is yes, they may have experienced a reduction in hours there or lost the job altogether. This scenario could render them eligible for unemployment benefits.

They can be referred to the [Labor and Industry website](#):

- If none of the above scenarios fit with the employee's employment status, the last consideration is that there has been a fraudulent claim filed against the PA Department of Labor and Industry using the employee's social security number and personal information. This last scenario is a very likely explanation.

If the employee feels that receiving a form 1099-G is the result of a fraudulent claim, there are a number of sources that you can refer them to. The employee most likely wants to complete their taxes expeditiously and you can provide them with a [link to the IRS website](#) that addresses this issue.

Additionally, the employee will want to address the fraudulent claim issue by contacting the three

credit reporting agencies, Equifax, Experian and Transunion, to verify that their credit is intact. These companies offer credit monitoring either free of charge or for a small fee. It will be important for the employee to also contact their bank in order to verify that all accounts are in order.

Last, but equally important, they should contact the PA Department of Labor and Industry (L&I) to report the fraudulent claim. L&I has a department dedicated to this issue.

[Click here](#) for the link to report a fraudulent unemployment claim and form 1099-G.

U•COMP members learn about the above and more. If your municipality is interested in a non-binding U•COMP quote, you should contact Debbie Gross at 1-800-922-8063, ext. \*254 or email her at [dgross@pml.org](mailto:dgross@pml.org).

For more information on the U•COMP program or to receive a non-binding quote, please contact Debbie Gross at the contact information above. □

# Legislative Status Report STATE



PREPARED BY AMY STURGES, LEAGUE DEPUTY EXECUTIVE DIRECTOR – ADVOCACY – [asturges@pml.org](mailto:asturges@pml.org)  
KAITLIN ERRICKSON, GOVERNMENTAL AFFAIRS REPRESENTATIVE – [kerrickson@pml.org](mailto:kerrickson@pml.org)

*All legislation can be found on the General Assembly's website:*

[legis.state.pa.us](https://legis.state.pa.us)

## Recently Enacted Legislation

### **Act 10 of 2022**

#### **Senate Bill 739**

**Signed: February 10, 2022**

**Effective: April 11, 2022 and  
Immediately**

[Act 10](#) amends Title 35 (Health and Safety) regarding the Fire and Emergency Services Loan Program. On May 18, Pennsylvanian voters approved a ballot question permitting career fire and EMS companies to participate in the loan program, which has historically been limited to volunteer companies only. This Act implements the ballot question by redefining “fire company” as

a volunteer non-profit chartered fire company or municipal-owned fire company or department. The Act names representatives of the Pennsylvania Professional Fire Fighters Association and Career Fire Chiefs Association, as well as the Secretaries of the Department of Community and Economic Development and Department of Conservation and Natural Resources, to the loan program’s application review committee. This part of the Act will take effect on April 11, 2022.

Additionally, the Emergency Medical Services COVID-19

Recovery Grant Program is also established under this Act to be administered by the Office of the State Fire Commissioner in consultation with the Department of Health. The program is appropriated \$25 million in federal funds from the COVID-19 Response Restricted Account, and EMS companies shall use the grants to provide services in response to the pandemic, including but not limited to replacing lost revenue, purchasing equipment and training members. The Act further outlines administrative standards and costs for the Office



of the State Fire Commissioner, including a required annual report of the grant program. Lastly, the authority for the Office of the State Fire Commissioner to award grants under this Act will expire on June 30, 2022. This part of the Act will take effect immediately.

## Act 12 of 2022

### House Bill 764

**Signed: February 17, 2022**

**Effective: Immediately**

**Act 12** amends Title 23 (Domestic Relations) allowing an employer to hire an employee on a provisional basis not to exceed 45 days while background checks and clearances are obtained. A child day-care center, group day-care home or family child-care home may employ an applicant on a provisional basis for a single period not to exceed 45 days and is no longer required to receive a waiver from the Department of Human Services. Employees seeking provisional employment must meet standards specified in the Act. Lastly, an exception is provided for a child care institution, which is defined by federal law as a private or public child care institution receiving federal foster care assistance that accommodates no more than 25 children and is licensed by the state.

## 2022-2023

### Commonwealth Budget

On February 8, Governor Wolf gave his eighth and final budget address proposing a \$43.7 billion budget before a joint session of the House and Senate. The 2022/2023 budget plan is 16.6 percent higher than the previously enacted budget of \$37.4 billion and does not include any tax increases.

Overall, the budget prioritizes education, health and human services, and improving the state's recovery from the pandemic. The budget proposes a \$1.55 billion increase for basic education funding, including \$125 billion distributed through the fair funding formula and \$300 million to the 100 most underfunded school districts. Additionally, the budget proposal requests funds for several health-related items, including medical assistance for seniors, mental health and funding for assisted living and nursing homes. County and municipal health departments received an additional \$7.2 million under the proposal.

While some budget requests are reiterations from years before, such as increasing the minimum wage and reducing the corporate net income tax, there are new proposals as well. Governor Wolf announced a plan to utilize a one-time \$1.7 billion allocation of the state's American Rescue Plan Act (ARPA) funds to fast track the Commonwealth's recovery from the pandemic by providing funds, grants and property tax relief to support Pennsylvania's workers, businesses and healthcare providers.

Lastly, the budget contains several public safety measures of significance, including: \$35 million in grants to support community-led gun violence prevention; \$141 million increase for the State Police through the General Fund along with \$500 million from the Motor License Fund; and \$7.7 million to fund necessary technology to keep law enforcement officers safe.

The League encourages our members to visit the [Governor's Budget Webpage](#) for more information on these proposals.



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# Legislation of Interest

## **COLA for Retired Municipal Police**

[House Bill 2237 \(PN 2592\)](#), introduced by Representative Martina White, would amend the Special Ad Hoc Municipal Police and Firefighter Postretirement Adjustment Act providing for a cost of living adjustment (COLA) for retired municipal police officers.

The bill outlines the calculations and details regarding the COLA increase. It also provides for a benefit reduction for officers entitled to the COLA by more than one municipal pension system, and for officers already receiving the 2002 COLA.

The bill includes a reimbursement from the Commonwealth for any municipal monies used to pay for the COLA other than state aid funds. This reimbursement, however, comes out of the Act 205 Municipal Pension Plan Funding Standard and Recovery Act state aid funds. In order for a municipality to be eligible to receive reimbursement, it must submit certification to the Auditor General by April 1 of the year in which the reimbursement is payable. Reimbursements shall be placed into the municipality's general fund.

