

2011 Municipal Policy Statement



*Pennsylvania State
Association of Boroughs*

Service - Value - Excellence

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PREFACE

The Pennsylvania State Association of Boroughs, representing 2.6 million Pennsylvanians in some 958 boroughs and the more than 12,000 elected officials who serve them, sets forth this statement of policy as its vehicle for achieving the highest level of local administration, operation and service attainable through borough government.

The Pennsylvania State Association of Boroughs, one of the largest and oldest municipal organizations in the nation, is a nonpartisan, nonprofit association operated by the boroughs of the Commonwealth to promote practical, effective and economical local government and to strengthen the prerogatives of local self-government.

The purpose of the Association is the improvement of local government through cooperative effort, and this purpose is advanced by:

- (a) the maintenance of a central bureau of information and research for the collection, analysis and dissemination of municipal information;
- (b) the holding of an Annual Conference and other meetings and instructional sessions for the interchange of ideas on municipal problems;
- (c) the regular publication of an official magazine, and the distribution of special reports on local government issues;
- (d) developing legislative advocacy mechanisms that promote legislation beneficial to Pennsylvania's local governments and their citizens and the opposition of legislation contrary to the interests of borough communities;
- (e) the provision of insurance programs and other professional services on a contractual basis; and
- (f) the advancement of municipal education and a greater civic conscience among Pennsylvanians.

The Association reaffirms its constitutional guarantee that membership is open to any borough, incorporated town, or any borough which has adopted a home rule charter in the Commonwealth.

The Pennsylvania State Association of Boroughs is the legally recognized organization for all borough officials. It is the official instrument through which borough officials and employees should make their wishes known to the Congress and the General Assembly, and in turn, the formal spokesman to which the State and national governments and their legislative bodies should look for the official expression of those wishes. The submission by special interest groups of legislation pertaining to local government directly to State and national legislative bodies will not be condoned, nor will such legislation be supported until it has been approved by the Association.

The Association shall adopt policies only on matters affecting local government and only after extensive analysis and consideration of alternatives.

The Association shall promote the highest standards of competence and integrity in local government administration and shall assist members with services appropriate to local government functions.

CHAPTER 1

COMMUNITY DEVELOPMENT

1.000 COMMUNITY DEVELOPMENT GOALS

The goal of community development is to improve the physical, economic, and social conditions and opportunities an area affords all its residents. Community development improves conditions and opportunities for all residents by eliminating and preventing physical blight, by conserving our land and water resources, and by providing the framework for a productive and satisfying life for all residents.

The state and federal role in community development should be to work with local governments in setting the state and national goals and standards against which individual municipalities can measure their efforts in developing livable communities as well as develop methods for adaptive reuse. The state and federal governments should form a partnership with local governments to meet their goals. Municipalities must be provided with maximum flexibility in program design and resource allocation within the framework of agreed upon state and national performance standards.

1.100 LOCAL CODES AND STANDARDS

Adequate municipal housing, building and other codes must be adopted and realistically administered in order to provide and maintain decent, safe, and sanitary housing. Such programs should be planned and carried out on a cooperative basis with other municipalities and should complement other municipal redevelopment programs. Local governments should cooperate to encourage better housing and building codes to help reduce housing costs.

The Association supports the Pennsylvania Uniform Construction Code (Act 45 of 1999), which provides a minimum statewide building code while allowing municipalities to adopt more stringent local standards enforced by either 3rd party or sole building inspectors. Any changes to the Act must not inhibit local flexibility or exempt additional entities.

The enactment and enforcement of other codes affecting the quality of life of the community, including, but not limited to, property maintenance and health codes, should not be superseded, replaced, or diminished by statewide codes.

1.200 LAND USE PLANNING

Land use planning processes must be upgraded to assure that all community development decisions adequately take into account the long range and cumulative impact on natural resources, aesthetics, existing recreation and land use patterns and other factors in the community environment which may be adversely affected in development.

A land use planning partnership between local, state and federal governments can and should be developed, one which allows federal, state and local government to represent their respective constituencies without usurping powers needed by the municipality for the continuation of responsible decision-making.

The following key principles should be embodied in development of a land use planning program:

- A. Regulation of land use, through enactment of zoning, subdivision, or other ordinances, should be preserved as a power to be exercised exclusively by local government and should not be preempted, superseded, diminished, or mandated by federal, state, county, regional or area government;
- B. Land use regulations established by municipalities should be applicable to and enforceable on all owners of lands, including governmental lands;
- C. State financial and technical assistance, including the continuation and expansion of existing assistance programs, to aid local land use planning, comprehensive plans, and zoning and subdivision ordinances;
- D. A requirement that locally elected officials have a major role in the development of overall state land use planning goals;
- E. Opportunities for local governments to develop responsible land use plans by themselves, within the context of the general state goals;
- F. Encourage local officials to utilize regional planning mechanisms which are under their control to make area-wide planning decisions which cannot be made by the individual jurisdictions; and
- G. Retention of substantial freedom for local officials to make and change community development plans in those communities with responsible land use plans in operation.

1.300 STATE HOUSING GOALS

It is the right of every citizen to have access to decent, safe and sanitary housing. Any statewide policy or goals must encompass provision for conservation and rehabilitation of existing housing stock, replacement of substandard housing, and new housing construction. There must be recognition of the relationship between housing maintenance and adequate income, adequate employment, and economic development.

1.310 STATE HOUSING ASSISTANCE

The Department of Community and Economic Development should provide state financial assistance to municipalities to assist in developing and maintaining adequate housing standards and inventories of housing stocks in Pennsylvania. Priority should be given to the conservation of existing housing stock and the rehabilitation, adaptive reuse or replacement of substandard housing over new construction.

