

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

**Wednesday, May 10, 2023**

The meeting of the Local Government Commission (Commission) was called to order by Senator Kim L. Ward, President Pro Tempore of the Senate, at 9:00 a.m. in Room 515 Irvis Office Building with the following Commission Members, staff and guests participating in-person and remotely:

**Senator Kim L. Ward, Presiding Officer**

**MEMBERS**

**Senator Scott E. Hutchinson, Chair  
Senator Cris Dush  
Senator Rosemary M. Brown  
Senator Timothy P. Kearney  
Senator Carolyn T. Comitta  
Representative Robert Freeman  
Representative Christine Sappey  
Representative Ismail Smith-Wade-El  
Representative R. Lee James  
Representative Dan Moul**

**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**

**Representative Abigail Salisbury  
Justin Leventry, Senator Hutchinson's Office  
Matthew Deegan, Senator Hutchinson's Office  
Sam Arnold, Senator Kearney's Office  
Emily Eyster, Senator Comitta's Office  
Mary Yoder, Senate Local Government Committee (R)  
Jon Castelli, House Local Government Committee (D)  
Rob Gaertner, House Local Government Committee (R)  
Lindsay Ewing, House Local Government Committee (R)  
Melissa Gates, County Commissioners Association of Pennsylvania  
Frank Mazza, County Commissioners Association of Pennsylvania  
Larry Gerrity, Pennsylvania Fraternal Order of Police  
Jennie Shade, Pennsylvania Municipal Authorities Association  
Amy Sturges, Pennsylvania Municipal League**

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**Kaitlin Errickson, Pennsylvania Municipal League  
Barb Huesken, Pennsylvania NewsMedia Association  
Ed Troxell, Pennsylvania State Association of Boroughs  
Ron Grutza, Pennsylvania State Association of Boroughs  
A.C. Stickel, Pennsylvania State Association of Elected County Officials  
Pam Gay, Pennsylvania State Association of Elected County Officials  
Sherry Hamilton, Pennsylvania State Association of Elected County Officials  
Barbara Bair, Pennsylvania State Association of Elected County Officials  
Eric Feder, Pennsylvania State Association of Elected County Officials  
Linda Bobrin, Pennsylvania State Association of Elected County Officials  
Laura Dickson, Pennsylvania State Association of Elected County Officials  
Jonathan DelColla, Pennsylvania State Association of Elected County Officials  
Dawn Blauch, Pennsylvania State Association of Elected County Officials  
Jean Marfizo King, Pennsylvania State Association of Elected County Officials  
Holly Fishel, Pennsylvania State Association of Township Supervisors  
Clint Cullison, Greenlee Partners  
Emme Reiser, Pennsylvania Association of Realtors  
Steve Cook, UGI Utilities  
Tom Blumenthal**

**The President Pro Tempore of the Senate opened the floor for nominations for the position of Chair of the Commission. Representative Freeman nominated Senator Hutchinson for Chair, and Senator Dush seconded the nomination. Senator Ward moved that nominations for the position of Chair be closed. This motion was carried unanimously, and Senator Hutchinson was elected Chair of the Commission by a unanimous vote. Senator Ward then opened the floor for nominations for the position of First Vice-Chair of the Commission. Senator Hutchinson nominated Representative Freeman for the position of First Vice-Chair, and Senator Kearney seconded the nomination. Senator Ward moved that nominations for the position of First Vice-Chair be closed. This motion was carried unanimously, and Representative Freeman was elected unanimously as First Vice-Chair of the Commission. Senator Ward then moved that nominations for the position of Second Vice-Chair be opened. Representative Freeman nominated Senator Kearney for the position of Second Vice-Chair, and Representative Smith-Wade-El seconded the nomination. Senator Ward moved that nominations for the position of Second Vice-Chair be closed. This motion was carried unanimously, and Senator Kearney was elected Second Vice-Chair by a unanimous vote. President Pro Tempore Ward congratulated the new officers of the Commission, and at 9:04 a.m. the Commission reorganization meeting was adjourned on a motion by Senator Kearney, and a second by Senator Dush.**

**At this point in the meeting, Senator Hutchinson assumed the chair and the business meeting of the Commission convened at 9:05 a.m.**

**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 Wednesday, April 26, 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.**

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The meeting agenda was posted on the Commission’s website, [www.lgc.state.pa.us](http://www.lgc.state.pa.us), on Monday, May 8, 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 thanked President Pro Tempore Ward for presiding over the reorganization meeting and welcomed new Commission Members Senator Rosemary Brown, Senator Carolyn Comitta, and Representative Ismail Smith-Wade-El to the meeting. Senator Brown represents the 40<sup>th</sup> Senatorial District and serves as the Chairwoman of the Senate Local Government Committee. Senator Comitta represents the 19<sup>th</sup> Senatorial District and serves as the Minority Chairwoman of the Senate Environmental Resources and Energy Committee. Representative Smith-Wade-El represents the 49<sup>th</sup> House District and serves on the House Local Government Committee.

