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COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES
LOCAL GOVERNMENT COMMITTEE

IRVIS OFFICE BUILDING
ROOM G-50
HARRISBURG, PENNSYLVANIA

THURSDAY, SEPTEMBER 11, 2008
10:06 A.M.

BEFORE:

- HONORABLE ROBERT FREEMAN, MAJORITY CHAIRMAN
- HONORABLE STEVE SAMUELSON
- HONORABLE THOMAS A. TANGRETTI
- HONORABLE STANLEY E. SAYLOR, MINORITY CHAIRMAN
- HONORABLE DAVID S. HICKERNELL
- HONORABLE MARK K. KELLER
- HONORABLE C. ADAM HARRIS
- HONORABLE SUSAN C. HELM
- HONORABLE CHRIS ROSS

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ALSO PRESENT:

JOHN FULTON, Majority Executive Director

AMY BRINTON, Majority Research Analyst

BRIANNA MEDEVICH, Majority Research Analyst

DON GRELL, Minority Executive Director

BETH ANN WILLIAMS, Minority Research Analyst

BRENDA J. PARDUN, RPR
Reporter - Notary Public

P R O C E E D I N G S

1
2 CHAIRMAN FREEMAN: Good morning,
3 everyone. I'm Majority Chairman
4 Representative Freeman of the House Local
5 Government Committee. And I'd like to call
6 this meeting of the committee to order this
7 morning.

8 Before we begin with today's hearing,
9 obviously today's a very solemn day. It marks
10 the anniversary of the tragedy of 9/11 and a
11 loss of so many of our fellow countrymen in
12 that horrible attack. So as we begin our
13 hearing, I'd like us all to please take a
14 moment and have a moment of silence in
15 observance of this memorial.

16 (Whereupon, there was a moment of
17 silence.)

18 CHAIRMAN FREEMAN: Thank you.

19 I should note too that the call to a
20 moment of silence was something that both
21 Chairman Saylor and I felt we should do at the
22 beginning of today's hearing.

23 Today's hearing deals with House Bill
24 1753, an issue that prime sponsor Dave Argall
25 has been promoting for quite some time now to

1 try and increase the kind of communication
2 that should exist between all the various
3 levels of government here in Pennsylvania.

4 As all of us in this room are quite
5 aware, Pennsylvania has probably more levels
6 of municipal government than any other state,
7 perhaps with the exception of Illinois, if my
8 memory serves me correctly. And as such there
9 are times when our fragmented system does not
10 lead to the kind of cooperation between local
11 government units that would be beneficial to
12 both the residents of those communities and to
13 economies of scale.

14 So as an attempt to deal with
15 improving that concept of communication,
16 Representative Argall has brought forth House
17 Bill 1753, which is the subject of today's
18 hearing.

19 Unfortunately, Representative Argall
20 could not join us today; he had another
21 commitment. We offered to reschedule the
22 hearing, but he felt it was important for us
23 to proceed with it, so he is represented by
24 his aide, Dave Reddecliff, who will be
25 speaking to his behalf during the course of

1 this hearing.

2 Gentleman Mr. Keller, have a
3 comment?

4 At this time, I would like to turn to
5 my friend and colleague, Chairman Stan Saylor,
6 if he'd like to make some introductory
7 remarks.

8 REPRESENTATIVE SAYLOR: Thank you,
9 Chairman Freeman.

10 Just that I wanted to clarify that we
11 have gotten a letter from the Newspaper
12 Association, and I believe, Dave, you'll be
13 addressing that when you come up and talk
14 about the possible amendment to the bill and
15 everything else.

16 So just want to welcome everyone else
17 back from summer, whatever summer it was. But
18 look forward to moving this bill forward. I
19 think it's a good bill and I think that --
20 I've taken notice in York County that COGs are
21 becoming more and more utilized to solve a lot
22 of problems and get more intergovernmental
23 cooperation, with I think is great for
24 taxpayers. And in particular, I think it is
25 something that cuts the duplication of

1 services in many cases.

2 So look forward to hearing the
3 testimony and writing the recommendations for
4 any possible changes that would benefit our
5 taxpayers of Pennsylvania.

6 Thank you.

7 CHAIRMAN FREEEMAN: Before we proceed
8 with our first witness, I'd like the members
9 of the committee to please identify themselves
10 and their district, starting down here with
11 Chairman Tangretti.

12 REPRESENTATIVE TANGRETTI: Tom
13 Tangretti, Westmoreland County.

14 REPRESENTATIVE HICKERNELL: Dave
15 Hickernell, Lancaster and Dauphin Counties

16 REPRESENTATIVE HELM: Sue Helm, 104th
17 District, of Dauphin County.

18 REPRESENTATIVE HARRIS: Adam Harris,
19 Juniata, Mifflin, and Snyder Counties, just
20 above my good colleague over here,
21 Representative Keller.

22 REPRESENTATIVE KELLER: Mark Keller,
23 Perry and Franklin Counties. Thank you.

24 CHAIRMAN FREEEMAN: And we do
25 anticipate being joined by other members of

1 the committee throughout the course of the
2 hearing.

3 At this time, I'd like to proceed
4 with our hearing and call our first witness,
5 Dave Reddecliff, who's speaking on behalf of
6 Representative Dave Argall, the prime sponsor
7 of House Bill 1753.

8 Dave, welcome.

9 MR. REDDECLIFF: Thank you, Chairman
10 Freeman, Chairman Saylor, and members of the
11 committee.

12 As Chairman Freeman indicated,
13 Representative Argall is not able to be here
14 today due to a scheduling conflict and asked
15 me to provide his testimony.

16 We really appreciate the opportunity
17 today. Dave has worked on local government
18 issues for many years, and one of the things
19 that he felt was important was that we
20 continue this dialogue because so often there
21 are a number of different, competing thoughts
22 of the approach that we should take, and his
23 is one that we don't hear much about.

24 Pennsylvania is blessed with a
25 decentralized form of representative,

1 democratic government. Instead of hoarding
2 power in the halls of Harrisburg, state
3 lawmakers share authority and responsibility
4 with local counties, cities, townships,
5 boroughs, and school boards.

6 This decentralized structure is based
7 on the principal that government that is
8 closest to the people is most responsive to
9 those it governs.

10 Pennsylvania's 67 counties, 2,566
11 municipalities, 501 school districts provide
12 citizens with sources for local control and
13 accountability of government functions. In
14 fact, there is approximately one unit of
15 general government for every 4700 people in
16 Pennsylvania.

17 However, the strengths of this
18 system, with its focus on local control and
19 shared authority, can also be its weaknesses.
20 Pennsylvania's 2,633 general-purpose
21 governments compete for scarce federal, state,
22 and local financial resources.

23 They also often compete for economic
24 development opportunities, trying to outbid
25 each other for the businesses and jobs.

1 In its landmark report Back to
2 Prosperity: A Competitive Agenda for Renewing
3 Pennsylvania, the Brookings Institution noted
4 that: Pennsylvania's fragmented state
5 government and profusion of local
6 jurisdictions probably spend more time working
7 at cross-purposes than working together to
8 compete in the world's economy.

9 In the end, this competition often
10 results in winners and losers, as opposed to
11 the mutual success that can be shared through
12 cooperation.

13 The Brookings Institution report also
14 notes that duplicated services, haphazard
15 spending, and wasted tax dollars are all
16 problems at both the state and local levels.
17 For example, the report suggests that full-
18 time service from consolidated police
19 departments cost 24 percent less overall than
20 that provided by traditional departments, and
21 29 percent less per capita.

22 Again, Brookings notes that small
23 governments often miss out on possible
24 economies of scale and points to the
25 inefficiency of numerous mini-governments in

1 providing capital-intensive services, like
2 water, sewer, and fire protection, and
3 managing administrative functions where they
4 maintain redundant overhead.

5 While these observations draw
6 attention to apparent problems, they also shed
7 light on possible opportunities. If
8 Pennsylvania can create a culture where local
9 governments cooperate instead of competing, we
10 may be able to maximize our chances for
11 success. The end results could include more
12 efficient governments, better services, lower
13 taxes, and better economic opportunities for
14 our residents.

15 The question becomes: How do we
16 create a culture of cooperation among local
17 governing bodies?

18 Some people have argued that the
19 state should use its heavy hand to create laws
20 and regulation requiring intergovernmental
21 cooperation. They believe laws combined with
22 strict penalty for local government bodies
23 that fail to comply would force cooperation
24 among Pennsylvania's fragmented governing
25 system. Instead of carrots, this way of

1 thinking would rely heavily on the stick.

2 The problem with this concept lies
3 with who would bear the brunt of the stick.

4 If this type of system were implemented, the
5 people, those who live in municipalities that
6 refuse to cooperate, would suffer the
7 consequence. Instead of improving their
8 conditions, such a mandate could actually lead
9 to a decline in economic opportunities and
10 government responsiveness for the citizens.

11 Any financial penalty such as the
12 loss of state grant funding would fall
13 squarely on the shoulders of the citizens.
14 If, for instance, school districts that refuse
15 to cooperate had their state funding reduced,
16 the victim of such a policy would be the
17 children in those school districts. It hardly
18 seems fair to punish children for choices they
19 never made.

20 In addition, such a law presupposes
21 that cooperation is the answer to every
22 question, when, in fact, this may not be the
23 case. If two local governments can provide
24 services more efficiently and effectively as
25 two separate entities, punishing them for

1 doing so seems like a self-defeating
2 proposal.

3 This is why House Bill 1753, the
4 Political Subdivision Communication and
5 Cooperation Act takes the opposite approach.
6 Instead of punishing governing bodies that
7 refuse to work together, this proposal would
8 reward those that do.

9 It would require a county
10 government's leaders to meet with the
11 governing body of one contiguous county at
12 least once every three months. It would
13 require the same type of meeting for
14 municipalities and school boards.

15 This type of intergovernmental
16 meeting could lead to permanent alliances. At
17 the meetings, government officials could
18 discuss areas of common interest, mutual
19 goals, current or proposed programs, potential
20 cost-cutting efforts, and the ability to
21 achieve greater economies by working
22 together.

23 By February 1 of each year, local
24 governing bodies would be required to provide
25 a simple, one-page report to the Pennsylvania

1 Department of Community and Economic
2 Development summarizing their meetings.

3 The Governor's Center for Local
4 Government Services would then review the
5 reports and recognize the most significant and
6 successful intergovernmental cooperation
7 effort. As a reward, DCED would be authorized
8 to provide grants to locate governing bodies
9 that have worked together to improve
10 conditions for local residents.

11 By enticing with the carrot and
12 leaving the stick at home, state government
13 may be able to create a culture of cooperation
14 among local governing bodies.

15 Many local governments and school
16 districts have already taken steps to work
17 together. And their efforts could be
18 recognized and rewarded if this initiative is
19 enacted into law.

20 This proposal -- excuse me -- is not
21 a shotgun marriage arranged by the state among
22 local governing bodies but an incentive for
23 local government leaders to consider
24 cooperation.

25 One final note, we did receive a

1 notice from the PNA, Pennsylvania newspaper
2 publisher association, to also include the
3 open records and the Sunshine Act in this type
4 of a proposal. Dave and I assume that the two
5 current acts would already include this type
6 of a provision, but we would be agreeable to
7 certainly adding something to this measure
8 that would specifically require the compliance
9 with both of those laws.

10 So on behalf of Representative
11 Argall, I appreciate the House Local
12 Government Committee's consideration of this
13 measure today and look forward to hearing the
14 testimony of all other interested parties.

15 Thank you.

16 CHAIRMAN FREEEMAN: Mr. Reddecliff,
17 thank you for your testimony. If you're
18 willing to stand for a few questions.

19 The Chair also wishes to recognize
20 the presence of Representative Chris Ross of
21 Chester County.

22 Before I turn to the members, I just
23 had a couple of quick questions I'd like to
24 ask as well. In reading over the legislation,
25 I noticed that the type of meetings that would

1 occur would be between the same entities of
2 government: counties and adjoining county,
3 municipalities and adjoining municipalities,
4 school districts with adjoining school
5 districts.

6 Did either you or Representative
7 Argall give thought to requiring meetings
8 between all the various levels of government?
9 Even though there are different charges to
10 different types of local entities, it strikes
11 me that it might be beneficial if there's an
12 opportunity for school districts to meet with
13 municipalities, particularly over growth
14 issues; for counties to meet with
15 municipalities, particularly over possible
16 economies of scale and purchasing basic items
17 for their operation, such as paper or
18 equipment, that sort of thing. Was any
19 thought given to that?

20 MR. REDDECLIFF: Well, actually, the
21 school districts -- the provision includes the
22 school district actually meeting with the
23 municipalities located wholly or partly within
24 their jurisdiction. So it's not necessarily
25 school district to school district. It's also

1 meeting with all the boroughs or townships
2 located in that area.

3 No, that's a good idea. Dave
4 recognizes that many municipalities across the
5 state do meet on a regular basis. But, as you
6 started out the hearing today saying that we
7 are probably only second to Illinois, we're
8 taking a guess that maybe half of the
9 commonwealth's municipalities don't meet. So
10 we're open to any possibilities of who should
11 meet, who they should meet with, and how often
12 they should meet as well.

13 CHAIRMAN FREEMAN: And I noticed also
14 in the legislation that the requirement is
15 that they meet once every three months. Given
16 the fact that so many of our local officials
17 are part time -- even though they put in a
18 full-time effort in many cases in their
19 municipality, they're literally considered
20 part-time employees -- and that they have
21 their own occupations to observe as well, was
22 there any thought to maybe reducing the number
23 of meetings, not that you want to discourage
24 interfacing with your colleagues in different
25 communities, but three times -- or four times

1 a year seems a bit excessive in some
2 instances.

3 Did Representative Argall give any
4 thought to maybe reducing that to twice a
5 year?

6 MR. REDDECLIFF: There's no magic
7 number there. Two, three would be fine with
8 him.

9 CHAIRMAN FREEMAN: Okay. And I did
10 note that in the legislation you would allow
11 meetings amongst various associations, like
12 various boroughs meeting at a borough's
13 association meeting to qualify for one of the
14 four meeting that would occur every year, and
15 that obviously provides some flexibility to
16 the local entity of government to meet the
17 obligation of the proposal without being
18 overly burdensome.

19 My one concern there is I believe the
20 language states that the entire governing body
21 has to be present. And as we all know, there
22 are times, particularly at the local
23 government level, where all the local
24 officials cannot be present because of other
25 demands on their time. Is there any objection

1 to changing that perhaps to a majority of the
2 governing body being present?