*Location: House Local Government Committee, January 11, 2022*

## **Local Government Continuity and Remote Meetings During Emergencies**

[House Bill 2253 \(PN 2609\)](#), introduced by Representative

Jerry Knowles, would amend Title 53 (Municipalities Generally) revising local emergency powers under Chapter 11 concerning temporary seats of government, remote meetings and succession of officers.

Current law only allows municipalities to designate a temporary meeting location and implement emergency succession of officers if under "enemy attack." House Bill 2253 would expand this response by defining "emergency" as a disaster emergency declared by the Governor or municipality that directly impacts a municipality's ability to provide services or hold a regular or special meeting of the governing body of the municipality. Therefore, local governments would be permitted to hold public meetings at temporary locations during emergencies declared by the Governor or locally.

Additionally, the bill would authorize a local governing body to meet remotely via an authorized telecommunications device during a declared emergency that has rendered the physical presence of officials unsafe, hazardous or impossible. An authorized telecommunications device is defined as any device which permits, at a minimum, audio communication between individuals. In order to meet remotely, a municipality would be required to provide 12 hours of advance notice by posting an advertisement on their municipal website and/or in a newspaper of general circulation while following

other Sunshine Law requirements to the greatest extent practicable and allowing remote public participation to the extent possible. Under the bill, a local governing body may not meet remotely for more than 21 consecutive days unless it adopts a resolution establishing the need to continue remote meetings in order to comply with an emergency declaration by the Governor and as extended by the General Assembly.

Finally, during a declared emergency, a municipal officer may appoint an emergency successor to carry out the duties of the office. The emergency successor may carry out such duties until the officer, or authorized deputy, is available; the vacancy is filled; or the emergency declaration expires or is rescinded.

*Location: House Local Government Committee, January 14, 2022*

## **Highly Automated Vehicles**

[Senate Bill 965 \(PN 1354\)](#), introduced by Senator Wayne Langerholc, would amend Title 75 (Vehicles) allowing for the testing of highly automated vehicles (HAV) and the deployment of HAV fleets. The bill also directs PennDOT to develop regulations and guidelines to carry out the legislation.

Current law prohibits HAVs from operating without a licensed driver in actual physical control of a vehicle. Senate Bill 965 would remove this barrier by allowing a HAV, including commercial vehicles, to be operated with

or without a driver on board. Specifically, this bill would authorize the operation of a HAV by either a human driver, a human driver in a remote location or exclusively through automation.

Before operating a HAV with or without a driver on a highway, the vehicle's owner would be required to receive approval from PennDOT to operate in PA and show proof of at least \$1 million in insurance. Additionally, the bill provides requirements for reporting accidents involving a HAV, as well as specifying how law enforcement would cite a HAV with or without a driver. The bill also incorporates international standards from the Society of Automotive Engineers regarding the design, safety and operation of HAVs.

Lastly, local governments would be preempted from adopting a policy, rule or ordinance that regulates the operation of HAVs.

*Location: Received First Consideration in the Senate, January 26, 2022*

### **Protecting Local Governments from a Newspaper's Failure to Advertise**

[House Bill 2148 \(PN 2586\)](#), introduced by Representative Brett Miller, would amend Titles 45 (Legal Notices) and 65 (Public Officials) regarding the satisfaction of the legal advertising requirement.

Under this legislation, a political subdivision or municipal authority that submits an advertisement to a newspaper of general circulation and simultaneously posts a duplicate advertisement on its website would meet the legal advertising requirements in the event the newspaper fails to publish the public notice as

requested. A political subdivision or municipal authority holding a meeting under the duplicate advertisement would be required to enter into the record a copy of the advertisement and proof that the advertisement was purchased in a timely fashion.

*Location: Passed House; Senate Local Government Committee, January 12, 2022*

### **Electric Low-Speed Scooters Pilot Program**

[Senate Bill 892 \(PN 1376\)](#), introduced by Senator Daniel Laughlin, would create an electric low-speed scooter pilot program while preserving local authority and ability to regulate scooters.

Senate Bill 892 would grant users of electric low-speed scooters all of the rights of pedal-cycle users; and law enforcement officers would regulate the use of electric low-speed scooters consistent with the regulation of pedal-cycles under the current law.

Under the bill, pilot programs are limited to second class A and third class cities and require the adoption of an ordinance and regulations or policies for the safety, operation and management of these scooters. Each local government with a pilot program would be required to report various statistics to the Senate and House Transportation Committees.

Commercial electric scooter companies would be required to obtain commercial general liability insurance coverage with a limit of at least \$2,000,000 each occurrence and \$2,000,000 aggregate, as well as automobile insurance coverage with a limit of at least \$1,000,000 each occurrence and \$1,000,000 aggregate. Scooter companies

would be required to provide proof of insurance to the local government which may impose a fine of no more than \$1,000 a day until proof of insurance is provided. Finally, the bill also outlines speed limits and safety features for electric scooters.

A pilot program for second class cities was enacted in 2021.

*Location: Received First Consideration in the Senate, February 7, 2022*

### **Breach of Personal Information Notification Act**

[Senate Bill 696 \(PN 1330\)](#), introduced by Senator Dan Laughlin, amends the 2005 Breach of Personal Information Notification Act. Among other amendments, the bill adds new language regarding notification requirements of counties, schools and municipalities of a breach.

The bill requires notice be provided within seven days following a determination of a breach to those impacted. Notification to the district attorney of the county where the breach occurred would be required within three business days following the determination. In the case of a breach of information containing a user name and password or security question, notice may be by email directing the impacted parties to protect their account by changing their password and security questions.

*Location: Passed Senate; House State Government Committee, January 22, 2022*

### **Transparency in Collective Bargaining**

[House Bill 845 \(PN 2650\)](#), introduced by Representative David Rowe, establishes the Public Employment

→



Collective Bargaining Act. This bill is part of a larger package of bills concerning public employee bargaining.

House Bill 845 would require public employers to provide notice of pending collective bargaining agreements and would apply to agreements falling under Act 111. Notice would constitute posting on the employer's website 14 days before acceptance and for 30 days after acceptance. If the employer does not have a publically accessible website, notice would be required in a newspaper of general circulation two weeks prior to acceptance. Non-compliance with the notification provisions of the bill would result in the agreement being void. The bill would also affirm that a proposed collective bargaining agreement is subject to the Right to Know Law. An amendment in Committee added language that also makes final arbitration awards subject to public notice.

