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**PA State Association of Boroughs
Department of Government
Affairs**

(717) 236-9526 FAX (717) 236-8289
www.boroughs.org

ABSTRACT

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PSAB 2002 SPRING LEGISLATIVE CONFERENCE ROLLS OUT

The 2002 Spring Legislative Conference is scheduled with speakers to tackle a variety of issues. This year, the chosen topics of interest include environmental milestones and the challenges of emergency management in light of September 11.

KEYNOTE SPEAKER

The keynote speaker at the conference will be PA House member **Jeff Coleman** who represents the 60th PA House district. Coleman, is a vibrant freshman legislator, who currently represents the boroughs of Apollo, Ford City, Freeport, Leechburg and North Apollo in Armstrong County, along with the boroughs of Blairsville, Creekside, Homer City, Jacksonville, Saltsburg and Shelocta located in Indiana County. Rep. Coleman has been active working with the youth of his district on issues such as skate parks and civic participation. He looks forward to involving the residents of his communities in his legislative efforts and has demonstrated this by introducing House Bill 1536 which he drafted in response to his constituents. The bill gives boroughs the ability to expand the number of members serving on the Shade Tree Commission.

At first glance, HB1536 seems inconsequential however, Coleman understands the need for boroughs to control their futures. This is just one more step in that direction. PSAB Government Affairs staff has followed the progress of the Language and anticipates little opposition from either legislative chambers.



Following Representative Coleman will be the Secretary of the Department of Environmental Protection, **David E. Hess**. Hess plans to address some of the major environmental milestones accomplished by DEP and how these actions will impact boroughs. PSAB anticipates a frank discussion behind the latest spending parameters effecting the Growing Greener program.

LEGISLATIVE PANELISTS

Probably one of the most anticipated sessions of the Legislative Conference is the panel of PA Legislators. Confirmed for this year are: **PA Senators Corman** and **Kukovich**; and **PA House Reps Clymer, Major, Petrone, Pickett and Tangretti**.

Senator **Jake Corman** (R-2002) represents the 34th State Senate district that is currently comprised of over 27 boroughs. They are located in the counties of Centre, Clinton, Mifflin and Perry. Senator Corman's district will be reshaped as a result of recent redistricting and it will no longer include Clinton County, but expand to represent ALL of Perry County. He will also pick up the boroughs of Harleton and New Berlin in Union County. Corman serves as Chair of the Senate Communications and High Technology Committee and has assignments with the Aging and Youth, Banking and Insurance, Finance, and Game and Fisheries committees. As a coauthor of the recently enacted Teen Driver Law, Corman's participation compliments Representative Coleman's focus on youth in our boroughs.

Senator Allen Kukovich (D-2004) serves the 39th State Senate district comprised of 20 boroughs situated in Westmoreland County. The Senator is joining PSAB's panel for the second consecutive year and we look forward to his continued support of our Commonwealth's borough communities. Kukovich brings the excitement of the Gubernatorial campaign to the floor as he has recently announced his candidacy for Lieutenant Governor. The Senator is on the Democratic Chair of Aging & Youth committee as well as the Community & Economic Development, Consumer Protection & Professional Licensure and the Judiciary committees in the Senate.

PA House Representative **Paul Clymer** (R-145) represents seven boroughs located in Bucks County, and also serves as Chair of the House State Government Committee and Chair of the Capitol Preservation Committee. Serving his District since 1980, Clymer has recently moved legislation to establish a single, uniform, integrated computer system that is designed to hold a database of all electors in the Commonwealth. Representative Clymer is also working behind the scenes on legislation con-



cerning legal notices and advertisements for local governments in newspapers.

Representative **Thomas Petrone** (D-27) serves 8 boroughs located in Allegheny County. Petrone is Democratic Chair of the House Urban Affairs committee. His committee is responsible for passing what may be the largest anti-blight urban revitalization package in the history of the PA General Assembly. He also participates in the Joint Air and Water Pollution Control and Conservation Committee. The Joint Committee has been very active in addressing issues regarding sanitary and storm water outflows, treatment and management. This is an extremely critical issue to boroughs located in the southwestern portions of the Commonwealth. Petrone is also an avid supporter of COG's and is likely to address the subject during panel discussions.

Representative **Thomas Tangretti** (D-57) serves 7 boroughs located throughout Westmoreland County. Tangretti has been successful at moving substantial legislation dedicated to historic homesites preservation and tax incentives involving cultural properties. In a bipartisan fashion, Tangretti's efforts for community revitalization have been applauded at all levels. His committee assignments include: Local Government, Commerce & Economic Development and Insurance. He is also a member of the Local Government Commission.

