

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

Wednesday, May 27, 2026

The meeting of the Local Government Commission (Commission) was called to order by Representative Robert Freeman at 9:03 a.m. in Room 515 Irvis Office Building with the following Commission Members, staff and guests participating in-person and remotely:

MEMBERS

**Representative Robert Freeman, First Vice Chairman
Representative R. Lee James
Representative Brett R. Miller
Senator Cris Dush
Senator Dawn Keefer
Senator Timothy Kearney
Senator Patty Kim**

STAFF

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

GUESTS

**Justin Leventry, Senator Hutchinson's Office
Sam Arnold, Senator Kearney's Office
Luc Miron, Senator Kim's Office
Abreham Kittel, Senator Kim's Office
Brianna Medevich, Senator Kim's Office
Joshua Walker, Senate Local Government Committee (R)
Kyle Schaeffer, House Local Government Committee (R)
Matthew Buck, Pennsylvania Municipal Authorities Association
Amy Sturges, Pennsylvania Municipal League
Kaitlin Errickson, Pennsylvania Municipal League
Jan Murphy, Pennsylvania NewsMedia Association
Ron Grutza, Pennsylvania State Association of Boroughs
Logan Stover, Pennsylvania State Association of Boroughs
Clint Cullison, Greenlee Partners
Tirzah Christopher, PennLive**

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 Friday, May 8, 2026, 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, on Thursday, May 21, 2026, and outside of the Commission's office located at 506 Irvis Office Building. Any questions on agenda

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

Page 2 – May 27, 2026

items for consideration by the Commission were addressed during the meeting. The recording of the Commission's business meeting may be found on YouTube.com.

As the first order of business, the Members reviewed the minutes of the March 18, 2026, meeting, which were unanimously approved on a motion by Senator Kearney and a second by Representative Miller. The financial reports for the months of March and April 2026 were presented, and an explanation was given by the Executive Director. The financial reports were unanimously approved on a motion by Senator Dush and a second by Representative James.

Two suggested amendments to Title 8 (Boroughs and Incorporated Towns) of the Pennsylvania Consolidated Statutes were discussed by the Members. The first amendment provides language to Section 905 that would permit the borough council to: (a) appoint temporary auditors based on the number of vacancies, (b) have authority to determine the length of the temporary appointment, and (c) provide discretion to determine the qualification of the temporary auditor.

The second amendment to Title 8 adds language to Section 1310, which states that borough council shall adopt a budget but shall not have total appropriations exceed all estimated revenues as available for the fiscal year. This language mirrors that found in the other municipal codes. Both amendments were suggested by the Pennsylvania Department of Community and Economic Development. After some discussion, the Members unanimously agreed on a motion by Senator Dush and a second by Senator Kim to introduce both amendments into the Senate of Pennsylvania and the House of Representatives as part of the Commission's 2025-2026 legislative package. Senator Kearney and Representative Miller volunteered to be the prime sponsors.

Assistant Director Kris Gazsi gave a summary of the recent Pennsylvania Supreme Court decision *Borough of West Chester vs. PA State System of Higher Education and West Chester University of Pennsylvania*. Mr. Gazsi stated that the Borough of West Chester appealed a decision of the Commonwealth Court finding that its stormwater charge, imposed by ordinance under its home rule powers on the impervious surface of developed land, constitutes a tax, not a fee. Appellee, Pennsylvania State System of Higher Education (PASSHE), opposed West Chester's assertion that the charge be paid by West Chester University (a PASSHE institution) because it is a Commonwealth entity and therefore immune from local taxes. The Supreme Court, in a 4-3 decision with several concurring and dissenting opinions, upheld the Commonwealth Court, finding that providing stormwater management is a duty of local government within its public capacity, and not a quasi-private service that falls within municipal discretion as something that could be provided (or not) by the municipality, or delegated to another entity. Only those charges for services which are quasi-private in nature and funded by a charge reasonably proportional to the extent of use or value of service rendered can be construed as a fee for service. Dissenting justices would have upheld the charge as a fee paid for the service of collecting and removing excess stormwater akin to other forms of waste or wastewater collection and removal.

Simply, the majority found the program to be a public service and distinguished the stormwater management program from traditionally private services like water service and sewer service by noting the sweeping applicability of the charge and rejecting that there is any meaningful implied or express contract relationship between the payor and the service, where a payor has no discretion not to receive the service without razing its structures. Instead, it found that the municipality is carrying out its stormwater program as a duty to the public generally without regard to the extent or value of the service provided to any payor. Thus, the charge is a tax.

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

Page 3 – May 27, 2026

For background information, the borough of West Chester is a home rule borough with a Municipal Separate Stormwater System (MS4) as well as other stormwater facilities. The borough, by ordinance, imposed a stormwater charge on all developed properties deemed benefited by the system. The amount of the charge reflected the amount of impervious surface on each developed property. The revenue collected from the charge is deposited in its stormwater management fund to be used for enumerated purposes including implementation of the stormwater management program, constructing repairing and operating the system, debt service on capital projects and related costs. A portion of West Chester University campus, comprised of PASSHE and university buildings, lies within the jurisdiction of the borough, and at least a portion of the stormwater that occurs on the campus enters and flows through the borough system or into a nearby watercourse. For this reason, the borough had imposed the stormwater charges against the property.

The Executive Director announced that the House of Representatives and the Commission have signed a memorandum of understanding (MOU) to extend the use of office space by the Commission in the Irvis Office Building of the Pennsylvania State Capitol Complex until August 31, 2029. The original MOU of March 1, 2019, sets forth the terms and conditions for the use of the office space.

As originally discussed at the March 18, 2026, business meeting, the fellowship placement with the Commission through The Pennsylvania State University's Commonwealth of Pennsylvania Science and Technology Policy Program (COPA-STEP) is advancing. Interviews of candidates are scheduled for June 2026 with the selected fellow slated to begin an internship with the Commission in September 2026. COPA-STEP provides dedicated scientific and technical expertise by placing Ph.D.-level scientists and technologists in offices across the General Assembly to evaluate complex scientific and technical issues, interpret data, and contribute as full-time members of their host offices. The aim is to strengthen ties between the scientific community and the General Assembly, while encouraging and equipping more scientists and engineers with the skills for effective careers in public service.

The Executive Director stated he is hopeful that the Commission will receive an increase in its appropriation for fiscal year (FY) 2026-2027, since the Commission's annual appropriation has remained the same since FY 2019-2020. Pennsylvania's 2026-2027 state budget deadline is June 30.

As the last order of business, Senior Research Analyst Julia Frey announced that planning is underway for the sixth annual Local Government Symposium, which is slated for Thursday, September 24. Commission Members were encouraged to share topic ideas with the staff.

The next business meeting is scheduled for Wednesday, June 17, 2026, at 9:00 a.m. in Room 515 Irvis Office Building.

The meeting was adjourned at 9:54 a.m.

ATTESTED: _____
June 4, 2026