FROM THE HEART

Township Officials OFFER COMFORT Amid COVID-19 Crisis
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FROM THE EXECUTIVE DIRECTOR

The Future Is Here ... Or Is It?

MAY IS HERE, AND WHILE SPRING AND SIGNS OF NEW LIFE are all around us, something just seems a little different this year, doesn’t it? While we all planned on being in Hershey the first week of May for PSATS’ Annual Conference, that was simply not possible this year. Social distancing has become a new phrase we had to learn, and our moods are sometimes better predicted by our facemask fabric rather than our facial expressions.

The medical professionals tell us to stay apart for safety reasons. While isolation breeds creativity for some, it can also have a darker side for others. We are all challenged to come up with new ways to keep our community spirit alive. Many families have been brought closer together while some have been torn apart. Life changes, but life goes on, and we will all get through this together.

The news is filled with talk of teleworking, telemedicine, and distance education, plus GoToMeetings for work, Facetime for families, and Zoom, which is no longer just a speed to get from one point to another. Technology has advanced faster in the past 45 days than we probably thought possible … or maybe we were just forced to learn about it faster? In any event, how we communicate has likely changed forever.

PSATS is no exception. Just as you have had to learn new ways to communicate and interact with family, friends, and coworkers, so have we. For starters, we have launched an online version of the Pa. Township News (see p. 5) and introduced PSATS’ Town Hall meetings to share important information on a weekly basis. We added a daily “Morning News” blast to keep you up to date with important timely information and added to our webinar platform by converting many of our classroom sessions into a virtual classroom experience.

It was all made possible with technology once experienced only in movies and comic books, but we can’t lose track of a simple fact in Pennsylvania. While this technology has worked for some, others have struggled or are at risk of being left behind. The “digital divide” is real, and entire regions, much less generations, could be left behind. PSATS has been warning about the lack of broadband access for years, and now everybody sees the importance.

Never has it been more of a priority for state government to ensure that all Pennsylvanians have access to the tools of tomorrow. How sad is it when a school bus with an internet hotspot must be deployed into a community to let kids do their homework and families attend a doctor’s appointment online? Over the years, the commonwealth has spent billions of dollars on a variety of “feel good” programs, but it is time to reset our priorities. Telecommunication service once thought to be “Star Wars-like” has become a necessity for all Pennsylvanians. It is time for a partnership between governments AND businesses to meet the needs of taxpayers and customers who, by the way, happen to be the same people.

To end on a lighter note, I observe that recently, it’s become more difficult to tell a Monday from a Friday and the weekends have disappeared. When I shared this with someone, they reminded me of when kids’ underwear was labeled by the day of the week to help them learn patterns and keep track of a calendar. Wonder if they make them in adult sizes? Until we get to meet again, stay safe, my friends!
Cover

8 Care and Comfort Amid COVID-19
As state and federal officials race to squash the spread of COVID-19 and related deaths, township officials are keeping the lights on in their communities — literally and figuratively — and often doing much more.

18 Crisis Gives Way to New PSATS Services
Because necessity is the mother of invention, PSATS has introduced several new member services — heavy on information — to help townships through the COVID-19 pandemic.

Features

20 On the Road Again...
Spring has sprung, and you know what that means: Road projects are on the horizon. The News is paving the way with our annual series of transportation articles on new techniques and tried-and-true practices.

■ Transportation Tech — Assessing Road Conditions with Artificial Intelligence................................................. 20
■ Wear and Tear — Posting and Bonding Helps Townships Recoup Road Repair Costs....................................... 26
■ Eco-Friendly Projects — Unraveling the Relationship Between Roads and the Environment.......................... 34
■ Facing a Liquid Fuels Audit? — Here’s How to Avoid Problems Down the Road.............................................. 46

Departments

3 From the Executive Director
6 PSATS Board, Trustees, and Committees
55 PMGA Graduate Profile
57 Legislative Update
62 Educational Courses
67 In Short
70 Financially Speaking

73 Newsworthy
77 Show Me the Money!
77 County Conventions
80 Supervisor Hall of Fame
82 Professional Services
88 Classified Ads
89 Ad Index
90 Questions & Answers
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- You’re in! Click on whatever issue of the magazine you would like to browse through. A tutorial will pop up upon opening any issue. You may choose to view it or skip and continue on with paging through the magazine.

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Tony Taliani, East Deer Township, Allegheny County
Townships BECOME A SANCTUARY for HELP AND HOPE During Global Pandemic

BY JILL ERCOLINO / MANAGING EDITOR

THIS SPRING HAS BEEN UNLIKE ANY OTHER IN RECENT HISTORY. As state and federal officials race to squash the spread of COVID-19 and related deaths, township officials are keeping the lights on in their communities — literally and figuratively — and often doing much more.

Editor's note: This article was written in early April. Some information may have changed since then.
Usually, people would choose to stay inside on a dreary, bone-chilling Monday in late March. Many of them, in fact, would be at work and school.

Yet here they were at Spring Meadows Park in South Middleton Township, Cumberland County. Empty cars huddled in the gravel parking lot as dozens of adults and kids, some wearing DIY face masks, braced themselves against the wind and cold for a lunchtime walk.

This small act — a stroll through a park — was the most normal thing any of them could do on an abnormal Monday in an abnormal March, a time when life for many did an abrupt about-face, changing in ways no one could have imagined.

The cause: COVID-19, a deadly virus that’s at the root of a global pandemic. Panic, fear, anger, and anxiety have been plentiful. Toilet paper, not so much.

As the crisis escalates and drags on, people can’t help but yearn for the way things used to be so for now, South Middleton Township officials are keeping the community’s walking trails open.

These days, especially, fresh air is good for the mind and soul.

“People have been cooped up and want to get outside,” manager Cory Adams says, adding that, as much as possible, it’s business as usual in the township. “If we can do something — anything — to help while following the state’s protection and prevention guidelines, we will. Walking and hiking are good, and we’re encouraging it.”

** For weeks now, Pennsylvania schools and businesses have been shut down. Those who can are working from home. Others went from employed to unemployed literally overnight, skyrocketing jobless numbers into the millions.

Much of the nation, in fact, is under strict orders to stay inside unless absolutely necessary as state and federal officials try to “flatten the curve” with “social distancing,” two new but now-familiar phrases that have crept into everyday conversations.

In early spring, the commonwealth took its place among the top 10 states with confirmed cases of COVID-19. Since then, the federal government declared a major disaster in Pennsylvania, where at press time 26,490 people had tested positive for the virus and 647 had died.

As state and federal officials race to squash the virus and related deaths, a crew of unsung heroes has taken its place on the pandemic’s front lines.

They include health care workers, first responders, grocery and convenience store cashiers, delivery people, and truck drivers.

And then there are the women and men in township government, who are keeping the lights on in their communities — literally and figuratively — and often doing much more.

Yes, this crisis has brought out the worst in people — we’ve all seen the news stories about hoarders, rule breakers, and scammers — but it has also brought out the best, and that’s what this story is about: Local leaders who have been a reassuring presence in a surreal time.

‘Do you need anything?’

Police in Lower Makefield Township, Bucks County, routinely visit the homes of elderly residents. It’s all part of the Police Senior Partnership Program that the department developed nearly 20 years ago.

Of course, no one envisioned then how valuable this service would be now. Under normal circumstances, officers do wellness checks on about 300 residents, some of whom have no families or are disabled. Since the COVID-19 outbreak, however, the department has expanded the program.

“We’re reaching out to people beyond the list — to any senior we know about,” Chief Kenneth Colluzzi says. “Our civilian staff is making calls to them every week and asking, ‘Do you need anything?’ If they think someone needs additional attention, we’ll send an officer to knock on their door.”

Sometimes, the officers take food or medications. Other times, they simply listen and answer questions.

“People are hearing rumors and getting scared,” the chief says. “Our goal is to give comfort and facts to those feeling vulnerable. We don’t want people sitting home in fear.”

Because, the truth is, no one alive
right now, unless they’re older than 102, has ever experienced a pandemic of this magnitude.

To find something comparable, you need to go back to 1918 and the Spanish flu, which, despite the severity of COVID-19, still holds the title of the deadliest pandemic in history. History.com reports that the virus infected an estimated 500 million people worldwide — about one-third of the world’s population — and killed 20 million to 50 million, including an estimated 675,000 Americans.

By comparison, the number of confirmed COVID-19 cases worldwide was 2.1 million at press time with 141,195 deaths, including 32,707 in the U.S.

Some sobering similarities, however, exist between the pandemics. “Citizens were ordered to wear masks; schools, theaters, and businesses were shuttered; and bodies piled up in makeshift morgues before the virus ended its deadly global march,” the website says.

Because this pandemic is unprecedented in recent U.S. history, Amy Farkas, manager of Harris Township in Centre County, believes that the shell-

“Our goal is to give comfort and facts to those feeling vulnerable. We don’t want people sitting home in fear.”
shocked public is looking for honesty sprinkled with hope, and they’re turning to local leaders for both.

In mid-March, as COVID-19 cases were starting to be reported in Pennsylvania, Harris Township officials locked the municipal building’s front doors to the public for everyone’s safety. Farkas announced the decision by going live on Facebook.

“We were really worried about people feeling isolated,” she says, “and wanted them to know that we’re still here for them.”

In fact, the township staff is at the office every day, which Farkas mentioned during the Facebook announcement. “I encouraged residents to give us a wave when they walked by our offices,” she says. “We now have a resident who stops every morning and taps on the window of my office to wave hello.”

That’s just one example of the good things that have happened since the manager went from posting what she calls “static messages” on the social media site to posting live videos twice a week, which have been accumulating thousands of views.

Farkas says residents appreciate getting information from a trusted local official. Another benefit: The frequent updates, which are also being shared in the five other municipalities that are part of the Centre Region Emergency Management Agency, keep rumors from spinning out of control. Recently, she squashed one about a bus company that some believed was dropping off the sick from New York City in nearby State College.

“People have said that they like to see that we’re on top of things,” Farkas says, “and I think they like seeing a reassuring face, too.”

‘Lifting each other up’

In another part of Centre County, Keri Miller, chair of the Gregg Township Board of Supervisors, is using Facebook in another way: to connect residents in the Penns Valley Area School District with each other and with resources.

Since Gov. Tom Wolf issued the stay-at-home order for Pennsylvanians, Miller, like many others, has been glued to social media. While scrolling through her Facebook timeline, she started noticing two different types of people: those who needed help during the COVID-19 crisis and those who wanted to offer it.

“I got to thinking…wouldn’t it be great if we had one page devoted to our one region,” she says. Insight turned into action when Miller created the Together Penns Valley page, which in a few weeks amassed more than 1,300 members.

There’s a name for what Miller is doing. It’s called “caremongering,” another term coined during the pandemic. The opposite of fearmongering, the word first gained traction in Canada, but the concept behind it — neighbor helping neighbor — has been around for centu-
Some have started calling toilet paper “white gold” because as COVID-19 began spreading across the country, it has become a rare and valuable commodity. While shoppers continued their hunt, Procter & Gamble was already ramping up production in tiny, rural Mehoopany Township in Wyoming County, home of its largest manufacturing site in the United States. Since mid-March, crews have been working overtime to crank out Charmin toilet paper and other scarce paper products, including Bounty paper towels and Pampers and Luvs diapers.

Mehoopany Township rich in toilet paper

Some have started calling toilet paper “white gold” because as COVID-19 began spreading across the country, it has become a rare and valuable commodity. In some places, it’s been as difficult to find as a four-leaf clover. While shoppers continued their hunt, Procter & Gamble was already ramping up production in tiny, rural Mehoopany Township in Wyoming County, home of its largest manufacturing site in the United States. Since mid-March, crews have been working overtime to crank out Charmin toilet paper and other scarce paper products, including Bounty paper towels and Pampers and Luvs diapers.

While locals said that having the P&G plant nearby doesn’t give them an edge in finding its products at the store, Kristen Huff, executive director of the Wyoming County United Way, recently told The Pocono Record that the company, which has been operating in the township since 1966, asked her what agencies it could donate diapers to.

“They’re truly the most generous company,” she said.
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FROM THE HEART

Day by day
There’s another word with a capital “C” associated with COVID-19: change.

While residents are coping with the swift turn of events that the pandemic has brought on, the virus has also capsized the concept of routine business in townships, forcing supervisors and their staff to rework how they interact with the public, perform day-to-day duties, and assemble for public meetings to prevent the contagious bug from spreading.

“We don’t know when it’s going to end so we’re taking it day by day,” says Adam Bills, chair of the Paradise Township Board of Supervisors in Lancaster County.

Bills and his colleagues, for instance, have encountered several hurdles related to COVID-19, many of them centered on the township’s Amish community.

It’s not unusual, for example, for a dozen Amish to attend the supervisors’ meetings. Broadcasting online, an approach some municipalities have chosen, isn’t an option for Paradise Township since the Amish generally shun technology. Instead, the supervisors are putting extra space between the chairs in their meeting room and sanitizing the building afterward.

And then there’s the bigger concern about the sect’s attitude toward medicine and large-scale disease.

A letter from an Anabaptist Foundation staffer excerpted recently in the York Daily Record sums up the Amish view: “We do not need to live in fear of COVID-19. We need to fear God.”

pantries...people shopped with a pur-
pose,” she says, adding that the collec-
tion bins at the police station were full
every day with bags of groceries. “This
feels like this is one of those times when
we really are in it together, and we
came together as a community with a
capital ‘C.’”

Day by day
There’s another word with a capital “C” associated with COVID-19: change.

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COVID-19 is possibly a mercy from God to help people think about death and whether they are ready or not to meet him.”

This hasn't stopped Bills and other officials in the county, which has about 40,000 Amish residents, from trying to educate the religious community about the dangers of the disease.

When word reached the township office about an upcoming funeral, an event often attended by the entire community, the supervisors met with Amish leaders to explain their public-safety concerns.

“We talked to them about the need for social distancing and limiting the number of attendees,” Bills says, adding that the community cooperated by encouraging attendees to wash their hands often and avoid handshakes.

The township also partnered with a local volunteer fire company, a trusted source in the Amish community, to raise awareness just as COVID-19 was starting to spread in Pennsylvania.

During its March “mud sale,” which wasn’t postponed despite pleas from state and local officials, members of the Gordonville Fire and EMS Company handed out informational brochures about the virus to hundreds of Amish attendees.

The fire company also moved the entire event, its largest fundraiser, outside and added a number of handwashing stations to the grounds, where Amish and non-Amish gathered to bid on farm equipment, quilts, horses, and furniture.

Although the Paradise Township supervisors were among those encouraging the fire company to reconsider holding the event, Bills believes the board and the organizers reached a good compromise. Firefighters were able to generate much-needed income for the year while educating the Amish about COVID-19.

“The fire companies have a great relationship with the Amish,” Bills says, “so I’m glad we were able to find a way to turn this into a positive.”

When it’s over

Like everyone else, though, township officials are looking forward to the day when COVID-19 is a distant memory.

“It will be nice to get back to the routine of township business,” Montgomery Township’s Carolyn McCreary says, adding with a laugh: “I’m actually looking forward to getting phone calls about potholes and someone’s grass not being mowed.”

Adam Bills agrees: “I welcome the day we don’t have to think about this. I never want to hear the term ‘social distancing’ again.”

“IT will be nice to get back to the routine of township business. I’m actually looking forward to getting phone calls about potholes…”

Carolyn McCreary, Manager
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PSATS Introduces New Member Services to Help Townships Navigate COVID-19 Crisis

A global pandemic has sparked a lot of innovation. PSATS, for instance, has introduced several new information-focused services to help members better serve their townships in the midst of this crisis. As the saying goes: Necessity is the mother of invention, a concept that PSATS has embraced.

BY JILL ERCOLINO / MANAGING EDITOR

The global COVID-19 pandemic has shut PSATS down for more than a month, but no one would even realize it.

Staff members, scattered around the Harrisburg area, are working remotely from makeshift offices in spare bedrooms, dining rooms, and kitchens to answer member questions, share urgent updates from Harrisburg and Washington, and deliver services, some of which were developed in a matter of days via email and video conferencing to meet new demands for virus-related information.