Bringing a northeastern perspective to the panel, is Representative **Sandra Major** (R-111). Her district is comprised of Susquehanna, Wayne and Wyoming Counties that have 16 borough communities in them. She has also been a supporter of the efforts to form a County Boroughs Association (CBA) in her District. (The result is the newly formed Susquehanna, Wayne and Wyoming CBA). Major has also sponsored legislation addressing PSAB Resolutions 2000-1 & 2001-1 that address the revenue compromising effects of Clean & Green law. Her bill, HB 430 is supported by PSAB and is under review with the House Agriculture and Rural Affairs Committee. Major's other committee assignments include: Local Government, Agriculture and Rural Affairs, Ethics, Game and Fisheries and Professional Licensure.

Partnering on Clean & Green issues with Rep. Major, is Representative **Tina Pickett** (R-110) who serves 16 boroughs in the Counties of Bradford, Sullivan and Susquehanna. A freshman representative to the House, Pickett has been a voice for those often unable to garner influence. This has resulted in her appointments to the committees of Aging and Older Adult Services, Agriculture and Rural Affairs, Labor Relations and Commerce & Economic Development. Pickett is also a co-sponsor of HB430 and has experience on issues arising from Clean and Green impacts.

SPECIAL GUESTS

Among other invited presenters, PSAB's Government Affairs Department made special arrangements to gather state and local officials together to share information on topics of interest.

Sherri Zimmerman, PENNDOT's Director of the Bureau of Municipal Services will once again attend the conference. This time, she will formally present her opinions and vision for PENNDOT's relationship with borough communities. Zimmerman has gained the respect of PSAB staff by making hard choices and creating effective mechanisms for addressing local transportation problems. She has been willing to examine PENNDOT maintenance policies and seek solutions equitable to all parties involved. While PENNDOT has faced fiscal constraints, Zimmerman has not hidden behind those dynamics as an excuse for inaction. Zimmerman will also outline PENNDOT's cartographic project which includes the mapping of local borough roads to make them available over the Internet.

Pennsylvania's Emergency Management Agency Director **Dave Smith** will document PEMA's response to September 11. Smith will urge borough officials to consider their plans for future statewide efforts. Included will be a discussion on how to meet the needs of better planning, communication and cooperation at the local level in the event of an emergency.

The Governor's Center for Local Government Services Policy Specialist **Mitch Hoffman** will be dialoguing aspects of the Uniform Construction Code. While sections of Act 45 are yet to be implemented, PSAB would like to prompt all boroughs to consider their roles within the UCC.

BE SURE TO JOIN US

If your borough and any of its officials have yet to register for events, be sure to make an effort to participate in one of the most critical policy conferences the association conducts. You would be surprised at the opportunities to network with other borough officials who deal with issues to your own.

REGISTRY FOR ELECTORS BILL SIGNED BY GOVERNOR

HARRISBURG – Gov. Mark Schweiker signed into law legislation that will establish a statewide uniform voter-registration system to protect the accuracy and integrity of Pennsylvania's voter-registration rolls. The legislation enables the Department of State and Pennsylvania's 67 counties to create a central Statewide Uniform Registry of Electors (SURE). This system is designed to electronically link all county voter-registration systems into a single uniform system. The Commonwealth will establish the SURE system statewide and provide the necessary technology, including hardware, software, telecommunications and training, for Pennsylvania's 67 counties. Each county election commission will continue to maintain its individual authority over voter registration lists and voter qualifications.

The state-funded database will enable county election officials to: Cross-check and update voter-registration information statewide, eliminate duplicates and deceased voters from the voter registration records, transfer records electronically from county to county, transfer records electronically to counties from the departments of Health and Transportation, and overall will decrease the potential for voter fraud.

The sections providing for the requirements and implementation of the SURE system are effective immediately. The remainder of the act is effective in 45 days.

“IS OUR FUTURE DRAINING AWAY?”

DAVID E. HESS, SECRETARY OF THE
DEPARTMENT OF ENVIRONMENTAL
PROTECTION

Water is one of our most precious resources. Yet we know little about how much water we have and how it is used. What we do know, and what many people are surprised to learn is this: Drought emergencies have been declared in four of the last six years; some water suppliers lose up to 40 percent of their water between treatment plants and the faucet because of old, leaky pipes; average per-person water use has increased from 5 to 62 gallons per day over the last 100 years; and 15,000 new wells are drilled annually, yet no construction standards exist to protect groundwater.

People suffer when water isn't available

for drinking. Our economy suffers when water isn't available for industry. Aquatic life and delicate hydrologic systems suffer when there isn't enough water to sustain their natural functions. There is growing concern that what we don't know about water will hurt us.