*Location: Received First Consideration in the House, January 25, 2022*

### **Municipal Police Technology Fund**

[House Bill 2011 \(PN 2311\)](#), introduced by Representative Jason Silvis, would Amend Title 75 (Vehicles) creating the Municipal Police Technology Fund by establishing a booting device surcharge.

A municipality that has or adopts a booting ordinance for any unpaid parking or traffic violations would be required to assess an additional \$25 fee for removal of the device. Municipalities would be required to collect this fee and remit it to the State Treasury for deposit into the Municipal Police Technology Fund. Municipalities with eligible

police departments would be able to apply for money from the Fund, which would be appropriated to the Pennsylvania Commission on Crime and Delinquency on a continuing basis for the purpose of issuing technology grants.

Eligible police departments are defined as municipal or regional police departments authorized by one or more townships, boroughs or incorporated towns that provide patrol and investigative services and report its activities monthly to the Pennsylvania State Police in accordance with the Uniform Crime Reporting System. Grants would be used to purchase telecommunication devices and technologies, body cameras and any associated hardware, software or devices necessary to ensure the proper functioning of their technology.

If a municipality fails to comply with the collection of the assessment, a court of competent jurisdiction may notify PennDOT of the failure to comply unless a timely appeal has been filed with the court. Failure to comply would result in suspension of a municipality's liquid fuels funds and other funds for bridges and highways. All sanctions would end and all suspended funds would be returned upon PennDOT's notification of municipal compliance.

*Location: House Local Government Committee, October 26, 2021*

### **Statewide Blighted Property Database**

[House Bill 2329 \(PN 2723\)](#), introduced by Representative Mike Sturla, would amend Title 53 (Municipalities Generally) creating the Property Maintenance

Code Violations Registry to be administered by the Department of Community and Economic Development (DCED) in order to track blighted, noncompliant properties and provide code and other violation information to municipalities processing permit applications.

This bill would require municipalities to electronically file a property maintenance code violation report with DCED on a property owner whose property has serious and unabated code violations for 180 days or more. In addition to submitting the report, municipalities would also be required to collect a \$500 surcharge for each municipal inspection that finds one or more code violations from the property owner whose property has been in violation of the code and has not attempted to remediate the violation after 90 days. Municipalities would remit the money to DCED on a quarterly basis to fund the registry and judicial training regarding deteriorated property.

Municipalities may request a free registry report when considering permit applications, which DCED would need to provide to the requesting municipality in five business days. A municipality would be required to inform the property owner of a permit denial if the denial is based on the registry report's information. The property owner would have the right to appeal. A municipality would also be responsible for filing a report notifying DCED when a property is brought into code compliance.

Lastly, upon written request, the Attorney General may assist

municipalities seeking code compliance from out of state property owners by writing the property owner a warning letter or by filing a court proceeding on the municipality's behalf.

*Location: House Urban Affairs Committee, February 9, 2022*

### **Optional Sales Tax or Property Tax Relief and Municipal Assistance Act**

[House Bill 2330 \(PN 2724\)](#), introduced by Representative Mike Sturla, would create the Optional Sales Tax or Property Tax Relief and Municipal Assistance Act.

Under this bill, a board of county commissioners would have the authority to levy and assess a one percent sales tax by ordinance. A board could also pass a resolution providing for a voter referendum. A county implementing the tax by ordinance would need to provide its municipalities with at least 45-days written notice of the intent to impose the tax. The county would need to hold at least one public hearing regarding the implementation of the sales tax unless adopted through referendum.

The County Sales and Use Tax Fund would be established in the State Treasury Department where the tax revenue would be deposited into subaccounts for each participating county. The funds would be allocated based on the assessed value of the tax exempt properties of each municipality within a county's jurisdiction. Counties would be responsible for calculating the assessed value of tax exempt property, which would then be certified by the Department of Community and Economic

Development before funds are disbursed.

The tax revenue dedicated to counties must be used for core services. The tax revenue dedicated to municipalities must first be used to meet pension obligations, and secondly for core services. Core services would be defined as police, fire, public works, public health and welfare, housing and code enforcement services.

This bill would not apply to Philadelphia and Allegheny counties.

*Location: House Local Government Committee, February 9, 2022*

### **Bonding Requirements for Tax Collectors**

[Senate Bill 1036 \(PN 1372\)](#), introduced by Senator Patrick Browne, would amend the Local Tax Collection Law regarding bonding requirements for tax collectors.

Currently, the Law requires tax collectors in second and first class townships, boroughs and towns to obtain bonds in an amount determined by the court not to exceed the estimated amount of annual duplicates. This bill would change the amount of the bond to an amount equal to the highest amount estimated to be available to the tax collector at any time during the current year. This bill would also add language prohibiting the denial of a bond based on litigation of any offenses except for those found in Section 4.5 of the Local Tax Collection Law regarding Criminal History Record Information.

Additionally, in lieu of a bond, this bill would allow the taxing district

to purchase insurance to cover the same events of loss as a bond.

*Location: Senate Local Government Committee, February 7, 2022*

### **Tort Liability Caps for Local Governments**

[Senate Resolution 146 \(PN 956\)](#), introduced by Senator Ryan Aument, directs the PA Legislative Budget and Finance Committee (LBFC) to study the impact on both litigants and government entities of raising the caps on state and local liability. Act 142 of 1980 limits local tort liability to \$500,000 per event for local governments. The LBFC's report is due to the General Assembly no later than April 30, 2022. This legislation was prompted by court challenges arguing the caps are so low that a plaintiff's constitutional right to a fair trial is impeded. Legislative action could preempt the courts.

□

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## 2022 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 Decision Making

On a regular basis, preemption legislation is introduced taking local decisions out of the hands of locally elected officials. Proponents of this legislation argue that state level decisions are better. The League strongly disagrees with this premise. Many issues come down to local government’s basic and inherent duty to protect the health, safety and welfare of residents. Other issues involve finding solutions to new and unique problems facing our communities. Problem solving at the local level is democracy in action, as well as innovative and community based, and it should not be stifled by overarching state laws.

