

**IN-PERSON AND LIVESTREAM BUSINESS MEETING OF THE LOCAL GOVERNMENT COMMISSION**

**Wednesday, January 25, 2023**

The meeting of the Local Government Commission (Commission) was called to order by Senator Scott E. Hutchinson at 9:00 a.m. in Room 515 Irvis Office Building with the following Commission Members, staff and guests participating in-person and remotely:

**MEMBERS**

**Senator Scott E. Hutchinson, Chair  
Senator Judy Ward  
Senator Judith L. Schwank  
Senator Timothy P. Kearney  
Representative R. Lee James  
Representative Dan Moul  
Representative Robert Freeman  
Representative Christine Sappey  
The Honorable Jerry Knowles**

**STAFF**

**David A. Greene, Executive Director  
Kristopher J. Gazsi, Assistant Director  
Martin A. Toth, Associate Legal Counsel  
Julia Frey, Research Analyst  
Jaren Bittinger, Research Analyst  
Karen S. Bear, Executive Assistant  
Sonya I. Ebersole, Fiscal Administrator**

**GUESTS**

**Justin Leventry, Senator Hutchinson's Office  
Matthew Deegan, Senator Hutchinson's Office  
Nathan Akers, Senator Judy Ward's Office  
Sam Arnold, Senator Kearney's Office  
Bre Medevich, Representative Freeman's Office  
Mary Yoder, Senate Local Government Committee (R)  
Rob Gaertner, House Local Government Committee (R)  
Lindsay Ewing, House Local Government Committee (R)  
Jon Castelli, House Local Government Committee (D)  
Richard Fox, Pennsylvania Municipal Authorities Association  
Amy Sturges, Pennsylvania Municipal League  
Kaitlin Errickson, Pennsylvania Municipal League  
Ed Troxell, Pennsylvania State Association of Boroughs  
Ron Grutza, Pennsylvania State Association of Boroughs  
A. C. Stickel, Pennsylvania State Association of Elected County Officials  
Joe Gerdes, Pennsylvania State Association of Township Supervisors  
Joe Regan, Pennsylvania Fraternal Order of Police  
Barb Huesken, Pennsylvania NewsMedia Association**

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Anita Daye  
Rael LaPenta  
Wyatt Porter

The Executive Director made a statement that the in-person and virtual meeting was being recorded and conducted with both Member and Commission staff participation. On Tuesday, January 10, 2023, notice of the meeting was posted on the committee meeting pages of the Senate of Pennsylvania and the House of Representatives through the Legislative Data Processing Center. The meeting agenda was posted on the Commission's website, [www.lgc.state.pa.us](http://www.lgc.state.pa.us), on Monday, January 23, 2023, and outside of the Commission's office located at 506 Irvis Office Building. Any questions on agenda items for consideration by the Commission were addressed during the meeting. After adjournment, the recording of the meeting will be posted on the Commission's website at [www.lgc.state.pa.us](http://www.lgc.state.pa.us).

Chairman Hutchinson welcomed the Honorable Jerry Knowles to today's meeting. In the Commission bylaws it states that Commission Members serve until appointments/reappointments are made. To date, only two reappointments—Representatives James and Moul—have been received. Notwithstanding Mr. Knowles' retirement at the end of the 2021-2022 legislative session, he remains on the Commission until his replacement has been announced.

As the first order of business, the Members reviewed the minutes of the November 16, 2022, business meeting, which were unanimously approved on a motion by Representative Freeman and a second by the Honorable Knowles. The financial reports for the months of November and December 2022 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Senator Kearney and a second by Representative James.

The Director updated the Members on several upcoming Commission projects. The supplement to the Second Class Township Code will be available late February or early March. All amendments to the Second Class Township Code enacted during the 2021-22 legislative session are contained in the supplement, which will be mailed directly to all second class townships. The Commission expects to save approximately 50 cents per copy by having the printing completed in-house, rather than contracting with an outside vendor.

Commission staff is reviewing the municipal resolutions submitted by the Pennsylvania Municipal Authorities Association. Possible legislation will be presented to the Members for their consideration at a future meeting.

Commission Assistant Director Kris Gazsi, along with Commission Research Analysts Julia Frey and Jaren Bittinger, are finalizing the planned *Boundary Dispute Report* prior to presenting it to the Members for review. Upon the Members' approval, the *Report* will be distributed to all Members of the General Assembly and other interest parties.

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Associate Legal Counsel Martin Toth is completing final edits to the Commission's *Legal Update*, which will be circulated soon to all Members of the General Assembly and other interested parties.

Commission staff has assessed its legislative package for the 2023-2024 legislative session and recommends that the following seven bills from the 2021-2022 legislative package be redrafted and reintroduced into both Chambers.