At water forums all across Pennsylvania this past spring, hundreds of Pennsylvanians shared what they thought were the most critical water-resource issues. To address these concerns, the Schweiker Administration has outlined a water-resources initiative that will accomplish four objectives that were recommended at these water forums.

The first objective is to lay a foundation for future decisions, by updating the State Water Plan. We need to gather data on how much water we have, how it's been used, and what we'll need to meet future demand. Legislation is needed to require the registration of major water users, and a new Water Resources Advisory Committee is needed to assist in the planning process.

Second, we need to use the plan to identify Critical Water Planning Areas – watersheds covering multiple municipalities where water demands now, or will in the future, outstrip available supplies. Legislation should establish a public process for designating a representative government or organization that will create a detailed area “water budget.” This group should include all local stakeholders. And an action plan should identify ways to resolve local water problems with local, regional, state or even federal resources.

Third, a new program promoting efficient use of existing water supplies should be developed to address water conservation education and technologies for home and business use.

Fourth, because so many people depend on water wells, construction standards should be established for the citing, construction and abandonment of wells. Licensing and education requirements should also be established for water-well drillers.

Sen. Jim Gerlach and Rep. Art Hershey have introduced legislation (Senate Bill 1230 and House Bill 2230) that addresses exactly these objectives. The legislation has bipartisan support, and the Department of Environmental Protection looks forward to the first legislative hearings on this important issue early in the year.

The successful “Growing Greener” Watershed Protection Program has created unprecedented awareness of water-quality issues. We now have an opportunity to lay a

foundation to address some of Pennsylvania's most basic concerns about water resources. We need to take “Growing Greener” further and promote a watershed-based approach for dealing with water quantity issues.

If we don't, we could literally see our future drain away.

PRWA HELPING BOROUGHS WITH LEAK DETECTION PROGRAM

The Pennsylvania Rural Water Association in partnership with the Department of Environmental Protection is initiating a Water Conservation/ Water Accountability Program. The program will consist of: a system audit to determine the percent of unaccountable water and water production costs; a water leak detection survey and leak detection training; a cost recovery analysis for repaired leaks; and a water rate study to determine needed revenue for operation.

To perform the audit, PRWA will need to access all meter reading records, pumping records, utility records, and chemical purchases for the previous 13 months or 5 quarters, depending on the billing cycle. For the leak detection survey, PRWA requires one person who can be dedicated to the survey.

The purpose of this program is to train employees to perform a water audit and teach the correct procedures to perform an ongoing leak detection program. A stipulation of the program is that your system agrees to initiate a leak detection program and perform a yearly water audit for the next five years.

Those interested in participating in the program can contact Chris Shutt or Don Muir of PRWA at (800) 653- PRWA to schedule a meeting.

JOINT TAX COLLECTION DISTRICT BILL ON THE MOVE

HARRISBURG—The Senate Local Government Committee approved **House Bill 1157** out of committee. The legislation would amend the “Local Tax Collection Law” authorizing agreements for Joint Tax Collection Districts and further providing for the designation of a delinquent tax collector.

Under HB 1157, where a vacancy exists in the office of tax collector, a borough may by ordinance or resolution, enter into an agreement with the governing body of an adjoining or conveniently located taxing district for the joint collection of taxes. (Cont'd on pg. 4)

LEGISLATION WATCH LIST

House Bill 430 (Printer Number 467) amends Act 319 of 1974 the “Pennsylvania Farmland and Forest Land Assessment”. The language seeks to drop the base acre from the preferential assessment formula. Changes will restore revenues lost by local governments, school districts and counties. Status: Bill is in the PA House Agriculture and Rural Affairs Committee.

House Bill 1773 (Printer Number 2268) amends Act 428 of 1945. The language mandates the Department of Transportation shall consult and coordinate its activities to trim, cut and remove any trees, grasses, shrubs and vines encroaching the legal right of way of any state highway with any municipality and/or historic district affected by potential actions. Status: Passed House Transportation Committee.

House Bill 1536 (Printer Number 2573) amends the Borough Code with regard to the number of members on a shade tree commission. Allows a borough shade tree commission to be either three or five residents of the borough, as determined by council. Status: Second reading in Senate.

Senate Bill 765 (Printer Number 855) amends the Borough Code to provide the borough council to solely authorize the mayor and any council member who is not employed by the borough to receive total or partial reimbursement for lost wages or salary while attending the annual county and/or state association meeting. Documentation must be presented to the council justifying the reimbursement. Status: Passed House Local Government Committee re-referred to Appropriations on second reading.

Furthermore, the tax collector in the nearby taxing district must agree to serve as the tax collector for the remainder of the term before an agreement is formally implemented.