“When a crisis hits, government has to go into overdrive, and that’s how it’s been at PSATS, too,” Executive Director Dave Sanko says. “Our job every day, but especially now when so much is uncertain, is to support the men and women in township government.

“They’ve kept the lights on, and so have we,” he adds. “Those lights may be scattered miles away from our physical building in Enola, but they’re burning steadily in service to our members.”

New needs, new services

The need for information became clear after Sanko announced PSATS’ first-ever virtual town hall in late March. At the time, COVID-19 was spreading quickly, and Gov. Tom Wolf had started closing nonessential businesses and ordering Pennsylvanians to stay inside unless absolutely necessary.

Within hours, 500 township officials signed up for the evening session and submitted questions for the staff. Because of its popularity, PSATS scheduled another town hall, which has since
PSATS created a handful of new member services during the COVID-19 pandemic. These included weekly live town halls between PSATS members and staff, above, and the PSATS Morning News, at right, a once-a-day email digested packed with information about COVID-19, legislative news, training, and more.

More online content on the horizon

As COVID-19, stay-at-home orders, and social distancing are nudging more people to the internet, connecting with resources and each other is more important than ever. A good example: The Association's Executive Board recently held its first-ever video conference meeting.

Meanwhile, PSATS continues to expand its digital reach.

In addition to offering a larger menu of live webinars, PSATS has developed a brand-new virtual classroom at learn.psats.org.

“Sessions, including some that would have been offered at the postponed PSATS Conference, are added often so members should go to the page regularly for updates,” Sanko says.

PSATS also recently introduced an online edition of the Township News magazine for subscribers. (See page 5 for more details.) And in the coming weeks, the Association will be turning the popular TVN Question of the Week, currently released on Thursdays, into the Question of the Day, another move to increase the flow of information to members.

“It’s been said that ‘necessity is the mother of invention,’ and it’s hard to argue with that,” Sanko says. “COVID-19 has made us, as an association, re-examine how we deliver services. As a result, the staff has been thinking outside the box throughout this entire crisis and introducing innovative approaches to help members better serve their townships.

“To me, this is more proof that when push comes to shove, we all find ways to make things happen. That’s the township way — and it’s the PSATS way, too.”
Artificial Intelligence Is Helping Townships PRIORITIZE Road MAINTENANCE and REPAIR
Most of us have seen at least one sci-fi movie that involves robots or androids becoming self-aware and taking over the world. A lot of people fear just such a scenario when they hear the term “artificial intelligence.” The truth is, though, that AI, as it is known, is in everyday use in devices that many of us use. Machine learning, a subset of AI, makes many familiar technological functions possible, from recommendations on Netflix and YouTube and social media feeds on Facebook and Twitter to voice assistants like Siri and Alexa. Most of us interact with AI nearly every day.

Now, machine learning is being used to streamline road pavement assessment and provide data that townships can use to prioritize maintenance. Pittsburgh-based infrastructure technology company RoadBotics is helping townships take a comprehensive look at their road system to make better decisions about how to allocate limited resources. The townships that are using the technology say it is a great tool for addressing small problems before they lead to big repairs.

Using tech to rate road conditions

Machine learning uses computer algorithms to analyze data to build models and predict outcomes. The modeling that has predicted the trajectory of COVID-19 cases in the United States uses machine learning. It is a branch of AI that is based on the idea that systems can learn from data, identify patterns, and make decisions with minimal human interaction (which is exactly what scares people about it).

The team at RoadBotics, a three-year-old startup that was a spin-out from Carnegie Mellon University, thought why not apply machine learning to roads? Use technology to gather data and create a rating system for road conditions to give municipalities a tool to plan their maintenance activities.

“Almost everyone has a smartphone,” RoadBotics president Benjamin Schmidt, Ph.D., says. “We wondered if there was something we could do with that technology to look at infrastructure.”

The team knew that traditionally, municipalities have used visual observation to assess road conditions. Typically, the roadmaster or foreman drives around, looks at the roads, and assigns them a rating. For a large township with a lot of road miles, it can take a week or more to complete the visual assessment.

In fact, many municipalities use the Pavement Surface Evaluation and Rating, or PASER, scale, a 1 to 10 rating system for road pavement conditions developed by the University of Wisconsin-Madison Transportation Information Center. It uses visual inspection to evaluate road conditions.

“These systems are incredibly time-intensive and subjective,” Schmidt says. “The person has to stop to make notes, use best judgment to assign a rating, and may miss things.”

If technology could be used to do the visual assessment, it would remove the subjectivity and rate pavement conditions based on a mathematical algorithm, rather than human interpretation.

“We created an overall tech solution for a labor-intensive process,” Schmidt says. “It is objective, can be done a lot faster because it requires no stopping to take notes, and provides comprehensive information.”

In a nutshell, the RoadBotics system works like this: A smartphone is mounted to the windshield of a vehicle that is driven every mile of a municipality’s roads while the phone’s main camera records the road surface. The video is uploaded to a machine-learning program that rates every 10-foot section of road from 1 (best) to 5 (worst). The data is uploaded to a cloud platform called RoadWay that the township can access and includes a color-coded map of the entire road system and photos of every 10-foot section of road.

“The municipality gets a comprehensive, objective rating of every mile of road,” Schmidt says. “It can use the data set to decide what maintenance and repairs to do. If it repeats the visual survey each year, it can see changes and the effects of maintenance work.”

A screenshot of the RoadBotics program shows roads that are color-coded based on their rating from 1 to 5. This image also shows the location of potholes, designated by the triangular signs. (Image courtesy of RoadBotics.)
TRANSPORTATION
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The data’s value to preventive maintenance is huge, he says. If you see and fix a crack when it is just starting, you can hold off a pothole for a few years.

“Roads are a huge public outlay of tax dollars,” he says. “Even small interventions to extend road life can have a huge impact on the budget.”

The townships that are using the RoadBotics system agree and say it helps them prioritize their road maintenance activities to make the best use of tax dollars.

‘A very impressive tool’

Cranberry Township in Butler County adopted the RoadBotics data assessment tool last fall after hearing about it from Carnegie Mellon. Previously, the township used Roadsoft, a management system for collecting, storing, and analyzing road data, to manage its 135 road miles. It, too, helped the township target its road budget toward preventive maintenance.

However, it required Streets and Fleet Manager Bob Howland to drive the entire road network and enter a Paser rating into Roadsoft for each road segment.

“It took four to five days of doing nothing but driving,” Public Works Director Jason Dailey says. “Analyzing the data took another two to three weeks, and at the end, we didn’t even have any visuals of the roads.”

Once the township decided to give the RoadBotics system a try, the company provided people to drive the roads over Thanksgiving and Black Friday last November. The resulting data has proven to be very valuable, Dailey says.

“One of the greatest things is the color-coded map,” he says. “It contains granular data for each road segment, and you can pull up a photo of the road. There is so much value in seeing what’s...
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going on in our road system at any time."

The system has been a bit of a challenge for Cranberry, though, because its 1 (best) to 5 (worst) rating system is opposite of the PASER system, which ranks roads from 1 (worst) to 10 (best). In fact, having only five rates was a problem, so Dailey worked with RoadBotics to customize the program for the township so it provides rates from 1 to 10. This way, Howland can plug the data into Roadsoft, which the township was already using.

“It was necessary because the board of supervisors has adopted a policy that no single road should have a rating below 5,” Dailey says. “Our goal is to put 60% of funding into maintenance practices and 40% into reconstruction.”

The RoadBotics data provides pinpoint information that the township can use to plan maintenance activities.

“It’s a very impressive tool for generating work orders,” Dailey says. “If you constantly do those little maintenance items, it’s better than dumping all your money into a single road. You can save your entire system, rather than just saving the worst roads.”

The only drawback to the RoadBotics system, in Dailey’s opinion, is that it doesn’t go far enough.

“The next part is taking that rating and asking what the road needs,” he says. “The next level of data is missing: what action should be taken.”

Still, he feels that it is a powerful tool for townships and wishes he could look at the roads on a weekly basis.

“Imagine if you mounted a camera on trash collection trucks,” he muses. “That would be 52 views per year. I think that’s where we’re headed. We’ll be seeing that in the future.”

‘It’s been a huge assistance’

West Lampeter Township Manager Dee Dee McGuire appreciates being able to sit down with the public works director and discuss road projects while referring to images from the RoadBotics system that the Lancaster County municipality purchased a few years ago.

“We also presented it to the supervisors, who were able to see the tool that they had authorized us to purchase,” McGuire says.

The public works director uses the online platform about every other week as he and the road foreman discuss road projects and plan maintenance activities.

“We do a five-year projection, and it was nice to be able to look at the roads with all of us in one room with the engineer while talking about our five-year projects,” she says.

McGuire also appreciates being able to gather all the data on its 57 road miles in one easily accessible place.

“Our roadmaster has been at the township for 20 years and has personal notes on the roads,” she says. “One day, he is going to retire, and some of that information may be lost. RoadBotics gave us the opportunity to clearly document road conditions without having to rely on an individual’s memory or handwritten notes.”

The township plans to drive the roads again around the five-year mark to update its data.

“If you’re going to put the money into a tool like that, it makes sense to keep it updated,” she says.

Springettsbury Township in York County also used the RoadBotics technology to do a road survey for its five-year plan, manager Ben Marchant says.

“Previously, we used visual ‘windshield’ surveys,” he says. “The public works director was excited about using this tool to allocate our resources to maintain the roads.”

The objective data helped the township prioritize its road projects, he says, and hold off extensive repairs.

“The majority of our roads were in good or very good condition, but now we had technical information on those that needed more attention,” he says.

Like West Lampeter, Springettsbury intends to collect the road data every
four or five years to update its capital improvement plan.

“It’s been a huge help in strategic planning, which can save money in the long run, and makes a compelling argument to residents who insist that their road is the worst,” Marchant says.

Rather than using RoadBotics’ RoadWay platform, Springettsbury imports its data into a software program from engineering firm C.S. Davidson, which integrates the information into GIS mapping layers, he says. The RoadBotics data set has been an asset to the road management system.

“If you want a tool to stay on top of your road system and not fall behind in maintenance, this is a good one,” he says. “The RoadBotics team was easy to work with and did a good job.”

“We have changed the world, in a sense, and this is the future of transportation,” RoadBotics’ Schmidt says. “Think about the other features local government is responsible for — drainage facilities, trees that encroach on roads, fire hydrants, and so on. Tech like this is how we will address these in the future. Infrastructure is crumbling everywhere. We can help with that.”

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PRESERVING ROADS
Posting and Bonding Put Heavy Haulers on the HOOK for DAMAGE to Local Roads

Township roads can take a beating from heavy trucks. Rather than pay for damage caused by someone else, townships may post and bond vulnerable roads to make haulers cover the costs of excessive wear and tear. If your township is not making effective use of this authority, read on.

BY BRENDA WILT / ASSISTANT EDITOR
Logging trucks. Tri-axles loaded with fill for a building site. Tankers headed to an unconventional gas well. All of these and other heavy haulers can take a toll on township roads. In municipalities with dirt and gravel routes, the effect can be even worse.

Townships are not without tools to mitigate the damage, however. As authorized by the state Vehicle Code, townships may post weight limits on their roads so that taxpayers don’t incur the expense of repairing them. Townships may also post some roads with other restrictions, such as limiting truck length or weight, for safety reasons.

Once a road is posted with a weight limit, haulers that need to exceed the limit must obtain a permit and post a bond to cover the costs of any excess maintenance that results from their use of the road.

“A lot of townships have dirt and gravel roads that they are trying to protect from agricultural and other heavy haulers,” says Hailey Cole, chief of pavement asset management for PennDOT. “You don’t want to wait until your roads fall apart to act. Posting and bonding get the hauler to pay for the damage it causes.”

Mahoning Township in Montour County is a perfect example. Last summer, a resident started hauling fill to build up a lot size at the top of a mountain road. According to township chairman Bill Lynn, tri-axle trucks went up and down the road from 7 a.m. to 5 p.m. five days a week for the better part of a year.

What’s more, the road in question, Bald Top Road, has been partially closed since last May because sections of it are collapsing. The trucks had to take a detour through a borough and an adjoining township to get to the building site.

“The roads up there aren’t built for that kind of hauling for that length of time,” Lynn says.

The township engineer did a traffic and engineering study to determine that a 10-ton weight limit was appropriate for Bald Top and another road affected by the trucks. After the ordinance was drafted and advertised, the board of supervisors passed it in March.

“We had some pushback from people with small, single-axle dump trucks that could exceed the limit when loaded,” Lynn says. “We explained that the posting doesn’t ban deliveries and local traffic. It is focused on continuous, heavy hauling.”

Despite the benefit to townships like Mahoning, a 2018 PennDOT survey found that only about half of Pennsylvania’s municipalities have a posting and bonding program.

“There are more municipalities that could take advantage of this program,” Cole says. “Sometimes the process can look difficult, and the administrative side may seem daunting. The state’s infrastructure is aging, though, and there is often no money to fix the roads, so you want to protect them.”

Mahoning Township’s Lynn agrees. “You’re spending someone else’s money to put in roads according to state specifications,” he says. “You want them to last.”

**How to post and bond a road**

Municipalities post a weight limit on a road when the road is at risk of failing under loads of a certain weight or configuration. After inventorying its roads,
for example, a township may determine that a particular road in less than good shape will have an anticipated increase in heavy loads. The township may also pinpoint a road that has similar pavement and climate factors as a road that previously failed. Both of these roads would be eligible for a weight posting.

When posting a road, townships must follow the requirements spelled out in Section 4902(a) of the Vehicle Code. If a township requests payment from a bonded hauler but does not adhere to the regulations, the hauler could contest the demands.

Following are the steps to establish a legitimate posting and bonding program according to state statute:

1) Conduct an engineering study — Townships that want to post a road must first conduct an engineering and traffic study to determine the correct weight restriction. The study looks at pavement type, base condition, existing road damage, drainage capabilities, traffic volume and speed, and the thickness of the road to establish its structural capacity.

Townships may use their own engineer or contract with an independent firm to conduct the study, which must be signed by a professionally certified engineer. Before going to that expense, though, townships can do a few things to find out if a study is truly needed.

It should look at any secondary roads that are used by heavy haulers. Roads with thin pavement, meaning 2 inches or less on a base of 6 inches or less, are the most critical and require a study. PennDOT’s Local Technical Assistance Program (LTAP) says that pavement subgrades of fine-grained soil, such as clay and silt, are also susceptible to damage from heavy loads.

Also, keep in mind that if a township improves or reconstructs a posted road, it must consult with its engineer to determine if the weight limit should be amended or eliminated.

2) Adopt an ordinance — Once the township has completed the study and determined a weight limit, it must adopt an ordinance to put the limit into effect. The township must follow the usual schedule for advertising and then voting on the ordinance.

3) Notify the haulers — Next, the township must send a letter to any haulers that use or may use the posted road. Once the ordinance has passed, companies whose vehicles exceed the maximum weight limit must either find an alternative route or enter into an agreement with the township to accept responsibility for excessive road damage.

4) Post the road — After notifying the haulers, the township must post the proper signs, which must comply with PennDOT regulations for wording, size, and placement.

The standard weight limit sign, R12-1, is 24 inches wide by 30 inches high. It

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**POSTING AND BONDING**

Why do townships post and bond roads?

**Posting** — Posting weight limit signs helps to protect vulnerable roads that would suffer excessive damage by vehicles hauling loads above the posted weight limit.

**Bonding** — Because heavy haulers may have to use these roads or portions of them, townships may enter into an agreement with them that allows the haulers to use the roads if they pay for any excessive damage caused by their hauling. The agreement requires security from the haulers to ensure that they will pay for the damage.

The goal of a posting and bonding program is not to generate revenue. Rather, it ensures that no deterioration of the existing road conditions occurs and, if it does, the hauler pays to fix it.

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should be placed on the right side of the road within 25 feet of the beginning of the posted road or portion of road. If needed, a sign may be placed on the left side of the road as well.

These regulations can be found in PennDOT Publication 221, Posting and Bonding Procedures for Municipal Highways.

5) Notify authorities — The final step in the posting procedure is to notify the local police department about the new weight limit. The township should also notify the police about the following:
   • any new posting;
   • each new bond agreement and any canceled agreements;
   • other known local traffic that could damage the road; and
   • postings that have been removed.

