

# the PACOG News

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 Northern Wayne County COG  
**Gary Myers**, 1st Vice President  
 Capital Region COG  
**James Davis**, 2nd Vice President  
 Upper Pine Creek COG  
**John McHugh**, 3rd Vice President  
 Western Chester County COG  
**Eugene Miller**, Past President  
 Oil Region COG

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Pennsylvania's Keystone for Intergovernmental Cooperation

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## Inside This Issue:

Local Government Symposium:  
 PACOG Presentation.....1-2  
 COG Talk... What's Happening  
 in our COGs?.....3  
 Census Data.....3  
 PACOG Fall BOD Meeting.....4  
 Transportation Revenue Options  
 Commission.....4  
 ARPA Funding..... 5  
 DCNR.....5  
 DEP.....5  
 2022 Local Govt Awards .....6  
 Cybersecurity..... 6  
 Law Enforcement Tool.....6  
 FEMA Firefighter Grants.....6  
 Enacted Legislation. ....7  
 Pending Legislation .....7  
 Federal Infrastructure Act .....7

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## Local Government Symposium: PACOG Presentation \*

Our communities are more than their namesake cities and towns. Across Pennsylvania the boundaries of the local municipal governments often do not encompass complete communities. More often than not, our communities span multiple municipalities. Many municipalities are quite small in land area and population and have great difficulty providing even the most basic services. In addition, many municipal governments cannot obtain enough persons to serve on their legislative bodies, boards, and commissions. In these cases, it is a myth to call these governments close to the people, or responsive to the community, for they control nothing.

There is a definite connection between governmental interdependence and economic performance. In Pennsylvania, our cities and older urban areas are under siege from interconnected patterns of aging and declining populations, falling median incomes, costly services and eroding tax bases. Prosperity in suburban PA is in the eyes of the beholder and relative to the cities nearby. Most of the wealthiest suburbs are not keeping pace with the economic performance of the nation. Stymied economic performance in our cities and suburbs can be traced directly to the inability to “act as a team” and “get along within the family.” When there is a lack of cooperation among the municipalities, the effect is to artificially divide the interdependent, geographic, social, and economic community.

As a result, when PA elected officials fail to recognize the interdependence between our local governments, cross boundary policies, and economic outcomes in communities, it can result in a shocking lack of intergovernmental communication, duplication of services, needless inefficiencies, lack of cross-boundary visioning and planning, and cumbersome coordination and decision-making.

That is where we are today. The growth and vitality of our communities has been severely limited and truncated through intergovernmental fighting and some, if not much of the loss of wealth and young people, especially in Western PA, is a direct consequence of our failures to plan and act for the future across municipal boundaries. In that sense we are our own worst enemies. We must become more proactive when it comes to cross jurisdictional communications, collaboration, cooperation, and coordination if we are going to have any chance to maintain and improve the vitality of our communities as we go forward this century.

Following, on the next page, are some simple recommendations:

**1. Provide legal standing under PA law for an association of intergovernmental organizations**

Unfortunately, the Pennsylvania Association of Council of Governments (PACOG) does not presently have equal legal standing and status with the other municipal associations in Pennsylvania. PACOG should be provided the same legal standing as the other associations.

**2. Create a more proactive role for DCED in helping to advance intergovernmental cooperation and organizations**

**3. Achieve dedicated funding for COGs and other intergovernmental organizations (i.e. local option sales tax with a portion of the funds dedicated to COGs and IGO's)**

**4. Embrace technology to deal with and manage records by digitizing and aggregating local government public information onto shared platforms following the new standards of the PA Historical and Museum Commission (PA State Archives), Local Government Records Committee**

The Commonwealth should provide serious financial and other support for legacy data scanning and digitalization of local government records.

**5. Implement enabling legislation for broader and more effective use of the area wide government mechanism in the PA Constitution (Article IX, Section 7)**

Article IX of the Constitution addresses local government and is the basis for all intergovernmental cooperation and functional and structural coordination and transfers of responsibilities between municipal governments and county governments.

“Section 7. Area-wide Powers

“The General Assembly may grant powers to area governments or to municipalities within a given geographical area in which there exists intergovernmental cooperation or area government and designate the classes of municipalities subject to such legislation.”

