

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, March 28, 2012

The meeting of the Local Government Commission was called to order by Senator Robert D. Robbins at 8:50 a.m. in Hearing Room 2 North Office Building, Harrisburg, Pennsylvania, with the following individuals present:

MEMBERS

**Senator Robert D. Robbins, Chairman
Senator Edwin B. Erickson
Senator John H. Eichelberger, Jr.
Representative Chris Ross
Representative Mauree Gingrich
Representative Thomas C. Creighton
Representative Robert L. Freeman
Representative Steven J. Santarsiero**

STAFF

**Michael P. Gasbarre, Executive Director
Philip H. Klotz, Assistant Director
David A. Greene, Legal Counsel
Karen S. Bear, Secretary**

GUESTS

**Chris Yniquez, Senator Robbins' Office
Luc Miron, Senator Blake's Office
Kyle Mullins, Senator Blake's Office**

As the first order of business, the Members discussed the minutes of the February 8, 2012, business meeting, which were unanimously approved on a motion by Senator Erickson and a second by Representative Ross. The financial report for the month of February 2012 was presented, and relevant portions thereof were explained by the Executive Director. The financial report was unanimously approved on a motion by Representative Ross and a second by Senator Eichelberger.

The Director reviewed the minutes of the March 8, 2012, meeting with the local government associations, which were unanimously approved on a motion by Representative Ross and a second by Senator Erickson. At the March 8 meeting, Susan Kuhar, President of the Pennsylvania State Association of Prothonotaries & Clerks of Courts, expressed her association's need for assistance regarding a change in the pertinent law to clarify the frequency of required DNA testing and associated fees assessed for a person involved with a felony sex offense or other specified offense pursuant to Title 44 of the Pennsylvania Consolidated Statutes (Pa.C.S.), Chapter 23, pertaining to DNA Data and Testing. Her association has contacted Senator Wozniak's office regarding this matter. The Executive Director stated that the issue would be discussed with Senator Wozniak, and our staff will offer its assistance in this matter.

The Executive Director was contacted by Janet Kalajainen, representing the Pennsylvania Recorder of Deeds Association, who asked for support of House Bill 740, Printer's Number 757, that provides the form of deeds for conveying or releasing lands, which must be signed by the grantee. Ms. Kalajainen contends that on occasion deeds have been conveyed without knowledge of the grantees. Ms. Kalajainen shared an example of this situation because Senator Robbins had requested that she provide examples of such instances in support of the legislation. The Executive Director shared this information with the Members of the Local Government Commission at today's business meeting and stated that the issue of fraudulent transfers of ownership of property is apparently widespread. Commission Legal Counsel David Greene has drafted legislation to more fully address this matter for the Members' consideration at a future business meeting. The draft legislation is being circulated among stakeholders for comment.

Commission Members unanimously agreed to offer congratulatory citations recognizing the Pennsylvania State Association of Elected County Officials (PSAECO) on

its 500th meeting. The Senate congratulatory citation will be sponsored by Senate Commission Members—Senator Robbins, Senator Erickson, Senator Eichelberger, Senator Wozniak, and Senator Blake. The House congratulatory citation will be introduced by House Commission Members—Representative Ross, Representative Gingrich, Representative Creighton, Representative Freeman, and Representative Santarsiero. PSAECO is a consortium of county row officer associations comprised of the County Commissioners Association of Pennsylvania, the Pennsylvania State Association of County Auditors, the Pennsylvania State Association of County Controllers, the Pennsylvania State Coroners Association, the Pennsylvania District Attorneys Association, the Pennsylvania State Association of Jury Commissioners, the Pennsylvania State Association of Prothonotaries and Clerks of Court, the Pennsylvania Recorders of Deeds Association, the Registers of Wills and Clerks of Orphans’ Court Association of Pennsylvania, the Sheriffs’ Association of the Commonwealth of Pennsylvania, and the County Treasurers’ Association of the Commonwealth of Pennsylvania. PSAECO was founded in 1956 and has been dedicated in its 56 years of existence to improving county government and joining together as common advocates to advance mutual concerns of all elected county officials.

On March 1, 2012, the Commission received copies of two proposed Agreements involving East Stroudsburg Borough: one between the Borough and the Pennsylvania Department of Environmental Protection (DEP), and another between the Borough and the United States of America Department of the Army (Government). Although these technically are two separate submissions, they related to the same project, i.e., the rehabilitation of the Brodhead Creek levee structures in East Stroudsburg. These Agreements were received along with a request that the Local Government Commission review and comment on the documents in accordance with Title 53 of Pa.C.S., Section 2314. This section requires the Commission to review “every agreement between a local government and the Commonwealth, any other state, government of another state or the Federal Government.” In accordance with the requirements of Title 53 of Pa.C.S., Section 2314, the Commission is charged with undertaking a “review” of the Agreement to determine whether it is in proper form and compatible with the laws of this Commonwealth. The Commission also has the authority to make a “recommendation.”

The Commission’s review of the Agreement has revealed no provisions that facially conflict with Pennsylvania law. It recommends that the Borough incorporate the Agreement into an ordinance enacted in compliance with Title 53 of Pa.C.S., Sections 2305 and 2315. The Local Government Commission within 60 days of receipt of the agreement must determine whether it is in proper form and compatible with the laws of this Commonwealth. The Members of the Commission unanimously agreed on a motion by Representative Ross and a second by Senator Erickson to authorize Commission staff to send correspondence detailing the Commission’s comments to Manager James Phillips of East Stroudsburg Borough.

The resignation of Commission Associate Legal Counsel Wanda L. Snader was presented to the Members. Ms. Snader has accepted a position with the Republican Caucus of the House of Representatives as a committee staff member to the Local Government Committee. Ms. Snader’s resignation was effective at the end of the day on March 20, 2012. Ms. Snader’s resignation was retroactively and unanimously accepted, with great regret, on a motion by Representative Ross and a second by Senator Eichelberger.

The Director announced that the April 11, 2012, business meeting of the Local Government Commission was cancelled. The Commission’s next business meeting will be Wednesday, May 9, 2012, at 8:45 a.m. in Room 14 East Wing-Main Capitol Building.

The meeting adjourned at 9:00 a.m.

ATTESTED: _____
March 28, 2012