*Contact Amy Sturges, Deputy Executive Director -  
Advocacy, at (717) 236-9469, ext.\*225 or  
asturges@pml.org with questions and/or comments.*



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# Legislative Status Report FEDERAL



## Creating Housing Affordability Through Policy Design

BY MATT WEBER, FORMER STATE AND LOCAL POLICY SENIOR SPECIALIST AT GROUNDED SOLUTIONS NETWORK

“Shared equity housing” — including community land trusts, limited-equity housing cooperatives and deed-restricted housing programs — is having a moment right now. Policymakers and housing advocates alike are increasingly turning to [shared equity housing](#) as a means to deliver permanently affordable homeownership opportunities for communities nationwide. The surge in housing prices over the course of the COVID-19 pandemic is no doubt fueling some of this interest. As Harvard’s Joint Center for Housing Studies recently observed, “[rents have soared across the country, but home prices grew even faster.](#)”

Many communities have learned, however, that it is not enough just to have a [community land trust \(CLT\)](#) or other shared equity

**housing program operating in the area. To get the most benefit from those programs, [municipalities must change policies and practices to support them.](#) Getting those policies right can be tricky.**

To understand some of the nuance involved, let’s consider a hypothetical community that has long operated a conventional subsidy program that aims to promote homeownership among low- and moderate-income households, while simultaneously strengthening disinvested neighborhoods. The program allows community development corporations (CDCs) to build or rehab modest homes for \$200,000, but sell those homes to households earning up to 80 percent of area median income (AMI) at a price they can afford — in this case,

\$160,000. The \$40,000 subsidy that is needed to fill the affordability gap comes in the form of a forgivable loan to the homebuyer. In exchange for the subsidy, the homebuyer agrees to a 15-year affordability period during which the property can only be resold to another income-qualified homebuyer. After 15 years, the home can be sold at market rate.

**This program has done two things well.** First, it has built wealth among the homebuyers it has served. After 15 years, the full down payment assistance is forgiven, and the homebuyers enjoy the full benefit of the market appreciation that has occurred on their home. Second, it has strengthened the neighborhoods where the housing is located. Nearby properties are being fixed up, and long-vacant homes are now occupied.

**The program has also faced at least two challenges.** First, each time the affordability requirements on a home expire, the city and its community partners have to scramble to replace it. It is becoming harder and harder to find properties that can be acquired and rehabbed (or demolished and rebuilt) at a cost that is low enough to offer them at an affordable price to an income-qualified family. Second, the strengthening condition of the neighborhood is driving up rents and home prices, leading many residents to worry about gentrification and displacement.

**Now suppose that local residents have established a [community land trust](#) with the hope of locking in affordability for the long term and stemming the tide of displacement.** Unlike conventional affordable homeownership programs, CLTs offer permanent affordability for the homes they sell. They do this by following two simple steps:

1. They set the initial sales price of a housing unit at a price that a low- or moderate-income household can afford, and
2. They require that each time the home is resold, it is sold to another income-qualified household at an affordable price.

In this way, CLTs, like other shared equity housing models, ensure that the homes they sell aren't just affordable to their initial occupants, but to generation after generation of homeowners thereafter.

**The CLT promises to change the dynamic in the neighborhoods where it operates.** Like a conventional homeownership program, the CLT is helping to

strengthen the neighborhoods it serves. However, unlike a conventional homeownership program, the CLT is countering displacement, rather than contributing to it. The affordability restrictions it imposes ensure that low- and moderate-income households — who have long resided in these neighborhoods — will always be part of them.

Achieving lasting affordability, however, comes with a trade-off. The wealth-building gains that CLTs produce are more modest than those resulting from conventional homeownership programs. This is because homeowners can only sell their homes at a price that other low- or moderate-income households can afford. Incomes tend to increase over time, so this allows for modest appreciation in home prices, but it is almost always less than the amount of appreciation that market-driven increases would allow.

#### **Adjusting Municipal Policy**

Now suppose that the local government wants to [support the community land trust](#) through municipal policy. One plausible and seemingly supportive move would be to make the CLT eligible for the same per-unit subsidy that is available to buyers under the conventional homeownership program. This would allow the CLT to sell its homes at the same affordable price that buyers can get from community development corporations serving the same neighborhoods.

**Perhaps surprisingly, a policy that subsidizes CLT homes to the same extent as non-CLT homes probably does not go far enough.** Consider the choices available to a prospective homebuyer: They could buy a home from a CDC or a

CLT. The CDC home costs \$200,000 but comes with \$40,000 in down payment assistance, so that the homebuyer only needs \$160,000 in conventional financing to purchase the home. The CLT uses a subsidy from the city to lower the purchase price of its home to \$160,000 — the amount the homebuyer can afford. So far, then, the two deals look very similar to a homebuyer. In both cases, they need to take out a conventional loan for \$160,000 to purchase a home.

Consider, though, what happens when it is time to sell the home. After 15 years, the traditional homebuyer is free to sell the home at market rate, enjoying the full appreciation on what was once a \$200,000 home. For the CLT home, however, the homeowner's equity gains are more limited. A [resale formula](#) would determine the maximum amount that the homeowner could charge for the home based on what a low- or moderate-income household could afford.

From a prospective homebuyer's perspective, purchasing a CDC home offers the potential of a significant payoff down the road, while the payoff from a CLT home is much more modest — by design. Under these circumstances, it would be very difficult for a CLT to compete with CDC homes on an individual basis, despite the significant benefits they bring to a community as a whole. Accordingly, the plausibly supportive municipal policy of offering CLTs the same level of subsidy that CDCs enjoy does not go far enough to support CLT operations.

Indeed, it falls even shorter when one considers the deeper income targeting that CLTs often pursue.

*Continued on [page 43](#) →*



# Public Finance

## Inflation: What Should A Municipality Do?

*A look at how local governments can proceed with investment strategies in times of inflation.*

BY MATT CONLIN, PLGIT SENIOR MARKETING REPRESENTATIVE

More than any other time in the last 40 years, the word inflation has found its way into the public conversation. From weekly trips to the grocery store, to daily stories in the news, to reports and updates from Washington D.C., inflation is a lead topic in most Americans' lives.

Even so, the term itself can still be a mystery: what is inflation? What causes it to rise and fall? Why is it such a concern now? These questions make the issue even more difficult to understand.

Even more puzzling is the question for local governments: should the current inflationary climate influence municipalities and their approach to investments? In this article, PLGIT will offer a brief overview of what inflation is all about, and what local governments might consider when operating in a high-inflation environment.

### **Defining Inflation**

Inflation is a loss of purchasing power over time, meaning the dollar will not go as far tomorrow as it did today. It is typically expressed as the annual change in prices for a collection of goods and services.