3 MR. REDDECLIFF: That is an issue
4 that we talked about. And I think that we
5 wanted to at least start out from the point
6 that we wanted to say that it's really open to
7 the entire governing body, this kind of a
8 dialogue. Whether or not we ultimately
9 indicate that it's a majority of the body, I
10 think Dave wanted to -- Representative Argall
11 wanted to stay away from maybe just a small
12 committee, because I think he wanted to have
13 as much interaction as possible. So, there
14 again, I think that a majority of the
15 governing body would certainly be a welcome
16 change.

17 CHAIRMAN FREEMAN: My final question
18 before I turn it over to the other members for
19 questioning, what would be the nature of the
20 DCED grant? The legislation was a bit silent
21 on the amount or types. There is some
22 language as to reward those cooperative
23 efforts, but it wasn't quite clear on the
24 draft as to what the exact nature, type, and
25 amount of grants would be. Did you have any

1 comments on that?

2 MR. REDDECLIFF: I guess our
3 experience over the years, including working
4 in the Appropriations Committee, they always
5 take that language out anyway and put
6 something else in there at a later date or put
7 in what they think, or it's a negotiated item
8 in the budget. So I think that his concept
9 was that we want to reward them, but we're not
10 going to get hung up on amounts at this point
11 in time when we could throw any amount in
12 there and it would probably be taken out if it
13 goes to Appropriations.

14 CHAIRMAN FREEMAN: So at least this
15 draft, your thought was to leave it up to the
16 department?

17 MR. REDDECLIFF: Absolutely. We want
18 to work -- fortunately, we believe that we
19 have a good working relationship with the
20 department. We've had a good relationship
21 with this administration, the last
22 administration. And it's something that --
23 the concept we wanted to get out there. The
24 actual figures, we were going to work with
25 them at a later date.

1 CHAIRMAN FREEMAN: Okay. Thank you.

2 I did notice that Representative
3 Tangretti wanted to ask some questions. The
4 Chair recognizes Representative Tangretti.

5 REPRESENTATIVE TANGRETTI: Thank you,
6 Mr. Chairman.

7 David, along those lines of the grant
8 situation, are we talking about some nominal
9 amount of money that we would give to the
10 community because they came up with an idea,
11 or are we talking about two communities that
12 decided to form a regional police department
13 and we're going to give them a grant to get
14 them started on that?

15 MR. REDDECLIFF: It's more of a
16 nominal thing. We recognize that we don't
17 have a lot of money in budgets. And it's --
18 it would be more of a reward for coming up
19 with something, testing something, and sharing
20 with others than, Hey, here's an idea that
21 seems to be working in certain communities.
22 So it would be a nominal type of grant, not
23 something to sustain that particular program,
24 because it could be a million dollars. Those
25 dollars don't exist.

1 CHAIRMAN FREEMAN: Representative
2 Ross.

3 REPRESENTATIVE ROSS: As I sometimes
4 suffer from hay fever, I'm not going to ask
5 you questions that you have to answer, and I
6 hope you get some medical relief as soon as
7 possible.

8 MR. REDDECLIFF: Actually, I'm on the
9 down slide. I'm feeling much better.

10 REPRESENTATIVE ROSS: Anyway, I like
11 the overall idea very much. I share some of
12 the specific concerns that have been brought
13 up already, but I think that none of these are
14 insuperable, and it's more in the nature of
15 fine tuning.

16 And I generally like also the idea of
17 using inducements to encourage cooperation
18 rather than forced consolidation, which I know
19 is on the minds of some thinkers in this
20 subject out there, and I think it's a
21 mistake.

22 So I just didn't -- didn't want to --
23 offer my encouragement in that regard and
24 commitment to work with you in trying to
25 resolve some of the outstanding issues that we

1 have.

2 MR. REDDECLIFF: Appreciate that.
3 That's something that the focus seems to have
4 been on for many years, the forced model. And
5 so this is just taking a different approach.

6 CHAIRMAN FREEMAN: Thank you,
7 gentlemen.

8 I think Chairman Saylor wishes to
9 make some comments as well.

10 REPRESENTATIVE SAYLOR: Dave, thanks
11 for your testimony today.

12 I think one of the things that I want
13 to utilize is, I chair the York County
14 Municipal Planning Organization, and back
15 about sixteen years ago, little bit before I
16 came actually to the General Assembly, York
17 County hosts -- we have a York County
18 Transportation Coalition, which is made up of
19 all the municipal governments in York County,
20 all the different -- aviations to railroad to
21 trucking companies to manufacturing
22 associations, the Chamber.

23 It's not a required attendance. But
24 I like the fact that there is a required
25 attendance, because one of the things I've

1 taken notice to is when we do get into these
2 intergovernmental cooperations, we sometimes
3 get people who do not, but they won't go to
4 the meeting. They'll just say, I'm against
5 it, and they don't want to.

6 And I think that whether you're for
7 something or you're against something, you
8 should at least go to the meeting and be well
9 informed.

10 Too often I've taken notice that
11 somebody takes a position, whether it's on a
12 borough or local community or whatever, and I
13 think that by the mandatory attendance -- and
14 I do think that four meetings -- I do like the
15 four meetings, because we actually meet -- the
16 transportation coalition in York County meets
17 every two months. And it has really
18 spurred -- in the sixteen years I've been in
19 the General Assembly, I've been a member of
20 the twelve-year planning hearings, and we are
21 probably one of the only counties in the state
22 of Pennsylvania that's never had anybody come
23 in and testify against what York County has
24 put forward.

25 We have been complimented by the

1 Secretary of Transportation about that. When
2 you -- I think sometimes you hate to say
3 you're forcing anybody, but we, in the General
4 Assembly, need to be forced sometimes to do
5 things as well. I can't imagine that.

6 And I think that we have to sometimes
7 force people to at least attend the meetings.
8 It is not about whether you follow through on
9 it or not. And I like that. I think that --
10 you have to have a little bit of a push
11 sometimes, and I think the General Assembly
12 has to do that, and so I do like that part
13 about the bill.

14 I think every three months -- to me,
15 being a township supervisor or borough council
16 member or mayor, whatever it is, is a great
17 responsibility to serve the public, and I
18 think that you can take four meetings a year
19 out of your schedule to take it. I know it's
20 a great responsibility, a lot of time in your
21 schedules for just the council meetings and
22 all the other things you go through.

23 But to understand what another
24 municipality is, I come from the fastest
25 growing county in the state of Pennsylvania.

1 And some of my township don't understand how
2 their growth is affecting low-lying boroughs.
3 And how they're being flooded by the growth
4 because stormwater runoff isn't managed.

5 They don't have to deal with it.
6 They don't have to deal with the
7 transportation issues going through the
8 boroughs because they're getting the money,
9 and I think by these local government
10 officials being forced to attend these
11 meetings, I do think that other officials will
12 start to see how decisions they make locally
13 may affect somebody next door. Whether it's
14 zoning and planning or it's transportation
15 issues, or it's stormwater runoff or whatever
16 it may be.

17 So I do like that part about the
18 bill, and I've taken notice in York County
19 where we have done that -- and in the case of
20 transportation coalition, it's not mandatory,
21 so a lot municipalities come and go, depending
22 on what the schedule fits -- but it has worked
23 in York County. And I think the municipal
24 planning mandatory I think would be even a
25 more positive step. Thank you.

1 MR. REDDECLIFF: Representative
2 Saylor, you bring up a good point. I -- I
3 have been working here at the capitol for a
4 number of years and working for members of our
5 leadership team.

6 I take a lot of things home at night
7 to read, just to kind of have a general
8 understanding what's going on. And I have got
9 a chair at home that I've got some big stacks
10 of reading material, and I read on a fairly
11 regular basis, but it drives my wife nuts
12 because that stack never disappears. And
13 every now and then I just take that stack and
14 say, Okay, it's been here long enough, and I
15 toss it.

16 So am I missing some good things?
17 Probably, but nobody's really forcing me to
18 read it. It is something that I want to do.
19 And so I think this is that same concept. We
20 don't want to force the municipalities to do
21 certain things, but just to meet and talk and
22 discuss, to generate ideas, we felt was one
23 possible thing that might actually be
24 beneficial to everybody, so --

25 REPRESENTATIVE SAYLOR: And I think

1 Chairman Freeman's idea of including the
2 school boards I think is a good idea as well.
3 I think that, again, there is -- constantly
4 you go to meetings and taxpayers are being
5 told, well, that's the township supervisor or
6 the borough council, a school board maybe, and
7 then vice versa. It's always the school
8 board's fault if you talk to the township or
9 borough officials. And I think there needs to
10 be more understanding each other's problems.
11 Because they all face sometimes regulation
12 from the state or state laws that don't allow
13 them to do certain things, but far too often,
14 I think, our citizens are frustrated by
15 finger-pointing rather than getting to the
16 bottom line as to who really is at fault or
17 how can we solve the problem.

18 Thank you.

19 CHAIRMAN FREEMAN: David, thank you
20 for your testimony.

21 Before we turn to our next witness, I
22 did also want to introduce to members of the
23 committee a new member of my staff, Brianna
24 Medevich. She's joined in anticipation of Amy
25 Brinton, our research assistant, going on

1 maternity leave in the fall. And so we
2 welcome her to the working committee.

3 Our next witness is Mr. Elam Herr
4 from the Pennsylvania State Association of
5 Township Supervisors.

6 Elam, welcome.

7 MR. HERR: Thank you, Mr. Chairman.

8 Excuse me.

9 Good morning. My name is Elam Herr.
10 I'm assistant executive director for the
11 township supervisors association. And we
12 represent the 1455 townships in the second
13 class.

14 Townships comprise 95 percent of the
15 commonwealth's land area and are home to more
16 than 5.4 million Pennsylvanians, nearly 42
17 percent of the state's population.

18 These townships are very diverse,
19 ranging from rural communities with fewer than
20 two hundred residents to more populated
21 communities with populations approaching
22 seventy thousand residents.

23 Since the passage of the
24 Intergovernmental Cooperation Act in 1972,
25 municipalities have been able to enter into

1 agreements with one or more municipalities to
2 provide services, purchase goods, and perform
3 many other governmental functions on a
4 voluntary basis. Essentially, this act states
5 that anything a municipality is authorized to
6 do individually may also be done
7 collectively.

8 This act has been in use for services
9 from the investigation to building and housing
10 code enforcement to fire protection to
11 recreational programs as well as countless
12 other areas.

13 Local government officials across the
14 commonwealth have discovered that one of the
15 best ways to save money and achieve greater
16 efficiency is by pooling resources through
17 shared municipal services.

18 The Intergovernmental Cooperation Act
19 enables municipalities to work together
20 through the creation of councils of
21 governments and other formal entities as well
22 as through formal and informal agreements.

23 For example, the Northern York County
24 Regional Police Group was founded in 1973 to
25 provide police services to municipalities in

1 northern York County. In Centre County,
2 townships have engaged in numerous types of
3 shared municipal services over the years
4 through the Centre Region Council of
5 Government, including fire protection, trash
6 collection, swimming pools and recreational
7 programs, and land use plans.

8 Joint purchasing contracts have
9 become very common across the state, whether
10 through formal arrangements, such as
11 Westmoreland Council of Governments, or
12 through informal arrangements.

13 While the association continuously
14 promotes the use of intergovernmental
15 cooperation to the members to cut cost and
16 improve services, we cannot support 1735 in
17 its present form. While we agree with the
18 intent of the legislation to promote
19 communication and intergovernmental
20 cooperation between local governments, we do
21 not believe that this legislation is needed,
22 nor do we believe this legislation would
23 accomplish its goal.

24 In addition, we are concerned with
25 the cost associated with this legislation.

1 House Bill 1753 would require municipalities
2 to jointly meet at least every three months
3 with a contiguous municipality.

4 Specifically, the governing bodies of
5 the municipalities would be required to meet,
6 and these joint meetings must take place in an
7 advertised public meeting. Our concern is
8 that the legal ads must be placed to hold this
9 meeting, which can range from \$80 to \$300 for
10 four-inch advertisement.

11 Every municipality that would
12 participate would have to advertise. So take
13 the 2500 municipalities, times that by 80,
14 using the least of the numbers, times four,
15 and you're going to see that we are getting
16 close to anywhere between \$750,000 and a
17 million dollars just in advertisement costs.
18 This is, you know, what we looked at as an
19 unfunded mandate.

20 We believe that this is unnecessary
21 cost. And in addition, we are concerned that
22 a joint advertised meeting would put township
23 officials on the spot and may not be the best
24 way to share new ideas of concepts for
25 cooperative efforts.

1 In fact, many cooperative efforts
2 today began as informal conversations between
3 municipal officials looking for a solution to
4 a shared problem.

5 In fact, local governments
6 participate in shared services every day.
7 Throughout the state, many local governments
8 share equipment informally, such as sweepers
9 and trucks, and share commodities, such as
10 salt.

11 Often the informal cooperation leads
12 to more formal cooperative agreements,
13 including those who share specialized
14 equipment or participate in joint planning.

15 Informal agreements and the trading
16 of road maintenance responsibilities often
17 helps to create a culture of increased
18 cooperation. As municipalities continue to
19 communicate and find that informal agreements
20 are beneficial, additional areas may be
21 explored for opportunities to share services.

22 Many examples of formalized planning
23 and shared services have been going on for
24 years unnoticed. One example is the joint
25 stormwater management effort with nineteen

1 municipalities in the North Hills Council of
2 Governments. In this case, the municipalities
3 in four different watersheds in upstream and
4 downstream communities are working to
5 implement a program of best management
6 practice and the project that will reduce
7 downstream flooding and to develop a joint
8 ordinance that will complement with Act 67 at
9 the same time -- 167 at the same time. Excuse
10 me.

11 Intergovernmental cooperation does
12 not have to be highly visible to be
13 successful. It does not require an individual
14 sitting in a think tank to brainstorm ways
15 that local government can make the best use of
16 its resources or in meetings specifically
17 advertised and held for this purpose.
18 Instead, it is the individual practitioners of
19 local government working together every day to
20 make the best use of local resources.

21 Other examples of intergovernmental
22 cooperation include garbage contracts, cable
23 franchise agreements, and shared police
24 services such as accident investigation.
25 Citizens often don't know about these efforts,

1 as they are not publicized or seen, but are
2 simply a way of life for many municipalities.