The two most common reasons that postings are not enforceable are because of missing or incomplete traffic and engineering studies or missing or improperly placed signs. Pine Township in Clearfield County recently corrected an instance of the first problem.

The township has three roads that have been posted with a 10-ton weight limit for as long as anyone could remember. Supervisor David Johnson says that when the current officials looked for paperwork to back up the restrictions, they came up empty.

“Apparently, for a long time, we had no central place to keep records, but there were two old file cabinets in a rented storage garage,” Johnson says. “We began an effort to try to obtain as much information as we could from previous supervisors and secretaries that we could locate and started to organize the records.

“All three roads were posted at 10 tons, but in reviewing and organizing what records we could find, there were no ordinances and no engineering studies. In checking with the county law library, there were absolutely no ordinances on file in that office either. Without those, we learned that the bonds would not be legally enforceable.”

The township contacted LTAP for help in conducting engineering studies on all three roads, which validated the 10-ton limits. The township solicitor drafted an ordinance, which was published and then passed by the board of supervisors.

Posting roads for safety

Under Section 4902(b) of the Vehicle Code, townships may also impose safety restrictions on local roads where vehicles of a certain weight, size, or car-
go create hazardous traffic conditions. For example, vertical or horizontal alignment may prohibit certain loads, or there may be a history of crashes associated with particular types of vehicles. A smaller cartway width, a sharp curve, or other roadway feature may make the route hard for some vehicles to navigate.

“Safety postings usually involve roadway geometry,” PennDOT’s Halley Cole says, “such as a steep grade or curve.”

Bob Pento, traffic engineering and permits manager for PennDOT, says that before imposing a safety restriction, townships should do a thorough analysis and make sure there is a good reason for posting the road. For example, there may be some residents who don’t like truck traffic going past their house. However, if the road is designed to handle truck traffic, there is no reason to post a safety restriction.

“It is important to maintain a balance between mobility and public safety,” he says.

PennDOT has had haulers challenge safety postings. If the department couldn’t provide written proof of a safety issue, the posting could be overturned.

Like weight limit postings, safety postings require a traffic and engineering study. Unlike a weight posting, however, the study for a safety posting does not require the signature of a professional engineer and may be done and signed by municipal staff or other officials.

Safety postings also resemble weight postings by exempting school buses, emergency vehicles, and government or utility vehicles. Local traffic, however, is not exempt from safety postings.

“Safety postings do not require a bond from haulers,” Melody Matter of the McCormick Taylor engineering company says. “The hauler has to apply for a permit and prove that he understands why the road is posted and what he has to do to travel the road safely. A lot depends on what the safety restriction is and why.”

Some haulers are exempt

It’s important for townships to understand that even if they post a weight limit on their roads, certain haulers are exempt. Traditionally, four types of vehicles have been exempt from posting and bonding regulations:

- school buses;
- emergency vehicles;
- vehicles and combinations from government agencies and utilities or their contractors engaged in construction or maintenance on a posted highway or in a location that can only be reached by way of a posted road; and
- vehicles and combinations going to or coming from a residence, commercial establishment, or farm on a posted highway or in a location that can only be reached by way of a posted road.

However, Act 89 of 2013 added the following to the list of exempted haulers:

- traffic traveling to or from a permanent forest processing mill that is on or reachable only by a posted road;
- traffic going to or from a permanent coal reprocessing or preparation
POSTING AND BONDING

Plant that is on or reachable through posted roads other than the same posted route as the extraction site.

PennDOT says, however, that the exemption for timber and coal haulers applies only to posted roads that provide the most direct route from the nearest available non-posted road.

Drafting bond agreements

A hauler that needs to use a posted road must enter into an excess maintenance agreement with the township, which permits it to exceed the posted weight limit. The hauler must post a bond with the township and agree to pay for any excess maintenance and/or repairs on the posted route.

The bond may be provided by an insurance company or the hauling company itself if it is financially sound. Security bonds may take the following forms:

- an irrevocable line of credit;
- a certified or cashier's check;
- a bank account;
- a security agreement;
- an escrow agreement; or
- a performance bond.

To determine a hauler's responsibility under an excess maintenance agreement, the township and hauler must conduct an onsite inspection of the posted road. Representatives of each should complete a detailed report documenting the road's current condition. State regulations set the maximum amount of security that haulers must provide based on the road type. (See the Q&As on the adjacent page for specific amounts.)

State regulations say that the security amount will be used if a hauler refuses to pay for road maintenance “in excess of usual and routine activities.” The township has the authority to enforce this by notifying the entity holding the bond and pulling the bond if necessary. (See the Q&As on the adjacent page for more information about excessive maintenance and the hauler’s options for paying for the repairs.)

Once a bond agreement is in place, the township should periodically inspect its posted roads and not allow the cost of repairs to exceed 75 percent of the bond amount.

While local deliveries are allowed on posted roads, the township may require the affected companies to enter into excess maintenance agreements if their trucks are damaging the roads. If more than one hauler is using a road, the township should require them to come to an agreement among themselves about cost-sharing based on their use.

Where to find help

Townships that would like help with the posting and bonding process should contact PennDOT LTAP, which conducts no-cost municipal site visits, hosts statewide training on posting and bonding and other topics, publishes a quarterly newsletter, and develops tech sheets on various transportation subjects. To learn more, visit gis.penndot.gov/ltap or call toll-free (800) FOR-LTAP (367-5827).

Townships should also read PennDOT Publication 221, Posting and Bonding Procedures for Municipal Highways. To view it online or download a PDF, go to penndot.gov and type “Pub 221” in the search field.

“When PennDOT surveyed municipalities about their posting and bonding programs in 2018, we learned that Publication 221 was outdated and difficult to read,” PennDOT’s Cole says. “We reworked it to make it easier to understand. It has a lot of good step-by-step instructions.”

“It is important to maintain a balance between mobility and public safety.”

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Following are some frequently asked questions about posting and bonding roads, along with their answers, courtesy of PSATS and PennDOT. They focus on weight-restricted roads.

Q: Who determines if a road must be posted?
A: PennDOT is responsible for posting state-owned roads, and local governments are responsible for posting locally owned roads.

Q: How much notice must haulers receive when PennDOT or a township decides to post a road?
A: PennDOT advertises the planned posting of roads as far in advance as possible. In most cases, the department gives a five-day notice unless an emergency requires a road to be posted before that. While there is no specific time frame, townships may want to send a letter to haulers that use any road that is under consideration for posting.

Q: Why should roads be bonded?
A: Taxpayers should not have to pay for any excessive repairs on secondary roads caused by heavy hauling. The cost of repairing and maintaining these roads should be borne instead by the hauling companies that are responsible for the damage.

Q: How much security must haulers provide to townships for posted roads?
A: According to PennDOT regulations, hauling companies must pay no more than the following amounts of security to townships for posted roads:

• $6,000 per linear mile for unpaved roads;
• $12,500 per linear mile for paved roads;
• $50,000 per linear mile if the posting authority allows the road to be maintained below a level consistent with the type of highway; and
• $10,000 per county or municipality for haulers that occasionally travel over many posted roads within a county or municipality.

Q: If a township and hauling company decide to establish a road bonding agreement, who determines the condition of the road before the agreement?
A: The township and the hauler must conduct an onsite inspection of the posted road before executing a bonding agreement. The hauler’s responsibilities and bonding requirements will be determined at the end of the inspection.

Q: What is the hauler’s responsibility under such a road bonding agreement?
A: A bonded hauler must pay for all excessive road maintenance repairs. For example, the hauler would not be responsible for normal maintenance, such as minor patching, shoulder cutting, and pipe repairs.

However, the company would have to pay for excessive road repairs, such as extensive patching and base repair, reshaping shoulders that have heaved because of heavy load hauling, and repairing crushed pipes.

Q: What options do hauling companies have for paying for such road repairs?
A: Under the bonding agreement, haulers have two choices when paying for excessive repairs: Either the hauler or its contractor may repair the road, or the township may repair the road and bill the hauler for the work.

Q: How can a hauler be certain that it will be responsible only for excessive maintenance repairs?
A: During the pre-bonding, onsite road inspection, representatives from the township and the hauling company must complete a detailed report documenting the road’s condition. Frequently, photos are taken to substantiate the report. This documentation ensures that the hauler pays only for excessive maintenance repairs of damage actually caused by its trucks.

Also, once hauling begins, townships should conduct regular inspections to monitor for damage.

Q: What happens if more than one hauler uses the same posted road?
A: If two or more haulers are using the same posted road, they should agree to share the cost and responsibilities for maintaining the road.

Q: Who enforces posted weight limits on municipal roads?
A: The municipality is responsible for enforcing the weight limit.
ECO-FRIENDLY ROADS

How Townships Can Keep the Environment at the Forefront of Their Road Projects

Road ecology is the study of how roads interact with the environment and how best to counterbalance their unintended effects. Many of the ideas around this eco-friendly field have made their way into the road construction and maintenance operations of townships.

BY AMY BOBB / ASSISTANT EDITOR
Approximately 120,000 miles of roads, including more than 78,000 maintained by municipalities, zigzag their way across Pennsylvania, defining our landscape. This vast network is critical in moving people and goods throughout the commonwealth, yet in various ways, it also takes its toll on the natural environment. Roads can destroy habitat, pollute streams, increase flooding, and cause erosion.

While road projects have traditionally focused on improving speed, efficiency, safety, and cost, a greater awareness of how these highways and byways affect our natural surroundings has crept its way into road policies and practices in recent years.

The study of road ecology examines the relationship between roads and the environment and how these man-made boulevards affect the movement of plants, animals, water, and soils. Ecologists and engineers look at how road runoff contaminates surface and groundwater and how dust and road pollution affect people and habitats. In the process, they seek eco-friendly solutions.

This relatively new field, which began in Europe in the 1970s and eventually spread to the United States, has influenced the design and maintenance of roads across the nation. In Pennsylvania, various best management practices incorporated during road construction and maintenance activities are helping to minimize the negative effects that roads can have on water quality, stormwater, wildlife, and plants. Certainly, some of these practices are mandated by law and regulations, but many are also embraced as a common-sense way to build an effective transportation system while protecting the ecosystem at the same time.

“We only have one environment,” Jason Snyder, a township engineer and an instructor for the PennDOT Local Technical Assistance Program (LTAP), says. “It’s important that we safeguard it as best we can.”

Wildlife protection

Roads have a detrimental effect on natural surroundings, particularly for the wildlife that call Pennsylvania home. Recognizing that roads and vehicles create hazards for many species, ecologists often focus their efforts on ways to minimize these threats to wildlife. In North America, for example, millions of dollars have been spent in Canada’s Banff National Park and the states...
of Montana and Colorado to install traffic-spanning crossings, from tunnels to massive overpasses decked out with native flora, that connect habitat areas and provide animals with safe passage over or under highways.

Here in Pennsylvania, reducing the impact of roads on wildlife has taken a more subdued and less expensive approach. PennDOT has a publication (Chapter 20) devoted to wildlife crossings, including descriptions of bridges and underpasses for elk, deer, and bear, but most efforts to date in the state are focused on tinier creatures — amphibians, reptiles, and fish — which can be accommodated through small underpasses and tunnels under a road or with techniques that encourage the unimpeded movement of aquatic life.

Oftentimes, certain activities, such as road construction or pipe replacements, may trigger a search of the Pennsylvania Natural Diversity Inventory. This database identifies threatened, endangered, and special-concern species, from birds and mammals to fish, reptiles, and amphibians, which may require special consideration before work can begin. Plants and geological features may also be on the list.

“If a project is going to disturb or impact a key species, certain action may have to be taken,” Rich Heinemen, manager of the Stormwater Section of PennDOT’s Bureau of Maintenance and Operations, says. For example, to protect bog turtles, critically endangered reptiles that live in the deep muck of meadows, roadwork may have to be halted or a silt fence installed during the turtle’s active season.

North Hopewell Township in York County, where Snyder is engineer, creates habitat for fish whenever it replaces bridges. The road crew uses the root balls of timbered trees along with 6 to 8 feet of the main trunk. “We sharpen them like a toothpick,” Snyder explains, “and the guys drive them into the creek bank around our bridges to provide pockets and shady spots for the fish.”

Wetlands and invasive plants

Townships conducting road construction and maintenance must also think about protecting sensitive vegetation. Wetlands, for example, are vital parts of the natural ecosystem and require careful planning during road projects to minimize damage to these protected areas. Road crews tend to encounter wetlands when doing work around bridges and culverts, and certain rules may kick in when more than a 10th of an acre is disturbed.

“If you notice a wetland or if something just doesn’t seem right, stop and ask questions.” Road crews should become educated on what a wetland is and check with their township engineer or county conservation district if they suspect their work could impact a wetland.

“Otherwise, if you’re caught doing work in one, you could receive a notice of violation and may have to pay a fine or construct offset wetlands,” Heinemen says. Invasive plants, which spread quickly and displace native vegetation, are another environmental concern for road
Water quality

Runoff from roads can have a major effect on the water quality of surrounding streams. Pennsylvania has devoted much research and money to finding ways to prevent pollutant-laden stormwater from reaching waterways and affecting aquatic life.

“Roads are permanent features of the landscape and can alter the surrounding environment, especially the quality of streams and fisheries,” Eric Chase, a researcher with Penn State’s Center for Dirt and Gravel Road Studies, says.

With Pennsylvania’s mountainous topography and highly dense stream network, many rural roads end up following the stream corridor, where they frequently cross streams.

“This leads to a high probability of road-stream interactions,” Chase says, “which make it especially important to consider the environment when improving or creating roads.”

Unpaved roads, in particular, are historically one of the largest contributors of non-point source pollution, both in terms of sediment and dust. To counter this problem, Pennsylvania created the Dirt, Gravel, and Low-Volume Road...
The Dirt, Gravel, and Low-Volume Road Maintenance Program, which provides $28 million a year in grants to fix drainage problems on unpaved and low-volume (less than 500 cars per day) paved roads. The program got its start in the mid-1990s when a group of Trout Unlimited anglers first brought attention to how pollutants from dirt and gravel roads were affecting streams and aquatic life.

“Outdoor recreation is not only many people’s livelihood, but it’s big business here in Pennsylvania,” Chase says, “and clean streams are a large component of that.”

Through the Dirt, Gravel, and Low-Volume Road Maintenance Program, county conservation districts provide funding and technical assistance to reduce sediment runoff on unpaved and low-volume paved roads. These projects incorporate environmentally sensitive maintenance (ESM) techniques, such as installing cross pipes, controlling drainage through grade breaks and broad-based dips, and filling in an en-

Environmental sensitive maintenance, or ESM, relies on simple, practical, cost-effective techniques, used alone or in combination, to reduce a road’s impact on nearby streams. These strategies manage the volume and velocity of the water that flows over and under the road surface.

Experience shows that these techniques, which focus on stabilizing roads and reducing maintenance intervals, prevent pollution and save money. ESM practices are based on the following principles:

- Avoid concentrated drainage.
- Minimize flow volumes.
- Reduce effects of concentrated drainage.
- Prevent surface erosion.
- Reduce cost and frequency of road maintenance activities.

Specific examples include more frequent installation of cross pipes, shallow installation of cross pipes with headwall and endwall protection, surface drainage controls such as grade breaks and broad-based dips, durable driving surface material, raising the road profile to correct severely entrenched roads, and proper crown or cross-slope of the road surface.

More information about environmentally sensitive maintenance is available from Penn State’s Center for Dirt and Gravel Road Studies at dirtandgravelroads.org.

“What we’re trying to do is mimic what Mother Nature does in undeveloped areas during everyday storms.”
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trenched road to prevent it from basically acting as a stream whenever it rains.

The main thrust of these practices is to disconnect road drainage from streams and allow stormwater to filter in place. In addition to environmental benefits, ESM helps to reduce the need for maintenance and saves municipalities money.

“People can get behind that idea,” Chase says.

Stormwater runoff

A well-designed road will move water quickly and efficiently off its surface while minimizing damage to the environment from drainage problems, erosion, and flooding. As storms have intensified in recent years, Snyder says, townships may have to rethink how their roads handle stormwater.