1.320 REMEDIATION OF BLIGHT

Blighted and abandoned structures negatively affect not only specific neighborhoods but the community as a whole. The Association supports legislation that gives municipalities more tools to combat blight, which would force negligent owners to bring their properties up to code. Policies should encourage responsible ownership of property and hold those who neglect their properties be held accountable.

1.400 ECONOMIC DEVELOPMENT GOALS

Community development must include a balanced system of industrial, commercial, physical, cultural and human development, all of which contribute to economic development. Economic development should be directed toward broadening the local tax base, reducing unemployment, and expanding the economy of the community. Appropriate incentives, which could be adopted at municipal discretion, should be made available.

1.410 STATE ECONOMIC DEVELOPMENT RESPONSIBILITIES

The state should cooperate with local government to achieve local economic development goals. Every effort should be made by the various state agencies to expedite local economic development, consistent with local service capabilities and local needs, through the provision of financial and technical assistance and through the promotion of industrial and commercial activities.

The Department of Community and Economic Development should continue to provide valuable assistance to local governments in the area of commercial and industrial development and location.

1.420 PRESERVATION OF OPEN SPACE

The Association recognizes the problems created by uncontrolled growth, commonly referred to as urban sprawl, including the out-migration of population and employment opportunities from boroughs. Such uncontrolled growth can lead to traffic, sewer, water, and air pollution problems.

To revitalize the state's boroughs and preserve open space, the Association encourages the Governor and the General Assembly to examine various state policies and programs to determine to what extent they encourage sprawl and to offer corrective measures.

Emphasis should be given to policies and programs which:

- (1) aid the repair, replacement, or reconstruction of existing infrastructure, and
- (2) encourage in-fill development through the reclamation of brownfields, adaptive reuse of existing structures, and redevelopment of vacant parcels within boroughs and other urban municipalities.

CHAPTER 2

INTERGOVERNMENTAL RELATIONS

2.100 FEDERAL-LOCAL RELATIONS

Federal grant programs to solve borough problems should receive a much higher ranking in the scale of national priorities.

Congress should remove requirements in federal grants-in-aid programs which tend to promote the creation of special districts, as well as requirements which tend to discriminate against smaller municipalities. Conversely, Congress should expand efforts and provide resources which support emergency management, mutual aid and programs such as NIMS (National Incident Management System)

2.200 STATE-LOCAL RELATIONS

Continued recognition from the State Legislature of the importance of local government and of the citizens' right to the fullest measure of local self-determination is a key component in the area of state-local relations. Under state law municipalities should have the right to prepare and amend their own charters, to decide what activities they wish to carry on, to have the form of government in the manner they determine. Basic state legislation should delegate to municipalities the ability to exercise wide discretionary powers rather than prescribe detailed procedures and impose undue restrictions justified by a constrained interpretation of "Dillon's Rule". Legislation should be opposed that directly preempts local ordinances. Legislation should provide an equitable and efficient means by which the powers, duties and accounts of a dissolved special district may be transferred to the appropriate local government.

2.300 INTERMUNICIPAL RELATIONS

The need for a defined relationship, cooperation, and understanding among municipalities is necessary when considering the many areas in which questions of intergovernmental relations and policy arise.

The Association strongly supports the formation of voluntary councils of governments, widely recognized as COG's as well as the establishment of County Boroughs Associations comprised of elected and appointed borough officials where appropriate. The Association supports the principle of voluntary cooperation among all governments and endorses the intent of the Intergovernmental Cooperation Law, which authorizes local governments to do together anything they may do individually.

CHAPTER 3

MUNICIPAL GOVERNMENT

3.100 FORMS OF LOCAL GOVERNMENT

The Association favors no particular form of borough government. The Association believes that the citizens of a municipality or their duly elected representatives should be permitted to select that form of government best suited to their individual requirements.

3.200 HOME RULE

Under our federal system of representative government, citizens are inherently entitled to maximum self-government through their elected representatives. Their prerogative of home rule should include complete autonomy and freedom from interference from other governments in all matters of local concern.

It is in the best tradition of democracy to fix responsibility for local affairs on those directly elected by and accountable to the citizens whose lives are immediately affected by their governmental actions. Every time the Commonwealth recognizes the competence of borough officials and every time such officials assume direct responsibility for the conduct of local affairs, both parties reaffirm their confidence in democracy.

Home rule does not mean resistance to all external relationships, interdependence of governments, and assistance from other governmental agencies. A fundamental ingredient of responsible home rule is the recognition that many problems may best be solved by voluntary intergovernmental cooperation. This implies the marshaling of all governmental resources and their effective concentration on the problems facing government today. Thus responsible home rule obligates local governments to collective and coordinated responsibility when the situation requires initiative, resources and authority larger than that vested in a single government. Such cooperation emanating from local initiative can be the key to continued local strength.

A. The Association will strive to strengthen home rule in whatever area of local government this principle has been violated. Specifically, the Association aims to secure:

- 1) A continuing program formulated and undertaken by the Association to publicize the problems and activities of local governments and to promote a favorable understanding for the furtherance of local control among the public and the State Legislature;
- 2) Action to encourage and promote the fullest exercise of authority and assumption of responsibility by locally elected, locally responsible governing bodies, and all legislation which so provides;

- 3) To provide that no municipality shall be required by initiative and referendum to cooperate or agree in the exercise of any function, power, or responsibility with, or delegate or transfer any function, power, or responsibility to, one or more other governmental units, whether already existing or newly created, unless a majority voting thereon shall vote in favor of said cooperation or agreement or delegation or transfer of said function, power, or responsibility; and
- 4) To provide that no municipality shall be involuntarily included in an area government without the majority vote of the electors voting thereon in said municipality.
- 5) The autonomy of local decision-making by opposing legislative measures preempting borough police powers often proliferated by invoking the antiquated "Dillon's Rule" which often hamstring innovative borough policy attempts.