3 While we agree that the increased use
4 of shared municipal services is a good thing,
5 this does not mean that the epitome of shared
6 municipal services is when every service is
7 shared or merged. In contrast, the benefits
8 of voluntary intergovernmental cooperation are
9 that municipalities have flexibility to work
10 together to pool resources and see how they
11 can serve their residents best by sharing
12 services and when the services are best
13 performed alone.

14 Municipalities should never be forced
15 to share services, nor should they be told how
16 and when to meet. Instead, municipalities
17 should retain the ability to decide how to
18 best serve their taxpayers.

19 There are situations that shared
20 services do not work, and we need to retain
21 freedom to decide what is best for our
22 community, including the best forum to meet
23 with the other municipalities.

24 Efforts to form regional police
25 services have, at times, been met with great

1 difficulty. In some situations forming a
2 regional police service actually adds another
3 unit of government and can lead to a loss of
4 local control over this service. In some
5 cases, residents may be better served by
6 contracting for police services with the
7 existing police department.

8 Other times these efforts failed due
9 to outside influences -- somebody doesn't like
10 what I'm saying?

11 REPRESENTATIVE SAYLOR: God's
12 speaking to you.

13 MR. HERR: Several years ago, an
14 effort to create a large regional police force
15 in Lancaster County failed, not because of the
16 participating municipalities, which were
17 strongly in favor of the regional force, but
18 the police did not like the idea and convinced
19 the public that their level of service would
20 decrease under a regional service.

21 While the mandatory one-page report
22 required by House Bill 1753 may seem like a
23 minor inconvenience, it adds up to thousands
24 of hours of labor and hundreds of thousands of
25 dollars for all municipalities. We're also

1 concerned that this short report will provide
2 little information on what happened at these
3 meetings.

4 In fact, a municipality could be very
5 active in cooperative efforts that would not
6 be included on the report and that would not
7 be discussed at a mandatory meeting. We are
8 concerned about these unnecessary expenses.

9 House Bill 1753 states that these
10 reports would form the basis for the
11 Governor's award for Local Government
12 Excellence and that the department shall
13 provide grants from existing funds to
14 municipalities recognized by the award. We
15 are concerned that the successful programs do
16 not need this funding, and this change will
17 pull funding away from the Governor's Center
18 for Local Government Services' successful
19 shared service program, which currently
20 provides grants up to 50 percent of the total
21 cost for two or more municipalities to work
22 together to perform any local government
23 function.

24 Instead, we believe that the criteria
25 for this program should be left alone and that

1 additional funds should be added to this
2 program.

3 Instead of mandating
4 intergovernmental meetings, the General
5 Assembly should focus on incentives for
6 cooperation and give township officials the
7 flexibility to decide what is best for the
8 communities. This would go far beyond
9 financial incentives and should include
10 increasing the bid limits and increasing the
11 trigger for prevailing wage projects.

12 Several years ago -- excuse me -- Act
13 67 of 2000 authorized municipalities to engage
14 in cooperative land use efforts through
15 multimunicipal plans and implementing
16 agreements. This flexible alternative allows
17 municipalities to plan together yet retain
18 their own planning commission, zoning hearing
19 boards, and zoning ordinances.

20 Act 67 provides incentives to
21 cooperate by allowing those municipalities to
22 participate in a multimunicipal plan to
23 provide for all uses within the area of the
24 plan and not in each municipality, as required
25 when a municipality adopts its own

1 comprehensive plan.

2 Due to the Act 67 of 2000, nearly
3 seven hundred local governments across the
4 state are now involved in multimunicipal
5 planning. In rural Susquehanna County in the
6 northern part of the state, townships are
7 working together to plan for future growth
8 from New York and New Jersey.

9 In more urban Bucks County,
10 multimunicipal planning is helping to make
11 development more compatible with neighboring
12 communities while allowing each township to
13 preserve its own identity.

14 In these areas, the municipalities
15 have adopted multimunicipal plans to take
16 advantage of many of the act's benefits to
17 plan for their community's future.

18 Also, many of the multimunicipal
19 planning efforts used funding from the Land
20 Use Planning and Technical Assistance Program,
21 which provides financial and technical
22 assistance through those municipalities
23 interested in planning and zoning.

24 However, since the inception of
25 LUPTAP, the state has reduced its financial

1 commitment to the program. We believe that
2 the commonwealth should increase its funding
3 to these successful programs.

4 In closing, the association
5 encourages voluntary cooperation among the
6 municipalities to provide the levels of
7 service demanded by their citizens while
8 retaining local autonomy. Municipalities
9 should not, however, be forced to hold
10 meetings just to hold meetings, but should be
11 encouraged to meet in the forums that are most
12 conducive to promotion of intergovernmental
13 cooperation.

14 Mr. Chairman, thank you, and I'll
15 attempt to answer any questions.

16 CHAIRMAN FREEMAN: Thank you for your
17 testimony.

18 Just two quick questions from the
19 Chair. You noted the cost that could be
20 incurred by municipalities for the advertising
21 of the Sunshine Law. Correct me if I'm wrong,
22 because it's been a while since I've looked at
23 that act, but could that not be minimized if
24 the posting of those meetings was done for an
25 entire year?

1 If the various governments could make
2 an understanding between themselves that we
3 would meet on such and such a day, have one
4 posting that would meet the obligations of the
5 law.

6 MR. HERR: Yes and no. You could
7 post at the beginning of year. As you get
8 closer to the time, there is the possibility
9 and probability that you would have to post
10 again to meet other requirements of that act.

11 CHAIRMAN FREEMAN: Okay. And
12 finally, just from the gist of your testimony,
13 I take it that, instead of this legislation,
14 your thoughts are along the lines of having
15 the state government provide more incentives
16 in the way of funding for various programs to
17 encourage cooperation in various areas such as
18 planning simply by providing funding to make
19 it enticing for communities to do so.

20 MR. HERR: That's correct. If you
21 look at the LUPTAP grants since 2000, they've
22 either stayed the same or they have dropped,
23 and part of the problem there is there never
24 was enough money in that program for the
25 department of DCED Center for Local Government

1 Services to provide seed money, financial
2 resources for these municipalities that do
3 want to go together. They have to be very
4 stringent on these plans. Even with that
5 said, we've had over seven hundred
6 municipalities jointly formed.

7 CHAIRMAN FREEMAN: Okay. Thank you.
8 Are there questions from members?
9 Representative Ross.

10 REPRESENTATIVE ROSS: Elam, I
11 listened to your comments and, you know, if I
12 didn't know anything else, I would assume
13 everything was going really well with
14 communication between municipalities out there
15 and that they all knew what each other were
16 doing. So I take this point that you don't
17 necessarily like this bill.

18 Your suggestion, just put more money
19 in the LUPTAP program, I'm sure would be of
20 benefit to some, but I think you really need
21 to go back and talk to your people and think a
22 little harder about the lack of communication
23 that is currently going on between
24 municipalities. You need to really think
25 about how you might come up with a practical

1 solution to reduce that.

2 And I know just from my own personal
3 experience as a township supervisor that the
4 lack of knowledge of neighboring
5 municipalities is really pretty remarkable up
6 there, even with fairly sophisticated people.
7 And, yes, they are busy, and, yes, they have
8 problems with their own municipality, but
9 there's a lot of parochialism. There's a lot
10 of negative feeling between municipalities.
11 There's a lot of shared injuries that have
12 gone back over years that prevent people from
13 getting along and even thinking about
14 communicating with each other.

15 And this is the serious problem. And
16 when you get the Brookings report and you talk
17 about mandatory consolidation, that kind of
18 environment stimulates that.

19 So for you to just take a position
20 that things are generally going okay and we
21 really don't need any help in this area, I
22 think, is doing a great disservice to the idea
23 of continuing the municipal system as we have
24 it today. So I encourage you to rethink this
25 issue a little bit more.

1 MR. HERR: Just a quick response.

2 I happen to agree with you that
3 communication is vital. We're just concerned
4 with the way it's presently written is that
5 there's a mandate, a cross factor in there
6 that does not necessarily result in the
7 assumed conclusion.

8 I would agree with you that
9 municipalities -- there are a lot of
10 municipalities out there that are
11 communicating with their neighbors. There are
12 a lot of municipalities not communicating with
13 their neighbors, for whatever reason it could
14 be.

15 We do promote, I think, as well as
16 the other municipal associations, full
17 cooperation in those types of things, and I
18 think as time goes on, you're seeing more
19 cooperation, but it's not a hundred percent.
20 I will agree with that.

21 REPRESENTATIVE ROSS: It is way below
22 a hundred percent. I believe it's a serious
23 problem. And I would say that you've taken a
24 position in opposition of this bill, not a
25 position, as I assume the other organizations,

1 desiring to try to improve it and do a better
2 job with it.

3 You're basically saying you don't
4 want any kind of organized, regular meeting
5 between municipalities, as I'm reading your
6 comments, which I think is a mistake. And I
7 think that a better position for your
8 organization would be to try to work to see
9 how to make this more effective.

10 MR. HERR: Appreciate it. Thank you.

11 CHAIRMAN FREEMAN: Chairman Saylor.

12 REPRESENTATIVE SAYLOR: Elam, first,
13 to follow up with the question similar to what
14 Chairman Freeman had asked, I don't see this
15 as you have to advertise. If you have four
16 municipalities advertising four different ads,
17 you could do one ad for all municipalities,
18 and sharing in the cost. And I don't see that
19 as a great tremendous -- I don't see anything
20 in the open records that I recall that doesn't
21 say that you can't do joint advertising.

22 MR. HERR: Not so much in open
23 records. You have to also look at the
24 advertising act -- I forget what the title of
25 it is -- and that spells out about advertising

1 issues.

2 You could even get down to joint
3 municipality, if you could, you're still
4 cutting that down, that figure, but it's still
5 hundred of thousands of dollars when you get
6 down to the fact that unless you have larger
7 like county association meetings that
8 everybody would show up, and then you cut it
9 down substantially. But if you're just
10 talking about the act says that I can talk
11 with you or talk with somebody else, and there
12 is that potential cost.

13 REPRESENTATIVE SAYLOR: I'm sure the
14 newspaper association will be willing to give
15 you guys a discount, since they're always
16 encouraging these type of community-working
17 together-type things. Right, Deb?

18 The other thing is, Representative
19 Ross talked about it, way below a hundred
20 percent. It's way below 50 percent of
21 municipalities cooperating and working
22 together. I mean, York County probably has
23 the record in the state of Pennsylvania in
24 number of regional agreements from police
25 departments to fire departments to any number

1 of things. We are going to be the first
2 county in the state to have a regionalized
3 fire department here. In fact, they are now.

4 So I guess -- but I still see the
5 grudges that Chris talked about between
6 municipalities, the failure to communicate,
7 not taking into consideration the road
8 transportation issues, stormwater runoff.

9 These are -- stormwater runoff, to
10 me, is one of the most, I think -- coming from
11 a growing county, the most critical thing that
12 affects York County, the growing counties of
13 this state, and because of the lack of
14 communication by municipalities on that
15 particular issue, I think we are going to see
16 more flooding in Pennsylvania, simply because
17 we aren't working together as a team to
18 understand what happens in this township does
19 affect another township or another borough.

20 And we are not getting that
21 cooperation. And there is a growing call,
22 even in York County, who was fairly
23 conservative, who say it's time to do away
24 with townships and boroughs. Now, that's not
25 a majority yet, but I agree with

1 Representative Ross, if the townships do not
2 do something soon, the pressure will be on
3 this legislature -- and I don't think it is
4 going to be very soon, but it's going to come
5 where there will be suggestions to go to
6 county government.

7 There's already calls in the state
8 for county planning and do away with local
9 planning and township and everything else.
10 This is something -- the supervisors have got
11 to get over fightdoms and start understanding
12 that we are a community. Whether it's York
13 County or Chester County or Potter County or
14 whatever county it is, we're all in this and
15 it's taxpayers' money, and taxpayer's money
16 needs to be spent officially, and I think that
17 it is something that we just have to
18 sometimes -- just here in the legislature, we
19 sometimes have to put partisanship aside,
20 which is our own kingdoms here in Harrisburg
21 and Washington, but, locally, you have to put
22 aside, Well, this is my town and I want
23 somebody who I can control from my police
24 department or I get to say this or say that.

25 And I just think there is so much

1 good, and I think -- I like Pennsylvania's way
2 of government. I think local townships and
3 local boroughs and school boards do work. But
4 we have come of an age that with the
5 communications today, it's so easy to
6 communicate. And I just think that we have to
7 move in the 21st century. And I don't think
8 our local government associations have quite
9 gotten there yet.

10 So I join Representative Ross in
11 asking you to go back to the township
12 association and ask them to please reconsider,
13 whether it's this bill or some other amendment
14 to be added to this bill, but even in York
15 County, as I said, great things that are going
16 in our county. I don't see that in many, many
17 municipalities. Thank you.

18 MR. HERR: Thank you.

19 CHAIRMAN FREEMAN: Representative
20 Helm.

21 REPRESENTATIVE HELM: Thank you,
22 Chairman Freeman.

23 In your testimony, you talked about
24 the regional police forces, and you gave some
25 examples why it didn't work, but I'd just like

1 to make a comment on how it really does work
2 well.

3 Two of our areas, one in Wormleysburg
4 a number of years ago decided to regionalize
5 their police force, and I was asked to
6 participate in that process. And we had a
7 community day and everyone in the community,
8 both communities, got an invitation to come to
9 this event. And people came and they learned
10 what was happening, and it just has worked
11 extremely well.

12 And people lots of times move from
13 one area to another, not distances, and my
14 experience -- I think most of you realize that
15 I have a real estate company, and last
16 December I downsized and I moved from Lemoyne
17 to Wormleysburg, which had the same police
18 force.

19 And not too long ago there was an
20 incident in the neighborhood, and I called the
21 police force, and I'll tell you, it worked so
22 well that they knew who I was and I wasn't
23 just calling like some crazy lady to find out
24 what was going on.

25 So I think it's a lot of pluses for

1 regional police force.

2 MR. HERR: We would agree with you,
3 and we used both examples, ones that worked in
4 northern York. And the one example where it
5 didn't work, it wasn't the municipal officials
6 in that case. The three, in this case,
7 townships, two second-class and one first-
8 class, were considering it. It was the police
9 departments themselves that convinced the
10 citizens that it wasn't the right way to go.
11 If it was up to the municipal officials in
12 that case, there would have been another
13 regional police department in Lancaster
14 County.

