

MEETING OF THE LOCAL GOVERNMENT COMMISSION

Wednesday, June 11, 2014

The meeting of the Local Government Commission was called to order by Senator John Eichelberger, Jr., at 8:45 a.m. in Room 14 East Wing-Main Capitol Building, Harrisburg, Pennsylvania, with the following individuals present:

MEMBERS

Senator John H. Eichelberger, Jr., Chairman
Senator Robert D. Robbins
Senator Edwin B. Erickson
Senator John P. Blake
Representative Chris Ross
Representative Mauree Gingrich
Representative Kate Harper
Representative Robert L. Freeman

STAFF

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

GUESTS

Lee Derr, Senator Eichelberger's Office
Chris Yniquez, Senator Robbins' Office
Luc Miron, Senator Blake's Office
Kyle Mullins, Senator Blake's Office
Brianna Medevich, Representative Freeman's Office
Christine Goldbeck, House Republican Research Office
Ed Troxell, PA State Association of Boroughs
Ron Grutza, PA State Association of Boroughs
Lisa Schaeffer, County Commissioners Association of PA
Joe Regan, Fraternal Order of Police

As the first order of business, the Members discussed the minutes of the April 9, 2014, business meeting, which were unanimously approved on a motion by Senator Erickson and a second by Senator Robbins. The financial report for the months of April and May 2014 were presented, and a detailed explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative Ross and a second by Representative Gingrich.

The Members were given an update by the Executive Director regarding the legislative request submitted by the Pennsylvania and Delaware Valley Chapter of the Community Associations Institute at the April 9, 2014, business meeting. The Community Association Institute is concerned that some counties in Pennsylvania charge separate "indexing" fees for each lot or unit upon recordation of amendments to community association governing documents. The Association maintains that the fees can reach thousands of dollars, which makes the passage of simple amendments to governing documents cost prohibitive for many condominium and planned communities. Draft legislation is being sought by the Association to amend Sections 3219(c) and 5219(c) of Title 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes that would prevent the imposition of a declaration amendment indexing fee for each uniform parcel identifier number assigned to units. The Commission staff contacted all stakeholders, in particular, the County Commissioners Association of Pennsylvania and the Pennsylvania Recorder of Deeds Association, as directed by the Members at April's business meeting. After discussions among all interested parties, it was determined that there is no consensus on this issue. As a result, the Commission Members unanimously agreed to table the matter.

The Members also were apprised by the Executive Director about the legislative request submitted by Representative Mark Mustio on March 19, 2014. Representative Mark Mustio is

seeking an amendment to the Borough Code as it relates to the decisions by borough councils and shade tree commissions. A constituent of Representative Mustio wants borough councils or shade tree commissions to consider environmental concerns or property damage and pedestrian safety as a precondition of enacting ordinances relating to the planting, removing or maintenance of shade trees. At the April business meeting, the Members directed the Commission staff to contact the other municipal associations and the organization, Tree City USA, and produce draft language that would be applicable to the other municipal codes. The Executive Director reported that the Commission staff contacted all pertinent stakeholders and received responses from all of the municipal associations, but is still awaiting communication from the Department of Conservation and Natural Resources (DCNR) and the Pennsylvania State University Cooperative Extension, which have been identified by Tree City USA as contacts. Thus far, the Pennsylvania State Association of Boroughs is the only municipal association that is amenable to the proposed amendment. It was the consensus of the Commission Members to postpone this issue until the next business meeting so that ample time has been given to DCNR and the Pennsylvania State University Cooperative Extension to respond to the Commission's request for input. A letter will be sent to Representative Mustio notifying him of the recent developments.

The printing of Title 8 (Borough Code) and supplements to other municipal codes was next on the agenda for discussion. House Bill 1225, Printer's Number 1832, was signed into law by the Governor on December 18, 2013, as Act 110 of 2013. Act 110 permits the Local Government Commission to electronically publish the municipal codes. Also, House Bill 1719, Printer's Number 3275, was signed into law by the Governor on April 18, 2014, as Act 37 of 2014. Act 37 incorporates the provisions of the Borough Code into Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes (Pa.C.S). The Executive Director noted that Act 110 of 2013 will go into effect November 2014, which coincides with the end of the 2013-2014 legislative session and the customary start of the updating of the municipal codes. The Executive Director stated the Commission staff met with Attorney Vince DeLiberato, Director of the Legislative Reference Bureau (LRB), and Suzanne Cope, Supervisor of the Consolidated Statutes office within the LRB, regarding piggybacking on the LRB printing contract. Ms. Cope projected that the Borough Code would cost approximately \$6 to \$8 per copy to print. After a lengthy discussion, it was unanimously approved on a motion by Representative Harper and a second by Representative Ross to print copies of the Borough Code, which would allow for four copies for each of the 957 boroughs and for the mandated number of copies issued to all State Legislators, State agencies and the State Library. Moreover, a letter to borough officials will accompany the code books directing officials who need additional copies to download them from the Commission's website (www.lgc.state.pa.us), subscribe to Title 8 of Pa.C.S. from the LRB, or purchase Title 8 from the State Book Store.

A review of the warehouse lease contract with the Department of General Services (DGS) for fiscal year 2014-15 was completed by the Members. The Executive Director stated that he received a signed contract by DGS with the request that it be signed and returned. The contract for the storage of municipal code books was absent the fee amount. When contacted regarding the missing information, DGS affirmed that the contract is boilerplate and that it requires all State Agencies to sign the contract prior to the cost determination. The Members unanimously agreed on a motion by Representative Ross and a second by Senator Robbins to disallow the signing of the contract until a specific price is presented.

The Executive Director announced that House Bill 1773, Printer's Number 3553, passed the House of Representatives (156-42) and is currently in the Senate Local Government Committee. House Bill 1773 Printer's Number 3288, comprehensively amends the Municipalities Financial Recovery Act (Act 47 of 1987), which provides procedures and options to assist financially distressed municipalities and to help them return to fiscal stability.

The time and venue of the July 9, 2014, business meeting will be determined by the session calendar. Commission Members' Capitol and district offices will be notified accordingly.

As the last order of business, a possible amendment to the Real Estate Tax Sale Law that would clarify posting notice requirements was introduced by Senator Eichelberger on behalf of Senator Elder Vogel. The amendment, which had been drafted by Commission Legal Counsel David Greene and Associate Legal Counsel Kristopher Gazsi, specifies, among other things, that a property containing assessed improvements have a posted notice affixed to a stake secured on or adjacent to the property within approximately 25 feet of any entrance to the property in a manner situate to be reasonably conspicuous to both the owner and general public. The Members

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unanimously agreed to the proposed language on a motion by Representative Gingrich and a second by Representative Ross. The amendment will be introduced into both chambers.

The meeting adjourned at 9:07 a.m.

ATTESTED: _____
June 16, 2014