**6. Lastly, it is imperative that the Commonwealth make legislative and policy changes and provide better incentives to enable county and municipal governments to act regionally, to more readily cooperate in the provision of public services, and to make functional and structural changes for improving services in our true regional communities. There should be a systematic review of all laws, policies and practices that empower, impact or in any way influence our local governments with an eye toward further addressing the central question of “What changes are needed to better permit and encourage local governments to coordinate and cooperate in the provision of services and to better position our communities for future growth and enhanced quality of life?”**

It is all as simple as this. If we do these things in Pennsylvania, we will transform ourselves and our communities. If we do not do it, our communities will be left to continue to flounder.

PACOG will do all we can to assist with these recommendations, other recommendations and all sub-elements.

*\*Excerpts from Alan Kugler’s presentation at the Local Government Commission (LGC) Symposium on October 21, 2021. Alan is the principal at PA Futures, a Pennsylvania statewide civic and governmental affairs consulting organization that focuses on intergovernmental cooperation. He has been a PACOG Consultant since 2008. The symposium featured presentations and panels addressing activities and issues relevant to local governments in Pennsylvania. LGC is an agency of the General Assembly that provides a forum for statewide municipal associations, representing different types of municipalities and officials, and others to express their views directly before legislators from both caucuses in the Senate and House. It works with these and other stakeholders in proposing legislation for the betterment of Pennsylvania’s local governments.*

## COG Talk... What's Happening in Our COGs?

**Beaver County Regional Council of Governments (BCRCOG)** partnered with the **Beaver County Fire Fighters Association** and hosted a Municipal Fire Service Workshop to discuss the role municipal officials play in fire prevention and emergency services. In December they will host a Cyber Security Workshop that will provide active steps local governments and non-profits can take to avoid and respond to cyberattacks that can paralyze organizations. Cybersecurity experts will address critical components of the protections from and responses to Cybersecurity Attacks and related Ransomware demands. In September the COG hosted a training session for municipal officials who are participating in the Municipal GIS Program and also a visioning session for the "Experience Beaver County" application being redeveloped to help promote the quality of life amenities in Beaver County.

**Capital Region COG (CapCOG)** received a \$2.3 million dollar SAFER (Staffing for Adequate Fire and Emergency Response) Grant from FEMA (Federal Emergency Management Agency) in September. Twenty-one member volunteer fire departments partnered with CapCOG. The COG has hired a Grant Manager who will be responsible for the day-to-day administration of the grant and will serve as the liaison with volunteer fire departments. The COG is looking forward to the opportunities the grant will provide to increase recruitment and retention efforts of the volunteer fire departments. The 2021-2022 Salt Bid was ratified and ordering information has been sent to all COG members. Stormwater training programs will resume in the coming months.

**Nazareth Area COG** has been addressing agenda items including the multi-municipal plan update, the animal control program for 2022, a discussion of regional volunteer fire programs and the need to update the MPC (Municipalities Planning Code).

**Western Chester County Council of Governments (WCC CoG)**, like most COGs throughout Pennsylvania has adjusted their meetings to deal with the pandemic. WCC CoG was able to add virtual meetings to continue conducting their monthly business. The COG objectives include: attracting new business, branding the Western Chester County Region with an identity that reflects its strength and character, encouraging a coordinated approach to development and conservation and fostering inter-municipal cooperation. The WCC CoG is in its eighth year serving thirteen municipalities, one city, five boroughs and seven townships. WCC CoG has a website and a Facebook page.

**Slate Belt COG** offers member municipalities the opportunity to jointly: administer the Uniform Construction Code and its Board of Appeals, save money through joint purchasing arrangements, share information about government services, and have more consistent regulations that are better coordinated across municipal lines. They also offer regional police services, joint municipal waste and recycling, a joint municipal comprehensive plan, animal control, and joint code enforcement.

The **Adams County Council of Governments (ACCOG)** mission is to provide a forum by which governmental entities of Adams County may meet to discuss issues of mutual interest, and to coordinate joint activities between members on an as-needed, voluntary basis.

## Census Data

Recent data from the Census Bureau states that there are an estimated 13 million residents in Pennsylvania. This is a 2.4% increase in population from 2010 to 2020. Among the state's 67 counties, the population in 44 counties declined, primarily in western and northern counties. Counties in southeast and southcentral PA gained population. The census provides critical data that determines how much funding local communities receive for government resources, economic development, and key public services such as hospitals, fire departments, schools, roads, etc. The results of the census also determine the number of seats each state will have in the U.S. House of Representatives. Pennsylvania will probably lose one of its 18 Congressional seats as a result of slow population growth compared to other states.