All agreements and a copy of the ordinance or resolution shall be provided to the county board of elections. The person who agrees to collect taxes under this provision, will be elected as tax collector of the joint tax collection district following the initial term of office.

The legislation was sponsored by Rep. Nickol (R-Adams, York) and has already passed the House. PSAB Government Affairs is working to secure it's final passage in the Senate, where it would then go to Governor Schweiker's desk. The proposed measure is consistent with PSAB Resolution 2001-3, which had been submitted by the Fox Chapel borough council in Allegheny County.

JOINT CONSERVATION COMMITTEE HELPS WIND GAP BOROUGH

The Waste Tire Recycling Act was passed into law in 1996. On November 19, 2001 the House passed House Bill 754 to improve and expand the original act by improving the tracking of haulers, locating smaller tire piles and encouraging municipal tire collection programs. Rep Craig Dally (PA House -138th) invited the JCC along with DEP to visit a tire dump in Northampton County. Efforts of the visit eventually led to \$400,000 in state money to move the clean up process forward. . . thanks JCC!

HEARINGS FOCUS ON PUBLICATION OF LEGAL NOTICES

Recently, PSAB was contacted by the House Judiciary Committee to give testimony on current practices and costs associated with the publication of legal notices. Of particular interest was the current interpretation and type of laws that required public notice to be given; the manner of those notices, including the amount of hours involved and cost; the number and demographics of the public reached using current methods including the identification of any targeted segments of the public; an analysis of the effectiveness of current publication methods, including opinions regarding continued need; and any suggestions for changes to current law and practice regarding public notice.

Responding to the invitation PSAB Director of Research, Shelley Houk appeared before the Judiciary Committee to provide Legislators background on a relatively examined issue. Houk's testimony was quite informative and committee members were surprised with some of the figures presented. Houk stated that there are roughly 38 provisions in the Borough Code, Sunshine Act, Municipal Planning Code and the Local Tax Enabling Act that require legal advertisements. She related that multiplying these requirements several times over the course of a year whenever a borough enacts, amends or repeals and ordinance, schedules a public meeting, requests bids or sells real or personal property significantly increases the cost of conducting fiscally prudent borough business.

Director Houk cited a phone survey to PSAB members indicating that advertising expenses fell within the range of \$600 to \$9600/year. In addition she relayed that respondents to the survey found the figure was often unable to truly portray the actual hourly costs associated with administrative steps taken to prepare materials. A majority of PSAB respondents shared with Houk how they would like to see amendments to various provisions of the Borough Code and the Local Tax Enabling Act to reduce the number of advertising requirements. Further adding that boroughs did not want to eliminate the initial publication for each law, but instead looking to pare down some ads from three to two times and the publication of audit reports reduced to a notice of a summary would suffice.

Also testifying at the hearing were representatives from the PA Bar Association, the PA Sheriffs Association, the PA Newspaper Publishers Association and Mid-Atlantic Community Papers Association. Of the many comments offered, the Mid-Atlantic Community Papers Association had indicated to Houk that many expenses could be saved by expanding the definition of a newspaper of general circulation to include newspapers that were offered free through the mail to residents of communities that did not subscribe to a paid daily. This would include publications such as the "Penny Pincher", "Franklin Shopper" or other local mailed newspapers. Fascinated with the potential, Houk informed PSAB Government Affairs staff of the opportunity to partner with groups expressing this desire and prompted staff to develop contacts to afford these changes. Currently PSAB is working with staff on the Hill and select legislators seeking to expand the Title 45 definition to a "community paper of mass dissemination". Please do not hesitate to contact PSAB with any questions or comments you might have regarding this issue. As always we look to you for your experience and familiarity with areas of the law that go seemingly unchecked.

UPCOMING CBA MEETINGS

03/18/02.....	ADAMS CBA.GETTYSBURG
03/19/02.....	JUNIATA-MIFFLIN CBA
03/20/02.....	LYCOMING/SULLIVAN CBA. L
03/21/02.....	TRI-COUNTY CBA
03/21/02.....	SOMERSET CBA
03/21/02.....	BUTLER CBA.
(FAMILY TRADITIONAL RESTAURANT, HARRISVILLE. DINNER AT 7:00 P.M. GUEST SPEAKER IS SHELLEY A. HOUK, PSAB'S DIRECTOR OF RESEARCH)	
03/22/02.....	BERKS CBA
03/22/02.....	YORK COUNTY CBA
03/26/02.....	CENTRAL TRI-COUNTY
03/26/02.....	BUCKS CBA
03/28/02.....	WESTMORELAND CBA
03/28/02.....	MONTGOMERY CBA
03/28/02.....	ARMSTRONG CBA