B. Recognizing that the essential nature of responsible home rule permeates our democracy, the Pennsylvania State Association of Boroughs shall oppose legislation providing for:

- 1) The erection of inflexible frameworks within which boroughs must organize and operate;
- 2) The regulation of purely local financial matters;
- 3) The mandatory transfer of any borough function, power, authority or control to another government; or
- 4) The creation of local, state or federal agencies that diminish local control over local revenues and services or inhibit local determination of policies affecting matters of purely local concern.

The intent and purpose of the constitutional amendment of 1968 which made home rule available to all Pennsylvania municipalities should not be weakened by further amendment to the home rule enabling legislation which would add to the subjects over which home rule municipalities have no control, or by additional general legislation made applicable to home rule municipalities.

3.201 MUNICIPAL BOUNDARY CHANGE

Municipal boundary change legislation should be uniform for all units of local government, based on the concept of providing public services to areas not receiving such services. The Association opposes all legislation that would force municipal disincorporation, merger or consolidation without local voter approval.

Annexation legislation should be enacted to allow

municipalities to initiate proceedings for the enlargement of their boundaries, with the consent of a majority of the property owners in the area to be annexed.

Incorporation of new municipalities should be allowed when a majority of the property owners in all or part of one or more municipalities petition for the formation of a new municipality.

Consolidation or merger of two or more municipalities should be possible only by a majority vote of the voters in each of the municipalities involved.

3.300 MUNICIPAL SERVICES

The Association believes that each municipality is capable of designing and administering a program of municipal services for its residents. The Association opposes any legislation denying boroughs the ability to provide goods or services that may otherwise be obtained through private enterprise. The determination of what activities a municipality shall perform and the means by which they are administered should be reserved to local discretion and local administration.

The operation and control of municipally owned utilities and services should be exclusively under the control of locally elected governing bodies and any attempt to assert state control over rates or service areas should be resisted.

The Association opposes the Public Utility Commission regulation of rates and certification of the service area of municipal services provided outside the corporate limits of the municipality and seeks legislation to overcome such matters.

3.400 FEDERAL AND STATE

MANDATED EXPENDITURES

The Association opposes legislative imposition of any obligation or duty which necessitates the direct or indirect expenditure of funds unless the US Congress or the PA General Assembly provides the sources of revenue required to discharge these obligations. Already inadequate local revenue cannot support additional federal and state mandated costs.

Ongoing monitoring and reporting of the number and cost of federal and state mandates should be instituted, and must be considered in the passage of any legislation affecting local government.

3.500 MUNICIPAL PERSONNEL

Personnel of municipal government determine the quality of its performance and its service to citizens. Municipalities must aggressively and continually improve all components of personnel management by incorporating best management practices when possible. Personnel administration systems are a prerogative of management. A personnel system, flexible and responsive to standards of program performance, cannot be prescribed by state or federal law. Responsible personnel administration requires that municipal governments:

A. Recruit, select and advance employees on the basis

of their relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

- B. Provide equitable compensation comparable to similar competitive public and private situations;
- C. Train employees, to assure high quality performance, throughout their careers. Certification by state agencies conducting training of municipal employees should not be used as a means of limiting the number eligible to perform the work required by the municipality or serve as a device by a state agency to regionalize municipal services or programs;
- D. Retain employees on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
- E. Assure fair treatment of applicants and employees without regard to political affiliation, race, color, national origin, sex, religious creed, or age; and
- F. Assure that employees are protected against coercion for and involvement in partisan political purposes.

The Association urges the legislature to refrain from substituting its judgment in these local matters involving municipal personnel administration, wages, hours, and working conditions for that of the properly constituted, locally elected officials and to grant municipalities' full power to establish and maintain personnel programs.

The Association supports the enactment of an optional system of municipal civil service.

3.550 MUNICIPAL PENSIONS

The Association advocates sound, fully funded retirement plans for all full-time municipal employees. It further advocates that all mandatory retirement benefits and regulations enacted by the legislature be fully funded by the Commonwealth. Specifically the Association favors:

- A. The preservation of local control on all pension matters and that all mandates implementing a mandatory statewide municipal pension program be vigorously opposed.
- B. State subsidy of general municipal employees retirement through a state collected , locally shared tax;
- C. No arbitrary limits on existing subsidies and no use of these subsidies to "bail out" troubled systems which have not taken corrective steps on their own.
- D. Legislation which would permit the transfer of service credits among municipal retirement plans without adversely affecting the fiscal integrity of individual municipalities' employee retirement plans.

3.600 MUNICIPAL EMPLOYEE RELATIONS

The protection of the public health, safety, and welfare, the fundamental differences between public and private employers, the not-to-be delegated legislative obligations and rights of government, the need for promoting full communication between public employers and duly recognized organizations of public employees, and the public's insistence on providing a reasonable and effective method of resolving disputes between public employers and their employees require an employer-employee relations policy and program oriented to the community's well-being. The widespread acceleration of organization of public employees for the purpose of conferring in good faith with public employers on the terms and conditions of employment demands that public employers be fully prepared and skilled in municipal employer-employee relations and in methods of resolving disputes without disrupting services essential to the health, safety and welfare of the community.