15 So it does work, if all the stars are
16 aligned and everybody gets on board. I agree
17 with you.

18 REPRESENTATIVE HELM: Thank you.

19 CHAIRMAN FREEMAN: Just wish to note
20 too, I recall a circumstance in my own
21 district where a neighboring township and a
22 neighboring borough have had a long running
23 animosity toward each other that stemmed from
24 the merger of the school district into one
25 school district way back in the 1960s, and for

1 years the lines of communications were not
2 open. There was a desire on both parts to
3 just ignore the other, much to the detriment
4 of both communities in terms of planning,
5 shared resources, all of that.

6 Recently, a new borough manager, a
7 new township manager, who are much more
8 willing to work together and cooperative, have
9 gotten the members of both governing bodies to
10 start talking, and it is very likely they will
11 adopt a Act 67 joint municipal plan. And
12 there has been some discussion, unless they've
13 stalled, on the concept of merging police
14 forces.

15 I can't help but think if there had
16 not been those two enlightened individuals,
17 that the animosity would still be continuing
18 today. And even though I understand the
19 township association's reluctance to embrace
20 this legislation, like Chairman Saylor, I hope
21 you go back to your membership and see if
22 there's some way of amending this concept so
23 that the idea of requiring a meeting, even if
24 it's only once a year or twice a year, to
25 begin that dialogue could be acceptable to

1 your association.

2 Because once those borough officials
3 and township officials actually sat down and
4 started talking, they realized they had a lot
5 more in common than they had in terms of their
6 differences, and it's created a much better
7 environment for the cooperation of those
8 municipalities. So I hope you will take a
9 second look perhaps at this concept.

10 MR. HERR: I will take back. That is
11 not a problem.

12 One thing you should also recognize,
13 when we have our county association, whichever
14 one you have been invited to over the years by
15 your individual counties, and we are guests at
16 those, there are a number of those counties
17 that are now also inviting other municipal
18 officials to them.

19 Bucks County is one that I know that
20 invites people from their borough associations
21 to attend that meeting, so there is some
22 communication going back. So what you're
23 proposing is happening out there. Again, it's
24 just -- it takes time.

25 As far as your statement about the

1 animosity between people, that's something
2 that neither you nor I can control is how one
3 person reflects, reacts to another person
4 because of something that has happened long
5 ago. The Hatfields and McCoys still survive
6 in the United States, and if somebody does
7 something to me, the grudge is there. In
8 municipal government, that continues out.

9 Luckily, in your case, you had two
10 new individuals come in who said, Let's get
11 past that stage and see if we can go further.

12 Hopefully, local officials as well as
13 state officials are enlightened enough to know
14 that there are things that have happened in
15 the past that happened and should be
16 forgotten, and we have to move forward.

17 CHAIRMAN FREEMAN: And it's been my
18 experience as a legislator for over -- almost
19 twenty-two years that the more opportunities
20 that individuals in the political arena have
21 to talk, the better you have a chance of
22 opening up those lines of communication.

23 If you can just sit in your own
24 isolated world and nurture your grudge, you're
25 not going to make any progress.

1 MR. HERR: You're right.

2 CHAIRMAN FREEMAN: Thank you very
3 much for your testimony.

4 MR. HERR: Thank you.

5 CHAIRMAN FREEMAN: Before we turn to
6 our next testifier, I do want to recognize
7 presence of Representative Samuelson of
8 Northampton County, who has joined us today.

9 Our next witness is Ed Troxell,
10 director of governmental affairs, Pennsylvania
11 State Association of Boroughs.

12 Welcome.

13 MR. TROXELL: Good morning, Chairman
14 Freeman, Chairman Saylor, and the members of
15 the Local Government Committee.

16 My name is Ex Troxell. I am the
17 director of government affairs for the
18 Pennsylvania State Association of Boroughs.
19 And I want to thank you for the opportunity to
20 speak with you this morning concerning House
21 Bill 1753, which seeks to establish a formal
22 process for communication and dialogue amongst
23 elected officials throughout the
24 commonwealth.

25 Representative Argall should be

1 lauded for wanting to promote discussions
2 between municipalities.

3 Since Pennsylvania is renowned for
4 its many political subdivisions, cooperation
5 and communication is important. Whether it is
6 with cooperative purchases, multimunicipality
7 land use planning, anticipating growth and its
8 problems for adjacent municipalities,
9 communities that come together and cooperate
10 contribute to an elevated quality of life for
11 their residents.

12 The Pennsylvania State Association of
13 Boroughs has for nearly a century been the
14 voice of borough officials, and, indeed, has
15 prompted the concepts embodied in House Bill
16 1753 throughout its history. PSAB currently
17 represents nine hundred five of the nine
18 hundred fifty-nine borough of Pennsylvania,
19 where over twelve million Pennsylvanians call
20 home.

21 We provide education, training,
22 research, and services to elected and
23 appointed officials of these communities, and
24 we will continue to do so in the decades
25 ahead.

1 Our role as an association is
2 protecting and promoting the interests of our
3 commonwealth's boroughs, and, in theory, that
4 is what House Bill 1753 seeks.

5 So let me express PSAB's general
6 support for the basic principles of the bill.
7 However, as all of us understand the
8 legislative process of review, I would also
9 point out that aspects of the proposal will
10 need to be addressed and modified. In order
11 to do so, I would ask the committee's
12 indulgence as I go through the bill
13 illustrating some of those items of concern to
14 PSAB.

15 Let's begin more or less with joint
16 committees, joint meetings. Section 3, Joint
17 Meetings, page 2, line 7, there are several
18 dynamics under this section that need to be
19 considered, which I believe boroughs and other
20 municipalities would seek some clarification.
21 Under subsection (b), Municipalities, on line
22 11, page 2, would be questions along these
23 lines:

24 The frequency of the meetings
25 prescribed in the language is currently

1 reading quarterly. The additional expenses
2 relating to holding such meetings and
3 advertising would be shouldered by whom, would
4 be a question we need to answer.

5 Would the reduction of meeting
6 frequency, say to three times a year, be
7 acceptable if both municipalities agree?

8 Who would also be the mandatory
9 attendees at these meetings? The definitions
10 under Section 2 of the bill use the term
11 "governing body." Does it include a
12 representative, a majority, or all of the
13 governing body officials?

14 Assuming these meetings come under
15 Open Meetings and Sunshine Laws, who and how
16 would these laws be complied with by
17 municipalities -- by the multiple
18 municipalities in attendance?

19 Would there be penalties if one
20 municipality, in good faith, arranged and
21 advertised a meeting and the other
22 municipality refused to participate?

23 Moving on to the nature of these
24 discussions, on the same page 2, PSAB and its
25 member boroughs have clear policy goals and

1 member resolutions that we conduct each year.
2 I'm certain other adjacent municipalities have
3 their associations and their positions as
4 well.

5 For practical purposes, how would an
6 agenda of this meeting be developed? What
7 would be the item of interest to folks?

8 Who becomes the chair of the
9 discussions, and how should the debate be
10 conducted?

11 Under the nature of the discussions,
12 many municipalities share common interests
13 which may need further support from state
14 agencies. If requested by the municipalities
15 attending these meetings, would state agencies
16 be willing to participate in these meetings as
17 well?

18 Conversely, there are several issues
19 of clear imbalance, inequity and irregular
20 treatment in the state agency regarding their
21 policies with boroughs. State road
22 maintenance is one, as a matter of fact.
23 Would these state agencies be willing to
24 support addressing these imbalances if
25 discovered and discussed in the meeting?

1 Lastly, would the Pennsylvania
2 General Assembly and its membership also be
3 requested to observe and, if needed,
4 participate in these discussions and/or
5 meetings?

6 Moving on to the reports, on page 2.
7 This subsection provides for a time frame
8 where a one-page report shall be submitted to
9 DCED's Governor's Center for Local Governments
10 Services.

11 What items or information should be
12 summarized in the report?

13 Will the Center develop a template or
14 a format for these reports?

15 And also, is the -- is the Center
16 able to provide for the onslaught of inquiries
17 that would result from this mandated report?

18 Under Existing Forums, same page,
19 page 2, line 29, Existing Forums, PSAB would
20 add that we are disappointed that this morning
21 the Pennsylvania Council of Governments is not
22 presenting testimony regarding their success
23 at developing intergovernmental dialogue and
24 especially multimunicipal projects and
25 cooperation. We hope that this has only been

1 an oversight in the first draft of the bill.

2 And if not an oversight, why has
3 PACOG, or any COG for that fact, not been
4 included in the existing forum?

5 Would an existing forum, as mentioned
6 in the bill, be accountable to the same
7 measures in the bill regarding frequency,
8 notification, advertising, and reporting?

9 Also, similar to a COG, would
10 authorities be considered existing forums?

11 And lastly, to avoid confusion, it
12 would be helpful to define exactly who these
13 existing forums are within the bill.

14 Moving on to Recognition of Efforts
15 by DCED, on Section 4, page 3, line 10, the
16 bill outlines a recognition-of-effort process
17 that requires the Governor's Center to review
18 and recognize the most significant and
19 successful intergovernmental cooperation
20 effort.

21 How would these terms, "significant"
22 and "successful," be defined and by whom?

23 Would the determination used as --
24 used to define "significant" lead to a
25 challenge of the Center's judgments?

1 Would the recognition of efforts
2 under the subsection (a) general rule lead to
3 a cookie-cutter approach just to qualify for
4 identity or any grants?

5 And has the Governor's Center had the
6 chance to examine this bill as well?

7 Moreover, under subsection (b),
8 Grants, on page 3, line 19, from where would
9 these funds be acquired? Would they come from
10 an existing program such as the Shared
11 Municipality Services grant program?

12 And an area especially of concern for
13 PSAB, I'm sure it's share by all other folks
14 who will be acquiring grants possibly, is that
15 the Center might withhold grants should
16 governing bodies fail to comply with the act.

17 In closing, the goals of
18 intergovernmental cooperation and
19 collaborative ventures is indeed laudable.
20 PSAB supports the spirit of the concepts
21 contained in the bill; however, in order to
22 ensure the successful implementation of a
23 Political Subdivision Communication and
24 Cooperation Act, we would insist that several
25 of our aforementioned items be addressed.

1 PSAB knows that only through dialogue
2 and shared commitment will the principles of
3 House Bill 1753 be achieved.

4 Thank you. And I'm willing to answer
5 any questions you might have.

6 CHAIRMAN FREEMAN: Mr. Troxell, thank
7 you for your testimony. And you raised some
8 very excellent questions that I think this
9 committee would need to address if the
10 legislation were to go forward.

11 One point you did raise, too, which I
12 think is something that we should consider
13 food for thought, is should we not also
14 include authorities meeting with local
15 entities of government. They sometimes make
16 decisions that have far-reaching impacts on
17 the municipality and often times the
18 municipality doesn't have the opportunity to
19 interface with them.

20 MR. TROXELL: Often we found that
21 authorities sometimes -- we make our
22 appointments as municipalities to authorities
23 and fail to have any interaction with those
24 appointments that we make to that authority.
25 So, yes, I would certainly want to see the

1 authorities participate.

2 CHAIRMAN FREEMAN: Thank you.

3 Are there questions of the members?

4 Representative Ross.

5 REPRESENTATIVE ROSS: I just want to
6 compliment you on the thoroughness of the way
7 that you analyzed the bill. And I think that
8 the issues that are raised are, at the very
9 least, ones that we need to talk through and
10 work through, and I'm hoping that conversation
11 does go forward.

12 MR. TROXELL: Thank you,
13 Representative Ross.

14 CHAIRMAN FREEMAN: Are there any
15 other questions or comments of the members?

16 If not, we thank you for your
17 testimony.

18 MR. TROXELL: Thank you very much.

19 CHAIRMAN FREEMAN: At this time, I'd
20 like to ask the stenographer if she wishes to
21 take a break or are you okay with proceeding?
22 It's up to you.

23 MS. PARDUN: I'm okay with going
24 forward. I'm okay with going forward.

25 CHAIRMAN FREEMAN: Okay. In that

1 case, we will continue.

2 The next person to testify will be
3 Amy Sturges, director of Governmental Affairs
4 for Pennsylvania League of Cities and
5 Municipalities.

6 Welcome.

7 MS. STURGES: Thank you. Good
8 morning.

9 Good morning, Chairman Freeman,
10 Chairman Saylor, members of the committee.
11 I'm Amy Sturges. I'm the governmental affairs
12 director for the League of Cities and
13 Municipalities and also for the State
14 Association of Township Commissioners, and my
15 testimony is joint testimony for both
16 associations today.

17 Together, the PLCM and the PSATC
18 represent over one hundred and fifty urban,
19 full-service municipalities across the
20 commonwealth.

21 As you know, House Bill 1753 does
22 require quarterly meetings to discuss avenues
23 of cooperation for local governments. And
24 also, we have had this ability as local
25 governments since 1972 and the

1 Intergovernmental Cooperation Act.

2 Today, there are many examples of
3 local government cooperation taking place
4 across this Commonwealth. And I've included
5 numerous examples from the membership of
6 current ways they're cooperating. That is --
7 part of my testimony today is just a sample of
8 those other examples for you.

9 Through these efforts, elected and
10 appointed officials and citizens are realizing
11 the benefits of more efficiency and cost
12 savings through voluntary cooperation.
13 Today's successes will continue to foster more
14 joint ventures.

15 We believe successful joint projects
16 should be held up as models, rather than
17 forcing a cooperative approach where there may
18 currently be no interest.

19 While it seems easy enough for
20 neighboring local governing bodies to meet and
21 discuss ways to cooperate, the mandate of
22 House Bill 1753 would create additional
23 burdens and expenses for local governments
24 that should not be incurred unless
25 voluntarily.

1 The proposal requires quarterly
2 meetings of the governing bodies of contiguous
3 counties, contiguous municipalities, and the
4 municipality -- and municipalities and their
5 school districts. These meetings will fall
6 under the Sunshine Law, as Elam has stated,
7 which means they must be advertised and open
8 to the public.

9 This mandate will add to the -- will
10 add at least eight additional public meetings
11 a year to the schedule of local officials in
12 local -- in municipalities. And it will add a
13 number to the bottom line of local budgets.
14 I'm calculating eight because we have four
15 meetings, four municipalities, and then
16 additional four meetings for the
17 municipalities and their school districts.

18 In addition to this added expense,
19 the bill is requiring meetings with contiguous
20 municipalities and school districts.