In the United States, there are two main measurements of inflation. One is the Consumer Price Index (CPI), which measures the cost of things consumers buy directly, excluding fuel and food. The other, the Personal Consumption Expenditures (PCE) index, measures things people consume, but also takes into account things those consumers do not pay for directly, such as health care.

A little bit of consumer price inflation is generally viewed as desirable, in part because it gives companies room to adjust to the rising costs of a changing

economy. The Federal Reserve (The Fed), which sets American monetary policy, and has kept prices from increasing too rapidly as part of its core mission, factors an average 2% annual increase in PCE over time.<sup>1</sup>

Under typical circumstances, higher inflation can be the result of an economy in which people are spending at a higher rate than usual due to a surplus of cash or credit. If consumers are in a buying mood, businesses may raise prices because they lack adequate supply. Or companies may choose to charge more because they realize they can do so without losing customers.

### **Why is inflation such a hot topic right now?**

The CPI index for December 2021 showed inflation rising at 7% over a year ago, the highest level since

1982. Why? A collision of low supply and peak demand.

On the one hand, the spread of COVID-19 and its variants caused factories to shut down and has backed up shipping and transportation of goods, resulting in fewer products being delivered and greater delays in those products that are available.

At the same time, consumers, who collectively built up larger savings thanks to months of being unable to leave their homes to spend, and repeated government stimulus checks, have started to purchase goods and services at much higher levels. They are continuing to buy even in the face of fewer goods and rising prices. Those same consumers are also dealing with increases in rent, fuel and home prices.

### ***Is elevated inflation a problem?***

The debate on this topic among economists is extensive, but when the purchasing power of the dollar doesn't go as far, it affects everyone, most notably people with fixed incomes: students, seniors, people without the prospect of increased wages and others.

Too-rapid inflation may also have a destabilizing effect on the stock market, as investors may choose to direct their money to more "real" assets like property rather than financial assets like shares

of a stock. Also, some businesses may not be able to easily pass their increased costs to consumers, resulting in lower overall profits.<sup>1</sup>

Another complication may occur if the Fed must step in and take action to raise interest rates in order to combat inflation, it could dampen the economy and — in severe cases — risk a recession.

### ***So – what does this mean to my municipality?***

Even with plenty of information about inflation, the topic can still be confusing — and daunting. Here are a few considerations for local governments who might be eyeing inflation as a potential concern regarding their investment strategy.

First, inflation may not be all bad for local government finances. Prices for goods bought by local governments may go up, but the ability of local governments to buy in bulk and use resources like COSTARS (The Commonwealth of Pennsylvania's cooperative purchasing program) for bids can help mitigate some price increases.

Part of the rise in inflation is due to wage growth in the labor market, which could have a positive effect on earned income tax receipts. As noted above, housing prices are rising fast to keep pace with demand, which may mean increased real estate transfer tax and new houses put

on the tax rolls.

Investment rates available to municipalities may move higher in 2022 as the Fed works to combat inflation fears. The Fed has indicated that they see inflation lingering for longer than they had anticipated. One way they could fight inflation is by raising their target overnight rate, which is a benchmark rate from which other short-term treasury yields and bank deposit rates are derived.

Bond market investors have begun to demand higher yields for treasuries and similar instruments based on the expectation that interest rates will move higher in 2022. Those higher yields present opportunities in products like the PLGIT/TERM portfolio to lock-in higher yields for maturities up to one year, vs PLGIT's liquid share classes, provided your municipality does not need funds until maturity.

Regardless of market conditions, local governments should make an investment plan based on their specific cash flow needs and stick to it. It's tempting to make a drastic change to try and hedge against what's happening in markets. Waiting for rates to rise itself takes time and effort to monitor rates and stay on top of changes, among the myriad other tasks on a municipal manager's list. Local governments should consider an investment approach based on future cash flow needs and a mix of investments, liquid and fixed-rate options, that provide for adequate liquidity for upcoming needs.

→

If you have a question, visit our website at [www.plgit.com](http://www.plgit.com) or call your PLGIT marketing representative at 800-572-1472.

Matt Conlin, is a Senior Marketing Representative working with PLGIT investors in the central and western parts of the Commonwealth. He can be reached at [conlinm@pfmam.com](mailto:conlinm@pfmam.com). □

1. Source: <https://www.nytimes.com/article/inflation-definition.html>



This and other information about the Trust's portfolios is available in the current Information Statement, which should be read carefully before investing. A copy of the Information Statement may be obtained by calling 1-800-572-1472 or is available on the Trust's website at [www.plgit.com](http://www.plgit.com). While the PLGIT and PLGIT/PRIME portfolios seek to maintain a stable net asset value of \$1.00 per share and the PLGIT/TERM portfolio seeks to achieve a net asset value of \$1.00 per share at its stated maturity, it is possible to lose money investing in the Trust. An investment in the Trust is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Shares of the Trust's portfolios are distributed by **PFM Fund Distributors, Inc.**, member Financial Industry Regulatory Authority (FINRA) ([www.finra.org](http://www.finra.org)) and Securities Investor Protection Corporation (SIPC) ([www.sipc.org](http://www.sipc.org)). PFM Fund Distributors, Inc. is a wholly owned subsidiary of PFM Asset Management LLC. □

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With a mission to serve low-income neighborhood residents and prevent displacement, CLTs commonly house households earning just 50 percent of area median income. To do this, they need even more subsidy dollars than organizations targeting households earning moderate incomes (e.g., 80 percent or more of area median income).

**There are many ways to solve this policy issue.** The City of Houston provides a useful example of one approach. It offers a [modest, forgivable loan](#) to income-qualified homebuyers who purchase market-rate homes that are subject to affordability requirements for just five years. Through its [city-supported community land trust](#), Houston offers much more substantial assistance to homeowners who purchase a home and agree to place it in the CLT for permanent affordability.

**This approach right-sizes the trade-off between community investment and community benefit involved in each kind of purchase.** When a homebuyer makes modest and short-term promises to maintain affordability, the public subsidy is also modest. When a homebuyer makes the substantial commitment to keep a home affordable in perpetuity for the benefit of the community, the community's investment is similarly substantial.

### **Shared Equity Housing Policy Audit**

There are many other ways local governments can support shared equity housing. However, there are also many nuances involved in getting that municipal support

right. The National League of Cities [has partnered](#) with [Grounded Solutions Network](#) to offer a limited number of communities a "Lasting Affordability Policy Audit."