A. Public employee laws should provide reasonable, equitable and effective methods of governing relationships between municipal employers and organization of their employees. Further, such laws should:

1. Recognize the right of all public employees to organize and require exclusive recognition by public employers of employee organizations receiving support of a majority of an appropriate unit of employees;
2. Insure the right of individual employees to join freely or not to join an employee organization;
3. Permit municipal employee organizations to meet and confer or negotiate in good faith with municipal employers with respect to the terms and conditions of public employment subject to appropriate carefully defined rights and obligations of the municipal employer;
4. Be uniformly applicable to all municipal employees and flexible enough to enable municipalities to cope with individual situations; and
5. Bar recognition of any municipal employee organization whose governing requirements do not adequately:
 - (a) Protect the rights of members in their relations with the organization;
 - (b) Provide for democratic procedures in the governing of the organization; and
 - (c) Provide for adequate fiscal and fiduciary responsibility and accountability of the organization and its officers

B. Strikes should be prohibited and adequate enforcement should accompany such a prohibition. However, workable dispute settlement procedures should be established to

resolve impasses in municipal employee disputes.

- C. Acceptable procedures for settlement of disputes include mediation and fact findings. Binding arbitration is acceptable as a procedure for settlement of contract disputes and grievances only if the costs of such arbitration are shared equally by the borough and the employee or the employee's representative.
- D. Where state laws are directly contradictory to maintaining effective municipal employee situations, they should be revised or replaced.
- E. The Association should assist municipal employers in dealing with employer-employee relations, including providing information and education for municipal employers and administrators, technical assistance, and negotiation and arbitration services to municipal employers.
- F. Municipal employers must take steps to insure that the quality, efficiency, and continuity of services to the citizens of their communities will be maintained at all times. Further, the officers and members of organizations of public employees must recognize this responsibility of municipal employers.

Each citizen should have the clearly defined right to compete for employment in local government based on merit and fitness and to join or affiliate with an employee association.

The Association opposes any extension to cover municipal employees by the provisions of the National Labor Relations Act, the federal law which affects directly or indirectly the establishment of hours of work, scales of salaries and wages or any other working conditions which must be determined at the discretion of local management or which are inconsistent with functional requirements of public employment.

3.700 GOVERNMENTAL LIABILITY LEGISLATION

The Association endorses a course of action to maintain current law regarding the areas of governmental liability and immunity under state statutes. The Association endorses remedial legislation at the Federal level to define governmental liability under, among others, civil rights and antitrust law. Such legislation should provide an orderly procedure for the filing of claims and adjudication of tort suits.

The present trend of litigation involving local government requires the protection of the municipality and its elected and appointed officials from excessive costs through the maintenance of caps upon jury and court awards, discouragement of frivolous lawsuits through the imposition of sanctions on the plaintiff and the awarding of reasonable attorney fees and court costs to the defendant, reduction of awards to present worth,

elimination of delay damages, and availability of insurance through assigned risk when not otherwise available.

3.800 VOTING REQUIREMENTS

The Association advocates that all college students, except those who have established permanent residence in the community wherein they attend college, have voting residence in the community of their parents or guardians.

The Association requests the General Assembly to clarify the definition of “voting residence” in the election laws, to prevent college students not residing in the municipality on a permanent basis from voting in that community.

3.900 PROCUREMENTS

The Association supports legislation authorizing optional intergovernmental contracts for the purchase of materials and supplies relevant to their common problems and interests. Efforts to enhance the methods used to procure goods and contract services should include:

- A. Regularly indexed bidding and contracting limits/thresholds to reflect accurate true costs and current expense.
- B. Allowing alternative forms of advertising such as internet and similar electronic mediums.
- C. Enabling boroughs to advertise in other forms of print media such as newspapers of mass dissemination, etc.
- D. An annual indexing of PA Prevailing Wage rates to reflect the current urban CPI.
- E. Enabling boroughs to participate in any or all portions of the PA Commonwealth Procurement Code.

3.901 TECHNOLOGY

In the 21st Century boroughs are being challenged to provide, make available, or furnish information and data of several different natures. The changes to Open Records Law and uses of the internet to conduct municipal business thrusts the implementation of information technologies upon borough governments.

The association should seek supporting resources for the development and use of these technologies to aid in this end. Subsequently, the development and deployment of aggressive security measures protecting these technologies and the data they host is paramount. These measures should protect:

- A. Personnel records, both current and past employees.
- B. Contracts, legal agreements and legal documents necessary to the borough.
- C. Documents which may be requested as part of a formal open records law request.
- D. Any software necessary to the operation of the information technology infrastructure used by the borough.

CHAPTER 4

REVENUE AND FINANCE

4.100 POWERS OF TAXATION

If local fiscal strength and integrity are to be maintained, municipalities must be allowed maximum freedom in the selection of revenue sources through broad tax-enabling legislation.

Local taxes costly to administer in proportion to the revenue derived should be replaced by more equitable taxes, preferably by broadening the taxing powers on earned and unearned income.

The state must recognize its responsibility for developing and maintaining vigorous local government by:

- A. Allowing each municipality to tailor its tax structure to the needs and resources of its citizens;
- B. Refraining from pre-empting those revenue sources most accessible and productive within municipalities; and
- C. Sharing the financial burden when local government serves other than its own citizens.
- D. Allowing a county to levy a regional tax that would be shared between the county and municipalities.

Statutory overall limits on the bases or rates of non-real estate taxes should be eliminated.

The Association opposes any attempts by the legislature to impose rate limitations on existing taxes which have no rate limitations.

4.110 TAX ADMINISTRATION

The state and federal government can facilitate effective use of taxes by:

- A. Providing the several taxing districts within a cohesive economic area with uniform taxing powers and authority for cooperative tax enforcement for those electing to coordinate their tax practices;
- B. Authorizing the pooled administration of separate taxes by a single collection agency serving groups of jurisdictions;
- C. Avoiding the "earmarking" of funds returned from shared taxes for any specific municipal use; and
- D. Requiring state and federal employing agencies to withhold local taxes from their employees.