## **PACOG Fall Board of Delegates Meeting**

The in-person PACOG 2021 Annual Conference and Fall PACOG Board of Delegates Meeting were canceled because of COVID-19 and replaced with a teleconference phone call on Friday, October 22, 2021. The usual agenda items of membership updates, financial actuals, and consultant activities were covered. Board decisions included: increasing COG Member dues in 2022 by \$50 at each budget level and keeping Associate Member dues in 2022 at the current \$300; signing a PSAB/PACOG contract for 2022; retaining Alan Kugler as a consultant in 2022.

The consensus was for PACOG to partner with PSAB for their in-person Fall Conference at the Wyndham Hotel in Gettysburg, October 14-16, 2022.

It was decided to advance the current slate of officers for 2021-2022: President- Brad Shaffer, Northern Wayne County COG, 1<sup>st</sup> Vice President – Gary Myers, Capital Region COG, 2<sup>nd</sup> Vice President -Jim Davis, Upper Pine Creek COG.

John McHugh from Western Chester County COG had volunteered for the position of 3<sup>rd</sup> Vice President at the April 23 Board of Delegates conference call. Additional nominations were asked for on the October 22 teleconference call, none were received, so a motion to accept John as PACOG 3<sup>rd</sup> Vice President was approved and unanimously passed.

It was noted that there has been no PACOG Conference for the last two years because of COVID-19. Upper Pine Creek COG generously gave \$500 to PACOG in 2021, as a conference contribution, since this was money the COG saved by not attending a PACOG Conference. Several attendees on the conference call stated they would send contributions.

***It was also suggested that a request be made to all PACOG members, in this Newsletter, for them to consider sending a monetary contribution to PACOG this year, as either savings from not attending a Conference or towards offsetting 2021 operating expenses. PACOG is struggling financially, so any and all contributions would be greatly appreciated. PACOG thanks everyone in advance for considering this request!***

## **Transportation Revenue Options Commission**

In March of 2021, Governor Wolf ordered a report to explore options to replace PA's 58.7 cent-per-gallon gasoline tax which is the second highest in the nation, behind California. The Transportation Revenue Options Commission (TROC) was formed comprised of transportation, economic and community stakeholders from the public and private sectors. TROC submitted a report to Governor Wolf, recommending that leadership and technical teams be established to support proposal implementations.

The report offered a variety of options for the Governor and Legislature to fill shortfalls in transportation funding. The proposal/options outlined by TROC in the report include:

1. Establishing an 8.1 cents-per-mile vehicle-miles-traveled fee over the next 5 – 10 years. Miles driven could be recorded during the annual inspection or through a GPS on the vehicle. A mileage-based user fee could also be established for electric vehicles.
2. Higher fees and taxes on vehicle purchases and registration.
3. Corridor tolling on interstate highways.
4. A parcel delivery surcharge – e.g. a \$1 charge for every package delivered by large corporations like Amazon, UPS and FedEx, as well as deliveries from local grocers and restaurants.
5. A possible \$1.11 charge for each trip for transportation providers like Uber and Lyft.

It is expected that parts of this report will be included in Governor Wolf's budget proposal that will be presented in February 2022. It is unclear at this time what, if any, effect President Biden's recently passed \$1.2 trillion Infrastructure Investment and Jobs Act will have on the TROC report.

## **American Rescue Plan Act Funding**

The U.S. Treasury has extended the deadline to April 30, 2022 for submission of the first ARPA (American Rescue Plan Act) Project and Expenditure Reports, which were originally due on October 31, 2021, for non-entitlement units of government (NEUs). This will cover the period between the award date and March 31, 2022. Further instructions will be provided by the U.S. Treasury at a later date, including updates to the Compliance and Reporting guidance as well as a user guide to assist recipients to gather and submit the information through Treasury's Portal.