This audit will provide a desk review of municipal policies and practices in five areas and suggest reforms to strengthen the community's support for shared equity homeownership. Where appropriate, the audit will highlight opportunities to advance racial equity in the design and administration of these policies as well. Areas subject to review include:

- Land disposition policies and practices
- Funding and financing policies and practices
- Development incentives and requirements
- Property taxation practices
- Cross-program coordination

By leveraging the [Help Desk on Shared Equity Homeownership](#), municipal leaders can take the first important step in ensuring that their community is well-positioned to make the most of the long-term benefits that shared equity housing models have to offer. With proper implementation, communities stand to foster more equitable and affordable homeownership opportunities for generations to come. □



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# LEGAL NOTES

## Supreme Court to Decide Bevy of First Amendment Cases Impacting Local Governments

BY LISA SORONEN, EXECUTIVE DIRECTOR  
STATE AND LOCAL LEGAL CENTER



\*Indicates a case where the SLLC has or will file an *amicus* brief.

The Supreme Court's 2021-22 term includes abortion cases and a gun case making it a blockbuster term by any standard. Flying under the radar, but important to local governments are a number of First Amendment cases on a wide range of topics, all of which will be decided by the end of June 2022.

The City of Austin allows on-premises billboards to be digitized but not off-premises billboards. In [\*City of Austin, Texas v. Reagan National Advertising of Texas Inc.\*](#),\* two outdoor advertising companies claim that this distinction is "content-based" under the First Amendment.

In *Reed v. Town of Gilbert* (2015), the Supreme Court held that content-based restrictions on speech are subject to strict scrutiny, meaning they are "presumptively unconstitutional" under the First Amendment. In *Reed*, the Court defined "content-based" broadly to include distinctions based on "function or purpose."

Per Austin's Sign Code, "off-premises" signs advertise "a business, person, activity, goods, products or services not located on the site where the sign is installed."

The City argued that the definition of off-premises is a

time, place or manner restriction based on the location of signs.

The Fifth Circuit disagreed, stating: "*Reed* reasoned that a distinction can be facially content based if it defines regulated speech by its function or purpose. Here, the Sign Code defines 'off-premises' signs by their purpose: advertising or directing attention to a business, product, activity, institution, etc., not located at the same location as the sign."

In [\*Houston Community College System v. Wilson\*](#), the Supreme Court will decide whether the First Amendment restricts the authority of an elected body to

issue a censure resolution in response to a member's speech.

David Wilson was an elected trustee of the Houston Community College System (HCC). In response to the board's decision to fund a campus in Qatar, he arranged robocalls and was interviewed by a local radio station expressing his disagreement with the decision. He filed a lawsuit against HCC after it allowed a trustee to vote via videoconference, which he contended violated the bylaws. He sued the board again when it allegedly excluded him from an executive session.

The board publicly censured him for acting in a manner "not consistent with the best interests of the College or the Board, and in violation of the Board Bylaws Code of Conduct." Wilson sued HCC and the trustees, asserting that the censure violated his First Amendment right to free speech.

HCC argued that "it had a right to censure Wilson as part of its internal governance as a legislative body and that Wilson's First Amendment rights were not implicated."

The Fifth Circuit disagreed noting it has repeatedly held that "a reprimand against an elected official for speech addressing a matter of public concern is an actionable First Amendment claim." In this case, Wilson was censured because of his speech.

The issue the Supreme Court will decide in [\*Shurtleff v. City of Boston\*](#)\* is whether flying a flag on

a flagpole owed by a government entity is government speech. If it is, Boston may refuse to fly a Christian flag.

Boston owns and manages three flagpoles in an area in front of City Hall. Boston flies the United States and the POW/MIA flag on one flagpole, the Commonwealth of Massachusetts flag on another flagpole, and its own flag on a third flagpole. Third parties may request to fly their flag instead of the city's flag in connection with an event taking place within the immediate area of the flagpoles.

Camp Constitution asked the City to fly its Christian flag while it held an event near the flag. The City refused its request to avoid government establishment of religion.

The First Circuit held that flying a third-party flag on a City Hall flag pole is government speech meaning the City didn't have to fly the Christian flag.

According to the First Circuit, in two previous cases the Supreme Court has developed a three-part test for determining when speech is government speech. The Court looks at the history of governmental use, whether the message conveyed would be ascribed to the government, and whether the government "effectively controlled" the messages because it exercised "final approval authority over their selection."

Regarding the history of governments using flags, the First Circuit stated "that a government flies a flag as a

'symbolic act' and signal of a greater message to the public is indisputable."

The First Circuit also concluded that an observer would likely attribute the message of a third-party flag on the City's third flagpole to the City.

The First Circuit had no difficulty concluding the City controlled the flags. "Interested persons and organizations must apply to the City for a permit before they can raise a flag on this flagpole."

### **Conclusion**

All of the cases summarized in this article have relatively far-reaching consequences for local governments. *Reed v. Town of Gilbert* has resulted in the invalidation of numerous state laws and local ordinances. The sign case gives the Court an opportunity to clarify—and ideally—narrow *Reed*. The censure case could affect any city council or county board. And local governments engage in "government speech" constantly. □



# Professional DIRECTORY



AT&T Inc.  
351 Stanley Drive  
Palmyra, PA 17078

**David Kerr**  
Vice President  
External Affairs-Pennsylvania

T: 717.269.5872  
dkerr@att.com



**Carol Bigham**  
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### Jennifer Frees

Senior Manager  
Government & External Affairs

**Comcast Cable**  
400 Riverfront Drive  
Reading, PA 19602  
jennifer\_frees@comcast.com  
610-401-6482



**Constellation**  
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**Brian S. Weatherford**  
Vice President

100 Constellation Way  
Suite 1200C  
Baltimore, MD 21202-6302

410 470 1852 Office  
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[brian.s.weatherford@constellation.com](mailto:brian.s.weatherford@constellation.com)



**Cornerstone Wealth Advisory  
& Insurance Services, LLC**

**Patrick Geary**  
[pgeary@cornerstonewais.com](mailto:pgeary@cornerstonewais.com)

3910 Caughey Rd.  
Suite 220  
Erie, PA 16506  
Phone: 814-315-2000

### Ashley Mahaffey

External Communications and  
Community Relations Coordinator

**The Giant Company**  
1149 Harrisburg Pike  
Carlisle, PA 17013  
[ashley.mahaffey@giantmartins.com](mailto:ashley.mahaffey@giantmartins.com)  
717-254-2950