- (1) **Home Rule Charter and Optional Plans Law.** These bills provide for distressed municipalities pursuing home rule. At the end of the 2021-22 legislative session, Senate Bill 589, Printer's Number 714, passed the Senate (49-0) and was referred to the House Local Government Committee where it remained upon adjournment. House Bill 1218, Printer's Number 1273, passed the House (201-0) and was referred to the Senate Appropriations Committee where it remained upon conclusion of the legislative session.
- (2) **Borough Code (Title 8).** These bills make technical/clarifying changes and revising provisions regulating municipal waste on public and private property. Senate Bill 480, Printer's Number 1733, passed the Senate (50-0) and was in the House Appropriations Committee upon adjournment. House Bill 1184, Printer's Number 2928, passed the House (118-83) and the Senate (27-21) and was eventually vetoed by the Governor after an amendment was added into House Bill 1184.
- (3) **Borough Code (Title 8).** These bills would modernize provisions related to surcharge, borough managers, organization of the civil service commission and budget adoption. Senate Bill 674, Printer's Number 745, passed the Senate (50-0) and remained in the House Local Government Committee at the conclusion of the session. House Bill 1350, Printer's Number 1465, passed the House (196-3) and was in the Senate Local Government Committee upon adjournment of the legislative session.
- (4) **Second Class Township Code.** These bills would modernize provisions related to surcharge and township managers. Senate Bill 673, Printer's Number 742, passed the Senate (49-0) and was tabled on first consideration in the House. House Bill 1351, Printer's Number 1466, passed the House (200-0) and was referred to the Senate Local Government Committee where it remained at the conclusion of the legislative session.
- (5) **Title 11 (Cities).** These bills would modernize provisions related to city managers. Senate Bill 675, Printer's Number 746, passed the Senate (50-0) and ended in the House Local Government Committee at the conclusion of the legislative session. House Bill 1367, Printer's Number 1843, was tabled after first consideration in the House.
- (6) **Pennsylvania Municipalities Planning Code.** These bills provide for digital transmittals and submissions to governmental bodies. Senate Bill 755, Printer's Number 943, passed the Senate (49-0) and remained in the House Local Government Committee at the conclusion of the legislative session. House Bill 1592, Printer's Number 1755, was tabled on first consideration in the House upon adjournment of the legislative session.
- (7) **Administrative Code of 1929.** These bills would add a representative to the State Planning Board from the Pennsylvania Emergency Management Agency and the Pennsylvania Historical and Museum Commission. Senate Bill 1175, Printer's Number 1609, was re-referred to the Senate Appropriations Committee at the conclusion of the legislative session. House Bill 2493, Printer's Number 2944, was re-referred to the House Appropriations Committee upon adjournment of the legislative session.

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Two bills introduced in the previous session dealing with COVID-related matters are currently being reviewed, along with prior suggested amendments, and will be redrafted for introduction this session into both Chambers.

- (1) Title 53 (Municipalities Generally), Chapter 11. This legislation would provide for emergency meeting powers and local emergency succession. Senate Bill 1052, Printer's Number 1715, passed the Senate (50-0) and was in the House Local Government Committee upon the conclusion of the legislative session. House Bill 2253, Printer's Number 3053, passed the House (198-0) and was in the Senate Local Government Committee at the close of the legislative session.
- (2) Sunshine Act. This language would facilitate internet broadcast of local meetings and permit public comment by telecommunications device. Senate Bill 1130, Printer's Number 1827, had been re-referred to the Senate Appropriations Committee at the conclusion of the legislative session. House Bill 2428, Printer's Number 3153, was on third consideration in the House at the end of the legislative session.

Likewise, edits are being done on four remaining bills that are also intended for introduction, including the consolidation of the County Code, consolidation and modernization of the City Classification Law. Staff is also working on amendments to the Municipalities Planning Code, and amending the Municipal Claim and Tax Lien Law. The Director stated that introduction of Commission sponsored bills will commence when all new Commission appointments are made for the 2023-2024 legislative session.

Proposed Commission meeting dates for January through June 2023 were presented to the Members for their consideration. After a brief discussion, the Members unanimously agreed on a motion by Representative James and a second by Representative Freeman to the following 2023 Commission business meeting dates: January 25, 2023; February 22, 2023; March 22, 2023, along with the Pennsylvania State Association of Elected County Officials (PSAECO); April 26, 2023; May 10, 2023; and June 21, 2023, along with PSAECO. A list of the remaining 2023 Commission meeting dates will be established when the Senate and House session calendars are released for the latter half of 2023.

The Director welcomed two new Commission interns, Aaron Milligan and Emileigh Moriarty. Mr. Milligan started with the Commission on Tuesday, January 24, and Ms. Moriarty will begin her internship on Friday, January 27. Both are Shippensburg University students and are being mentored by Commission Research Analysts Julia Frey and Jaren Bittinger.

The Members briefly discussed the January 4, 2023, Commonwealth Court case opinion, *The Borough of West Chester v. Pennsylvania State System of Higher Education and West Chester University of Pennsylvania of the State System of Higher Education*. The Borough of West Chester filed a petition for judgment against the Pennsylvania State System of Higher Education (PASSHE) and West Chester University of Pennsylvania of PASSHE (University) seeking to establish that the Borough's charge related to stormwater management is not a tax from which PASSHE and the University are immune, but a fee for service which they are obligated to pay.

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**The Court granted judgment in favor of PASSHE and the University, as the Stormwater Charge constitutes a local tax for which PASSHE and the University are immune from paying as a matter of law. The Director stated the Commission staff is following this case closely since this decision could have widespread implications throughout the Commonwealth.**

**The next Commission business meeting is scheduled for Wednesday, February 22, at 9:00 a.m. At that meeting, the Members will be presented with the proposed Commission Boundary Dispute Report for final approval.**

**The meeting adjourned at 9:25 a.m.**

**ATTESTED: \_\_\_\_\_  
February 14, 2023**