“The 10-year storm now happens every three years, and the 25-year storm every 10,” he says. “We are seeing 100-year storms every 10 or 15 years.”

To better manage these more frequent storms, he says, townships should consider using more erosion and sedimentation control techniques, such as rock filters, stream bypasses, and silt socks, when doing road and drainage work. These best management practices encourage infiltration, groundwater recharge, and sedimentation control at the site, instead of sending water and pollutants downstream where they can cause bigger problems.

“In addition to reducing sediment, you want to control the volume of water hitting a stream,” Snyder says. “What you’re trying to do is mimic what Mother Nature does in undeveloped areas during everyday storms.”

Flooding is also a concern when stream crossings and pipes are inadequately sized and cannot accommodate increased storm flows.

“Most bridges are undersized,” Snyder says. “That causes the water to channel through a smaller area and can increase the velocity of the creek and erode the creek bed.”

Improving stream crossings reduces flooding, Penn State’s Chase says. Over the past five or so years, the Dirt, Gravel, and Low-Volume Road Maintenance Program has recognized the value of replacing inadequately sized crossings along rural roads. Each year, it funds approximately 100 projects statewide to install larger structures over streams. Doing so, Chase says, reduces flooding, protects roads, and opens up new spawning habitat for fish.

“Undersized stream crossings can back up sediment, causing major flooding and washing out a road,” he says, noting that many communities experienced this problem during the extremely rainy summer of 2018. “Installing a bigger structure keeps the water flowing and reduces the need to clean out debris.”

By staying on top of stormwater and drainage issues, townships prevent bigger problems down the road. PennDOT’s Heinemen recommends that road crews focus on incorporating environmentally sensitive maintenance practices in their everyday work.

“It could be something as simple as taking care of a ditch that you know is always eroding,” he says. “You may have to put stone lining in it or seed it with grass to keep the ditch from washing away.”

Other ways to improve road drainage include regular ditch cleaning, shoulder
cutting, and stormwater inlet clearing. When cleaning out a ditch, Heinemen says, make sure you sweep up what ends up on the road to prevent it from polluting nearby streams. Also after reshaping a ditch, consider seeding the area or adding rock or geotextile lining to prevent the soil from washing away.

“Simple things like these can have a big impact,” he says.

**Eco-friendly road material**

When repairing and paving roads, townships can also affect the environment with the decisions they make about which materials and processes to use. Today’s road construction industry offers a variety of products, materials, and practices with an eco-friendly slant.

One example is warm mix asphalt, which PennDOT and many townships

**SEEKING ECO-FRIENDLY HELP?**

**Check out these resources**

**Dirt, Gravel, and Low-Volume Road Maintenance Program** — Contact your county conservation district to learn more about state funding and technical assistance for improving unpaved and low-volume paved roads. Additional information about the program, including training on environmentally sensitive maintenance, can be found online at Penn State’s Center for Dirt and Gravel Road Studies at [dirtandgravelroads.org](http://dirtandgravelroads.org).

**PennDOT’s Local Technical Assistance Program (LTAP)** — Eco-friendly techniques and practices are explored in various LTAP training courses, including:

- Drainage: The Key to Roads That Last
- Full-Depth Reclamation
- Geosynthetics
- Roadside Vegetation Control
- Salt and Snow Management
- Stormwater Facilities Operations and Maintenance
- Unpaved and Gravel Roads: Common Maintenance Practices

A new LTAP course on erosion and sedimentation control is also in the works and should be available next year. All LTAP training is free. Learn more at [gis.penndot.gov/ltap/](http://gis.penndot.gov/ltap/).

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Over the past five years, the state’s Dirt, Gravel, and Low-Volume Road Maintenance Program has recognized the value of replacing inadequately sized stream crossings (left) with larger structures (right) to reduce flooding, protect roads, and open up new spawning habitat for fish. (Photos courtesy of Penn State’s Center for Dirt and Gravel Road Studies.)
use on asphalt pavements. An additive in the mix allows it to be produced, delivered, and installed at a lower temperature. This saves energy usage at the plant and reduces fumes during construction, making warm mix better for both the environment and the paving crew, who have to breathe the air.

Another material with eco-friendly results is driving surface aggregate, a well-graded, unbound mixture of crushed stone designed for use as a wearing course on unpaved roads. The mixture, developed by Penn State’s Center for Dirt and Gravel Road Studies, helps to reduce washouts and resist erosion on dirt and gravel roads, which ultimately leads to better water quality in nearby streams.

Driving surface aggregate can also help reduce the dust that gets kicked up on dirt and gravel roads and poses an environmental threat to local waterways. This byproduct of unpaved roads pollutes water supplies and chokes out aquatic life; it also hampers plant growth on land and in water.

“Dust affects adjoining cropland and residential properties, along with the health of residents, especially those with asthma or breathing problems,” Snyder says.

A good dust control program helps to lessen these impacts. When shopping around for products, townships can look for environmentally friendly options. PennDOT Publication 447 has a list of eco-positive dust suppressants that have been evaluated by the Center for Dirt and Gravel Road Studies and approved by the state.

As roads wear out, townships should also consider recycling and reusing materials to help the environment and save money. Full-depth reclamation, for example, is a sustainable construction practice that involves the in-place recycling of existing asphalt pavement into a new base layer. The process uses a road reclaimer to pulverize the asphalt and a portion of its underlining base and blends it with a stabilizing substance to produce an upgraded material. Not only does the method conserve energy and material, but it increases road durability and shortens the construction schedule, minimizing the inconvenience to motorists.

“From an ecological standpoint, full-depth reclamation is a good solution, rather than tearing up an entire road, landfilling the material, and replacing it with new stones and asphalt,” Snyder says.

Winter maintenance

When winter rolls around, the environment should still be on the minds of townships, especially since material applied to roads during an ice or snowstorm can have a far-reaching ecological impact.

Under the state stormwater program,
Learn the Answers to These Questions and More

- Which township meetings must be open to the public?
- How does a township provide for a public comment period?
- Does my township have to establish an open records policy?
- How long do we have to respond to records requests?

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- An overview of each law and its requirements.
- Summaries of related court decisions and Office of Open Records determinations.
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abrasives and antiskid used to provide temporary traction on slick roads are considered pollutants, and communities with municipal separate storm sewer systems (MS4) must collect them through street cleaning or catch basins and then reuse or dispose of the materials properly.

“A lot of municipalities have gone to straight salt rather than deal with the regulation of cinders, which requires them to be picked back up and put into landfills,” Snyder says.

Salt and other deicers also affect water quality when they wash into nearby streams or seep into groundwater. Townships can reduce this potential environmental damage by monitoring their salt use, properly calibrating spreaders, and prewetting salt to allow for more controlled application and greater sticking power.

The idea is to apply the right amount of salt — not too much to be harmful and not too little to be unsafe — given the weather and road conditions. To discourage the pellets from bouncing off the pavement, PennDOT and some municipalities have even experimented with other less harmful substances, such as beet juice, to get the salt to stick.

Good housekeeping around the township garage is also important. Salt stockpiles must be covered and other chemicals stored properly to prevent them from polluting the area.

Get educated

In many ways, protecting the environment while working on roads comes down to common sense.

“Consider where you are stockpiling materials and what you are disturbing,” Chase says. “Make a plan to get an area reestablished and reduce erosion. Think about where you are directing water off the road and whether you need a buffer...
to redistribute it away from a stream.”

One of the most effective things a road crew can do is become educated on how to incorporate environmentally focused practices into their work. Various agencies, including county conservation districts and PennDOT engineering districts, can help provide advice on road-related environmental issues. (See the box on page 41 for some other resources.)

Chase also recommends taking the two-day course that the Center for Dirt and Gravel Road Studies offers on environmentally sensitive maintenance. This free training is required for any municipality that receives funding through the program, but others will find the information beneficial, too.

The center typically holds about 12 sessions around the state each year.

“The course gets you thinking more critically about where water goes and how to reduce its flow as much as possible,” Chase says.

When incorporating eco-friendly practices into road programs, Snyder recommends townships stay up to date on the latest mandates and recommendations. The township engineer and county conservation district can help.

“My advice is be proactive and do what you can to be as environmentally friendly as possible,” he says.

While it may take additional time, money, and effort up front, townships usually come to appreciate the long-term benefits of going green with their roads. “We hear from many folks who were skeptical at first about trying these practices,” Chase says, “but they later come to appreciate them. They tell us how they really do save money and reduce their maintenance, all while benefiting the environment, too.”
SURVIVING AN AUDIT

Knowing the Rules of Liquid Fuels Funding Helps Townships Avoid Problems Down the Road

Townships depend on their share of liquid fuels funds (LFF) every year to construct and repair roads and bridges and pay for related expenses. Accepting those state tax dollars, however, means understanding the rules for spending and reporting and following the regulations to the letter. Here’s a primer for what you need to know about liquid fuels funding, along with some tips for surviving an audit.

BY AMY BOBB / ASSISTANT EDITOR
When Kimberly Piestrak became the manager in Hunlock Township, Luzerne County, two years ago, she could have found the liquid fuels funds process confusing. After all, she was new to municipal government and didn’t yet have a grasp of the spending, reporting, and auditing requirements for these critical state dollars. “I was new to the whole process and didn’t know how to put out a bid or what the roads even needed,” she says.

Fortunately, both her PennDOT Municipal Services supervisor and regional financial consultant paid her a visit to provide an overview of the funding program. They laid out the rules for how the money can be spent, how the state audits the funds, and why it’s important to get the paperwork right. “They recommended I keep it simple and stay on top of the annual report so it’s not overwhelming later,” Piestrak says.

She appreciated the advice, which she continues to follow when tracking and reporting expenditures for the approximately $100,000 in annual liquid fuels funds that her township receives. Perhaps most important, that interaction taught her that she’s never alone when navigating the liquid fuels fund maze. “If there’s one takeaway that I always stress to municipalities, it is to pick up the phone or email us if they ever have any questions about liquid fuels funds,” Chris Goetz, the Municipal Services supervisor in PennDOT District 4, says. “The easiest way to avoid running into trouble with the audit is to call us. We will do everything in our power to help.”

How it works
Beginning the first business day of March each year, eligible townships receive their annual allocation from the Liquid Fuels Tax Fund. This money comes from the state’s oil franchise tax, which is collected at the gas pump, and payments are distributed to municipalities based 50 percent on their road miles and 50 percent on their population from the latest decennial census. With the 2020 Census now under way, this funding formula is yet another critical reason for townships to try to ensure that their residents get counted. (For more on the 2020 Census, turn to page 74).

Between 2014 and 2018, townships reaped the benefits of a 60 percent jump in liquid fuels fund allocations thanks to a five-year expansion in the oil franchise tax that was set in place by Pennsylvania’s transportation funding plan of 2013. Following the five years of these Act 89 increases, the municipal liquid fuels funding peaked last year at approximately $500.75 million before falling in 2020 to roughly $487.5 million.

“With the Act 89 uncapping complete, liquid fuels funds are now based solely on sales at the gas pump,” Kristen Sims, audit manager in the PennDOT Center for Program Development and Management, says. She attributes this year’s smaller distribution to municipalities to lower gas sales because of fuel-efficient vehicles and higher gas prices, which may have slowed travel in 2019.

Time will tell, but the COVID-19...
crisis that is gripping the nation will surely result in lower gas sales this year, so townships may once again be facing a reduced liquid fuels payment in 2021. “We had estimated that the funding would drop before going back up again,” Sims says, “but who knows what will happen now.”

What is known is that liquid fuels funding can make up a significant portion of a township’s road budget. To make sure townships get their allocation on time and avoid having to pay back any misused funds, they must follow the rules and learn to manage this money properly.

For starters, townships must know what they can use their liquid fuels funding for. Allowable expenditures range from road construction and repair projects to winter maintenance activities. PennDOT’s Publication 9 outlines both permitted and prohibited expenditures. (See the box at left.)

Products and materials purchased with liquid fuels monies must also be PennDOT-approved. Townships can find lists of approved products, materials, and processes in Publication 447, Approved Products for Lower-Volume Local Roads, and Bulletin 15, Qualified Products List for Construction.

When purchasing these items, be sure not to use brand names in your bid specifications. “You can’t seek a bid requesting a Ford truck, for example,” Randy Albert, the Municipal Services supervisor in PennDOT District 2, says.

Townships must also adhere to the state’s strict reporting requirements, which include the submission of their MS-965 Actual Use Report to PennDOT by January 31. This annual report, which functions almost like a checkbook, must accurately detail how liquid fuels funds were spent during the preceding year and list any expenditures planned for the current year, including tax levies for roads and general municipal purposes.

The report forms the basis for the state’s audit, so townships should take the time to prepare it properly. Be sure to include the certification of bonding for the township’s secretary-treasurer, document that any major equipment purchases did not exceed 20% of the annual allocation, and verify any unused equipment carryover.

While the requirements for spending liquid fuels funds may seem daunting, townships will find the process goes more smoothly if they stick to the rules and have their ducks in a row before audit time rolls around.

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**PUBLICATION 9**

The ‘bible’ of liquid fuels funding

PennDOT Publication 9, Chapter 2, is every township’s go-to resource for information on liquid fuels funding requirements, especially what the funds can and cannot be used for. Below are some examples of both.

**Permitted expenditures**

- Construction, reconstruction, maintenance, and repair of roads and bridges
- Culverts and drainage structures
- Costs associated with traffic signs and signals
- Street lighting
- Equipment, such as road machinery and repair parts

(Notice: No more than 20% of a municipality’s total annual liquid fuels tax allocation may be used for the purchase of road equipment.)

- PennDOT-approved materials
- Winter maintenance activities, such as salt purchases and plowing
- Salary and benefit costs for road crews performing work on township roads (Notice: Daily time records must be documented on the MS-907 form or equivalent.)

**Prohibited expenditures**

- Construction and reconstruction projects without PennDOT approval
- Parks, municipal buildings, or playgrounds
- Police or fire departments
- Administrative expenses, such as office supplies, furniture, and telephones
- Curbs and sidewalks except those needed to comply with the requirements of the Americans with Disabilities Act
- Heating oil and other building utilities
- Payrolls that are undocumented or do not clearly identify the nature and location of work
- Retroactive expenditures or repayment of other funds for prior-period expenditures
- Purchase of automobiles and repairs to non-road maintenance equipment and vehicles

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Please note that these lists are not all-inclusive. To learn more about permitted and prohibited expenses, review Publication 9, which can be accessed under the “Forms, Pubs & Maps” tab at dot.state.pa.us. PSATS also publishes a “Do’s and Don’ts of Liquid Fuels Funds” brochure. Members will find the latest version at connect.psats.org under “Publications” and then “Brochures.”
Reducing findings

Throughout the year, liquid fuels auditors from the state Department of the Auditor General travel the state visiting municipalities and performing audits on a rolling basis. Their findings are then submitted to PennDOT, which determines if a municipality must reimburse any liquid fuels funds that were misused. There are two types of findings:

1) Internal control, which means the auditors have found areas where a township could improve. Examples include not having two signatures on a check or not depositing liquid fuels funds into an interest-bearing account. “These findings are things you need to fix before your next audit,” Sims says.

2) Reimbursable, which means money was spent inappropriately and must be paid back into the municipality’s liquid fuels tax account. “Townships are not paying this money back to the commonwealth or PennDOT,” Sims clarifies.

Unlike internal control findings, reimbursable findings can hold up your next liquid fuels distribution from the state until you resolve the issues. “We will not release your next payment until you make the reimbursement and submit proof to PennDOT,” she says.

If a municipality doesn’t resolve the problem within two years, its allocation goes back into the pot of liquid fuels money for redistribution across the state. “Unfortunately, every year, at least one municipality loses its money, and all it had to do was fill out some reports,” Sims says.

Townships looking to minimize findings on their official audits should take advantage of the one-on-one help offered from PennDOT employees who are assigned to the municipal liquid fuels funds program:

- Financial consultants, who cover six geographic regions across the state, provide training, assist in preparing reports, help to clear audit findings, and perform monitoring reviews for municipalities. These reviews are less formal than the Auditor General’s audits, and any findings are only provided to the township to address. “Think of these reviews as a pre-audit, where we go in and help to get everything cleared up ahead of time so your actual audits come out clean,” Sims says.