As the first order of business, the Members reviewed the minutes of the February 22, 2023, business meeting, which were unanimously approved on a motion by Senator Dush and a second by Representative Freeman. The financial reports for the months of February, March, and April 2023 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 Moul.

The Members reviewed eight bills from the Commission’s proposed 2023-2024 legislative package. A brief synopsis, history, and disposition of each proposed bill are as follows:

1. **Amend Title 53, Chapter 1, to provide for emergency meeting powers and local emergency officer succession.** This bill would revise the emergency powers to designate a temporary seat of government and provide for emergency succession of officers during an emergency. In the 2021-2022 Session, this bill was introduced as Senate Bill 1052 (Prime Sponsor Senator Hutchinson). Senate Bill 1052 passed the Senate unanimously and was referred to the House Local Government Committee where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 2253 (Prime Sponsor Representative Knowles). House Bill 2253 passed the House unanimously and was referred to the Senate Local Government Committee where it remained upon sine die adjournment. This bill will be introduced in both chambers for the 2023-2024 legislative session with Senator Hutchinson and Representative Freeman as prime sponsors.
2. **Amend the Borough Code by making technical/clarifying changes and revising provisions regulating municipal waste on public and private property.** This bill makes various technical changes and clarifications to the Borough Code. The legislation also repeals current provisions in the Borough Code regulating the accumulation and collection of garbage and other refuse materials and creates a new chapter 25B “Solid Waste Collection and Disposition.” In the 2021-2022 Session, this bill was introduced in the Senate as Senate Bill 480 (Prime Sponsor Senator Kearney). Senate Bill 480 passed the Senate unanimously,

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and after second consideration in the House, was re-referred to the House Appropriations Committee where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 Session as House Bill 1184 (Prime Sponsor Representative Moul). The bill was passed in both chambers but was ultimately vetoed by the Governor over his objection to an amendment. The Commission agreed to reintroduce this legislation with a new provision permitting greater flexibility to reduce or increase the size of borough council. This legislation will be introduced in both chambers for the 2023-2024 legislative session with Senator Kearney and Representative Moul as prime sponsors.

3. **Amend the Home Rule Charter and Optional Plans Law to provide for distressed municipalities pursuing home rule.** This bill amends the Home Rule Charter and Optional Plans Law to allow a distressed municipality to form a government study commission directly and include a specific role for the Act 47 coordinator study and recommendation process; in addition, it encourages the public's adoption of the charter by clarifying the power of a charter to contain taxpayer protection provisions. In the 2021-2022 Session, this bill was introduced as Senate Bill 589 (Prime Sponsor Senator Kearney). Senate Bill 589 passed the Senate unanimously and was referred to the House Local Government Committee where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 1213 (Prime Sponsor Representative James). House Bill 1213 passed the House unanimously and after second consideration in the Senate was re-referred to the Senate Appropriations Committee where it remained upon sine die adjournment. This bill will be introduced in both chambers for the 2023-2024 legislative session with Senator Kearney and Representative James as prime sponsors.
4. **Amend the Borough Code by modernizing provisions related to surcharge, borough managers, organization of the civil service commission and budget adoption.** This bill makes four specific changes to the Borough Code in a manner consistent with recent revisions to the First Class Township Code as comprehensively updated by Act 96 of 2020. In the 2021-2022 Session, this bill was introduced as Senate Bill 674 (Prime Sponsor Senator Kearney). Senate Bill 674 passed the Senate unanimously and was referred to the House Local Government Committee where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 1350 (Prime Sponsor Representative James). House Bill 1350 passed in the House 196-3 and after second consideration in the Senate, was re-referred to the Senate Appropriations Committee where it remained upon sine die adjournment. This legislation will be introduced in both chambers for the 2023-2024 legislative session with Senator Comitta and Representative James as prime sponsors.
5. **Amend the Second Class Township Code by modernizing provisions related to surcharge and township managers.** This bill makes two specific changes to the Second Class Township Code in a manner consistent with recent revisions to the First Class Township Code as comprehensively updated by Act 96 of 2020. In the 2021-2022 Session, this bill was introduced as Senate Bill 673 (Prime Sponsor Senator Dush). Senate Bill 673 passed the Senate unanimously and was tabled after first consideration in the House, where it