Municipalities should be given the option by ordinance to replace the elected local tax collector with a municipal official charged with collection of the local taxes, and to make joint agreements with one or more municipalities, the county, or the Tax Collection Committee for joint collection of local taxes, as is

presently authorized under Act 511, the Local Tax Enabling Act.

4.120 TAX EXEMPTIONS

Where the state mandates tax exemption from the property tax or non-property taxes, the resulting revenue loss to local governments should be borne by the state.

All tax-exempt property should be periodically assessed at true market value and total local tax loss from each type of exemption should be required by law to be published in the Pennsylvania Bulletin.

4.130 PAYMENTS IN LIEU OF TAXES

The Association advocates the enactment of state and federal legislation providing a broad system of payments in lieu of taxes to municipalities for tax exempt properties including but not limited to state and federal properties. These payments should be made on a schedule commensurate with the local cost of public services.

4.140 REAL ESTATE TAXATION

Although many municipalities urgently need supplementary revenue sources, most, of necessity, will continue to depend very heavily on the real estate tax. It is imperative therefore that concerted action be taken to improve the administration of the tax.

For the purposes of real estate taxation, all property should be assessed at 100 per cent market value, thus eliminating inequalities between various local areas. Provisions should be made for periodic mandatory reassessment paid for by the state.

Local governments should not be shackled by state-imposed constitutional or statutory tax rate limitations, and if statutory tax rate limits are fixed, such limits should be applied to the market value of real property.

There is a need for state involvement in the assessment process. This should be achieved by providing funding, training and technical assistance to counties, special assistance in assessing properties of a complex nature, and general oversight to insure compliance with uniform prescribed rules of fair and equitable assessment.

Municipalities should be authorized by federal law to tax real estate used for proprietary non-governmental purposes on federal installations located within the municipality. Congress should enact legislation permitting the assessment of federally owned property for special benefits such as street improvements, water mains, sewers, and other municipal improvements.

The Pennsylvania General Assembly should enact legislation permitting the assessment of state-owned property for special benefits such as street improvements, water mains, sewers, and other municipal improvements.

4.300 SHARED LICENSE FEES

Where the municipality is required to supervise or enforce a state or county licensed object or activity, the municipality should share the license fee paid to the extent of the expense incurred.

4.400 REVENUE SHARING -- FEDERAL AND STATE

Municipalities are faced with major revenue shortages. Local sources of revenue are rapidly reaching their maximum potential. New revenues have not replenished exhausted reserves and declining tax bases. An increasing demand for municipal services and inflationary costs continue to cause a financial drain on limited tax revenues.

The enactment of federal and state revenue sharing programs represents a matter of utmost importance to local government in Pennsylvania and constitutes a high priority commitment of the Association.

A plan to allocate funds to local governments' unrestricted use would offer a practical and feasible approach to strengthen local finances. A federal or state revenue sharing plan should assure substantial direct, equitable and continued sharing to all municipalities of additional federal and state financial resources, and should be simple, understandable, and based upon the tax effort of the municipality, not by class of municipality.

4.500 STATE-LOCAL FINANCES

State and local government financing should be undertaken with state and local government participation in recommending the allocation of revenue sources to enable each to adequately meet its respective responsibilities.

The Association opposes any restrictions imposed by the state on any state funds or grant-in-aid programs for municipalities, contrary to the constitutional or legislative intent of the enabling legislation. We object to the state denying funds to municipalities on the basis of unrelated factors such as zoning, adoption or lack of adoption of other ordinances, or other arbitrary criteria.

4.510 HIGHWAY TAXES AND FINANCE

The highway user should bear an increasing proportion of the direct and indirect cost of highways. All highway-user revenues should be used exclusively for highway and mass transportation purposes. Present legislation perpetuates the inequitable distribution of liquid fuels tax revenue. The Association favors a formula more consistent with the proportionate revenue contribution, high usage, and construction and maintenance costs in borough communities. Paved highway width and federal vehicle miles traveled data should be included as a factor in the formula for distribution of highway aid to municipalities.

Restrictive "ear-marking" of fuels-tax revenues and allocated state and federal highway monies should not inhibit local discretion as to where these funds can best be used. The county liquid fuels tax fund formula should

be changed to a current base of the most recent three years, and counties should be required to allocate funds to municipalities within the county on the basis of the formula of 50% population and 50% vehicle miles traveled. Gasoline taxes are state-collected, locally shared taxes. Historically, municipalities have received a share of such gasoline taxes and this sharing should continue in the event the state gasoline tax is increased by the Legislature. If other funding schemes are enacted in lieu of increasing the state gasoline tax, local government should still receive the traditional 20% of any new revenue.

4.600 INVESTMENT OF IDLE FUNDS

Local governments should be free and encouraged to invest or deposit, at interest, funds in excess of immediate expenditure needs consistent with principles of safety and liquidity. Municipalities should be allowed to develop and maintain surplus revenues to foster tax stabilization and reduce deficit financing.

4.700 MUNICIPAL DEBT AND DEBT MANAGEMENT

Local government should be granted maximum latitude in the issuance of bonds subject to procedural rules of uniform application. Debt limits should be uniform and should be in terms either of equalized full market value or another measure of local government's relevant economic capacity to incur indebtedness.

State legislation regulating local debt issuance and management should:

- A. Facilitate maximum flexibility in the local choice of alternative forms of borrowing;
- B. Vest authority to incur debt in the local elected governing bodies; and
- C. Conform to current market conditions.