21 Our local government units are so
22 diverse that contiguous political subdivisions
23 may not be the best partners for solving the
24 issue. While close proximity is probably
25 logistically necessary, it may be more natural

1 for a municipality and a county to work
2 together or two communities of similar size to
3 resolve an issue. Local government units
4 should be left to make their own decisions
5 about who will make the best partner.

6 House Bill 1753 also requires annual
7 reports to DCED of the meetings that have
8 taken place. Again, this is a burden for
9 local government. Each municipality is
10 required to file a report. We're wondering
11 what is the purpose of individual reports or
12 for filing at all.

13 We can understand that if
14 municipalities are interested in applying for
15 a grant or a loan from the commonwealth for
16 their project, that they would rightly want to
17 explain their project to DCED in terms of an
18 application, but individual filings are
19 something that we think will be a burden and
20 require a lot of time and effort, when we
21 don't know that there will be any outcome from
22 these quarterly meetings.

23 Moving on, the bill does provide an
24 exception for the meeting requirements if
25 municipalities are part of an existing

1 partnership. However, all members of the
2 governing body must attend the partnership
3 meetings, and the meetings must be with
4 contiguous municipalities.

5 This exception will not alleviate the
6 bill's mandate because very few municipalities
7 will fit into this exception. Typically, an
8 entire governing body does not attend
9 partnership meetings. The governing body
10 would, instead, appoint a representative. For
11 example, only one representative of each
12 member of a COG typically attends meetings.

13 Finally, there is no new funding in
14 the bill to either offset the mandates or to
15 provide grants to encourage and help fund
16 cooperative projects. PLCM and PSATC believe
17 that if the goal is to increase municipal
18 cooperation, then the commonwealth needs to
19 offer some monetary incentive.

20 Local government is interested in
21 saving taxpayer dollars, especially in today's
22 economy. But local government wants to
23 preserve its independence and local decision-
24 making capability. Therefore, the best way to
25 foster more cooperation is to provide the

1 incentives and allow communities to work out
2 the details on their own.

3 In conclusion, local governments
4 should work together to provide services
5 efficiently and effectively. In today's
6 economic times, communities that don't foster
7 cooperative spirit are left behind.

8 The mandates found in House Bill
9 1753, however, would not generate any more
10 partnerships or cooperative ventures than what
11 are already taking place. In fact, we believe
12 that they will hinder the multitude of
13 creative solutions that have developed and
14 will continue to develop on their own.

15 And I just -- I do want to point out
16 the number of examples in the final three
17 pages of my testimony. We -- I solicited
18 examples from our membership in writing the
19 testimony. So these are current. And you
20 will notice that they cut across all forms of
21 local government and really take into account
22 a wide variety of subject matters where
23 cooperation is taking place, and we think that
24 we can continue to foster this and grow these
25 type of examples and use these type of

1 examples to get other municipalities involved
2 and that we really should not be forcing
3 meetings where we can do this on our own and
4 are doing it on our own.

5 Thank you.

6 CHAIRMAN FREEMAN: The Chair thanks
7 you for your testimony.

8 We do have a number of members that
9 wish to ask questions. I just have one
10 question for you in regards to filing of a
11 report. Would it be less burdensome to local
12 government if there were perhaps two types of
13 reports that could be filed: One that would
14 be a simple checklist that would be designed
15 by DCED to stipulate that, yes, in fact, the
16 meetings took place, that the various entities
17 were in attendance, and could easily be filled
18 out in the course of a few minutes by the
19 secretary of the borough or the township, in
20 that sense; and the second report that might
21 be more lengthy that would be optional for the
22 municipality that would highlight some of the
23 discussion perhaps and entail within that
24 report the kind of projects or partnerships
25 that they might wish to pursue and promote and

1 seek government assistance from.

2 Would that make it a little easier,
3 if there were two different tracks for the
4 reporting?

5 MS. STURGES: Absolutely. That would
6 work out very well. There are annual reports
7 that need to be filed with DCED, and perhaps
8 there could be a checklist on one of those
9 reports that would allow DCED to know that
10 cooperation is taking place, and then it is
11 the option of the municipality to provide more
12 detail, if they wish.

13 CHAIRMAN FREEMAN: Thank you.

14 Chairman Saylor.

15 REPRESENTATIVE SAYLOR: Good morning.

16 MS. STURGES: Good morning.

17 REPRESENTATIVE SAYLOR: One of my
18 mentors on Local Government was Frank Linn.

19 MS. STURGES: Um-hum.

20 REPRESENTATIVE SAYLOR: And Frank and
21 I have had many discussions over my sixteen
22 years here. And, you know -- and your
23 association -- I'm glad you're here today,
24 because I have three of the largest townships,
25 first-class townships, in York County, who

1 aren't even members of your association or any
2 other association.

3 They're a perfect example of why this
4 bill is so important. It's because they have
5 not chosen -- municipalities I've represented
6 for twenty-some thousand dollars -- twenty-
7 some thousand residents in each of those
8 townships, is not a member of your
9 association. They're not learning anything.

10 They have new officials who are going
11 through no kind of training, no communication,
12 even what's going on with your association.
13 And that's my whole point. When you can have
14 municipalities of that size not working
15 together -- and I would disagree with you
16 on -- yes, I think one thing that -- I think,
17 as I've heard over and over today, is a
18 misinterpretation of this bill.

19 I think what Mr. Troxell talked about
20 earlier were great points and the questions he
21 raised, but this is not about forcing anybody
22 or even talking about mergering. I think
23 that's the one thing -- I get that tone that
24 this bill is about merging police departments
25 or merging this or merging that. I think the

1 key is not about whether you merge or not. I
2 think that should be left up to the taxpayers
3 in the townships themselves and the voters as
4 to really whether they want to do something
5 like that.

6 But the question is, the discussions
7 that take place, not on just merger issues and
8 things that you can share commonly, but
9 problems that arise between municipalities
10 that are caused because what happens in one
11 municipality and how it affects another,
12 whether it's transportation, like I said,
13 stormwater, sewer earlier.

14 And I -- we have -- you know, Frank
15 is beating on me to force me to get these
16 three townships who -- while you do represent
17 one of them, a little bit of one, we, as
18 legislators, don't have that jurisdiction, and
19 I think it goes to the point of why this bill
20 is so important. It's because the failure of
21 the townships even this large in -- and
22 they're very large municipalities -- to
23 recognize the fact they should be members of
24 your association more just to get the
25 information that you offer to them for their

1 little membership fees that they pay.

2 So if we can't get them to join your
3 association or the township supervisor
4 association or the borough association,
5 because not all the boroughs are members of
6 that, that just goes to make the point that
7 Representative Argall is making is, without
8 being forced, municipalities are not doing
9 their job. They just are not. And it's not
10 about whether they merge or not.

11 It is about knowing what are the
12 problems and what one part of the state versus
13 the other. It is about knowing what problems
14 that are happening because of what's going on
15 in your own county, because maybe one part of
16 the county isn't growing right now, and the
17 townships that are maybe or borough that are
18 experiencing growth didn't prepare for that.
19 Where other townships by communications, and
20 what Representative Argall's bill does, it
21 allows those other townships to be prepared
22 for that growth or to be prepared for that
23 problem when it comes and to do more
24 planning.

25 And that's why I think this bill,

1 while it may need some changes, is so
2 critical, because your associations do not
3 represent all of the township, which is a
4 shame. Because I think all three of your
5 associations are outstanding associations and
6 do a great job for your membership. But the
7 problem is people aren't taking advantage of
8 the training.

9 I go to the county convention in York
10 County for the township supervisors
11 association. I have come to the state
12 meetings, and they're not there, certain
13 ones. That is why this bill is so critical, I
14 believe, is that we've got to start forcing
15 some of these people to realize getting
16 elected to a board of supervisors or borough
17 council is not to be taken lightly. Your job
18 is to look to the future of that borough or
19 that township or that municipality, not just
20 to go and cast a vote yae or nay.

21 And so, you know -- and I appreciate
22 it. But I don't think -- I think there are
23 many who do appreciate their responsibilities,
24 but I don't think enough. Because if more
25 did, I would think probably there is probably

1 some additional laws that the township
2 association and the boroughs' association
3 probably pass the General Assembly because
4 there would be more pressure on us to do so.
5 Legislation that Representative Steil,
6 Representative Ross have introduced over the
7 years that we still haven't acted on, and the
8 bid limit bill and things like that would be
9 done.

10 But because people aren't doing their
11 job and pressuring their legislator to do
12 what's right, in some cases -- at least in my
13 opinion, I will put it that way -- there isn't
14 a good job of communication.

15 And so I agree everybody wants to
16 save money, whether it's a member of your
17 association or somebody else's association, or
18 they're not. But the problem is they don't
19 understand how to do that because they aren't
20 communicating and they aren't seeing those who
21 have taken that step to the level of doing the
22 best they can for constituents. They don't
23 have that ability, let's put it that way, to
24 move to that level.

25 And so, I just reemphasize, like I

1 said, I think Mr. Troxell pointed out some
2 things that we need to look at in this bill
3 and make some changes and answer some
4 questions.

5 But partners are not always about
6 equal size either, you know. It does come
7 down to -- I like the contiguous because
8 planning and zoning and stormwater runoff,
9 which I think are so critical. You know, it's
10 no different than if you decide to put a
11 residential development in one township and
12 the other township next to you decides they're
13 putting that agriculture area and they're
14 putting a hog farm next to your residential
15 development you just put in.

16 We're all -- well, I wouldn't say
17 all. In more --- suburban areas are not
18 facing that issue, but we are all facing those
19 kind of issues. And without cooperation,
20 we're seeing these wars, miniwars break out in
21 municipalities. And I don't think it serves
22 the taxpayers of Pennsylvania for that.

23 So, again, I ask you also to go back
24 and take into consideration -- and I use --
25 since I come from York County, using York

1 County as example, of three -- the only three
2 first-class townships in our county are not
3 members of your association, and are not doing
4 their job, in my opinion, which would be in
5 their best interest to be a member of yours or
6 at least somebody's association to get the
7 information that you offer.

8 So please reconsider some of that
9 stuff.

10 MS. STURGES: If I could comment.

11 REPRESENTATIVE SAYLOR: Sure.

12 MS. STURGES: I don't see -- we don't
13 see this bill as forcing mergers. I would
14 agree with you. We see this bill as forcing
15 meetings.

16 I don't know, quite honestly, if --
17 if a township -- if those three first-class
18 townships in York County don't participate
19 now, I don't see them participating in this
20 type of meeting, should this bill pass. Or I
21 don't see that -- this bill helping them to
22 understand their responsibilities.

23 Perhaps there's other ways that we
24 can -- that we, as municipal associations,
25 as -- you, as state -- officers of state

1 government, can work to try to find a way to
2 make people that run for local government
3 office understand their responsibility, to
4 give them some idea of the fact that they need
5 to talk with their neighbors. Absolutely.
6 That's very important.

7 I don't see how you can run a
8 community and not talk with your neighbor.
9 But I don't see that this type of legislation
10 is going to make that happen and have a
11 possible positive outcome.

12 REPRESENTATIVE SAYLOR: I guess I see
13 it as, since your association can't get them
14 to understand -- and it is not your fault;
15 it's the people that are elected to represent
16 there -- my whole point is, if you can't get
17 them to do it by your seminars and the things
18 you've offered -- and like I said, you guys
19 have great association meetings. You offer so
20 many different seminars and meetings that
21 really do benefit municipalities. If you
22 can't get them to do it, then we have to step
23 in with a little heavier foot to mandate it.

24 Because we also, at the general
25 assembly, are here to represent all the

1 taxpayers as well and do what's in their
2 interest. And that doesn't mean all our
3 judgments here in Harrisburg are always
4 correct. But I do think that taxpayers are
5 calling on us for more intergovernmental
6 cooperation.

7 And, again, it doesn't mean mergers,
8 and I glad you recognize that fact, but they
9 are asking for us -- for municipalities to
10 start talking and school boards.

11 I'm glad Chairman Freeman brought
12 that up earlier because we really want local
13 government officials talking to each other
14 instead of pointing fingers. And right now, I
15 would say in Pennsylvania there's a lot of
16 finger-pointing and blaming everybody, and
17 that just frustrates the daylights out of
18 taxpayers.

19 Because when they're trying to get an
20 answer, they're not always looking for a
21 solution. They just want an answer to their
22 problem. And just pointing. You know, it's
23 no different than if Stan Saylor says, Well,
24 it's not my problem; it's the federal
25 government. That's not an answer to them.

1 So I just -- again, I hope -- I
2 appreciate where Representative Argall goes,
3 because I'm not a big fan of mandates, but
4 this is not a mandate that is going to cost a
5 fortune. I think that it is a mandate that's
6 well worth the taxpayers' money that's going
7 to be spent to do it in the end. I think we
8 will save money by it.

9 Thank you.

10 CHAIRMAN FREEMAN: Representative
11 Ross.

12 REPRESENTATIVE ROSS: Thank you,
13 Mr. Chairman.

14 My comments to your testimony would
15 start by being the same as my comments to
16 Elam's testimony, so I won't repeat that.

17 I would comment to you that your
18 municipalities are the ones that complain most
19 to me about lack of communication with their
20 neighbors. And they complain the most about
21 the failure to work intermunicipally.

22 This bill, while not perfect,
23 obviously, and certainly could improve, does
24 require them to get into a room together and
25 talk to each other and see each other face to

1 face. And I think that's the start of better
2 communication.

3 Now, you don't like it, so therefore,
4 I'm more than interested in seeing what you
5 offer as a viable, effective alternative to
6 this, but to pretend there's no problem out
7 there right now flies in the face of what your
8 own municipal representatives have told me
9 personally. So I think you need to go back
10 and double-check that.

11 MS. STURGES: Thank you.

12 I will say that I'm representing the
13 membership of the associations and their
14 thoughts on this legislation. I'm telling you
15 what they tell me.

16 I understand that there's
17 difficulties with governing bodies or
18 municipal officials talking because of that
19 artificial line there between the city and a
20 borough or city and a township.

21 I think that there are ways that we
22 can encourage cooperation and discussion among
23 officials, and I think -- and our membership
24 would agree that there's got to be ways to
25 encourage it without saying, You must meet

1 every three months.

2 REPRESENTATIVE ROSS: If you'll
3 recognize there is a problem, because in some
4 of your testimony it appeared that you did see
5 there was a problem, but if you recognize that
6 there is a problem, then I encourage you to
7 come up with a solution that is better than
8 that and is effective.