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remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 1351 (Prime Sponsor Representative Knowles). House Bill 1351 passed the House unanimously and was referred to the Senate Local Government Committee where it remained upon sine die adjournment. This bill will be introduced in both chambers for the 2023-2024 legislative session with Senator Dush and Representative Moul as prime sponsors.

6. **Amend Title 11 (Third Class City Code) of the Pennsylvania Consolidated Statutes by modernizing provisions related to city managers.** This bill makes changes to the Third Class City Code in a manner consistent with a recent revision to the First Class Township Code as comprehensively updated by Act 96 of 2020. In the 2021-2022 Session, this bill was introduced as Senate Bill 674 (Prime Sponsor Senator Kearney). Senate Bill 674 passed the Senate unanimously and was referred to the House Local Government Committee where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 1367 (Prime Sponsor Representative Freeman). House Bill 1367 was tabled on first consideration in the House where it remained upon sine die adjournment. This legislation will be introduced in both chambers for the 2023-2024 legislative session with Senator Hutchinson and Representative Freeman as prime sponsors.
7. **Amend the Municipalities Planning Code (MPC) by providing for digital transmittals and submissions to governmental bodies.** This bill amends Act 247 of 1968, the MPC to specifically provide authorization for digital submissions and electronic transmittals of a proposed comprehensive plan or amendment, a proposed land use ordinance or amendment, or an adopted comprehensive plan, land use ordinance or amendment for review, comments, or recommendations. In the 2021-2022 Session, this bill was introduced as Senate Bill 755 (Prime Sponsor Senator Kearney). Senate Bill 755 passed the Senate unanimously and was referred to the House Local Government Committee where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 1592 (Prime Sponsor Representative Sappey). House Bill 1592 was tabled on first consideration in the House where it remained upon sine die adjournment. This bill will be introduced in both chambers for the 2023-2024 legislative session with Senator Brown and Representative Smith-Wade-El as prime sponsors.
8. **Amend the Administrative Code of 1929 to add a representative to the State Planning Board from the Pennsylvania Emergency Management Agency and the Pennsylvania Historical and Museum Commission.** This bill amends the Administrative Code of 1929 to add a representative to the State Planning Board from the Pennsylvania Emergency Management Agency and the Pennsylvania Historical and Museum Commission. In the 2021-2022 Session, this bill was introduced as Senate Bill 1175 (Prime Sponsor Senator Kearney). Senate Bill 1175 was re-referred to the Senate Appropriations Committee after second consideration in the Senate, where it remained upon sine die adjournment. This legislation was also introduced in the House during the 2021-2022 session as House Bill 2493 (Prime Sponsor Representative Freeman). House Bill 2493 was re-referred to the

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**House Appropriations Committee after second consideration in the House, where it remained upon sine die adjournment. This legislation will be introduced in both chambers for the 2023-2024 legislative session with Senator Comitta and Representative Sappey as prime sponsors.**

**The Executive Director extended his thanks to all Pennsylvania State Association of Elected County Officials who attended today’s meeting and to Shippensburg University students Aaron Milligan and Emileigh Moriarty, and their advisors Commission Research Analysts Julia Frey and Jaren Bittinger. Both Mr. Milligan and Ms. Moriarty recently completed their internships with the Commission.**

**As the last order of business, the Executive Director reported that Ms. Frey sent a formal request for proposals to various entities and individuals, seeking speakers for this year’s Local Government Symposium. The Commission’s annual Symposium is scheduled for Thursday, October 19, 2023.**

**The next Commission business meeting is scheduled for Wednesday, June 21, 2023, at 9:00 a.m. in 515 Irvis Office Building. At that hybrid meeting, the Members will consider more proposed legislation to be incorporated in the Commission’s 2023-2024 legislative package.**

**The meeting adjourned at 9:45 a.m.**

**ATTESTED: \_\_\_\_\_  
June 5, 2023**