- Municipal Services representatives, who are located in PennDOT’s engineering districts, offer technical support to help municipalities comply with the various liquid fuels program requirements. For example, the representatives must provide preapproval of any road project, a requirement that can trip up municipalities during an audit. These employees also help municipalities with estimating road repair costs, calculating materials needed for repair, and preparing bid packages.

“The best way to avoid findings is to contact your PennDOT financial consultant or Municipal Services representative,” Sims says. “Most of them have been doing their job for a long time and know a lot. We prefer that municipalities get it done and do it right before the auditor makes a visit.”

When it comes to understanding the do’s and don’ts of liquid fuels funds, experience helps, District 2’s Albert says. “There is always a learning curve for new secretaries and managers,” he says. “It takes a year to experience the entire process and at least two until they feel more comfortable with it.”
SURVIVING AN AUDIT

Top audit issues

In 2019, the Auditor General’s office performed roughly 1,700 municipal audits and discovered 483 findings in 275 of them. Here are the top 10 findings from last year’s audits and tips to avoid each problem:

#1: Late receipt of liquid fuels allocation — To ensure you receive your liquid fuels funds once they are released March 1, be sure to submit the required reports correctly and on time.

The MS-965 Actual Use Report and the DCED Report of Elected and Appointed Officials are both due January 31. Although the deadline for the DCED Survey of Financial Condition is not due until March 15, townships are advised to submit this form by February 10 if they want to receive their liquid fuels payment by March 1. (See the box below for more details about the reporting requirements.)

Allocations will also be delayed if your township has any outstanding reimbursements and hasn’t resolved them. PennDOT must see proof of deposit for any required liquid fuels repayments. This could be a bank statement, a canceled check, or a stamped deposit slip.

“You should contact your financial consultant as soon as you become aware of a reimbursable finding,” Sims says. “We can assist with payment offsets and in some cases can set up a two-year payment plan.”

#2: Non-permissible expenditures — Become familiar with what are eligible and non-eligible purchases under the law. Some examples of non-permissible expenditures include parks, playgrounds, and municipal buildings; private roads and parking lots; police and fire departments; sewer and water lines; and construction projects without prior PennDOT approval.

#3: Liquid fuels money over expended on projects — Make sure you explain and properly document any variations between a project’s projected and actual expenses.

“When approving a project, your Municipal Services representative will look at your scope of work and how much material and equipment you’ll need and come up with a budget,” Sims says. “All invoices and payments then need to be recorded against the project number.”

During an audit, the township must show proof that the Municipal Services representative has signed off on any differences that may have occurred between the estimated expenses of a project, as noted on the MS-329 project approval form, and the actual expenses, which the township records on the MS-999 form at the end of the project.

“If you spend over the original amount without adequate documentation, this can become a reimbursable finding,” Sims explains. “We certainly understand that project costs can run over, but you just have to document why it happened. Deciding to add more work to a project is not an allowable explanation.”

#4: Purchases not in compliance with advertising and bidding requirements — Be sure to follow the minimum bidding and purchasing thresholds as spelled out in the Second Class Township Code and adjusted each year by the state Department of Labor and Industry. Currently, townships must place legal advertisements and seek sealed bids for any purchase of $21,000 or higher. The minimum purchase amount for telephone quotes is $11,300.

Where this requirement can get tricky is that each municipality must make an estimate of its costs for construction and maintenance material and other like items for the entire year. If the total amount for each category is over the purchasing threshold, the township must be sure to follow the bidding requirements.

“You can’t piecemeal your purchases to try to avoid the bidding limits,” Sims says. For example, if you buy stone in April and again in October, those purchases are counted as one. Complying
with the bidding and budgeting rules requires careful planning and forecasting at the beginning of the year.

“We recommend municipalities plan as much as they can in advance,” District 4’s Goetz says. “They should have a plan formulated of what work they are going to do on roads and how much material they’re going to need.”

When making purchases, townships can often obtain the best deals by entering a joint purchasing agreement with other municipalities or piggybacking on state contracts through Pennsylvania’s cooperative purchasing program, COSTARS.

“COSTARS is a great program,” Goetz says. “We tell our municipalities to use it to their advantage. Because the COSTARS price is the maximum companies can charge under their contract, it may pay to call a few of these contractors and see if you can negotiate a lower price.”

One of the advantages of participating in COSTARS is municipalities don’t have to comply with the bidding threshold rules since the state has already bid the contract. However, they should be sure to obtain written proof that the purchase was made under the COSTARS program.

“Get a copy of the company’s contract, make sure it’s current, and place it in your files for the audit,” Albert says.

For more about the COSTARS program, visit dgs.pa.gov/COSTARS.

#5: Failure to obtain project approval — Contact your Municipal Services representative before starting any liquid fuels-funded work on roads, bridges, traffic signals, lighting, guardrail, or pipe. The representative will determine if the project requires approval and, if so, will complete the MS-329 project approval form.

“In general, anything new is going to require approval from us,” Albert says. “If you’re replacing something like a damaged guardrail or a rusted pipe, you usually don’t need approval, but it’s always best to consult with your Municipal Services representative if you’re unsure.”

By not getting approval beforehand, a township risks either not having the project covered by liquid fuels funds or having to reimburse the project cost out of its general fund.

#6: Failure to provide documentation supporting expenditures — Maintain documents and paperwork for all expenditures made with liquid fuels funds and provide this proof to the auditor.

“You want to have all invoices, bids or quotes, canceled checks, and bank statements, along with meeting minutes noting any approvals,” Sims says.

#7: Placing idle liquid fuels funds in a noninterest-bearing account — Deposit your liquid fuels money in accounts that earn interest. Sims urges townships to shop around to different banks to find the best rates and make sure any fees charged by the bank do not exceed interest. The Pennsylvania Local Government Investment Trust is another option. (See page 71 for more about PLGIT.)

#8: Failure to provide documentation for price quotations — Keep track of all paperwork associated with obtaining required bids and quotes for items you purchase with liquid fuels funds.

#9: Transferring funds to an improper account — Maintain your liquid fuels tax funds in a separate account and don’t transfer this money into another account until it’s actually needed for an allowable expenditure. Remember, liquid fuels funds cannot be deposited into your general fund or commingled with other funds.

#10: Only requiring one signature

“Think of these reviews as a pre-audit, where we go in and help to get every thing cleared up ahead of time so your actual audits come out clean.”

“We prefer that municipalities get it done and do it right before the auditor comes in.”

Updating your road mileage for liquid fuels fund credit

With half of the municipal liquid fuels fund allocation based on road miles, townships can increase their payments by adding new eligible road mileage to their liquid fuels inventory.

To qualify a new road, the township must adopt an ordinance or resolution that designates the road as a public highway and send the proper documentation, along with a written request, to its PennDOT district office by September 1. PennDOT will review the request, making sure the road meets certain criteria, including width and length requirements and the capacity to be traveled safely at 15 miles per hour.

Contact your Municipal Services representative to learn more about how to qualify a new road.
on checks — Follow good fiscal oversight practices and make sure you have more than one person approving your expenditures. All your checks, including those written from your liquid fuels fund account, should have two required signatures.

Not having enough signatures on a check and not placing your funds in an interest-bearing account are internal control findings, which must be corrected before the next audit. The other top identified problems of 2019 are reimbursable findings and must be remedied if your township expects to receive next year’s liquid fuels fund allocation on time.

Keep it simple

As the long-time secretary of Jones Township in Elk County, Laurie Storrar is used to liquid fuels fund audits. In fact, you might say she has it down to a science. Storrar, who is also a township supervisor, proudly notes that over three decades of audits, she has only ever had two findings.

“Twice, I had to pay back money from the general fund,” she says. “I guess
that's not bad for 32 years.”

To prepare for the state audit, which occurs every three years in her township, she is meticulous and organized with her records and stays on top of any paperwork.

Across the state in Luzerne County, Hunlock Township’s Piestrak says her audit goes more smoothly if she has taken the time throughout the year to fill out the required annual report.

“When I write a check, it goes into the report at that time,” she says. “That way, I’m not overwhelmed at the end of the year and scrambling to fill in everything at once.”

Storrar keeps her liquid fuels files together, grouping them by road project or equipment purchases. Within each project file, she places such important documents as copies of the PennDOT project approval forms, bid advertisements, and any necessary meeting minutes, making sure they are signed and sealed.

“The more organized you are, the better the audit is going to go,” she says.

Maintaining a good paper trail is essential, especially when transferring liquid fuels money. You don’t want to combine your liquid fuels receipts with other fund receipts, she notes.

Over the years, Storrar has found that using liquid fuels money for larger items and keeping purchases to a minimum help to streamline the process. She also doesn’t recommend using the funds for payroll unless it’s absolutely necessary. (Townships are allowed to do so, but they must keep detailed timesheets and limit reimbursement to qualified work under the liquid fuels funds guidelines.)

“I don’t pay for little things out of liquid fuels,” she says. “I save it for our larger expenses, such as pipes, cold patch, stone, and fabric.”

Piestrak, too, tries to keep her liquid fuels fund purchases to a minimum, preferring to use the money for larger projects and major expenses.

“I keep it as simple as possible,” she says. “We don’t write a tremendous number of checks out of the fund, and we don’t use it for payroll.”

Achieving compliance with the liquid fuels program requirements boils down to knowing the rules, being thorough in your preparation, and reaching out to PennDOT when you have questions.

“We like to think of ourselves as a partner, not a big, bad enforcer,” District 2’s Albert says. “We are here to help you and work with you to make sure good things happen.”

Finally, whenever the state auditors do show up, don’t panic.

“They are not the bogeymen,” Storrar says. “If they ask you for something that you don’t have ready for them, take a deep breath before focusing on where in the heck is that file. Nine times out of 10, it will be right in front of you, and you’ll wonder how you ever forgot it.”

---

### Liquid Fuels Fund 2019 Expenditures*

<table>
<thead>
<tr>
<th>CATEGORY</th>
<th>$ AMOUNT IN MILLIONS</th>
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<tr>
<td>Agility Projects</td>
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<tr>
<td>Computers &amp; Related Training</td>
<td>.038</td>
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<td>Administrative</td>
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<td>Minor Equipment Purchases</td>
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<td>Storm Sewers &amp; Drains</td>
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<td>Street Cleaning &amp; Gutters</td>
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<tr>
<td>Tool &amp; Machinery Repair</td>
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<td>Winter Maintenance</td>
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<tr>
<td>Road &amp; Bridge Maintenance</td>
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<tr>
<td>Highway Construction</td>
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<td><strong>TOTAL</strong></td>
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* Summary of 2019 municipal and county liquid fuels expenditures reported to PennDOT.
Shirley Moyer, secretary-treasurer of Oley Township in Berks County, is proud of her rural community. The township of 3,620 is situated in a beautiful valley with some of the best soils in the state. Dairy farms and crop fields dot the countryside, as do historical homes and farmsteads dating back to the early 1700s when settlers from Germany, France, Switzerland, and England brought their agricultural and architectural traditions to their new home.

Years ago, the township supervisors, wanting to preserve this heritage, placed most of the agricultural land in a preservation district, one of the first in Pennsylvania. Today, the township’s bucolic, pastural setting features plenty of open space, historic buildings, and beautiful scenery.

“In 1983, our entire township was placed on the National Register of Historic Places, a first in the country,” she says.

Moyer is also proud of the multifaceted role she plays in the township. Her career there began in 1979 when she was hired as office secretary for the township’s municipal authority and secretary of the planning commission. Ten years later, she was named secretary-treasurer of the township and then secretary of its historical architectural review board. She also volunteers with the local emergency management and fire services.

To wear so many hats well, Moyer knows it’s important to stay up to date on the latest trends and rules affecting townships and learn from other municipalities dealing with different situations. Because education is important to her, she has taken various PSATS-sponsored courses over the years. She also regularly attends the Association’s Annual Conference. So naturally, when PSATS introduced its Municipal Government Academy (PMGA) to members in 2016, she signed up.

“I originally enrolled in the PMGA Certificate Administration Program and then decided to continue with the graduate program after I saw the value of the training,” she says.

She appreciated how the academy focuses its training on four categories — administration, planning, public works, and public safety — which are all integral parts of her job and volunteer activities. She completed the academy requirements within three years and joined her graduating class for recognition at the 2019 PSATS Annual Conference in Hershey.

“I’ve learned a lot by networking with various municipal officials from across the state as to issues they were dealing with and how they were resolved,” she says.

Of the many courses she has taken for PMGA credit, several stand out to her, including the Human Resources and Labor Management Institute, which gave her insight into how to deal...
with labor-related issues, and the Basic Training for Municipal Secretaries and Administrators, which best summarized what she does on a daily basis.

“This course covers a little of all aspects of my job and provides a wide array of resource materials that have come in handy,” Moyer says.

Now that she’s a PMGA graduate, she has no plans to slow down on learning. She regularly takes advantage of PSATS’ weekly webinars, which she says provide timely and valuable information, and she always looks forward to the training and networking at the Annual Conference.

Whether someone is new to township government or a seasoned employee or supervisor like her, Moyer recommends taking advantage of PMGA as a great learning resource.

“Everything is constantly changing,” she says, “and we need to keep up with all the changes to better serve our citizens.”

To find out more about PMGA, go to pmga.psats.org or call PSATS at (717) 763-0930, extension 154. ✦
The following is a summary of new laws recently enacted and legislation affecting townships that is under consideration by the General Assembly. Please check the latest edition of the “Week in Review” for status updates since the News went to press. To receive the “Week in Review,” email grassroots@psats.org.

### Acts

**Unemployment compensation**

Act 9 of 2020/HB 68  
Major provision:  
- Requires the state Department of Labor & Industry to waive the one-week waiting period, job search, and work registration requirements for unemployment compensation claimants under the governor’s COVID-19 emergency declaration.  
Signed: March 27, 2020.  
Effective: March 27, 2020.

**Personal income and local earned income taxes**

Act 10 of 2020/HB 1232  
Major provisions:  
- Extends payment and filing deadlines for the state personal income and local earned income taxes until July 15.  
- Provides $50 million for the purchase of medical equipment and supplies for hospitals, nursing facilities, and emergency medical services to meet the urgent needs of patients and staff.  
Signed: March 27, 2020.  
Effective: March 27, 2020.

**Primary election**

Act 12 of 2020/SB 422  
Major provisions:  
- Reschedules the 2020 presidential primary election from April 28 to June 2 due to the COVID-19 pandemic.  
- Authorizes counties to temporarily consolidate polling places.  
Signed: March 27, 2020.  
Effective: March 27, 2020.

**Remote meetings, permit delays, and ORFDOWD**

Act 15 of 2020/SB 841  
Major provisions:  
- Would authorize municipalities, for the duration of a statewide emergency declaration, to conduct business solely through telecommunication devices.  
- Would require members of the governing body to be able to hear one another and be able to provide comments on issues during remote meetings.  
- Would require municipalities to allow for public participation to the maximum extent available.  
- Would allow municipalities to delay the approval of any and all applications that fall under the Development Permit Extension Act for the duration of the emergency.
• Would authorize notaries to notarize documents electronically via audio-visual communication.
• Would authorize municipalities to extend the discount period for local property taxes and waive all fees and penalties associated with them as long as the taxes were paid in full by December 31, 2020.

**Legislation**

**Ambulance payments**

HB 1347/PN 2149
Major provision:
• Would require insurance carriers to directly reimburse ambulance companies that are not in the insurance carrier’s network.
Status: Before the House.

**Basic life support staffing waivers**

HB 1869/PN 3537
Major provisions:
• Would authorize the state Department of Health to grant basic life support (BLS) staffing waivers.
• Would require emergency medical services agencies to file for a waiver from the staffing requirements for extraordinary reasons, as determined by the department.
• Would authorize the department to waive or adjust BLS staffing requirements on a case-by-case basis and in the best interest of the EMS system and patient care.
Status: Has passed the House and is before the Senate.

**Workers’ compensation coverage for injured volunteers**

SB 94/PN 940
Major provision:
• Would extend workers’ compensation coverage to all active volunteer firefighters and volunteer ambulance
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HIGH-YIELDING RESULTS.