9 MS. STURGES: There's always the
10 opportunity for more discussion, more ways to
11 cooperate, more ways to save money and find
12 ways to do things better and more
13 efficiently.

14 I think that what I've tried to show
15 through the examples is that there are a lot
16 of municipalities that are working hard at
17 this now, and that the more they do it, the
18 more they will work toward other avenues, the
19 more they will decide that they want to tackle
20 another problem together, or they will see
21 that their neighboring communities are working
22 on a particular issue and that will foster
23 more.

24 I can't sit here and tell you that
25 there is not a problem and there shouldn't be

1 more discussion and more cooperation.

2 REPRESENTATIVE ROSS: There are quite
3 a lot of municipalities out there, and you
4 have -- and we are all aware of those that are
5 cooperating. But the number that are not
6 cooperating and the instances of lack of
7 cooperation way outweigh the ones that are.
8 And, again, just hoping that gradually things
9 are going to get better in this regard is not
10 a satisfactory answer.

11 Thank you.

12 MS. STURGES: I'm more than happy to
13 work with the committee to come up with ways
14 to improve the bill or other alternatives.

15 CHAIRMAN FREEMAN: We thank you for
16 your -- Representative Samuelson had a
17 question.

18 REPRESENTATIVE SAMUELSON: Thank you
19 for your testimony, and your suggestions about
20 improvements to the bill.

21 I appreciate that you pointed out
22 that there will be eight meetings a year when
23 the municipality meets with both neighboring
24 municipalities and school districts, so that's
25 something perhaps we should look at.

1 And also you raise a very good
2 point. If we are going to have a joint
3 meeting, why have two reports about the same
4 meeting? Why not file a joint report? I
5 think that might be a good change to this
6 bill.

7 I also appreciate that you included
8 the supplement to your testimony that you did
9 not read through today, but attached to the
10 testimony there are twenty-two examples of
11 municipal cooperation in twelve different
12 counties.

13 But, I think, as I understand this
14 bill, it's trying to encourage more examples,
15 and as we all know, there are over twenty-five
16 hundred municipal governments, five hundred
17 school districts, three thousand different
18 levels of government here in Pennsylvania.
19 And we have some wonderful shining examples of
20 cooperation. But I think the intent of this
21 legislation is to get people in the same room
22 and lead to more -- to more such examples.

23 So I would disagree with the one part
24 of your testimony where this requirement would
25 not lead to any new ventures. I -- not

1 generate any more partnerships or cooperative
2 ventures. I think just getting people in the
3 same room would have the effect of leading to
4 ventures and cooperation that's not envisioned
5 right now.

6 So I think this bill may need to be
7 modified with -- in terms of the frequency of
8 the -- of the required meetings, but I think
9 the intent is to get neighbors together to
10 talk, and who knows what will come out of
11 those meetings.

12 Think back to the thirteen states who
13 sent delegates to the constitutional
14 convention to revise the Articles of
15 Confederation, and who knew that by getting
16 together in the same room, they were going to
17 come up with something brand-new, the United
18 States Constitution.

19 So who knows? These municipalities,
20 if they were talking more, I think we would
21 see more examples, and the twenty-two you cite
22 in your testimony I think could eventually be
23 hundreds or thousands of partnerships in the
24 future.

25 So that's my thoughts, and I think

1 this legislation would help, perhaps needs to
2 be revised and maybe fewer meetings, but the
3 requirement, I think, would get people to
4 talk.

5 CHAIRMAN FREEMAN: Representative
6 Keller.

7 REPRESENTATIVE KELLER: Thank you,
8 Mr. Chairman.

9 This isn't really directed
10 specifically at you. It's just that I want to
11 make a statement here that the bill itself, I
12 think every municipality is already complying
13 within what the bill says, because it says
14 here, that existing forums, participating in
15 existing association organizations and forums
16 shall be acceptable meetings for the purpose
17 of this act. Okay? So there's one meeting
18 already off the books.

19 The other question I have, and I'm
20 trying to grasp this, is the fact that who
21 makes the decision -- and this is a question
22 in general, and this may be directed at you,
23 Dave, since you're representing Dave here --
24 but who designates the intercooperation and
25 contiguous -- whether it be county,

1 municipality or whatever? I mean, you could
2 go any way but loose, you know.

3 Is that solely up to the municipality
4 themselves or, you know, how is that
5 deciphered? If that's kind of what I was
6 trying -- Dave, if you would, since you're
7 kind of acknowledging that a little bit.

8 MR. REDDECLIFF: That's the idea
9 behind the bill. Chairman Freeman mentioned
10 about a borough and a township that didn't get
11 along. Under the current language, chances
12 are they could branch out the other direction
13 so that borough could go to this township over
14 here and this township could go to another
15 township to begin their discussions. So
16 you're absolutely right. There's -- if you
17 want to call it the discretion of those --
18 each municipality to say, okay, let's start a
19 dialogue with municipality X or Y, and we're
20 going the stay away from A or B. It's up to
21 the individual municipalities.

22 REPRESENTATIVE KELLER: I guess my
23 question is how do we encourage that to take
24 place? I mean, you know, counties a lot of
25 times are with heavy -- I mean, maybe size

1 doesn't mean a whole lot but where the
2 relationships lay. And it's difficult.

3 So, you know, what I'm saying is
4 who -- you know, who's going to -- how do we
5 get them to come together to decide? Okay.
6 County A and County B should be meeting, not
7 County B and County C.

8 MR. REDDECLIFF: Sure.

9 REPRESENTATIVE KELLER: Do we have
10 directive for that?

11 MR. REDDECLIFF: In other words,
12 should Juniata County and Perry County get
13 together versus Perry County and Cumberland
14 County or whatever? I don't have an answer
15 for you on that.

16 REPRESENTATIVE KELLER: All right.
17 Thank you. Just something for people to think
18 about.

19 CHAIRMAN FREEMAN: The Chair thanks
20 you.

21 Just a quick observation or two. On
22 one level I understand the reluctance on the
23 part of many local government associations.
24 There is some cost potentially. There is the
25 notion of, oh, my God, another meeting to have

1 to go to. I think we've all faced that in our
2 public service.

3 But I would hope that all the
4 associations would consider continuing
5 dialogue with their membership because I do
6 think there is some very basic and some very
7 important principles involved in this
8 proposal. It obviously needs refinement. It
9 obviously needs to be improved.

10 But I think the idea of requiring
11 that kind of dialogue through some meetings,
12 maybe not four times a year but perhaps once
13 or twice or three times a year, would begin to
14 establish the kind of communication that is
15 missing at our local government too often.

16 There are excellent examples, as have
17 been mentioned by all the testifiers, of where
18 local governments are communicating and
19 cooperating in various forms. But I think
20 there's a lot of missed opportunity to either
21 healed old wounds or to partner new ventures
22 that improve the quality of life within
23 regions or communities.

24 So hopefully all of our local
25 government association testifiers today will

1 continue a dialogue with their membership to
2 see if there's a way that we can refine this
3 language to achieve the goals that are
4 indicated in it.

5 We thank you for your testimony.

6 One final note, too. It just
7 occurred to me. Your organization in
8 particular represents cities of the third
9 class?

10 MS. STURGES: Um-hum.

11 CHAIRMAN FREEMAN: And having a city
12 of the third class that I live in, I've
13 noticed for years how oftentimes cities are
14 treated differently than a lot of the local
15 government colleagues. You have a lot of
16 boroughs and townships out there, then you
17 have a handful of cities.

18 And so I think from that perspective,
19 there's probably even a greater need for this
20 kind of dialogue so that those who live in
21 townships and boroughs can realize that the
22 problem facing cities aren't all that
23 different in terms of a lot of objectives,
24 whether it's fighting crime or dealing with
25 budgets or dealing with planning issues. They

1 have more in common than they have
2 differences.

3 And I think we have to break down
4 that notion that somehow cities exist in their
5 own realm and really aren't part of the
6 government scene if they are a very unique
7 kind of circumstance. And I think something
8 like this could help to achieve that.

9 Thank you again for your testimony.

10 MS. STURGES: Thank you.

11 CHAIRMAN FREEMAN: Our final
12 testifier today is Commissioner Percy
13 Dougherty, Lehigh County Commissioners, who is
14 speaking on behalf of the County Commissions'
15 Association of Pennsylvania.

16 Percy, welcome. It's good to see you
17 here today.

18 MR. DOUGHERTY: Thank you.

19 Good morning, Chairman Freeman,
20 Chairman Saylor, and members of the
21 committee.

22 My name is Percy Dougherty, and I am
23 the chair of the Lehigh County Board of
24 Commissioners. I'm the former president of
25 the County Commissioner Association of

1 Pennsylvania, and the current chair of the
2 CCAP Board of Directors.

3 Thank you for the opportunity to
4 appear before you today on behalf of all
5 sixty-seven counties to offer comments on
6 House Bill 1753.

7 In my role as county commissioner, I
8 have been a strong proponent of
9 intergovernmental cooperation in both
10 activities at the county level and with CCAP.
11 In the Lehigh valley, we have many
12 opportunities to work with our neighboring
13 county of Northampton in order to address
14 shared challenges and opportunities facing a
15 region that extends across borders.

16 Most recently we have been working
17 together to create a shared bi-county health
18 department. And we are exploring the
19 possibility of a joint crime center with both
20 Northampton County and Berks County.

21 Lehigh and Northampton Counties
22 already have a track record of
23 intergovernmental cooperation, including a
24 public transportation authority in the Lehigh
25 and Northampton Transportation Authority, a

1 joint economic development agency in the
2 Lehigh Valley Economic Development
3 Corporation, a joint airport through the joint
4 Lehigh Valley International Airport, and a
5 joint planning organization through the Lehigh
6 Valley Planning Commission.

7 Our water and sewer authority, the
8 Lehigh County Authority, is now serving
9 residents in Northampton County.

10 In addition, the human services
11 department of Lehigh and Northampton Counties
12 work closely with each other to make sure that
13 clients moving from one county to the other
14 county have a seamless transition. Examples
15 are our agreements on the CHIPS program when
16 the state mental hospitals were cutting back
17 and turning to residential placement, plus our
18 successful HealthChoices program, where
19 incidentally we use the same providers to make
20 sure we have the same services.

21 Our region also has the Route 222
22 Gang Task Force initiative in which several
23 counties from Northampton all the way to New
24 York are working on a serious problem
25 together.

1 There are definite financial
2 advantages to sharing services between
3 counties and municipalities. But the major
4 asset is the greater efficiency and
5 improvement of services to our residents.

6 Many problems, such as crime and
7 human service needs, know no boundaries and
8 must be approached on a regional basis.

9 The CCAP platform also indicates our
10 support for intergovernmental cooperation
11 through state and federal incentives that
12 encourage multimunicipal and multicounty
13 planning efforts.

14 We also support statutory changes
15 that will reduce constraints on
16 intergovernmental cooperation and functional
17 consolidation as well as incentives to
18 encourage consistency between municipal and
19 county comprehensive plans.

20 CCAP believes strongly that under no
21 circumstance should intergovernmental
22 cooperation be or become a mandate.

23 House Bill 1753 requires the
24 governing bodies of counties, municipalities,
25 and school districts to meet at least once

1 every three months in joint meetings with
2 governing bodies of contiguous county,
3 municipality, or school district. These
4 governing bodies would be required to submit
5 reports on these meetings to the Department of
6 Community and Economic Development, and could
7 be recognized with grants from the Center for
8 Local Government Services.

9 The bill does not recognize existing
10 forums as eligible to meet the requirements to
11 meet once every three months.

12 While we support intergovernmental
13 cooperation, we, as CCAP, believe that the
14 requirements of House Bill 1753 are
15 unnecessary. There are numerous examples we
16 can provide at the county level to show that
17 county governing bodies are already
18 interacting with each other on a regular
19 basis. In many cases, the county also works
20 with municipalities to provide needed
21 services.

22 In the last twenty-five years, we
23 have seen substantial changes to solid waste
24 management planning and emergency response
25 coordination with responsibilities shifting

1 from municipalities to counties. The county
2 is now responsible for solid waste management
3 planning with some responsibilities for
4 implementation falling to the municipal
5 level.

6 A scattered emergency response system
7 has been almost entirely consolidated in a
8 system anchored by county 911 call centers
9 that accept and route emergency calls to the
10 appropriate responders for all municipalities
11 in the county.

12 In the human services arena,
13 multicounty cooperation is frequent,
14 particularly in the area of mental health,
15 mental retardation, and drug and alcohol
16 treatment. There are fourteen county joinders
17 for mental health and mental retardation, and
18 each joinder includes anywhere from two to
19 four counties. The board of directors for the
20 joinder includes commissioners from all
21 involved counties.

22 In drug and alcohol, there are
23 thirteen multicounty drug and alcohol
24 treatment authorities that include two to four
25 counties. Their boards also include

1 commissioners from the governing body of the
2 cooperating counties.

3 Metropolitan planning organizations
4 also provide a forum for interaction between
5 multiple counties. Pennsylvania has at least
6 fourteen MPOs, and many of these address
7 transportation planning issues across county
8 borders.

9 One of the most well known is the
10 Southwestern Pennsylvania Commission, a
11 metropolitan planning organization serving ten
12 counties. That commission is probably best
13 known for transportation planning efforts, but
14 it also includes regional prioritization of
15 transportation projects in order to leverage
16 state and federal funds.

17 The SPC also perform other functions,
18 however, including data collection and
19 maintenance, and the use of GIS technology.
20 The SPC also developed and monitors the
21 region's comprehensive economic strategy. The
22 counties of the SPC are also currently looking
23 at regional water management strategies.

24 As another example of voluntary and
25 more informal type of cooperation, counties in

1 the northwest have developed the Northwest
2 Association of Counties, which meets quarterly
3 to discuss issues of common interest to their
4 region. This group has no professional
5 dedicated staff, but rotates responsibilities
6 for planning meetings amongst the counties
7 involved and has advanced policy issues and --
8 to the CCAP board where we have adopted them
9 into the county platform.

10 Some community development programs
11 such as workforce investment and tourist
12 promotion are also conducted jointly or by
13 multicounties. Workforce investment boards
14 contribute to training and development for the
15 workforce and for employers. As part of this
16 system, regional workforce investment boards
17 have been created. Thirteen of the twenty-
18 three existing workforce investment boards
19 serve two or more counties.