The Association favors the following:

- A. All qualified banking institutions should be permitted to participate in the municipal bond market;
- B. Specified commercial banks should be authorized to serve as paying agents for major issues where deemed by local officials to be in the best interest of the municipality;
- C. The state should make financial advisory assistance on bond issuance and debt management available to municipalities;
- D. All local bond issues should be sold at public sale;
- E. The exemption of local governmental securities from federal taxes must remain as full and wholly reciprocal as that of federal obligations from local taxes. The Association strongly opposes any federal legislation which directly or indirectly subjects the income from municipal bonds to a federal tax.

4.710 RIGHT-OF-WAY FEES

Local governments should be afforded the ability to

charge a fee for the use of their right-of-ways to telecommunications or other companies. Neither the state nor the federal government should impede this traditional right and the Association should oppose all legislation that would preempt or alter the ability to charge a franchise or right-of-way fee.

4.720 GAMING LOCAL SHARE

With the legalization of gaming in Pennsylvania, the General Assembly must continue to provide a local share of revenue to municipalities that host gaming. These municipalities must provide increased public services as a result of these facilities and, therefore, should be entitled to a share of gaming profits to cover these municipal services. Also, neighboring municipalities also bear an increased burden and should receive a portion of revenue in the form of grants for general economic development grants. Any municipality that receives revenue from gaming should not be capped based on their municipality's budget.

If the legislature should legalize gaming further in the Commonwealth, such as the expansion of small games of chance, bingo and/or amusement devices, it is the position of the Association that each municipality that hosts a facility offering the game receives a local share portion of the revenue

4.730 COLLECTION OF DELINQUENT TAXES AND MUNICIPAL CLAIMS

Municipalities should have the widest array of options available to collect delinquent taxes and municipal claims. They should not be constrained by laws enacted that limit their ability to collect what will be shouldered by citizens that pay their taxes and municipal fees.

The General Assembly should enact legislation allowing private collectors to be the sole agency, if a municipality so chooses, to collect delinquent property taxes without paying the required percentage to the county tax claim bureau. In addition, the General Assembly should provide local governments the same blanket exemption currently enjoyed by the federal and state governments from the restrictions on collecting debts required in the Fair Credit Extension Uniformity Act.

CHAPTER 5

TRANSPORTATION

5.000 TRANSPORTATION GOALS

An adequate total transportation system for the nation must provide for the movement of people and goods safely, conveniently and efficiently, with economy, speed and capacity within and between urban areas. Achievement of this goal necessitates adequate development of the nation's streets, highways, airports, waterways, and rail and bus systems, the commitment of significant additional resources to provide, maintain and upgrade urban mass transit systems, the improvement of intermunicipal and intramunicipal rail service, and the development of new and improved means for facilitating the mobility of people and expediting the movement of goods. This requires cooperation and coordination among all levels of government and between the public and private sectors. Furthermore, all modes must receive adequate consideration in transportation planning and program development, financing, and system implementation.

5.100 HIGHWAY TRANSPORTATION

A. Cognizant of the greater proportional needs of urban residents and of the relative amount of highway-user revenues they contribute, the Association urges the following steps in highway planning and construction:

- 1) The state Department of Transportation should formulate, publish, and continually update a viable overall plan for Pennsylvania streets and highways;
- 2) The amount of annual right-of-way and construction expenditure by the state in urban communities relative to the overall state construction program should be significantly increased to a level commensurate with municipal requirements and revenue contributions;
- 3) The state should be authorized to transfer funds from its federal allocation for primary and secondary systems for use on the urban system; and
- 4) A higher degree of mutual state-municipal cooperation should be employed in the planning, location and design of state highways in and near municipalities. Municipalities should be granted full control over all vehicular traffic within the municipality, consistent with sound traffic policy.

B. The Association advocates the complete responsibility for maintenance of state highways within municipalities by the Department of Transportation. Municipalities should be permitted:

- 1) to clear and salt snow and ice-covered highways within their boundaries under contract with the Department of Transportation.
- 2) to excavate in state highways for municipal service installations without damages or costs other than the replacement of pavement;
- 3) to contract with the Department of Transportation, where the municipality so desires, for the care and maintenance of state highways in that municipality.
- 4) to utilize their Liquid Fuels Municipal allocations in the manner most fitting for their transportation needs.
- 5) to adjust their local road bonding amounts to reflect actual costs incurred.

Legislation should require the mutual agreement between a municipality and Department of Transportation or the county in any turnback of a state highway or county road within the municipality.

5.200 MAINTENANCE OF STATE HIGHWAYS WITHIN MUNICIPAL BOUNDARIES

The Association encourages the development of uniform policies within the Department of Transportation regarding the maintenance of state highways within municipal boundaries. Inasmuch as the department receives its funding from all the citizens of the Commonwealth, the level of maintenance performed on state highways should not be based upon the classification of the municipality in which a state highway is located

CHAPTER 6

POLICE, FIRE & EMERGENCY SERVICES

6.000 LAW ENFORCEMENT GOALS

The ultimate goal of all law enforcement activity is to preserve order in the community. The security concerns of persons and property is a local responsibility to be exercised in a manner that all persons and property are protected and respected.

Law enforcement activities should focus on maintenance of peace and protection of life and property in the borough.

6.100 LOCAL LAW ENFORCEMENT

Primary responsibility for law enforcement should rest at the local level. To carry out this responsibility effectively, municipalities must constantly seek to improve their law enforcement capability and develop community-based support for these efforts.

Individual citizens should be encouraged by specific educational efforts to recognize this contribution and their own personal responsibilities relative to the preservation of peace and the enforcement of law.

In those few cases where the law enforcement authority is not exercised responsibly, means must be readily available for citizens to make complaints and obtain redress of their grievances. Explicit and well-defined grievance procedures should be developed by police departments and local borough officials. Citizens must be aware of these procedures so that they will better understand their rights when dealing with police efforts.