**Tracey Rash**  
Manager  
[trash@gfsdawood.com](mailto:trash@gfsdawood.com)

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# Professional DIRECTORY

**Jennifer CruverKibi, CPA**

Partner

**Maher Duessel**

1800 Linglestown Road Suite  
306  
Harrisburg, PA 17110  
jcruverkibi@md-cpas.com  
717-232-1230 x204

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Harrisburg, PA 17101

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State Government Affairs

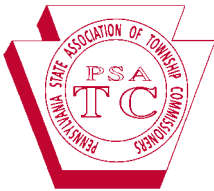
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210 Pine Street  
7th Floor  
Harrisburg, PA 17101  
f.p.buzydowski@verizon.com  
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# PSATC President's Message



**SAM VALENZA**  
**COMMISSIONER**  
**UPPER MORELAND**  
**TOWNSHIP**



**PML.org/PSATC**

*I am pleased to announce that for the first time in two years, the PSATC Executive Committee will be holding its annual Lobby Day and Reception in person on April 25. Our focus will be our 2022 Legislative Priorities (see opposite page/page 49). We are looking to the General Assembly to support and work in partnership with us to address our priorities and promote effective local governance.*

*Laws and policies at the federal and state level have a significant financial impact on local government. We all know the impact of Unfunded Mandates on both local government and taxpayers. Failing to provide local governments with the tools necessary to effectively carry out day-to-day operations is also a hardship. PSATC has identified the most important Legislative Priorities that if addressed, would benefit taxpayers and support local government operations.*

*One of the most impactful unfunded mandates is Act 111 Binding Arbitration. While there are very few officials who wish to eliminate Act 111, most believe reforms are necessary to update the 53-year-old law. Some observers believe that Act 111 presents one of the greatest financial burdens on local governments because it effectively prevents a local government from controlling public safety costs in any meaningful way. For this reason, PSATC has consistently made Act 111 Reform a priority.*

*The prevalence of online news and information supports a move away from the mandate to exclusively post Public Notices in print media. The ability to use electronic media would benefit both taxpayers and municipalities alike. Electronic media is accessible, quick, easy and affordable. PSATC supports modernizing this outdated mandate.*

*Another long-term issue facing many communities is the prohibition on the Local Use of Radar. Public Safety is a basic local government function. Speeding is an issue in all our communities and is the number one complaint from constituents. Radar is a reliable, accurate and efficient public safety tool, but our police are forced to use non-radar technology that is becoming obsolete. Using old technology hinders law enforcement and does not allow officers to effectively provide for the public's safety. It is time to support local law enforcement with the authorization to use radar.*

*The legalization of Consumer Fireworks is an unfunded mandate that has caused many issues for local government. Municipal officials report a substantial increase in citizen complaints and firework related injuries and property damage, not to mention the drain on valuable public safety resources. PSATC is advocating for amendments giving local governments control over the use of Consumer Fireworks within their communities.*

*Municipal leaders do not know what the future holds for local governments. We do know that unfunded mandates and outdated laws make our work harder and the financial burden placed on our residents greater. We encourage you to discuss our Legislative Priorities with your House and Senate members this spring. Please contact Amy Sturges, at [asturges@pml.org](mailto:asturges@pml.org) if you need any assistance preparing for a meeting with your legislators.*

*Finally, please plan to attend our 2022 Municipal Leadership Summit scheduled for October 6-8 in Pittsburgh. The Summit registration and hotel room block are now open. Information is available at [pml.org](http://pml.org). I look forward to a great turnout by PSATC Officials.*

Sincerely,

Sam Valenza



# PSATC 2022 Legislative Priorities

## **Mandate Relief**

*Unfunded mandates increase the local tax burden.*

### **Municipal Public Safety Pensions**

Public safety employees deserve pensions that reflect the services they perform. Likewise, taxpayers deserve predictable and sustainable pension costs. The current public safety pension statutes are antiquated resulting in an inequitable and unaffordable burden on taxpayers. PSATC seeks an equitable solution to ever-growing pension costs.

### **Binding Arbitration**

For more than 50 years, binding arbitration has been the process to address public safety contract disputes in Pennsylvania. Over time, the process has weighed heavily in favor of the unions. PSATC is not advocating for the elimination of Act 111. Rather, it supports leveling the playing field with commonsense changes.

### **Public Notices**

Making public information accessible should be efficient and affordable for those seeking the information, as well as for those providing it. PSATC supports a central depository for public notices in the form of a publically accessible, searchable website. A “one-stop” approach will increase access to public information while saving tax dollars.

### **Prevailing Wage**

The more than 55 year old prevailing wage threshold of \$25,000 for public projects needs to be raised to reflect today’s costs. PSATC supports increasing the threshold and adding an annual inflation mechanism that will allow the threshold to keep pace with future costs.

## **Public Safety**

*Public safety is a basic local government function that can only be achieved with adequate tools.*

### **Local Use of Radar**

Speeding is a paramount issue for local elected officials as it is the number one complaint from constituents. Radar is a reliable, accurate and efficient public safety tool, unlike the antiquated VASCAR system local police currently use. PSATC strongly supports the authorization for local police to use radar.

### **Preservation of Local Authority**

Preemption of local decision making in favor of state level decisions is becoming more and more common. State level decisions are not always best, especially when they preempt local government’s basic duty to protect the health, safety and welfare of residents. PSATC strongly believes local problem solving is best and supports the preservation of local authority.

### **Water, Sewer and Storm Water Infrastructure Funding**

Upgrading basic water and sewer infrastructure is costly, but it is also a matter of public safety. Meeting state and federal requirements for nutrient reduction and storm water management are also costly with the added element of mandated compliance. To fund aging infrastructure repairs and meet mandates, PSATC advocates for new funding options and local flexibility.

### **Consumer Fireworks**

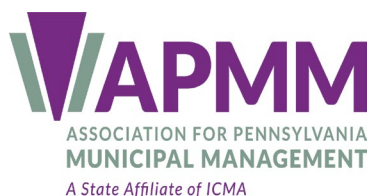
The legalization of consumer fireworks in 2017 has resulted in a threat to public safety for both first responders and the general public. Municipal officials receive the bulk of resident feedback and complaints; however, municipalities have no authority to adopt regulations that are stricter than the state law in order to protect the public from the dangers of these aerial explosives. Furthermore, the law is an unfunded mandate on local government (requiring public safety resources) with no real teeth for proper enforcement. Short of repeal, this law must be amended with stricter enforcement penalties and more local control.