20 Counties also use proceeds from the
21 hotel tax to promote tourism, and many have
22 chosen to market their area with one or more
23 contiguous counties.

24 The frequency of this type of
25 intergovernmental cooperation may now increase

1 due to the changes in the law governing
2 disbursement of tourism promotion funds to
3 encourage regional tourism with a higher rate
4 of matching dollars.

5 Finally, Councils of Government are
6 another example of an entity through which
7 intergovernmental cooperation involving
8 counties and municipalities is already taking
9 place. At least fifteen counties are involved
10 in COGs, along with hundreds of boroughs,
11 townships, and cities. Among other benefits,
12 COG's can provide joint purchasing
13 opportunities, which leads to savings for
14 taxpayers.

15 As you can see from the examples
16 provided in my testimony, there are a myriad
17 of ways in which counties are already working
18 together with contiguous counties as well as
19 noncontiguous counties within the same region
20 of the state and even the municipalities
21 within their borders.

22 We believe it is unnecessary to adopt
23 legislation such as House Bill 73 (sic), which
24 requires a quarterly meeting be scheduled and
25 reported to DCED, because there are so many

1 forums in which multicounty cooperation is
2 already taking place.

3 Instead, we suggest that the
4 committee study issues surrounding
5 implementation of cooperative activities,
6 including funding formulas and the ability of
7 the existing tax base to support shared
8 services and find ways to minimize obstacles
9 such as legacy costs that make it difficult to
10 consolidate local services such as police and
11 fire. Only then will we have meaningful
12 advances in intergovernmental cooperation.

13 Thank you for the opportunity to
14 present these remarks today. And I will
15 answer any questions that you may have.

16 CHAIRMAN FREEMAN: Thank you, Percy.
17 Representative Samuelson.

18 REPRESENTATIVE SAMUELSON: Thank
19 you.

20 And in the interest of full
21 disclosure, I should point out that
22 Commissioner Dougherty was my boss when I
23 worked for the county commissioners for nine
24 years, and I worked for the nine-member board
25 of commissioners in Lehigh County.

1 I also wanted to point out -- I
2 appreciate you going through all of the
3 partnerships that we have going in the Lehigh
4 valley, some of which date back to the 1960s
5 in terms of the transportation authority and
6 the cooperative agreement on the planning
7 commission and airport.

8 And I also want to point out another
9 example that I was thinking of as I was
10 sitting here, that when the county
11 commissioners in Lehigh County every summer
12 take some of their meetings on the road and
13 actually have a program called Government on
14 the Go, in which the county commissioner
15 meetings are held at township and borough and
16 city buildings throughout the county. And
17 that has led to some very good discussions
18 over the last, I guess, fifteen years that's
19 been going on. So I commend you for that.

20 In your testimony, like several of
21 the other folks, you said that this bill is
22 not necessary, and you cite many examples of
23 what's already going on. Now, I -- as you
24 heard from my previous comments, I -- my
25 belief is that getting people in a room

1 together may lead to other partnerships that
2 are not currently happening in Pennsylvania.

3 So I guess I wanted to ask you two
4 questions. One, if the requirement in this
5 bill was reduced, say, to one meeting a year,
6 would that be something that the counties may
7 consider supporting in the interest of
8 fostering new partnerships? Or if there were
9 no requirement, what other methods would you
10 suggest we employ to encourage cooperation?

11 MR. DOUGHERTY: Let's see. How much
12 time do we have here?

13 Starting off, first of all, no matter
14 how many meetings you have, it reminds me of
15 the old proverb, You can lead a horse to
16 water, but you can't make it drink. You can
17 have many meetings. And I'm sure many of you
18 have been to meetings where nothing is
19 accomplished. I would hate to see government
20 officials being forced to sit down at meetings
21 that are nothing more than little socials or
22 teas just because they're being forced to do
23 so.

24 One of the problems in Pennsylvania
25 is we have a very bad form of planning here.

1 We don't have proactive planning. We have
2 reactive planning. We don't plan for what is
3 down the road. We plan for the disasters that
4 have already happened. And you'll see most of
5 the intergovernmental cooperation that's
6 happening around the state has been forced
7 because of some financial urgency. We find a
8 lot of work in the southwest part of the
9 state, which is going through severe economic
10 problems.

11 I think there has to be a more
12 proactive stance here. We have to hold out
13 that proverbial carrot there and bring people
14 together. So there has to be some reason.

15 And I can look around in this room
16 and see many people that I have been sitting
17 down with the last two years. In fact, for a
18 couple weeks I saw Elam more than I saw my own
19 wife, but -- you know, it's getting pretty
20 bad. But we in the various organizations have
21 been trying to hammer out something in terms
22 of making a proposal for shared services
23 legislation.

24 You know, we're not there. We're
25 still banging this around.

1 But the one thing that we agree on is
2 that it's not going to happen under present
3 rules and regulations. There isn't enough
4 incentive there. And we at the counties have
5 suggested for many years that we have some
6 sort of tax relief from the property tax. And
7 one of the incentive ideas that we have been
8 kicking around is maybe to give the counties a
9 choice of tax options, whether it be the sales
10 tax, earned tax, personal income tax or other
11 forms of taxation that can be used to reduce
12 the property tax and also be used to support a
13 shared services type of cooperation with
14 municipalities.

15 This started out discussing it at a
16 county level, but now we have migrated all
17 over the board and have talked about even
18 smaller-than-county areas.

19 So some of these aspects would not
20 cost the state any money. When you hear, We
21 need a carrot, you probably think we have our
22 hand out. But there are many things that can
23 be done to streamline this.

24 And in our discussions with the other
25 municipal groups, the legacy costs of putting

1 various agencies together, whether it be
2 police, fire, emergency services, or even in
3 the health department that we're trying to put
4 together with Northampton County right now in
5 the Lehigh valley, is a very intimidating
6 chore.

7 So help streamlining the effort could
8 be good. Of course, we would never turn down
9 money, if that appeared in the legislation.
10 But, as I heard earlier, we would be afraid
11 that it would be taken from one pot and put
12 into another pot. So we would probably be no
13 further ahead if that were to happen.

14 So, you know, there are a number of
15 options that can be used. And, of course, I
16 don't know if our county is similar to other
17 counties, but our commissioners meet with
18 the -- we have a countywide COG in which all
19 the municipalities in the county are in our
20 COG, and we have quarterly meetings there.

21 Recently, I have been meeting with my
22 fellow commissioners over in Northampton
23 County. Most of this is meetings with one or
24 two people. These are not joint meetings
25 between both boards.

1 And Representative Samuelson will
2 remember some of the meetings -- joint
3 meetings we had with the Northampton County
4 council at the airport, on neutral territory,
5 and we simply got together, discussed various
6 aspects, but it stopped because people did not
7 think that they could have meaningful
8 discussions in a public forum. Not that we
9 want to violate the Sunshine, but I find that
10 we get more done one or two or three or so
11 people meeting separately or simply having
12 telephone conversations trying to move
13 something along.

14 So it's very difficult, especially in
15 our case, in home rule, where you have nine
16 commissioners and nine councilors, to get all
17 of those people together at one time. So it's
18 a great difficulty there.

19 What did I miss in your question?

20 REPRESENTATIVE SAMUELSON: What if
21 Representative Argall changed the requirement
22 to once a year?

23 MR. DOUGHERTY: Once a year would be
24 better, depending on what the reporting
25 standards are. We all know that many things

1 start out with a good intention, you know. It
2 is streamlined, could be check sheet, or just
3 simply a short explanation, but then it grows
4 to three pages, maybe five pages. It depends
5 how onerous the requirements are here.

6 I heard earlier a check sheet and
7 maybe a summary, something like that, once a
8 year, may not be a very onerous thing, except
9 for if you meet with all your townships at a
10 COG meeting, it would be superfluous for
11 everybody to make a report on their own. If
12 we can just make one report instead of a whole
13 bunch of reports, it would be more
14 streamlined.

15 CHAIRMAN FREEMAN: Chair recognizes
16 gentleman Mr. Ross.

17 REPRESENTATIVE ROSS: Thank you,
18 Mr. Chairman.

19 And I would say again, obviously,
20 it's just our own personal experience and
21 knowledge that the interaction between
22 counties is not where our problem lies, in the
23 interaction typically between counties and the
24 local municipalities, particularly the
25 planning commissions, at least in my case

1 that up, because I'm in complete agreement
2 that we need that cooperation. And we have
3 been trying to foster that cooperation with
4 our municipalities. So every municipality in
5 our county, from the largest -- from
6 Allentown -- down to the smallest, has become
7 a signatory for our county COG. So we have
8 great expectations there.

9 And also in my testimony today, there
10 was a section there that I didn't highlight
11 very much, about there should be more
12 consistency between the county comprehensive
13 and -- local comprehensive plans and zoning.

14 We've had a problem over the years.
15 Every time we revise our comprehensive plan at
16 the county, we're probably spending a quarter
17 of a million dollars to simply put a document
18 on the shelf. It has no teeth. It's a paper
19 tiger sitting there on the shelf, and it's
20 advisory only.

21 I think there has to be major changes
22 made to the Municipalities Planning Code to
23 make the -- what I referred earlier to the
24 possibilities of proactive planning and
25 getting everybody to sit down.

1 Of course, in the municipalities
2 planning code, it states that you have to take
3 projects to the neighboring municipality.
4 Well, that's just a formality. There is no
5 follow-up there. And in terms of projects of
6 regional significance, we have major
7 problems.

8 I like what we're doing under Act 167
9 with the stormwater management, but there has
10 not been enough money to extend that
11 throughout the commonwealth. We have covered
12 our whole county, and it worked with
13 neighboring counties to get the bi-county
14 watersheds done. But when you look at water
15 running downhill, as Representative Saylor was
16 saying earlier, this is a regional problem
17 that sees no boundary lines there. So we must
18 look at things on the regional or
19 intergovernmental aspect into the future.

20 The old boundary lines that we had
21 were good at the time. But now we have so
22 many problems that transcend those boundaries,
23 we need something to get people to work on
24 these.

25 And just having people sit down and

1 stare at each other I don't think is the
2 solution. Getting some teeth in the
3 Municipalities Planning Code, strengthening
4 Act 167 and various other pieces of
5 legislation out there, I think, is the key to
6 accomplishing that.

7 CHAIRMAN FREEMAN: Chairman Saylor.

8 REPRESENTATIVE SAYLOR:

9 Mr. Dougherty, thank you for your testimony.
10 You did a great job today. And I commend also
11 you and your board for the intercooperation
12 you've done.

13 I mean, in York County, our planning
14 commission meets, and it goes back again to --
15 just like the township associations, county
16 convention. People don't show up. Usually
17 the ones that don't show up are really the
18 ones that should show up.

19 But I think most of the county
20 commissioners in counties in the state are
21 doing a lot more joint things and doing
22 things, which is great, and learning from each
23 other. So I do commend your association and
24 the county commissioners across the state.

25 But I do think that associations can

1 control, as I mentioned to Miss Sturges and
2 Mr. Herr and Mr. Troxell, is the problem is
3 that there's a difference between county
4 commissioners and local government officials.
5 And this particular point is that most county
6 commissioners are full time. They have a
7 large staff which helps with those things
8 happening during the day, and most
9 municipalities have one staff and the larger
10 ones may have three or four on staff,
11 whatever.

12 I just think that this bill really
13 needs to focus on townships and boroughs,
14 cities even, in cooperating more and really
15 working together. I think the county
16 commissioners association has led the way, and
17 I commend you. I know Representative Keller
18 over there and I am pleased you mention the
19 MPOs in your testimony, because I chair the
20 York County MPO and I believe he chairs the
21 HATC, Harrisburg Area Transportation
22 Commission. So it is something we're seeing.

23 And I know our MPO is starting to
24 work with HATC, it's starting to work with
25 Adams County MPO, looking at highways across

1 our joint areas, not just transportation
2 within our counties, and how we can work
3 together, but a lot of municipalities are
4 not. When new developments are going in, how
5 they're affecting highways and traffic through
6 small boroughs and things like that.

7 So I commend you, and I understand
8 where you are coming from. You were exactly
9 right. I think county commissioners across
10 the state have been doing a fairly good job.
11 I can't comment on the whole state because I'm
12 not as familiar with everything, but I know
13 your area has. You know, here in south
14 central Pennsylvania, a lot of county
15 commissioners are very active in mental
16 health/mental retardation, drug and alcohol,
17 so on and so forth.

18 But it really comes back to the local
19 governments that are smaller and who do not
20 have the staff and the ability, maybe, without
21 being sometimes nudged and forced into doing
22 some things, and even when you hate each
23 other, and I think that is -- I really like
24 that part about this bill is that I think -- I
25 don't care if you despise persons in the other

1 township for one reason or other, and I've had
2 those experiences. Before I came to the
3 General Assembly, I served on the recreation
4 commission and tried to work with other
5 recreation commissions.

6 When people say "It's my ball field,
7 don't you use it, but I want to use your ball
8 field" type things, I've seen those
9 fightdoms.

10 But by doing that, even when two
11 neighboring sites hate each other for one
12 reason or another, those hatreds will
13 eventually go away, because I think at some
14 point you understand why that rift was there.

15 It's not always necessarily one
16 public official. Whatever, it could be
17 misinformation sometimes, and that's why I
18 think even getting municipalities that do not
19 get along into the same room will benefit
20 taxpayers and solve -- and particularly
21 because of they can't resolve this, the
22 taxpayers will see that rift and they'll make
23 sure they solve it.

24 So I really do believe that this
25 bill, while it still needs some modification

1 and some answers to questions and everything
2 else, I believe whatever this bill costs in
3 the long run will be a savings to the
4 taxpayer.

5 And again, I want to commend you,
6 since you represent the county commissioners
7 association, all the county commissioners of
8 Pennsylvania, for having moved for on far more
9 working together than -- and hopefully you
10 will be an example for what our townships and
11 our boroughs and our cities will do as well.

12 Thank you very much.

13 MR. DOUGHERTY: Thank you. And I
14 would like to add that, I think in terms of
15 the list of carrots, maybe some carrots could
16 be put into this piece of legislation, and one
17 I didn't mention in my written testimony, or
18 maybe I did indirectly, is that there should
19 be more incentive for the state funding that
20 is going out now that so that people or the
21 municipalities work together.

22 So there should be more of an
23 emphasis on the intergovernmental applications
24 rather than one municipality coming in. I
25 know some state agencies are doing this

1 informally now. The more municipalities you
2 have in a grant application, the better your
3 chances of getting that particular grant.