Notwithstanding the responsibility of federal and state government in the area of drug education, local government should assume an active role, not only in supporting and using federal and state programs, but in instituting local programs to focus on local problems.

Programs must be improved to encourage high quality personnel to enter the law enforcement field and to retain competent existing personnel and improve their effectiveness. Employment practices must be modified to emphasize performance. Artificial preemployment residency requirements should be eliminated, although residency requirements for current employees are appropriate. Incentives should be granted for college training. Lateral entry into the personnel structure should be possible to allow choice of qualified personnel for responsible positions from a much broader base. To make the most effective use of sworn personnel, clerical work and other purely administrative tasks should be performed by unsworn personnel, wherever possible.

The Association supports a program whereby municipalities are adequately reimbursed for the cost of police time spent in testifying in court.

The Association supports the need for properly trained police officers and the use of both full-time and part-time officers. Inasmuch as state law requires part-

time officers to meet the same employment, training and certification requirements as full-time police officers, duly employed and properly trained and certified part-time police officers should possess all powers necessary to enforce the laws of the United States, the Commonwealth of Pennsylvania, and its political subdivisions. Furthermore, part-time officers should not be subject to civil service provisions.

6.200 INTERDEPARTMENTAL COOPERATION

Substantial benefits of productivity may be gained for some municipalities through combination and cooperation with other municipalities in providing law enforcement. However, where such regional arrangements to provide law enforcement are developed, they must assure that the particular criminal justice problems of individual jurisdictions within the region are not overlooked in the general effort. Consolidation of the law enforcement function should not be mandated by the state, nor should county government, under the auspices of a county home rule charter or otherwise, pre-empt or assume police functions and services without the support and approval of the municipalities involved.

The Association supports the concept of adequate authority for officers to carry out their duties outside the home municipality, subject, however, to adequate control by both the home and host municipality.

6.300 REGIONAL POLICE

In order to reduce local expenditures for police service and to provide adequate police coverage to those areas of the state solely dependent on the PA State Police, the Association supports the removal of any regulatory or legislative barriers to the creation of regional police departments or to the contracting for police services from another municipalities and the creation of incentives for regionalization of police services.

6.400 STATE POLICE SERVICES

Recognizing the reality of the high cost of providing police services, some community just cannot afford to create a police force. Those communities that do not have their own police force or have a contract with a neighboring community must rely on State Police patrol services for their police protection. It is the Association's position that large communities over 5,000 population that rely on the State Police for police services should be charged a fee on a per capita basis.

A neighboring police force must be reimbursed for police services provided to communities that rely on the State Police when the State Police cannot respond to an emergency.

6.5 FIRE & EMERGENCY SERVICES

In preserving the security of persons and property in the borough, the Association supports the creation and operation of volunteer fire companies and associated emergency medical services. The ongoing support of these services continues at the sole discretion of the governing body of the borough. Furthermore, to advance the effectiveness, adequacy and innovation of these services the boroughs shall reserve the right to:

- A. Request an annual disclosure of how borough funds were used for the provision of these services;
- B. Actively assist in the administrative functions of the service provider;
- C. Request insurance reimbursements to be directed to the emergency service provider for the costs incurred from automotive accidents and highway emergencies;
- D. Advise, recommend or request regionalization of fire and emergency services;
- E. Enact a local services tax or fire tax for the local support of these services.

CHAPTER 7

ENVIRONMENTAL QUALITY

7.000 ENVIRONMENTAL QUALITY GOALS

Conservation and development of natural resources is a primary consideration of all government. The effects of social, physical and technological change upon our environment must be recognized so that such changes do not unexpectedly further reduce environmental quality. Our environmental resources must be protected against the encroachments of unregulated growth.

However, environmental considerations must not ignore economic and energy considerations. All three factors must be considered as we address the problems of our environment. We must recognize that a balance must be struck between clean air and water and a healthy economy and sufficient energy resources. These factors are not irreconcilable.

Future budgetary cuts at the Department of Environmental Protection should not result in an increase or new fees on public water, sewer, or storm sewer systems.

7.100 ENVIRONMENTAL PROTECTION

Sources of revenue for sewer treatment plants and public water facilities have dried up over the last few decades at the federal level, and the last decade at the state level. The construction grant program, where the federal government funded up to 75-85% for new sewer plants, is long gone and federal cuts to the Clean Water State Revolving Loan Fund have been harsh. Add to this the elimination of the popular Act 339, which provided grants to roughly 1,000 sewer systems sewer plants at \$324 million annually.

The Association advocates the following:

- A. The Current federal Clean Water State Revolving Loan Fund program for sewage plant construction and safe water projects should be increased substantially in Pennsylvania;
- B. The Commonwealth should reestablish Act 339, its financial aid for sewage treatment plant construction.
- C. Federal and state tax relief should be granted to industry for the installation of non-productive devices for the control of pollutant discharges;
- D. Federal and state research facilities should be employed to determine the many pollutants of our air and water, to advance the purifying capacity of present technology, and to determine which pollutants are not capable of purification, with appropriate restriction of their use.
- E. Increase funding levels to Act 167 Storm water Management Planning program to provide adequate resources for comprehensive planning needs.
- F. Federal and state governments should establish a

specific grant programs to fund sewer treatment upgrades mandated by EPA or DEP.

7.200 SOLID AND HAZARDOUS WASTE MANAGEMENT

The state, having mandated solid waste management requirements on local governments through the Solid Waste Management Act and the Municipal Waste Planning, Recycling, and Waste Reduction Act (Act 101 of 1988), shall provide funds to assist municipalities to comply with the requirements of the Act.