## **Department of Conservation and Natural Resources**

The Department of Conservation and Natural Resources (DCNR) Bureau of Recreation and Conservation is hosting free annual grant workshops in November. The workshops will be held virtually using Microsoft Teams. Although the workshops are free, pre-registration is required as space is limited. Workshops are for anyone who is interested in applying for Community Conservation Partnerships Program (C2P2) grants in 2022. C2P2 grants are awarded to municipalities and nonprofit organizations for recreation, park and conservation projects. These include the rehabilitation and new development of parks and recreation facilities (development projects); acquisition of land for active or passive park and conservation purposes (acquisition projects); and planning for feasibility studies, trails studies, conservation plans, site development planning, and comprehensive recreation, greenway and open space planning. Most projects require a 50% match except for some technical assistance grants and development projects eligible as small community projects whose total project cost is \$60,000 or less. Go to [ww.grants.dcnr.state.pa.us](http://ww.grants.dcnr.state.pa.us) for more information.

## **Department of Environmental Protection**

The Department of Environmental Protection (DEP) announces an opportunity to apply for grants offered through the Fiscal Year 2020 Pennsylvania State Clean Diesel Grant Program (Grant Program). Funding is available through the United States Environmental Protection Agency (EPA) and the Federal Diesel Emission Reduction Act (DERA). Funding will be for eligible diesel emission reduction projects that will improve air quality and protect public health and the environment by reducing emissions from diesel-powered vehicles and engines.

The Department is seeking applications for projects that will replace or retrofit diesel-powered highway and non-road fleet vehicles, engines and equipment. The majority of the vehicle or engine's annual operation time must occur within this Commonwealth. Public and private entities that operate diesel-powered fleets throughout this Commonwealth should apply. Eligible entities include school districts, municipal authorities, political subdivisions, State and local agencies, tribal governments, nonprofit entities, corporations, limited liability companies or partnerships incorporated or registered in this Commonwealth, air quality or transportation organizations, and metropolitan or rural planning organizations. Projects must use technologies certified or verified by the EPA or the California Air Resources Board to lower diesel emissions, unless otherwise noted in the Grant Program guidelines. The technology utilized may be singular or a combination of available technologies.

The Grant Program guidelines and application instructions are available on the Department's Driving PA Forward webpage at <http://www.depgis.state.pa.us/DrivingPAForward/>. A recorded presentation providing an overview of the Grant Program and application process will be available on the Department's Driving PA Forward webpage during the application period. Applicants can contact the Bureau of Air Quality at [ra-epvwmittigation@pa.gov](mailto:ra-epvwmittigation@pa.gov) or (717) 787-9495 with questions.

Applications must be submitted online through the Commonwealth's Electronic Single Application web site, eGrants, at <https://www.esa.dced.state.pa.us/Login.aspx>. The Department is now accepting applications.

**Applications must be received by 4 p.m. on Friday, January 7, 2022.**

## 2022 Local Government Excellence Awards

Each year, the Governor's Awards for Local Government Excellence are presented to local government leaders who have demonstrated exceptional dedication to improving public services through innovative projects or initiatives in the following categories: (1) Building Community Partnerships; (2) Responding to Adversity; (3) Promoting Community/Economic Revitalization; (4) Innovative Community/Governmental Initiatives; (5) Fiscal Accountability and Best Management Practices; (6) Innovative Planning and Sound Land Use Practices; (7) Intergovernmental Cooperation; (8) Information Technology; (9) Health and Wellness Initiatives.

**Nominations are being accepted for the 2022 Governor's Awards for Local Government Excellence from now through January 3, 2022.**

Visit the Local Government Day Awards webpage at: <https://dced.pa.gov/governors-awards-for-local-government> to learn more about judging criteria, award guidelines, and submitting a nomination.

## Cybersecurity

The website [www.StopRansomware.gov](http://www.StopRansomware.gov) is an initiative by the U.S. Department of Justice (DOJ) and the U.S. Department of Homeland Security (DHS) to combat the threat of ransomware. Ransomware is a long-standing problem and a growing national security threat. About \$350 million in ransom was paid to cybercriminals in 2020, a more than 300% increase from the previous year. Tackling this challenge requires collaboration across every level of government, the private sector and our communities.

The website establishes a one-stop hub for ransomware resources for individuals, businesses and other organizations. It is the first joint website created to help private and public organizations mitigate their ransomware risk. The website includes resources and content from DHS's Cybersecurity and Infrastructure Security Agency (CISA) and the U.S. Secret Service, the DOJ's FBI, the Department of Commerce's National Institute of Standards and Technology (NIST), and the Departments of the Treasury and Health and Human Services.