Whether it’s serving as solicitor or special counsel, handling land use, labor or economic development challenges, or partnering to navigate day-to-day issues such as contract negotiations, public bidding or public record requests, we help solve legal problems in ways that impact your municipality and protect your bottom line.

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Babst Calland
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Where Trust and Value Meet.

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LEGISLATIVE UPDATE

personnel if injured in the performance of their duties.
Status: Has passed the Senate and is before the House Labor & Industry Committee.

Procedure for when no bids are received
SB 494/PN 528
Major provision:
• Would create a process for a municipality to enter a contract for services when it first advertises a bid for services and no bids are received.
Status: Before the Senate.

Radar for municipal police officers
SB 607/PN 1384
Major provisions:
• Would limit the use of radar or LIDAR for speed enforcement to only full-time municipal police officers in municipal police departments in Pennsylvania.
• Would require a municipality to enact an ordinance stipulating that the police may use radar or LIDAR.
• Would place a cap on the amount of money a municipality could keep from speeding tickets written using either radar or LIDAR.
Status: Before the Senate.

Note: As amended by the House Transportation Committee, SB 607 would apply only to full-time municipal police officers in full-time departments. PSATS continues to work to have this amended to authorize the use of this public safety tool by all properly trained municipal police officers.

BECOME A GRASSROOTS ADVOCATE

Stay on top of legislative news

PSATS members should be sure to join the PSATS Grassroots Advocacy Network by sending an email to grassroots@psats.org to receive the PSATS Grassroots Week in Review newsletter for the latest legislative news in Harrisburg and Washington.
Additional legislative information is available from these websites:
• Pennsylvania General Assembly
  www.legis.state.pa.us
• U.S. House of Representatives
  www.house.gov
• U.S. Senate
  www.senate.gov

STARTING A CAPITAL PROJECT INVOLVES MANY STEPS.
HOW CAN YOU BE SURE YOU’VE COVERED ALL YOUR BASES?

When planning your next project, don’t take a misstep. Remember to always dot your i’s and cross your t’s. But most importantly, include a consultation with PennPRIME. We are here to help you stay a step ahead.

Elizabeth Henry
800.848.2040 *250  www.pennprime.com

60 PA TownshipNews MAY 2020
Keystone Ford is proud to be an automotive leader in our community. Since opening our doors, Keystone Ford has maintained a solid commitment to our customers, offering a wide selection of cars and trucks, including commercial vehicles.

We partner with multiple up-fitters, making Keystone Ford a one-stop shop for all your municipal vehicle needs. We are COSTARS-licensed for municipal work vehicles, passenger vehicles, and emergency vehicles, including fire, rescue, and law enforcement. Please feel free to contact us for more information.

COMMERCIAL SALES DEPARTMENT

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Commercial Accounts Manager  
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csites@keystoneford.com

Charity Koser  
Administrative Assistant  
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Nelson Raines  
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301 Walker Road  
Chambersburg, PA 17201  
717-264-5104  
www.keystoneford.com

COSTARS  

Co-Stars Member #’s 025-155, 026-051, 013-130
Strategic Planning for Fire Service Operations

FOR: Elected and appointed municipal officials, administrators, and fire department supervisors and personnel.

PURPOSE: To identify solutions to sustain or improve municipal fire service. The class will use lecture, small-group discussion, and facilitated brainstorming to identify:

- the 10 challenges facing volunteer fire departments;
- township officials’ responsibilities;
- methods for assessing community expectations;
- how to conduct an analysis of the strengths, weaknesses, opportunities, and threats for current fire service operations;
- the need to develop a standard of response based on public expectations; and
- the necessary steps in a strategic planning process;
- methods to improve and maintain communication with volunteer fire companies;
- relevant legal aspects; and
- current best practices for administrative and financial operations.

DATE: May 27

TIMES: 12:30-4:30 p.m.

CREDITS: Eligible for four PMGA public safety points.

REGISTRATION: Go to learn.psats.org and click on the Virtual Classroom link.

COST: $69 for PSATS members* and $89 for non-members.

Flagger Training

FOR: Roadmasters, road superintendents, road crew members, and anyone else with flagger or supervisory responsibilities for public roads. Safety coordinators, law enforcement officers, and municipal engineers and managers may also benefit from this training.

PURPOSE: To train new flaggers and give those who were trained in 2016 the opportunity to maintain their status as a trained flagger in accordance with PennDOT Publication 408 requirements.

The instructor will discuss flagging procedures, work zone set-up requirements, and traffic control devices based on PennDOT Publications 213, Temporary Traffic Control Guidelines, and 234, Flagging Handbook, as well as the federal Manual on Uniform Traffic Control Devices.

Topics also include the development of traffic control plans for flagging, use of typical layout configurations from Publication 213, and flagger visibility pro-

*PSATS member must attend live sessions.

EDUCATIONAL COURSES

VIRTUAL CLASSROOM

QuickBooks Virtual Training Series

In this virtual classroom series, instructor Diana Patton will review how to tackle common (and not-so-common) QuickBooks tasks applicable to municipal government, from the Chart of Accounts and accounts payable to payroll, taxes, and e-filing.

The sessions and their topics are:

April 29: Bookkeeping and Accounting Basics for QuickBooks
- accounting basics;
- governmental fund types;
- assets, liability, and equity;
- how the Chart of Accounts works;
- double-entry accounting;
- debts and credits; and
- monthly accounting.

May 6: A Deep Dive into the DCED Chart of Accounts
- understanding the Chart of Accounts and the DCED audit report;
- reviewing account types;
- formatting the Chart of Accounts to match the audit report; and
- customizing reports.

May 13: Using Accounts Payable and Sales Receipts
- transitioning to modified accrual accounting;
- entering and paying bills;
- applying vendor credits;
- understanding and entering sales receipts;
- creating item lists;
- understanding “undeposited funds;” and
- making deposits.

May 20: Payroll, Taxes, and E-filing
- creating a payroll item list;
- handling special deductions and withholdings;
- setting up vacation, sick time, and PTO;
- troubleshooting “overdue” liabilities;
- setting up liability schedules and e-pay;
- registering for e-filing; and
- creating payroll reports.

May 27: Tips, Tricks, and Favorite Features
- recording outside payroll;
- looking for A/P and A/R discrepancies;
- merging names in lists;
- deciding whether to void uncleared checks;
- setting closing dates; and
- creating reports and memorizing groups.

TIME: 2-3:30 p.m.

POINTS: The series is eligible for six PMGA administration points.

REGISTRATION: Go to learn.psats.org and click on the Virtual Classroom link. Registration is for the entire series (the first session was held in April). If you miss one, all the sessions will be recorded for later viewing by registrants.

COST: $125 for PSATS members* and $175 for non-members.

TRADITIONAL CLASSROOM

Please note: Traditional classroom courses are subject to potential postponement or conversion to a virtual series.
Township Solicitors Association Seminar
PSATS is holding the Spring Solicitors Virtual Seminar on 
Monday, May 4.
Registration fees:
• Members of the Solicitors Association — $175
• Non-members of the Solicitors Association — $225
Attendees may be eligible for five continuing legal education credits and/or five PMGA administration points. To register, call (717) 763-0930, ext. 171, or go to solicitors.psats.org.

Township Engineers Association Seminar
PSATS is once again offering the Spring Engineers Virtual Seminar from 8:30 to 11:30 a.m. Monday and Tuesday, 
May 4 and 5.
Registration fees:
• Members of the Engineers Association — $95
• Non-members of the Engineers Association — $165
Attendees may be eligible for three professional development hours and/or three PMGA public works points for each day’s session. To register, call (717) 763-0930, ext. 128, or go to engineers.psats.org.

TEMA Emergency Management Forum
PSATS will be offering a TEMA Emergency Management Virtual Forum, but the date had not been set when the News went to press. TEMA members will be notified when the details are finalized.
Registration fees:
• Members of TEMA or any PSATS affiliate associations — $95
• Non-members — $115
Attendees may be eligible for six PMGA public safety points. For current details and to register, call (717) 763-0930, ext. 128, or go to tema.psats.org.

Pa. Association of Zoning Officials Forum
The State Association is offering the PAAZO Spring Virtual Educational Forum in two sessions: May 6 from 9 to 11:15 a.m. and May 8 from 9 a.m. to 12:30 p.m.
Registration fees:
• Members of PAAZO or any PSATS affiliate associations — $125
• Non-members — $175
Attendees are eligible for two CZO credits, CLE credits, and/or PMGA planning/zoning points for the first session and three of each for the second session. To register, call (717) 763-0930, ext. 171, or go to pazo.org.
PSATS offers a lunchtime webinar every Wednesday. The topics rotate between the four PMGA categories, although the webinars are open to everyone.

### Public Safety Topics

#### MAY 6
The Right-to-Know Law for Law Enforcement (eligible for one substantive CLE credit)

#### JUNE 24
Run, Hide, Fight! — Responding to Active Shooter/Intruder Situations

### Planning and Zoning Topics

#### MAY 13
Three Parks: Same Grant Program, Different Styles

#### JUNE 10
Creating a Traffic Impact Fee — in Plain Speak!

### Administration Topics

#### MAY 20
Using Public-Private Partnerships to Enhance Township Identity

### Public Works Topics

#### MAY 27
Municipal Responsibilities on State Roads

<table>
<thead>
<tr>
<th>TIME: Noon-1 p.m.</th>
<th>POINTS: Eligible for one PMGA point.</th>
<th>COST: $30 for PSATS members, $40 for nonmembers, or included in the Webinar PowerPass. [To qualify as a PSATS member, the registrant must have paid current annual membership dues to PSATS or its affiliates (solicitors, engineers, planning, zoning officials, and emergency management associations) or the associate membership fee.]</th>
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<tr>
<td>REGISTRATION: Go to learn.psats.org and choose “Live Webinars.”</td>
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### Join the conversation!

Have a question about how to document an expense in QuickBooks? Wonder how other townships have handled a particular problem or an employment issue? Can’t remember when the annual organizational meeting is held?

Post your question or request for information on Discussion, PSATS’ online community. Every member is automatically enrolled in the PSATS Member Discussion community. There are also communities for members of PSATS’ affiliate associations for engineers, planners, solicitors, and emergency management coordinators; subscribers to the Township News, PSATS News Bulletin, and other publications and services; enrollees in the PSATS Municipal Government Academy; and more.

To participate in the discussion, go to connect.psats.org and log in with your email and password. Choose the Discussion tab and join the conversation!
**Active (Non-motorized) Transportation**
- June 11 — London Grove Township Building, West Grove, Chester County

**Bridge and Culvert Inspection for Municipalities**
- May 6 — London Grove Township Building, West Grove, Chester County
- May 18 — Bedford Township Building, Bedford, Bedford County
- June 4 — Penn Township Building, West Grove, Chester County
- June 9 — Old Lycoming Township Fire Hall, Williamsport, Lycoming County

**Curves on Local Roads: Issues and Safety Tools**
- July 2 — Monroe Township Building, Mechanicsburg, Cumberland County

**Drainage: The Key to Roads That Last**
- May 7 — Penn Township Building, West Grove, Chester County

**Equipment and Worker Safety**
- May 7 — Patton Township Municipal Building, State College, Centre County
- May 19 — Old Lycoming Township Fire Hall, Williamsport, Lycoming County
- May 20 — Point Township Building, Northumberland, Northumberland County

**Full-Depth Reclamation**
- May 21 — Harborcreek Municipal Building, Harborcreek, Erie County
- June 2 — New Cumberland Borough Building, Cumberland County

**Geosynthetics**
- May 20 — Bigler Township Municipal Building, Madera, Clearfield County

**Introduction to Traffic Studies**
- May 12 — Lehigh Valley Planning Commission, Allentown, Lehigh County
- June 3 — Cambria County Human Services Building, Ebensburg

**Pavement Markings: Applications and Maintenance**
- July 14 — Lower Moreland Township Building, Huntingdon Valley, Montgomery County

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**Please note:** These are the courses that were scheduled when the Township News went to press. Given the impact of the COVID-19 outbreak, PSATS urges readers to check the LTAP website at gis.penndot.gov/ltap for the most up-to-date information on courses.
Pavement Preventative Maintenance
• June 19 — Youngsville Borough Municipal Building, Warren County

Pedestrians and Crosswalks
• May 19 — East Hempfield Township Building, Landisville, Lancaster County
• May 28 — Centre Region Council of Governments Building, State College, Centre County
• July 9 — Delaware Valley Trusts, Horsham, Montgomery County

Project Oversight
• May 12 — Drexelbrook Catering and Banquet Facility, Drexel Hill, Delaware County
• May 14 — Wilkins Township Community Center, Turtle Creek, Allegheny County

• June 10 — Red Lion Hotel, Harrisburg, Dauphin County
• June 15 — Doubletree by Hilton Conference Center, Pittsburgh, Allegheny County

Roadside Vegetation Control
• July 1 — Monroeville Public Safety Training Center, Allegheny County

Road Surface Management
• June 3 — Berks County Agricultural Center, Leesport
• June 11 — Berlin Borough Building, Somerset County
• June 25 — Northwest Commission, Oil City, Venango County

Seal Coat
• June 1 — Black Creek Township Building, Rock Glen, Luzerne County

Speed Limits and Speed Management
• May 7 — Training and Workforce Development Center, Hermitage, Mercer County
• May 21 — Southern Alleghenies Planning and Development Commission, Altoona, Blair County
• June 10 — Penn Township Building, West Grove, Chester County
• July 22 — Muhlenberg Township Building, Reading, Berks County

Stormwater Facility Operation and Maintenance
• May 8 — Muhlenberg Township, Reading, Berks County
• July 14 — Logan Township Office, Altoona, Blair County

Traffic Calming
• July 7 — East Lampeter Township Building, Lancaster, Lancaster County

Work Zone (Temporary) Traffic Control
• May 12 — Lower Moreland Township Building, Huntingdon Valley, Montgomery County

For the latest list of courses, visit gis.penndot.gov/ltap.
Supreme Court Confirms Essence Test Doesn’t Apply to Act 111 Arbitrations

In City of Pittsburgh v. Fraternal Order of Police, Fort Pitt Lodge No. 1, ___ A.3d ___, 2020 WL 355370 (Pa. Jan. 22, 2020), the state Supreme Court reinstated a “flawed” arbitration award because the lower court improperly applied the “essence test,” which is to be used only for non-Act 111 arbitrations.

The underlying issue involved “secondary employment,” whereby members of the police union may volunteer to provide security for special events and receive pay from the secondary employers.

When the city hosted a marathon and not enough officers signed up, the city required about 70 officers to work on their days off. The union filed a grievance.

After an arbitrator concluded that officers were entitled to eight hours of overtime for each day, the Court of Common Pleas used the “essence test,” which applies to judicial review of arbitration decisions outside of the Act 111 context, to set the award aside because there was no authority to “fashion the officers’ compensation beyond that which they have collectively bargained to receive.” The Commonwealth Court affirmed.

The Supreme Court stated that the assessment of terms and conditions falls to arbitrators and that narrow reviews by courts “would simply collapse into the essence test applicable to labor arbitrations outside the Act 111 context.” (Emphasis in original.) The court said that the “Legislature has had decades to consider the substantial and important questions being raised by members of this Court about the severe constraints on judicial review of Act 111 grievance arbitration awards, but the Assembly has not undertaken to alter the prevailing law restricting such review.”

Court Rules for First Time on Transferable Development Rights

In Geerling Florist, Inc. v. Warrington Twp., ___ A.3d ___, 2020 WL 697509 (Pa.Cmwlth. Feb. 12, 2020), the Commonwealth Court found that the number of transferable developments rights (TDRs) to be conveyed by a landowner must be based on the number of units permitted by right under the township ordinance.

A landowner sought to subdivide

The Commonwealth Court recently ruled that the number of transferable developments rights to be conveyed by a landowner must be based on the number of units permitted by right under the township ordinance.
a 46-acre parcel into 49 single-family units. Under the township’s zoning ordinance, the landowner could build only 14 units by right. To address that, the owner sought to convey TDRs, which are used to shift development from one area to another, to the township, a process that required conditional use approval. To calculate the number of TDRs, the number of lots allowed by the ordinance (the baseline) is subtracted from the number of proposed lots, and the difference is the number of TDRs to be conveyed.