The Commonwealth of Pennsylvania, having mandated municipal recycling programs and other waste reduction measures, should pursue, through legislation, regulation, or other legitimate means including:

- A. Efficient and effective reduction of the total solid waste stream;
- B. Greater utilization of recycled materials through the promotion of existing technologies and the encouragement of the development of new technologies;
- C. Encourage the development of scientific advancements that will result in the overall reduction of the trash stream by producing materials with diverse utilization, including recyclability and biodegradability.
- D. Develop tax incentive packages to encourage the use of and demand for recycled materials; and
- E. Implement a "bottle bill."

Municipalities should recognize that complete prohibition of solid and hazardous waste disposal is impractical. However, the state and federal governments must allow local governments to be full participants in siting determination. Such participation should include reasonable local veto authority, and should not supersede the right of municipalities to enforce local zoning provisions.

Municipalities, having been given the right to delegate responsibility to the county for the preparation of the solid waste management plan for the municipality, should also be empowered to assign full responsibility for the collection, transfer, and disposal of solid waste to the county or to assign disposal of solid waste to the county where the municipal governing body determines it is not feasible economically or otherwise for the municipality to continue to be responsible for this service under the Solid Waste Management Act.

The Association reiterates its policy that solid waste management is and should remain a municipal responsibility and that it should not be pre-empted in any fashion by a county government or a county or regional authority.

7.300 WATER QUALITY

The availability of an ample supply of clean water is

vital to our nation. Positive steps must be taken through research, planning and preventative action to avoid the harmful effects of pollution, drought, and consumptive withdrawal upon our water resources. Water resources to meet all uses within the Commonwealth, including, but not limited to, domestic, commercial, agricultural, and recreational, must rate the highest priority. Current sources must be protected, preserved and recycled where possible. Sources that have deteriorated below levels acceptable for domestic use must be rehabilitated. Because of local governments' vital interest in their water supplies, their views must be respected when any decisions are made that will affect their water resources.

The Commonwealth and the federal government should provide sufficient financial aid to municipalities to comply with federal and state laws fixing minimum water quality standards under the Federal Water Pollution Control Act (NPDES), the Federal Safe Water Drinking Act, the Pennsylvania Clean Streams Act, and the Pennsylvania Sewage Facilities Act.

The state should also provide necessary technical assistance to municipalities to assist in the planning, design and construction phases of developing wastewater treatment facilities. Appropriate and ongoing programs should be available to assist in the repair, replacement, and upgrading of water supply systems.

Future changes in pollution standards, whether established by legislation or regulation, should be subjected to cost/benefit analyses to ascertain if the benefits of such new standards justify the costs to be incurred in meeting them. The Commonwealth shall also refrain from placing outflow requirements on wastewater treatment facilities without providing the financial support needed to meet compliance with those standards

7.400 AIR POLLUTION

Air pollution is a threat to our health and welfare. All levels of government and private industry must take concerted action to prevent further degradation of existing air quality and attain the goal of clean air. Local governments are encouraged to use modern pollution control and monitoring methods to abate their own polluting sources and regulate other polluting sources in their communities. The association supports the Commonwealth's Air Pollution Control Act and seeks legislation that would return up to 50% of all fines, civil penalties and fees collected for violations back to the municipality in where the violations had occurred.

Future changes in pollution standards, whether established by legislation or regulation, should be subject to cost/benefit analyses to ascertain if the benefits of such new standards justify the costs to be incurred in meeting them.

CHAPTER 8

ENERGY

8.000 ENERGY GOALS

The Commonwealth of Pennsylvania has been and will continue to be a major resource for commodities related to the production of the nation's energy supply. At a time when national security has been linked to our domestic energy needs, there is a clear need to delineate the policy goals of our borough communities.

Since its founding as Penn's Woods which supplied timber and lumber to the reign of "King Coal" and now the development of natural gas supplies, Pennsylvania and its municipalities are positioned to benefit from the demand for these natural resources. The demand for these commodities should also be measured with the lessons learned from our energy past.

Boroughs should be able to participate in the development, growth and utilization of any energy commodity within the Commonwealth. Further, boroughs should maintain their ability to regulate these developments to assure the health, safety and welfare of their constituents. As technologies will surely develop to take advantage of these available and newly discovered commodities, the Association shall strive to include borough interests in all energy related issues.

8.100 COMMODITY CONSERVATION

The demand for energy is based directly on its use. The need for adequate sources of energy places a demand on the development of commodities which create and/or generate power/energy. Should the demand for energy commodities outstrip their supply, adequate measures must assure proper conservation to meet current need. In essence, conservation measures drive commodity development.

In order to conserve commodity development, boroughs must be enabled to sufficiently regulate the management of these commodities. That also includes measures that regulate the uses of power/energy. Among those measures should be:

- A. support for boroughs from the Commonwealth which enables boroughs to use developing technologies for energy conservation.
- B. the ability of boroughs to regulate the location of energy commodity development projects.
- C. support for alternative energy commodity programs such as wind, solar or geo-thermal production.
- D. a consistent program of monitoring and evaluating the most effective processes used for commodity conservation.

8.200 MUNICIPAL ELECTRIC GENERATION & DISTRIBUTION

The operation and control of municipally owned energy utilities and services should be exclusively under the control of locally elected governing bodies and any attempt to assert state control over rates or service areas shall be opposed by the Association.

The Association further opposes the Public Utility Commission regulation of rates and certification of the service area of municipal electric services provided outside the corporate limits of the municipality and seeks legislation to overcome such matters.

8.210 MUNICIPAL ELECTRIC & GAS AGGREGATION

The Association supports the discretion of borough communities to participate in aggregation programs for the provision of gas and electric power generation.