DHS, DOJ, the White House and federal partners encourage all individuals and organizations to take the first step in protecting their cybersecurity by visiting [StopRansomware.gov](http://StopRansomware.gov). The website be helpful by providing simple steps to protect your network and respond to ransomware incidents if necessary, and provide enterprise-level information technology (IT) teams the technical resources to reduce their ransomware risk.

## New Law Enforcement Hiring Tool

Act 57 of 2020 required MPOETC (Municipal Police Officers' Education and Training Commission) to develop a database of all law enforcement officers in Pennsylvania. This database contains information on law enforcement officers who have a history of criminal charges or discipline for actions ranging from excessive use of force to discrimination. The database can be used as part of the background investigation when a municipality hires a new police officer. Law enforcement agencies will be required to maintain and provide all employment records, including performance evaluations and reasons for separation, pertaining to a previously employed law enforcement officer to a prospective hiring agency.

## FEMA Firefighter Grant Program

The Federal Emergency Management Agency (FEMA) announced that the application period is open for the U.S. Department of Homeland Security FEMA Fiscal Year 2021 Assistance to Firefighters Grant (AFG) Program **now through Friday, December 17 at 5:00 PM**. The AFG Program provides direct federal financial assistance to eligible fire departments, nonaffiliated emergency medical services organizations and State Fire Training Academies. The funds provide resources to equip and train emergency personnel to recognized standards, enhance operational efficiencies, foster interoperability and support community resilience. Go to [firegrants@fema.dhs.gov](mailto:firegrants@fema.dhs.gov) for more details.

## Enacted Legislation

- **Act 33** - amends the **Real Estate Tax Sale Law** requiring a potential bidder to appear in person at the tax claim bureau to provide information and pre-register for a scheduled upset sale or judicial sale no less than 10 days prior to the sale. It includes a registration fee and applicable penalties and other tax claim bureau responsibilities.
- **Act 34** - amends Titles 53 (Municipalities Generally) and 68 (Real and Personal Property) of the Pennsylvania Consolidated Statutes to **prohibit** a municipality/municipal agency from **requiring a business license for a “business” operated not more than 84 days in a calendar year by a “minor.”**
- **Act 36** - amends Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to **prohibit the Department of Transportation from requiring a municipal government/local authority to fully indemnify the Commonwealth as a condition for approving a permit for a procession, special activity or assemblage on a state-designated highway.**
- **Act 43** - amends the Municipal Authorities Act in Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes to **authorize the owner of multiple residential units, served by a single water meter, to periodically request the municipal authority to make a rate adjustment** if evidence showings that the amount billed exceeds the actual water usage by 30% or more.
- **Act 50** - creates the **Small Wireless Facilities Development Act**, which codifies Federal Communications Commission guidelines for the review and approval of applications and permitting fees for a wireless provider’s installation of “small wireless technology” within the “right-of way” on utility and municipal poles. It includes municipality powers and prohibitions and requirements for uses of rights-of-way.
- **Act 65** - amends the **Sunshine Act to require an agency to post its public meeting agendas**, including all business that may be addressed, at the agency’s office location and on the agency’s website, if one exists, no later than 24 hours prior to a meeting. Copies of the agenda must be provided; procedures for agenda changes are stated; and an agency is prohibited from taking official action on items not included on the meeting agenda.
- **Act 75** - amends the General Road Law to specify **maintenance responsibilities of each property owner that shares a common benefit from a private road** and permit each property owner to bring a civil action to enforce the requirements of the act.

## Pending Legislation

- **SB 565/HB 659** – to **allow civilian handgun owners to carry a concealed weapon on their person or in a car without a permit.**
- **HB 773/SB 773** – to **increase the penalties for DUI (Driving Under the Influence).**

## Federal Infrastructure Investment and Jobs Act

The recently signed Federal Infrastructure Investment and Jobs Act promises to rebuild roads, bridges, and rails along with expanding access to clean drinking water and broadband internet. An early report estimated Pennsylvania could benefit by receiving up to \$11.3 billion for federal-aid highway programs and \$1.6 billion for bridge replacement and repairs over five years. The state could also receive up to \$2.8 billion over five years to improve public transportation. The state could receive at least \$100 million to improve broadband coverage and \$26 million to protect against cyberattacks. Another \$1.4 billion could come to Pennsylvania over five years to improve drinking water.