

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

**Wednesday, September 20, 2023**

The meeting of the Local Government Commission (Commission) was called to order by Senator Scott 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 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**  
**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**  
**Sam Arnold, Senator Kearney's Office**  
**Emily Eyster, Senator Comitta's Office**  
**Arianna Genna, Representative Freeman's Office**  
**Ryan Carpenter, Intern, Representative Freeman's Office**  
**Mary Yoder, Senate Local Government Committee (R)**  
**Jon Castelli, House Local Government Committee (D)**  
**Joshua Walker, House Local Government Committee (R)**  
**Lindsay Ewing, House Local Government Committee (R)**  
**Melissa Gates, County Commissioners Association of Pennsylvania**  
**Eric Jespersen, Pennsylvania Geospatial Coordinating Board**  
**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**

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

Page 2 – September 20, 2023

**Brian Rengert, Pennsylvania State Association of Township Supervisors  
Becca Zelner, Greenlee Partners**

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, September 5, 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, September 18, 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).

As the first order of business, the Members reviewed the minutes of the August 16, 2023, business meeting, which were unanimously approved on a motion by Senator Brown and a second by Senator Kearney. The financial reports for the month of August 2023 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Representative Moul and a second by Senator Dush.

The Members discussed the Commission budget request for Fiscal Year (FY) 2024-2025. The Director noted that the aggregate proposed budget for the Commission's general operation is one percent lower than what the Commission requested for FY 2023-2024, with the requested amount for FY 2024-2025 totaling \$1,171,887.00. The Director explained that the line items for Senate medical and prescription drug benefits were increased by ten percent and the dental and vision benefits increased by nine percent, as advised by the Senate Personnel Office, and the line item for Commission staff salaries reflects a projected salary increase through combined cost-of-living and merit increments of five percent, plus funds for an intern and additional salary adjustments. The Commission has received the same appropriation of \$1,283,000 since FY 2019-2020. On a motion by Senator Dush and a second by Representative Moul, the Members unanimously agreed to tender the proposed FY 2024-2025 Commission general appropriation budget request to the Budget Secretary by the September 30 submission deadline.

The Chairman then requested a motion to approve the Commission code account request for FY 2024-2025 in the amount of \$0.00. The request, which has been unchanged since FY 2019-2020, is a result of having a sufficient code account fund balance. Consolidations of the Borough Code (Title 8) and the Third Class City Code (Title 11) have attributed to the ample fund balance. Upon consolidation, the printing of the Titles became the responsibility of the Legislative Reference Bureau (LRB), thus precluding the necessity for a separate printing. The Executive Director opined that the Commission is only responsible for the printing of the Second Class Township Code and any supplements thereto. The Members unanimously agreed to the proposed FY 2024-2025 code account request on a motion by Senator Brown, which was seconded by Representative James. This request will also be submitted to the Budget Secretary by the September 30 submission deadline.

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

**Page 3 – September 20, 2023**

Two resolutions adopted at the Pennsylvania State Association of Township Supervisors' (PSATS) annual convention, along with a legislative remedy suggested by Commission staff, were discussed by the Members for possible introduction. Joe Gerdes and Brian Rengert, representatives of the PSATS, were in attendance to answer Members' questions.

The first item would amend Section 3205 of the Second Class Township Code by dedicating an annual tax not exceeding five mills for the maintenance, repair, and improvement of township roads. Section 3205 provides for certain expressed millage rates for various uses. These include support for emergency services, maintenance of fire hydrants and general township purposes, among other things. Paragraph (2), specifically, provides five mills for the lighting of highways, roads, and public places in a second class township. Commission staff met with representatives from the PSATS, who reported second class townships are having difficulty with raising revenue to maintain and repair local roads. Rather than add an additional tax levy, staff reviewed the various municipal codes and determined that expanding existing millage authorizations would alleviate these concerns; additionally, this approach can be replicated across the other codes. After a lengthy discussion, the Members decided to table this resolution.

The second item would amend Section 3102 of the Second Class Township Code by permitting a successful bidder to provide an irrevocable letter of credit to a township's board of supervisors to guarantee the performance of a contract. Such letters must meet "suitable reasonable requirements" determined by the board as an alternative to furnishing a bond. Section 3102 of the Second Class Township Code requires successful bidders to furnish a bond to guarantee the work of a contract, without any form or alternative. This contrasts with all the other municipal codes, which permit governing bodies to accept irrevocable letters of credit. Commission staff reviewed the Second Class Township Code and determined that it was the only municipal code that does not include provisions regarding irrevocable letters of credit. Staff suggested this change to representatives from the PSATS to modernize the code. The Members unanimously agreed to introduce this legislation into both Chambers with Senator Dush and Representative James as prime sponsors.

The third item would amend Section 917 of the Second Class Township Code by clarifying in paragraph (2) that an advertisement is only required during the initial vote to replace the elected auditors of a township with a CPA or firm and stipulates that a reappointment from one CPA or firm to another does not require an additional advertisement. This bill would also insert a new paragraph, paragraph (3), and provide that a township must advertise 30 days prior to the expiration of a contract between an appointed CPA or firm if the township supervisors intend to return to the office of elected auditors. This bill would provide a clear rule requiring advertisement whenever a township transfers responsibility for the annual audit between elected auditors or an appointed CPA. The Members unanimously agreed to introduce this amendment into both Chambers with Senator Brown and Representative Smith-Wade-El as prime sponsors.

Members were given the proposed itinerary for the Commission's third annual Local Government Symposium to be held on Thursday, October 19. Commission Research Analyst Julia Frey is finalizing the details and anticipates a rewarding, informative event for all attendees. Thanks to the work of Commission Associate Legal Counsel Martin Toth all attorneys attending,

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

Page 4 – September 20, 2023

in person, can earn up to 4.5 continuing legal education credits. The Symposium will involve four panels with differing municipal topics, such as land use issues, emergency services, consolidation and merger, and technology in local governments, and a municipal legal update presentation by Attorney Samuel Wiser of Salzmann Hughes, P.C. Registration for the event may be accomplished by visiting the Commission's website at [www.lgc.state.pa.us](http://www.lgc.state.pa.us). Ms. Frey stated that Member involvement is welcome, and she plans to contact Members' offices to schedule their Symposium participation.

At the June 21, 2023, business meeting, the Members unanimously approved Commission staff to proceed with a study on property maintenance code enforcement in Pennsylvania as requested by Senator David Argall, chairman of the Statewide Blight Task Force. Currently, Pennsylvania does not have a statewide property maintenance code or training program for code officers, and the task force is very interested in learning how municipalities navigate code enforcement. The Director announced that a survey composed by Ms. Frey was distributed to the municipal associations for circulation to their members. Survey participation is being encouraged by the municipal associations.

Co-sponsorship memorandums are being circulated for the re-introduction of the consolidation of the County Code in Title 16 of the Pennsylvania Consolidated Statutes. It is identical to last session's Commission bill, Senate Bill 831, Printer's Number 1760. The bill includes language specifying that aside from changes made in previous versions of the bill introduced in prior sessions, no other substantive changes to the County Code as amended by Act 154 of 2018 are provided in the consolidation. Commission Members Senator Brown and Representative Freeman are the prime sponsors.

As the last order of business, the Director stated that the next Commission business meeting is scheduled for Wednesday, October 18, 2023, at 9:00 a.m. in 515 Irvis Office Building. At that meeting, the Members will be given an update on Commission sponsored legislation.

The meeting adjourned at 10:00 a.m.

ATTESTED: \_\_\_\_\_  
October 13, 2023