*The PA State Association of Township Commissioners (PSATC) is a non-partisan association representing the Commonwealth’s first class townships. Over 1.5 million citizens live in first class townships throughout the Commonwealth. Please contact Amy Sturges, Deputy Executive Director - Advocacy at [asturges@pml.org](mailto:asturges@pml.org) with any questions.*

# APMM President's Message



**AMY FARKAS**  
**MANAGER**  
**HARRIS TOWNSHIP**



**APMM.net**

Happy Spring!

*APMM held its first in-person event in two years in February. Our members gathered at the Hotel Hershey for our executive development conference. Many thanks to Stephanie Teoli Kuhls, Amanda Serock and the rest of the members of the Professional Development Committee for putting together an excellent educational program.*

*At the conference, we also surprised our friend and former managing director, Rick Schuettler, with a special happy hour. We toasted Rick and his years of service to our association. The past presidents also presented him with a wine-themed gift. It was a fitting tribute for a man who has done so much for us. (see [photos on page 51](#))*

*As the weather warms up, we turn our attention to our annual conference. The conference will be held May 23-25 at the Hotel Hershey. The conference committee, led by Susquehanna Township Manager Dave Pribulka, is busy putting the finishing touches on our program. Many thanks to committee chairs Dave Burman, Haverford Township (program); Bradley Gotshall, Lower Paxton Township (fundraising); and Roger Dunlap, State College Borough (golf) and their committee members for their time and efforts on planning the event.*

*The theme this year is #whatsyourlegacy. We'll explore what legacy means to a municipal manager, be it legacy to your community, legacy to your profession or legacy to your association. We have several exciting events planned, including a roundtable discussion with a group of our esteemed past presidents. They will share the lessons they've learned during their careers. We also have speed coaching sessions planned that will again tap into the knowledge of our past presidents. These sessions will allow attendees to gather input on issues affecting their communities.*

*We are also excited to announce that ICMA President Troy Brown will be joining us at the conference. Mr. Brown will make remarks during the opening session on May 24.*

*Lastly, we will discuss how we can continue to grow our association and position it for the future. Now is the time to get involved as we look to re-energize our*

membership, professional development and promotion committees. More information about these opportunities will be available at the conference.

*As my presidency draws to a close, I am grateful to those who helped me over the last year. Our executive board worked hard to address unexpected challenges and to continue providing high-quality service to our members. The League continued to be a good partner with us, with Harry Krot stepping in as our managing director and helping us make the transition back to in-person programming. My manager colleagues in the Centre Region also provided advice and a sounding board when I needed it.*

*It has been my honor to serve as your president over the last year. I turn the gavel over to my good friend Greg Primm at the annual business meeting in May. I look forward to all of the exciting things he has planned for his presidency. □*

Sincerely,



Amy Farkas





# APMM Membership Update

## New/Reinstated Members

***Mr. William Callahan***

Manager  
Borough of East Lansdowne  
Delaware County  
155 Lexington Avenue  
East Lansdowne, PA 19050  
610-623-7131  
[bcallahan131@gmail.com](mailto:bcallahan131@gmail.com)  
**Full Member**

***Ms. Joy Doyle***

Paralegal  
Eckert Seamans Cherin & Mellott,  
LLC  
Dauphin County  
213 Market Street  
8th Floor  
Harrisburg, PA 17101  
717-237-6038  
[jdoyle@eckertseamans.com](mailto:jdoyle@eckertseamans.com)  
**Sponsoring Member**

***Ms. Laurie Getz***

Assistant Manager  
Schuylkill Township  
Chester County  
111 Valley Park Road  
Phoenixville, PA 19460  
610-933-5843  
[asstmgr@schuylkilltwp.org](mailto:asstmgr@schuylkilltwp.org)  
**Full Member**

***Mr. Eric Gratz***

Manager  
Borough of Fountain Hill  
941 Long Street  
Fountain Hill, PA 18015  
[egratz@fhboro.org](mailto:egratz@fhboro.org)  
**Full Member**

***Ms. Holly Laird***

District Manager  
Armstrong Conservation District  
Armstrong County  
120 South Grant Avenue  
Suite 2  
Kittanning, PA 16201  
[halaird@co.armstrong.pa.us](mailto:halaird@co.armstrong.pa.us)  
**State/Federal Government  
Employee**

***Ms. Marisa Lenczeski***

Manager  
Borough of Hamburg  
Berks County  
61 North 3rd Street  
Hamburg, PA 19526  
610-562-7821  
[marisa.lenczeski@hamburgboro.com](mailto:marisa.lenczeski@hamburgboro.com)  
**Full Member**

***Mr. Warren Obenski***

Manager  
Honey Brook Township  
Chester County  
500 Suplee Road  
P.O. Box 1281  
Honey Brook, PA 19344  
610-273-3970  
[manager@honeybrooktwp.org](mailto:manager@honeybrooktwp.org)  
**Full Member**

***Ms. Katie Stringent***

Manager  
Castle Shannon Borough  
Allegheny County  
3310 McRoberts Road  
Castle Shannon, PA 15234  
412-885-9200  
[kstringent@csboro.org](mailto:kstringent@csboro.org)  
**Full Member**

***Ms. Andrea Susten***

Assistant to the Manager  
Plumstead Township  
Bucks County  
5186 Stump Road  
Pipersville, PA 18947  
215-766-8914  
[asusten@plumstead.gov](mailto:asusten@plumstead.gov)  
**Affiliate**

***Mr. William Webb***

Manager  
Swarthmore Borough  
Delaware County  
121 Park Avenue  
Swarthmore, PA 19081  
610-543-4599  
[borough\\_manager@comcast.net](mailto:borough_manager@comcast.net)  
**Full Member**

***Mr. Norman Willow***

Manager  
Washington Township  
Erie County  
11800 Edinboro Road  
Edinboro, PA 16412  
814-734-3117  
[manager@washington-township.info](mailto:manager@washington-township.info)  
**Full Member**

***Mr. Vincent Visoskas***

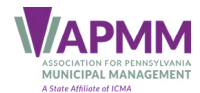
Finance Director  
Middletown Township  
Delaware County  
P.O. Box 157  
Lima, PA 19037  
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