The landowner argued that the baseline should be the number of units it could have had under the township’s cluster development use, even though the proposed development would not meet the ordinance requirements for cluster development. The township argued that the baseline was the 14 units permitted by right. After the township rejected the landowner’s argument, the trial court ruled that the zoning ordinance did not specify how to calculate the baseline and interpreted the ordinance in favor of the landowner.

The Commonwealth Court found that “using the number of lots allowed in a cluster development as the TDR baseline for a development that is not a cluster development and does not meet the required standards for one would be an absurd result.” The township’s calculation was appropriate.

**ZHBs Have No Jurisdiction to Review Merits of Zoning Officers’ Preliminary Opinions**

A zoning hearing board improperly granted a hearing to objectors challenging a preliminary opinion issued by the zoning officer.

A landfill operator sought permission to increase the height of a landfill and asked the zoning officer to confirm that the landfill was a “building” under the zoning ordinance. The zoning officer concluded that the ordinance’s height requirement did not apply. The objectors appealed that preliminary opinion to the zoning hearing board, which determined that the objectors lacked standing to file the appeal but went ahead and determined that the height restriction did not apply to landfills. The trial court affirmed.

On appeal, the Commonwealth Court held that Section 909.1(a)(3) of the Municipalities Planning Code does not confer jurisdiction on zoning hearing boards to consider preliminary opinions issued under Section 916.2 because they are not “determinations” under Section 909.1(a)(3). The zoning officer’s preliminary opinion “has no bearing on any zoning permit application yet to be made” by the operator, if any is needed.

### Zoning Officer’s Mistaken Representation Leads to Equitable Estoppel Claim for Mulching Operation, Court Rules

In Victory Gardens, Inc. v. Warrington Twp. ZHB, ___ A.3d ___, 2020 WL 53885 (Pa.Cmwlth. Jan. 6, 2020), the Commonwealth Court reversed a zoning hearing board decision to uphold a notice of violation against a mulching business for conducting operations in a zoning district where it was not permitted. The court determined that the business appropriately relied on representations by the zoning officer that the use was permitted in the zoning district and the township was aware of that use for almost 15 years before attempting to stop it.

In 1999, Victory Gardens was advised by the zoning officer that a mulching operation was permitted at two locations. Based on that representation, Victory Gardens signed a lease for one of the locations and began conducting mulching operations. Over the next 15 years, Victory Gardens and the township had numerous interactions, including contractual agreements.

Nonetheless, in 2015, the zoning officer issued a notice of violation that the mulching operation was an industrial use not permitted in that zoning district. Upon a 2-2 vote, the zoning hearing board denied the appeal.

The Commonwealth Court determined that Victory Gardens (VG) met the elements required for a claim of equitable estoppel. Given that the zoning officer originally provided assurance that the property was zoned for mulching operations and the township was aware of the operations, there was “clear, precise and unequivocal evidence that VG operated its mulching business and made substantial expenditures in reliance on a misrepresentation(s) by the Township, and that VG would suffer the hardships of loss of substantial expenditures were the ordinance enforced.”

### Former Police Officer’s Speech Protesting Dissolution of Department Not Protected Speech, Court Rules


In 2016, the township, citing financial concerns, disbanded its two-person police department, which led to the officer’s termination. He claimed that the dissolution was a pretext for the termination of his employment because he supported a political rival of a township official and opposed various managerial decisions of the township.

The court rejected his retaliation claim, finding that speaking out against the dissolution of the police department was within the scope of his job duties. As for the claim that the speech was in support of unionizing, the court found that his communications were “indicative of personal grievances and complaints about conditions of employment, which are concerned about the officer’s self-interest rather than the bargaining unit” and thus were not protected speech.

It found against the officer on his political activity claim because there was a separation of nearly three years between the political activity and the alleged retaliation, which “fatally attenuates the causal connection.” The court also rejected his due process claim because the evidence presented shows the township disbanded the police department as a cost-cutting measure, not to circumvent a court order requiring reinstatement of an employee or the eliminated position, and the department was subsequently re-created.

### Township Wins Dispute on Abandoning Prior Nonconforming Use


A landowner filed a permit application proposing a “picnic grove” as a continuation of a prior nonconforming use in a rural agricultural zoning district. The zoning officer denied the application because the use had been abandoned and the “picnic grove” use was not permitted in the district. The zoning ordinance provided that a nonconforming use is considered abandoned if it is discontinued or removed for 12 consecutive months.

The Commonwealth Court addressed whether the township met its burden of demonstrating abandonment of the nonconforming use, which requires 1) intent to abandon and 2) actual abandonment. It noted that the landowner acknowledged that it had not operated the property as a picnic grove for more than 12 months and that the township’s evidence about the deterioration of the property satisfied its burden of proving actual abandonment.

### Solicitors Association

The Township Solicitors Association, formed in 1966, helps solicitors better serve Pennsylvania’s townships of the second class.

Members receive The Township Solicitor newsletter, PSATS’ monthly News Bulletin, and advance notice of certain continuing legal education workshops.

For more information, call PSATS at (717) 763-0930, ext. 171.
INVESTMENT ADVICE

What Should Townships Do When Interest Rates Start to Drop?

BY PAUL ROBINSON / PLGIT SENIOR MARKETING REPRESENTATIVE

When this article was written, the rapid development and spread of COVID-19 was causing a global economic upheaval.

On March 15, the Federal Reserve Board’s Open Market Committee cut the target interest rate a full percentage point to a range of 0.00% to 0.25% to combat the sudden economic shock caused by the disruption of consumer spending and international supply chains.

This action followed a similar “emergency” interest rate cut earlier in the month and other cuts in the third and fourth quarters of 2019 that were intended “to provide insulation against the threats of a trade war with China and slowing global economic growth,” Fed Chair Jerome Powell told The New York Times.

Pennsylvania’s 3,200-plus local governments, which spend an estimated $40 billion annually, have not-too-distant memories of the global recession that began in 2007-08 and the economic challenges that followed when interest income dramatically declined. Now that townships could face those challenges all over again, it’s a good time to restate the following recommendations:

1) Seek safety first. It is especially important that townships remember that they are investing public funds, and safety, or maintaining the principal investment, should always be their top priority. Therefore, municipal investors should make certain their investments are properly invested and collateralized.

For those invested in banks, the Federal Deposit Insurance Corporation (FDIC) insures up to $250,000 of interest-bearing deposits (including CDs). Public funds above the $250,000 cap must be collateralized under Pa. Act 72 of 1971, either by a pool of securities, specific collateral held in the township’s name, or a letter of credit from a federal home loan bank. Properly collateralizing funds helps to ensure the principal investment’s safety.

PLGIT, as a cooperative investment trust, secures public funds invested in our portfolios by purchasing high-quality, short-term, fixed-income securities that are consistent with various municipal and school codes, including the Township Code. We monitor market values to ensure we hold a dollar’s worth of securities for every dollar invested.

Current investors can review the securities in PLGIT’s portfolios at www.plgit.com and in our annual report, compiled by outside auditors. PLGIT is not a bank; therefore, it is not FDIC-insured or governed by Act 72.

2) Adjust expectations to meet commitments. In challenging financial times, townships should clearly understand some things about their investments, including the degree of risk, the return on initial investment, and especially, the accessibility, or liquidity, of funds for expenditures.

When municipal revenue slows down, it’s more important than usual for townships to distinguish between

It is especially important that townships remember that they are investing public funds, and safety, or maintaining the principal investment, should always be their top priority.
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PLGIT has been standing firm since 1981, growing into a trust with over $6.4 billion in assets, and never once losing a dime of member principal.

Over 3000 Pennsylvania local governents and schools seek out the careful fund managers of PLGIT; in part because of PLGIT’s endorsement by the 7 statewide associations – and its exceptional customer service. But, they also look to PLGIT’s well-rooted reputation for seeking to attain the highest standards in safety.

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All facts and figures are as of December 31, 2019.
3) **Understand all terms of an investment.** The rate of return is clearly an important variable to consider when selecting an investment, but it’s not the only one. For instance, a financial institution’s fees may reduce the overall return on an investment. In some cases, those fees are complex, making it difficult for townships to determine their “true yield,” or actual net return, on an investment.

Some banks simply charge investors an explicit fee for having an account, which is often referred to as an account maintenance fee. Financial institutions may also offer an earnings credit rate, where interest earnings are used to offset fees. Banks can charge for most services, too, including wires in and out, ACHs, cleared checks, paper statements, and copies of cleared checks on CDs.

By determining financial institution fees, townships will have a clearer understanding of the net earnings on their investments.

4) **Don’t chase yields.** While the current economic environment may pressure townships to maximize returns on investments, a strategy of “chasing yields” may lead municipal investors to stray from their investment plans and principles.

Townships should not judge an investment’s return solely on the highest yield. Instead, the supervisors should consider whether the investment meets their needs for safety and liquidity.

For example, if the yield on a one-year investment is higher than a 90-day investment but the township needs the money in 90 days, the shorter-term investment is often the appropriate choice. Remember that in an environment where cash flow is uncertain, public investors should invest in the most liquid option.

Townships and other local governments should perform ongoing and thorough analyses of their short-term cash flow needs to determine if investments are appropriately allocated between fully liquid and fixed-rate, fixed-term options.

In times of prosperity and rising interest rates, safety and liquidity still take precedence over yield when investing public funds. In times of economic uncertainty, these goals become even more critical.

For more information about municipal investing when interest rates are declining, contact your PLGIT representative or call toll-free (800) 572-1472.

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**About the author:** Paul Robinson, a senior marketing representative for PLGIT, works with investors in eastern Pennsylvania. He can be reached at robinsonp@pfm.com.
National Public Works Week Recognizes the People Who Keep Townships Moving

Heading into the busy road construction and repair season, there is no better time to recognize township public works crews for their efforts to maintain and improve roads and infrastructure.

Instituted as a public education campaign by the American Public Works Association in 1960, National Public Works Week calls attention to the importance of public works in community life. The event promotes awareness of the often-unsung heroes of our society, the professionals who serve the public good every day.

The week-long observance, scheduled for May 17-23, is a perfect opportunity to celebrate the men and women who keep townships running all year long, not just when the snow flies.

This year’s theme, “The Rhythm of Public Works,” challenges citizens to think about their communities as a “symphony” of essential services, working in concert to create a great place to live.

Public works keep a community’s rhythm moving by providing an “orchestra” of infrastructure services in transportation; water, wastewater, and stormwater treatment; public buildings and spaces; parks and grounds; emergency management and first response; solid waste; and right-of-way management.

During this special week, the American Public Works Association is asking townships to display their equipment, hold an open house, sponsor essay contests in local schools, host a parade, or hold programs for civic organizations and the local media.

For more information about National Public Works Week, call the APWA toll-free at (800) 848-2792, or go to https://npww.apwa.net.

We’re here to help!

Have a township question? Call PSATS at (717) 763-0930 or go to psats.org or connect.psats.org.
The 2020 Census is happening now, and it will go down in history for its many firsts, including the taking of the census in the midst of a global pandemic. To get an accurate count, census takers traditionally canvas door to door at households that don’t respond to the census. However, with the social isolation measures required to combat COVID-19, this one-on-one contact has become problematic.

Fortunately, the fact that the census can be completed online — another first — makes it easier than ever for people to respond on their own without having to see a census taker. The public can answer digitally with a desktop computer, laptop, smartphone, or tablet using the unique code that was mailed to them in March. They can also respond by phone or mail. Townships should stress to residents that by completing their 2020 Census as soon as possible, they will eliminate the need for visits to their home later.

Like everyone else, the U.S. Census Bureau is adjusting its operations to account for the COVID-19 pandemic and protect the health and safety of the public and its staff. The bureau is making plans to reactive its census field operations, which had been temporarily shut down, beginning June 1 with field data collection operations to begin as quickly as possible afterwards. All in-person activities, including interaction with the public, will incorporate the most current guidance to promote the health and safety of staff and the public.

The planned completion date for the public to self-report on the census has also been delayed from July 31 to October 31. In addition, the bureau is seeking statutory relief from Congress of 120 additional calendar days to deliver final apportionment counts. Under this plan, the bureau would extend the window for field data collection, as well as self-response, to October 31 with apportionment counts to be delivered to the president by April 30, 2021, and redistricting data to be delivered to the states no later than July 31, 2021.

Townships can go online at 2020census.gov/en/response-rates to keep tabs on their local response rates. The map is updated daily around 3 p.m.; it also shows comparable response rates from the 2010 Census. To increase your community’s numbers, continue to urge all residents to complete their survey, whether online, by phone, or by mail.

It is critical that everyone is counted. The distribution of federal COVID-19 emergency funding to states based on population serves as yet another reminder of the need for an accurate count. Here are some other key points to keep in mind:

- The constitutionally mandated population count determines how federal and state money, including liquid fuels allocations for roads and natural gas impact fee funding, will be distributed to your community for the next decade.
- The 2020 Census will influence Pennsylvania’s political power in Washington, D.C., including its number of seats in the U.S. House of Representatives and Electoral College votes.
- The Census Bureau is bound by law to keep information collected in the census confidential. Census answers may only be used to produce statistics.

Information about the census is available at 2020census.gov. Updates about COVID-19 in Pennsylvania can be found at health.pa.gov.
2020 Census

It's Not Too Late!

Modified COVID-19 Dates

▷ April 1, 2020: Opening day for the 2020 Census.
▷ May 1 - October 31, 2020: Continue to encourage your residents to complete the Census survey to maximize the count.
▷ October 31: New deadline to complete the Census survey.

How the 2020 Census helps communities

Here’s why responding to the 2020 Census is important:

Federal and state funding
Federal, state, and municipal officials make decisions about how billions of dollars in public funds are allocated for schools, roads and bridges, fire and emergency services, health care, and more based on census statistics. Programs include those for:

Townships:
▷ Liquid fuels funds for roads and bridges
▷ Natural gas impact fees
▷ Grants targeted to municipalities

College students:
▷ Federal Pell Grants
▷ Career and technical education grants
▷ Adult education grants

Older people and low-income populations:
▷ Medicare
▷ Medicaid
▷ Supplemental Nutritional Assistance Program (SNAP)
▷ Children’s Health Insurance Program (CHIP)

Young Children:
▷ Head Start
▷ National School Lunch Program
▷ Title IX Funding

Congressional representation
2020 Census results will determine the number of seats each state receives in the U.S. House of Representatives. Results also impact congressional and state legislative districts.

Business decisions
Business owners use Census statistics to create economic and employment opportunities. The statistics help determine where to hire new employees, open new locations, and more.

Connect with us:
@uscensusbureau

For more information:
2020CENSUS.GOV

Shape your future
START HERE

United States Census
2020
Time flies, and hopefully, you’re keeping track of each passing day with PSATS’ 2020 calendar.

Mailed to each member township in December, the calendar includes information that’s valuable to townships, such as 2020 filing deadlines for state and federal forms and reports, dates for PSATS training sessions and webinars, major holidays and other observances, and much more.

Here’s what you’ll see when you “turn the page” to May:

➤ Featured member service — Annual Conference and Exhibit Show: PSATS’ Annual Conference may have been postponed this year, but it remains the Association’s flagship event for training and networking. Ours is the largest municipal conference in Pennsylvania, with roughly 4,000 attendees, 80 workshops, an impressive lineup of speakers, and the largest municipal exhibit show in the commonwealth, boasting nearly 300 exhibitors.

In addition to the educational opportunities, attendees are also able to network with thousands of township peers from across the state and set PSATS policy and its legislative agenda by voting on resolutions.

➤ Workshops and webinars: Don’t miss PSATS’ Webinar Wednesday series. Each weekly session, held from noon to 1 p.m., focuses on a particular municipal issue: public safety (May 6); planning (May 13); administration (May 20); and public works (May 27). Additional webinars and virtual training courses are also available.

For more about PSATS’ educational programs, go to page 62; visit learn.psats.org, or call PSATS at (717) 763-0930.

➤ Important dates: May 18 is the last day to register to vote before the primary, which has been moved to June 2 this year. May 26 is the last day to apply for a mail-in or civilian absentee ballot, which must be received by the county board of elections by June 2.