4 And maybe you can find some way to
5 slip that into this present legislation to
6 encourage neighboring municipalities to sit
7 down.

8 REPRESENTATIVE SAYLOR: Thank you.
9 And I appreciate that because I agree with
10 you. It's just finding that money, and more
11 importantly, funds are always short around
12 here for everything, but I also think
13 somewhat -- Mr. Samuelson and I became friends
14 through JTs long before we were here in the
15 General Assembly. Some of us might want meet
16 with you and get insider information from
17 Mr. Saumelson at some point in time.

18 Thank you.

19 MR. DOUGHERTY: Thank you.

20 CHAIRMAN FREEMAN: Percy, thank you
21 for your testimony.

22 I just have a couple of quick
23 questions. First, I want to comment on
24 agreeing a hundred percent on your aspect of
25 planning. We must do a better job of planning

1 cooperatively and having a greater consistency
2 in our plans between county and local and the
3 zoning that is affected by this or should be
4 affected by this and we need to continue to
5 work on that.

6 In terms of what's outlined in this
7 legislation, there is a provision that in lieu
8 of one of the quarterly meetings, an
9 association meeting could qualify, providing
10 all membership were there and talked about
11 whether that was a high standard as far as
12 having every member of the governing body
13 there.

14 Would you favor the idea that perhaps
15 if a municipality or a county were to have
16 proven to establish some sort of cooperative
17 or joint effort with another neighboring
18 municipality or county, that that might
19 entitle them to have less meetings? For
20 instance, in the case of Lehigh and
21 Northampton County, as you cited in your
22 testimony, we have a joint planning
23 commission. We have an airport authority.
24 There is work toward a bi-county health
25 department.

1 Would there be merits in terms of
2 less of a burden, instead of just requiring
3 four meetings to cooperate, there can be
4 tangible examples of cooperation that have
5 existed by setting up of some sort of
6 authority or body that addressed a specific
7 aspect of the local government, and,
8 therefore, instead of having to have four
9 meetings, perhaps that entails you to only
10 have to have three or two or one or possibly
11 none?

12 MR. DOUGHERTY: The problem with that
13 is you have to figure out how can you define
14 "meeting" that is going to be substantive,
15 other than just a meeting. So, you know, if
16 there are substantive meetings -- I consider
17 the COG meetings that we have quarterly at the
18 county where all the cities, the boroughs, and
19 municipalities are represented as being
20 substantive.

21 But then this goes back to the
22 question of, in the legislation, does this
23 mean that every persons on that governmental
24 body has to be in attendance at that
25 particular meeting?

1 CHAIRMAN FREEMAN: Right.

2 MR. DOUGHERTY: And that's going to
3 be very difficult to do.

4 CHAIRMAN FREEMAN: Which I think is
5 in need of addressing in terms of being too
6 high of a standard.

7 MR. DOUGHERTY: But I agree if we are
8 going to go forward with this legislation, and
9 that requirement stays in there, it should be
10 interpreted very liberally in terms of looking
11 at some of the other meetings, the statewide
12 meetings that each of the sister organizations
13 have here or the local meetings that we may
14 have between the counties, the municipalities,
15 the school districts, and so forth.

16 CHAIRMAN FREEMAN: I do appreciate
17 the comments you made that others from the
18 various local government associations have
19 also raised.

20 The last thing we want is just
21 another meeting to have another meeting. If
22 it is going to take place, it should be
23 substantive. It should be focused.

24 I can just picture all the folks from
25 the neighboring borough or folks from the

1 neighboring township having their meeting,
2 looking across the table and going, How you
3 guys doing?

4 Good. How you guys doing?

5 Okay. Who's going to fill out the
6 report?

7 We don't want to see that happen.
8 Obviously that's not Dave's intention, and he
9 wants these meetings to be substantive.

10 And there is merit to continued
11 dialogues, as has been mentioned here today.
12 There are a lot of communities that give each
13 other the cold shoulder, and as a result, the
14 citizens of those communities suffer because
15 issues aren't being addressed such as planning
16 issues, zoning issues, traffic issues,
17 recreation issues, what have you, that if
18 there was a dialogue, could be with the spirit
19 of cooperation.

20 Would you see also for a need for the
21 meetings to have a focus perhaps? We talk
22 about four meetings being required in this
23 legislation. Would there be merits to saying
24 that one of the meetings must deal with
25 planning issues, one of the meetings must deal

1 with public safety, one of the meetings should
2 deal with joint purchasing and general
3 services, one meeting should deal with
4 recreation concerns, something along those
5 lines?

6 MR. DOUGHERTY: Well, the more you
7 narrow it down, the tougher you're going to
8 have getting support for it. But I believe,
9 as I said, it should be substantive. So if
10 you have the agenda set up ahead of time,
11 certain things that you should cover there, I
12 agree that it would be more profitable to
13 everybody in attendance. Because nobody wants
14 to attend a meeting where there's no agenda.
15 You have no idea what's going on; you just
16 simply walk into a room, and it's nebulous.
17 There has to be focus in terms of any meetings
18 that are going to be suggested.

19 CHAIRMAN FREEMAN: And, finally, you
20 made reference to the county COG. And I
21 believe that was convened for the first time
22 last year, was it?

23 MR. DOUGHERTY: Last year.

24 CHAIRMAN FREEMAN: I know that both
25 in the Lehigh County home rule charter and in

1 the Northampton County home rule charter there
2 was provision for that. Northampton County I
3 don't believe has ever convened one, but I'd
4 be curious as to what the experience has been
5 to date with that. Have those meetings been
6 productive? Has there been good attendance?

7 MR. DOUGHERTY: There has been very
8 good attendance. I figured the first meeting
9 would be well attended and by the third or
10 fourth meeting we'd have maybe five or six
11 people left. But we still fill the room. And
12 usually there's only one or two municipalities
13 absent. So it's very good attendance.

14 And, of course, it's just as we
15 expected, everything from transportation to
16 police coverage, public safety, and other
17 problems have come up. And now it looks like
18 we're going to have to refine the COG more and
19 set up smaller groups. So we have the
20 Macungie area, Emmaus having major problems
21 with -- an INI problem with the sewer systems
22 out there. So they're setting up a subgroup.

23 So it's effective enough that in the
24 big meeting we've got the parties talking, and
25 now they're starting to have their

1 subcommittees split off, and that's going to
2 be very productive.

3 And, of course, the reason they come
4 is we give them a little carrot to. Nothing
5 substantial. Of course, a good lunch. But
6 you have to give them some minigrants for
7 various things, whether it's for the Main
8 Street program or whether it's for helping
9 them in planning grants or comprehensive plan
10 or various other things.

11 CHAIRMAN FREEMAN: So you're taking
12 the carrot-and-sandwich approach?

13 MR. DOUGHERTY: The carrot-and-the-
14 sandwich approach.

15 CHAIRMAN FREEMAN: It sounds that
16 that experience is similar to the intent of
17 what Representative Argall is trying to
18 achieve, perhaps slightly different
19 structure. But -- to get that dialogue going,
20 and some of that dialogue obviously has
21 occurred, focus groups from various regions
22 within the county who are now starting to
23 address issues of mutual concern.

24 So I don't think we're far from the
25 mark here. I think it's a matter of

1 refinement to see if there's ways of providing
2 more carrots and more focus to advance this
3 concept.

4 MR. DOUGHERTY: And I don't know how
5 many other joint efforts have the requirement,
6 but when we get the health department up and
7 going -- I hope the final approval for that
8 comes October the 8th -- but both the
9 Northampton County commissioners and -- the
10 two county commissioners, I should say, from
11 both bodies have to get together for an
12 organizational meeting at the beginning of
13 each year. So that's a requirement there.

14 So at least that has a focus, setting
15 the budget for the health department and
16 looking at the goals for the year.

17 CHAIRMAN FREEMAN: Okay. Thank you.

18 Any other questions by the members?

19 Seeing none, we thank you for your
20 testimony.

21 MR. DOUGHERTY: Thank you. Good
22 luck.

23 CHAIRMAN FREEMAN: Just for the
24 information of the members, in their packet
25 also was testimony -- written testimony

1 submitted by the Pennsylvania School Board
2 Association -- they could not be present
3 today, but they did provide written
4 testimony -- and a letter from Deb Musselman
5 from the Pennsylvania Newspaper Association
6 concerning their concern that these meetings
7 would be covered by the Sunshine Act as well.
8 So those are there for the members.

9 This concludes our hearing for today.
10 However, I did want to afford the opportunity
11 to both Chairman Saylor and to Mr. Reddecliff
12 to make some concluding comments.

13 MR. REDDECLIFF: I just wanted to say
14 thanks to the committee for holding this
15 hearing and for everyone that testified.
16 There's a lot of good ideas, a lot of good
17 comments, and that's what Representative
18 Argall was hoping for. He threw out a
19 concept. He had left the bill vague hoping
20 that the local government groups would help us
21 fill in some of the details.

22 We are not interested in any
23 mandates, in placing additional burdens on our
24 friends in local government. We simply -- we
25 want to move the entire state forward.

1 behalf of the Pennsylvania Newspaper
2 Association (PNA), the state-wide trade
3 organization representing Pennsylvania
4 newspapers, I am contacting you to request an
5 amendment to House Bill 1753, Printer's No.
6 2335 that would clarify the responsibilities
7 of local government agencies which work
8 together in intergovernmental cooperation.

9 Current law provides that county
10 boards of commissioners, township supervisors,
11 school directors, and indeed all municipal
12 officials, must comply with the Sunshine Law
13 and the Right to Know Law. We believe that
14 any actions arising from House Bill 1753 would
15 necessarily fall under those statutes,
16 inasmuch as they involve official agency
17 business. PNA requests that this obligation
18 be clarified by the addition of the following
19 language, should the bill be scheduled for a
20 vote before the Local Government Committee:
21 Section 5, Public Access. Meetings held
22 pursuant to this Act are subject to the
23 provisions of the Sunshine Act. All records
24 produced in relation to this Act or presented
25 for discussion at any meeting required by this

1 Act are subject to the Right to Know Law.

2 We appreciate your attention to our
3 views. I can be reached at deborahm@pa-
4 news.org or 717.703.3077, if you have any
5 questions or wish to discuss our concerns.

6 Sincerely, Deborah Musselman,
7 director of government affairs.

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11 (Whereupon, the following was
12 submitted for the record in written form.)

13

14 Pennsylvania School Boards
15 Association, September 11, 2008.

16 Dear Chairmen Freeman and Saylor:

17 School districts are not unfamiliar
18 with the economic problems that now confront
19 the Commonwealth's economy. Frustration with
20 property taxes and consensus against new taxes
21 collides with continuing taxpayer expectations
22 for maintenance and expansion of school
23 district programs and services. School
24 districts have tackled the problem by adopting
25 a number of creative strategies including

1 entry into cooperative agreements. Those
2 efforts have been voluntary. House Bill 1753
3 (PN2335) is not. Accordingly, the
4 Pennsylvania School Board Association (PSBA)
5 writes to share its concerns on behalf of its
6 500 member school districts and requests their
7 consideration.

8 From a practical perspective, the
9 committee size specified in this bill is
10 impractical and unwieldy. The bill mandates
11 that every single school director in the
12 Commonwealth is required to attend quarterly
13 meetings as an entire board with the entire
14 bodies of other locally elected municipalities
15 within its jurisdiction. We suggest that
16 intergovernmental cooperation can be
17 negotiated and discussed without full
18 representation of an entire school board. In
19 fact, depending on the nature of some of (sic)
20 cooperative agreements, certain matters can be
21 discussed, negotiated or studied with smaller
22 groups. It also would seem probable that the
23 composition of the committees should probably
24 vary based on the complexity of the proposals
25 under consideration and the parties impacted.

1 Similarly, mandatory participation by
2 all 4,509 school directors in these meetings
3 is time consuming for our volunteer members.
4 School directors already willingly give their
5 time, skills and abilities to the community.
6 They attend multiple school board meetings,
7 committee meetings and other school events.
8 They also participate in other school-related
9 governing boards as representatives of their
10 school district, e.g. vocational technical
11 schools, intermediate units, and centralized
12 tax bureaus. And for those school directors
13 that are employed full-time, commute long
14 distances, or balance family or elder care
15 challenges, a mandatory increased commitment
16 of time weighs more heavily.

17 The poor drafting of this bill also
18 raises unintended consequences. Under the
19 existing language of the bill, a mandatory
20 meeting must occur with each municipality that
21 is situated within a school district. A best
22 case scenario for a school director is for
23 100% of the municipalities in a school
24 district to meet one time thereby only
25 requiring 4 additional meetings per year.

1 What happens if municipalities do not attend
2 the meeting? Under the bill's mandate, a
3 school director must still meet with the
4 municipality's board. In a worst case
5 scenario, a school board director will have to
6 attend a meeting with each and every one of
7 the municipalities in his district's
8 jurisdiction. Three examples of worse (sic)
9 case scenarios come to mind: In the Armstrong
10 School District (Armstrong Co.) -- 30
11 municipal meetings per quarter (120 per year);
12 for Keystone Central (Clinton Co.) -- 29
13 municipal meetings per quarter (116 per year);
14 and in the Warren County School District
15 (Warren Co.) -- 24 municipal meetings per
16 quarter (96 per year). Probability of this
17 occurring may be low, but the drafting of the
18 language should be altered to avoid this
19 situation.

20 There is a fundamental tension
21 between the potential economic benefits of
22 intergovernmental cooperation and the
23 potential political costs to local officials.
24 How local officials perceive these costs will
25 depend on the local political environment,

1 regional supply and demand conditions, the
2 nature of the proposed cooperative activity,
3 and the context within which the cooperation
4 will occur. Mandating regional meetings
5 between regional officials does not seem to
6 alter the balance.

7 Thank you for the opportunity to
8 submit remarks. We look forward to working
9 with you on this issue.

10 Sincerely, Timothy M. Allwein,
11 Assistant Executive Director, Governmental and
12 Member Relations; Beth L. Winters, Director of
13 Legislative Services.

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REPORTER'S CERTIFICATE

I HEREBY CERTIFY that I was present upon the hearing of the above-entitled matter and there reported stenographically the proceedings had and the testimony produced; and I further certify that the foregoing is a true and correct transcript of my said stenographic notes.

BRENDA J. PARDUN, RPR
Court Reporter
Notary Public