➤ Holidays and observances: May 10 is Mother’s Day, May 17-23 is National Public Works Week, and May 25 is Memorial Day.

Attention, township officials!

PSATS wants photos of your “Everyday Heroes” for its 2021 calendar!

Do you have a township official, employee, or volunteer who has gone above and beyond to help others during the COVID-19 pandemic or for other reasons and causes? We want to see them “in action” on the annual PSATS Calendar! Maybe it’s you!

To reproduce well in print, photos must have a resolution of at least 300 dpi at a size of 4 inches x 6 inches. Photos taken with a smartphone are fine, but be sure to send them to us as “actual size” to ensure full resolution. Photos should be in color.

Email photos as jpeg attachments to kacri@psats.org by August 21, 2020. Provide your name, position, township, county, and daytime telephone number. Identify everyone in the photo left to right, their titles or roles, and a brief description of what they’re doing in the photo.

coming up

Month of May
National Preservation Month

May 1
Statement of Financial Interests due to townships

May 17-23
National Public Works Week (see article on page 73)

May 25
Memorial Day (observed)

Month of June
Pennsylvania Rivers Month

June 2
Primary Election Day

June 14
Flag Day
Grants Available for Fighting Wildfires

The state Department of Conservation and Natural Resources is accepting applications to help Pennsylvania’s rural communities increase protection from wildfires. Funded through federal grants, the Volunteer Fire Assistance Grant Program helps fire companies in rural areas or communities with fewer than 10,000 residents with training and equipment purchases directly related to fighting forest and brush fires. Grant applications are due by 4 p.m. May 21.

Priority will be placed on projects that include wildfire suppression equipment and protective clothing. Grants may also be used for:

- purchasing mobile or portable radios;
- installing dry hydrants;
- performing wildfire prevention and mitigation work;
- purchasing wildland suppression equipment or personal protection equipment;
- training wildfire fighters; or
- converting and maintaining federal excess vehicles.

Grants are on a cost-share basis and cannot exceed 50 percent of actual expenditures. The maximum grant is $10,000.

To learn more or to apply, go to grants.dcnr.state.pa.us/Dashboard/VFAGrants.

DEP Extends Deadline for Recycling Grants

The state Department of Environmental Protection (DEP) has extended the deadline to apply for Section 902 Recycling Development and Implementation Grants to May 22.

DEP is giving priority to the following:

- incentive-based pricing and collection programs designed to increase the quantity and types of recyclable materials and reduce the amount of waste collected;
- multi-municipal collection, processing, and/or materials marketing programs that reduce capital costs or enhance recycling marketability; and
- collection methods that provide greater marketability and values to collected recyclables.

Existing municipal recycling programs that include the following will also receive additional consideration:

- publicly provided or municipally contracted waste and recycling services;
- the collection of at least six of the following materials: newsprint, office paper, corrugated paper, and other marketable grades of paper; aluminum, steel, or bimetal cans; colored or clear glass containers; and plastics; and
- incentive-based pricing and collection programs designed to increase the quantity and types of recyclables collected.

To be eligible, projects must involve municipalities that have a mandatory trash collection program or seek support for residential recycling in communities that already operate a commercial recycling program.

Applicants must also schedule a pre-application conference with their regional recycling coordinator to discuss requirements and program details.

For more information or to apply, go to dep.pa.gov, choose the “Citizens” tab, and click on “Grants, Loans, and Rebates.” Townships may also call DEP Recycling Grants Coordinator Mark Voterro at (717) 772-5719 or email mvoterro@pa.gov.

Show Me the Money! Grant and Funding Opportunities

Due to the COVID-19 crisis, the county conventions that were scheduled for spring (see list below) were in the process of being rescheduled when the News went to press. For the most current list of confirmed county conventions and their contact persons, visit psats.org (choose the “Links” tab and click on “County Associations of Township Officials”). Please be sure to confirm the details with PSATS or the county’s contact person.

Allegheny County
Armstrong County
Butler County
Indiana County
Lawrence County
Somerset County
Q: We would like to do some pesticide spraying along our roads this spring. May any of our public works employees do this job?
A: Yes. However, state law requires that a certified applicator apply pesticides or herbicides along roads and in parks and other public spaces. To use these chemicals, your municipality must have at least one applicator who has passed a two-part certification exam and participates in continuing education to be recertified every three years.

This person can, in turn, train other workers as registered technicians or non-certified applicators. Technicians must register with the state Department of Agriculture each year and have adequate knowledge of pests, the use and handling of pesticides, protective clothing requirements, pesticide transport, and applicable state and federal regulations.

Technicians can only work in areas covered by their annual training, and a certified applicator must be within five hours of the site where a technician is working. A non-certified applicator may spray pesticides and herbicides after receiving adequate training and while under direct supervision of the certified pesticide applicator, who must be within sight of the spraying.

Furthermore, to use chemicals on public property, municipalities must have a public business license, display the license number on vehicles, and identify the categories in which they intend to apply chemicals, such as right of way and weeds.

To find out more about the pesticide applicator certification, go to agriculture.pa.gov and click on “Pesticide” under the “Plants, Land & Water” tab. LTAP also has a Roadside Vegetation Control training course, which provides information on establishing an efficient and effective roadside vegetation control program and using chemical applications. Visit gis.penndot.gov/ltap to learn more.

Keep in mind, too, that a municipality may prefer to hire a company to apply herbicides or contract with another municipality that has a certified pesticide applicator.

Q: What should we know about invasive plants and noxious weeds?
A: Invasive plants are species that are not native to Pennsylvania and grow aggressively, spread quickly, and displace native vegetation. Roadside, which have ample sunshine, disturbed and bare soils, and moist drainage channels, create a desirable habitat for many invasives to thrive.

Invasive plants are difficult and costly to control and can dominate entire habitats, out-competing native plants for growing space, light, and nutrients. Some invasives even secrete chemicals that make the soil inhospitable to native varieties. These plants also degrade habitats for native insects, birds, and other wildlife.

Invasive plants that pose extremely high risk and need eradication immediately include:

Road crews should mow invasive plants while they are still in their vegetative phase. Mowing mature plants helps to spread viable seed.
high risk to ecosystems and even human health are deemed “noxious weeds” by the state Department of Agriculture. This designation allows the department to mandate control of the species.

For example, giant hogweed, which resembles Queen Anne's lace on steroids, can cause severe skin irritation. The sap of the plant produces painful, burning blisters 24 to 48 hours after contact and exposure to sunlight. Purplish or brownish scars may result and persist for years.

Municipal workers who come across this noxious weed should call the department's giant hogweed control hotline at (877) 464-9333. Department staff will visit the site to discuss management strategies and monitor eradication. Cutting or mowing is not recommended due to the plant's widespread perennial root systems and the potential for harmful sap exposure.

Q: How can we best control invasives and noxious weeds along our roads?
A: First, road or public works crews must be able to identify invasive species and understand plant biology. Under the Pennsylvania Noxious Weed Control Law, noxious plants are considered dangerous to public health, crops, livestock, agricultural land, and other property, including forest land and waterways.

These weeds are grouped into three classes based upon the ability to manage or eradicate the plants. Class A weeds, such as kudzu vine and giant hogweed, may be already established or working their way into Pennsylvania, while Class B weeds, such as mile-a-minute and poison hemlock, are widely established and cannot be feasibly eradicated. Class C weeds are not known to exist in Pennsylvania but would pose a potential threat if introduced. The state Invasive Species Council has the power to add or remove invasive species.

Next, road crews should be taught best management practices to use during their maintenance operations to help control and prevent invasives. Depending on the species, workers may be able to eradicate undesirable plants by hand-pulling, mowing before the plants seed, prescribed burning, and using soil covers, such as mulch or plastic. If these methods don’t work, herbicides can be applied.

Once vegetation is eliminated, the area can be reestablished with desirable vegetation, such as turf grasses or native plants, before non-natives invade the area. It’s important to remember that many invasive plants are perennials and can be very persistent so follow-up treatments must be continued.

Some other best management practices to reduce the spread of invasive plants include cleaning equipment, clothing, and tools after working in an area with invasives; properly disposing of cut, treated, or removed plants; and covering the plant material during transport.

To view photos of the weeds and learn more about methods to prevent and control them, check out PennDOT’s guidance document Invasive Species — Best Management Practices (Publication 756).
For nearly three decades, Darlene Macklem has been serving the residents as secretary of Wayne Township in Clinton County. She says she loves what she does, which explains why she also puts her organizational talents to work in nearby Pine Creek Township and even Cummings Township across the line in Lycoming County.

“Going Above and Beyond
Darlene Macklem
Wayne Township, Clinton County
28 years of service

BY BRENDA WILT / ASSISTANT EDITOR

Darlene Macklem is so good at being a township secretary that in addition to serving in that capacity for Wayne Township in Clinton County for the past 28 years, she also works for nearby Pine Creek Township as well as Cummings Township in Lycoming County, where she lives.

“I grew up in Wayne Township and lived there until 2000,” she says. “My husband’s job changed, and we relocated to Lycoming County, about five miles from the Clinton County line in Pine Creek Valley.”

Macklem began her township career in 1992 when the previous long-time secretary decided to retire.

“One of the supervisors contacted me and asked me to interview,” she recalls. “I got the position, and within a month, the former secretary passed away. Fortunately, she had kept wonderful records. She had been a school-teacher, and the hand-written minutes were beautiful.”

The only drawback is that nothing was computerized, Macklem says. She had no training and had to do everything by hand — write checks, reconcile bank accounts, and record minutes. Finally, the board of supervisors bought her a computer to use in her home, which doubles as the township office.

“DCED [the state Department of Community and Economic Development] provided someone to come to my home and train me on QuickBooks,” she says. “The man was semi-retired or just retired and was great. He helped me set up the chart of accounts and got me started. The computerization of everything was great.”

Macklem embraced the technology and continues to do so today.

“She is up on all the modern technology,” Wayne Township supervisor Jim Maguire says. “I can’t say the same. I can talk on the phone, but I’ve probably only sent about 10 emails this year.”

That’s a common refrain among the township officials, Macklem says.

“For the most part, it’s not an issue,” she says. “They use email and so on, but when it comes to more complicated tools, it can be difficult.”

For example, when interviewed for this article, she was in the midst of trying to convince the supervisors to use

“The knowledge that she brings and her ability to suggest solutions are so valuable.”
“I’m very organized and detail-oriented and go out of my way to get people the information they want or need.”

Zoom to hold online video meetings during the COVID-19 crisis.

‘It’s a lot more involved’

While technology has made some tasks easier, it hasn’t cut down on her work flow.

“You feel like there should be less work now that everything is computerized and you do everything online, but it seems like every year, there are more reports required by more agencies,” she says. “A lot of the time, you are entering information on a state site and it’s the same information you entered on another site.”

Right-to-Know Law requests, including from commercial entities, Act 537 sewage planning, and the Uniform Construction Code have all added to Macklem’s responsibilities over the years.

“Everyone wants more information,” she says. “There seem to be more requirements and paperwork whenever there is any kind of development, from the county, the departments of Environmental Protection and Labor and Industry, and on and on. It’s a lot more involved.”

Macklem’s familiarity with all those rules and regulations is one of the attributes that make her a good secretary, Maguire says.

“She represents our township very well,” he says. “The knowledge that she brings and her ability to suggest solutions are so valuable.”

‘I can get the answers’

Finding solutions for township residents is what keeps Macklem doing this work.

“I’m very organized and detail-oriented and go out of my way to get people the information they want or need,” she says. “It makes me feel good when I’m able to help people because they don’t always know where to go to get answers. I might not be the right person, but I can get the answers for them.”

Working with a good team at Wayne Township makes that a lot easier.

“We all genuinely care about the township and do our best for it,” she says.

Macklem is also fortunate to have family members who understand what it means to work in government service. Her husband is a law enforcement supervisor for the Pennsylvania Game Commission in Lycoming County, and her son is a game warden in Huntingdon County. Macklem’s daughter is a learning support teacher who received the Teacher of the Year Award for the Jersey Shore Area School District just before the schools closed due to COVID-19.

With the support of her township coworkers and supervisors, as well as her family, Macklem says she has no plans to retire in the near future.

“I really like what I’m doing,” she says.

Darlene Macklem often turns to the PSATS Discussion group for help.

“It’s very nice when you need to ask a question and you can go there and get answers,” she says.

Macklem also appreciates the communication and guidance PSATS has provided during the COVID-19 outbreak.

“In this time of crisis, PSATS has been good about getting the information out there.”

That’s a welcome thought for Jim Maguire.

“I can’t say enough good about her,” he says. “If we did not have her, we would be totally lost.”

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Q What are the advertising requirements for cancellation or postponement of meetings?
A There are no advertising requirements for canceling or postponing a meeting, but it would be a good practice to broadly communicate the cancellation or postponement. Just be sure to advertise the rescheduled meeting. If the rescheduled meeting will be held by teleconference or webconference, be sure to note in the advertisement how members of the public may connect to the meeting platform or participate.

Q Is it necessary for the board of supervisors to approve the payment of each bill at a public meeting?
A No. Many townships adopt resolutions directing the treasurer to pay regularly occurring bills without going through a meeting. This may include but is not limited to utilities, payments that may be made at discount or to avoid a penalty, payroll, and employee withholdings.

Q Does the federal Families First Coronavirus Response Act (FFCRA) impact townships?
A Yes. The act requires that employers with fewer than 500 employees provide paid sick leave, as well as paid family and medical leave, to their employees in response to the COVID-19 crisis. This includes townships with fewer than 500 employees.

Q What does the act require?
A Under the act, an employee qualifies for expanded family and medical leave if the employee is unable to work (or unable to telework) due to a need for leave because the employee:
- is subject to a federal, state, or local quarantine or isolation order related to COVID-19;
- has been advised by a health care provider to self-quarantine for COVID-19;
- is experiencing COVID-19 symptoms and is seeking a medical diagnosis;
- is caring for an individual subject to a quarantine or isolation order or is in self-quarantine;
- is caring for a child whose school or place of care is closed (or child care provider is unavailable) for reasons related to COVID-19; or
- is experiencing any other substantially similar condition specified by the U.S. Secretary of Health and Human Services in consultation with the U.S. Secretaries of Labor and Treasury.

Q What is the rate of paid leave?
A That depends on the reason that the employee qualifies for the leave. In some cases, it is the full rate of pay, and in other cases, it is less.

If you have an employee who qualifies for one of the reasons listed above, see the U.S. Department of Labor’s website to determine the appropriate rate of pay. To access the department’s FFCRA’s page, go to: www.dol.gov/agencies/whd/pandemic/ffcra-employerpaid-leave.

Q When did the FFCRA take effect and how long does it last?
A The FFCRA took effect April 1, 2020, and will end December 31, 2020. Any eligible leave would need to take place during this timeframe.

Q How do we calculate FFCRA leave benefits for our employees if they are part-time?
A The U.S. Department of Labor has guidance on how to calculate such leave for part-time and full-time employees. To access the Department of Labor’s FFCRA’s page, go to: www.dol.gov/agencies/whd/pandemic/ffcra-employerpaid-leave.

Q How long does the paid FFCRA leave last?
A Generally, paid leave is for two weeks; however, if you have an employee who qualifies, please review the department’s guidance at the website listed above for the specific calculations.

Q If a township provides its employees with paid leave in accordance with the FFCRA, will it be reimbursed for these costs by the state or federal government?
A No.

Q Can an employee who has already applied for unemployment also qualify for leave under the FFCRA and receive both at the same time?
A No. If they are still employed, they cannot receive unemployment compensation. If they are laid off, they are not eligible for employee leave benefits.

Q What are the benefits of declaring an emergency in your township?
A Emergency declarations allow townships to engage in emergency-related purchasing without complying with the bid requirements, engage their emergency operations plan, activate the township emergency management coordinator, and become eligible to receive potential disaster-related funding, among other things.

Q Does this mean that if we declare an emergency, we do not have to put road projects out for bid?
A No. Only projects that are in direct response to the declared emergency would be eligible for the waiver of bidding requirements provision. Unrelated projects would need to continue to comply with bidding requirements.

Q Where can we find information about COVID-19 emergency response expenses that may be eligible for federal reimbursement and how to apply?
A Contact your county emergency management coordinator.
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