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The Luzerne County News-letter

VOL. VIII NO. 1 WILKES COLLEGE, WILKES-BARRE, PA., JANUARY 15, 1959

WHAT IS GOOD BUDGETING?

Originally a budget was a leather pouch in which monies or other valuables were carried or put for safekeeping. It is interesting to speculate on the gradual transition from the leather pouch or wallet to the meaning attached to the word "budget" today. In the expression "to budget time" even money or valuable goods has dropped out. The usual meaning of budget today comes through the great leather bag in which the King's Treasurer brought his documents of the country's needs and resources to the English Parliament. Today budgeting is the process by which the financial policy of a municipal government, including its monetary requirements, is formulated, adopted, and carried into effect.

Municipal budgeting is common-place now, but it is of comparatively recent origin. A significant date in the rise of municipal budgeting is 1912. The major impetus for the growth of municipal budgeting has been undoubtedly the desire to exercise better control of public monies. Important as is such control, good budgeting goes far beyond this limited objective.

Municipal budgeting involves not only a document, but a whole series of steps that carry throughout the whole fiscal period. These steps are involved:

1. The formulation of the budget - the preparation of estimates and the framing of a financial plan.
2. The authorization of the budget - the legal adoption of the plan through an appropriate appropriation measure.
3. The execution of the budget - the carrying out of the plan as authorized through the measures of budget control.

A fourth step is suggested by some - the accountability for the budget as executed - the audit and review of financial operations.

Most municipalities have devised accounting systems that facilitate the assembly of data needed for the preparation of the uniform budget, appropriation and financial reports required by the state. The budget has possibilities as a dynamic force for governmental planning, as a useful tool for programming municipal activities.

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A good municipal budget is, above all, a plan for action during the coming year. It is not a static set of figures, nicely devised to balance neatly revenues and expenditures. Rather is it a compelling program of decisions and actions affecting the lives of all the people who live, work, or visit within the boundaries of the municipality. Good budgeting is more truly the planning of the number, extent, and quality of the governmental services to be rendered in the coming year than that it is the very necessary balancing of municipal income and outgo.

Budget time is a decision-making time. Good budget information and good budget preparation are necessary if the members of the local legislative body are to make good decisions. It is probably only with the study of the budget that local legislators can obtain an overall view of the workings of the whole governmental organization. It is probably only at budget time that they can see the needs of one department related to those of each department and to the needs of the municipality as a whole. Only then can emphases in municipal functions be recognized and sound decisions be made as to desirable shifts in emphases among the several functions. At other than budget time, attention is largely directed to details of this and that service, to the planning and carrying out of specific projects, and to the solution of rather narrow problems. Budget formulation, consideration, and adoption provide the best overall planning time for legislators and administrators.

Budget time is reappraisal time. It is a time to consider the adequacy of the various municipal operations. Comparison of a function's expenditures with those of other years, or with those of comparable municipalities, may provide some guide as to adequacy. Small appropriations are not necessarily signs of economical operations; they may merely indicate inadequacy of operations. Good budget information can be the basis for a review of the efficiency of work methods. Marked variations in unit costs from those of other years or of other jurisdictions are signposts to further investigations.

Budget study should concern itself with a restudy of the organizational structure of the municipality. Did the existing organization just grow into its present form? Can it be simplified for more effective and efficient operations? All personnel should be scrutinized during the preparation of the budget. Is each employee in the right spot? Can a better division of labor be made? Should a weak man be replaced? Is a new employee needed to make the organization click? Are employees being lost to private industry? Should changes be made in personnel policy regarding wages, vacations, sick leave, or pensions? Will in-service training bring better operations?

Budget time is a public-relations time. A good municipal budget can be a valuable aid in informing the citizen. He has the right of review and recom-

mendation at this point. The fact that few citizens take advantage of the opportunities at this time is not necessarily a good thing. It may be well for the citizen to view municipal operations on a broad scale. Perhaps there be fewer pressures for expenditures for certain functions which could be obtained by sacrificing other functions. Perhaps there might be less need for new taxes or new policies if the matters were broached at budget time. Good budget information or reports to back them up.

Such uses of the budget and of budget time are not uncommon perhaps they are not common enough. Sometimes budgets are so used consciously as the struggles to prepare and adopt a municipal budget program. Better budgets will result and local government will be strengthened if all concerned are directed deliberately to the positive objectives of budgeting with which this article has dealt.

LICENSE FEES AND SERVICE CHARGES

Today local governments face a bigger task than ever before in obtaining revenues adequate to meet governmental costs. Many are undertaking long-postponed public improvement programs. At the same time, the growing needs of the residents with new and expanded services -- garbage and refuse collection; parking accommodations; and water, sewer, and other services -- while inflation has meant higher costs for labor and materials. Local taxes, the chief source of local revenues, and the new non-property taxes under Act 481 often are inadequate to meet this demand for new funds.

Regulation is the basis for licensing and the cost of such regulation is the historic reason for a license fee. But for many years, in many municipalities, license fees have returned monies well in excess of the cost involved and the surplus has been an accepted part of the general municipal revenue.

Faced with the need for additional income, municipalities have expanded their license system to satisfy a part of their needs. They justify business and amusement license fees because of the high degree of service required by general businesses and amusements in police and fire protection, traffic control and parking; in highway construction and maintenance; in water, sewer, and electrical facilities.

The municipality must fit its licensing code to its own local conditions. It must try to eliminate inequalities between business types, do away

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Faced with the need for additional income, municipalities look to an expanded license system to satisfy a part of their needs. They justify the general business and amusement license fees because of the high degree of services required by general businesses and amusements in police and fire protection; in traffic control and parking; in highway construction and maintenance; and in water, sewer, and electrical facilities.

The municipality must fit its licensing code to its own local problems. It must try to eliminate inequalities between business types, do away with

regressive rates, establish a flexible rate structure to take care of changing business conditions, examine long-run implications of the proposed license structure, and anticipate administrative difficulties.

Before revising its licensing system, the municipality should determine its legal power to license. Then it should decide whether or not it desires revenue as well as regulation from its rate structure. It should make a list of all establishments in the community that can be licensed. Finally the municipality should decide on the types of license fees and taxes it wishes to have and the appropriate rate structure for each type.

There are many bases for levying fees and taxes. What base to use for a given type of business will, of course, depend upon local conditions and the classes of business being regulated. Some of the common bases for license fees includes: (1) type of occupation; (2) value of goods, stocks, or inventories on hand as of a certain date, or the value of the average stock within a given period; (3) rental value of premise occupied; (4) amount of street frontage; (5) amount of floor or ground space; (6) seating capacity; (7) number of rooms or units; (8) number of units of some essential equipment; (9) number of employees; (10) number of salesmen; (11) number of companies represented; (12) amount of fee or admission price charged; (13) volume of purchases; (14) volume of gross receipts; (15) amount of invested capital; (16) volume of actual production, productive capacity of plant, or kind of and size of product produced.

(to be continued in the next issue)

THOUGHTS FOR TODAY

If you've made up your mind that you can't do something - you're absolutely right.

Politics is like roller skating; you go partly where you want to go, and partly where the darn things take you.

PUBLICATION

This News-letter, published monthly as a community service, originates in the Institute of Municipal Government of Wilkes College. Notes and inquiries may be addressed to Dr. Hugo V. Mailey, Institute of Municipal Government, Wilkes College, Wilkes-Barre, Pennsylvania.

LICENSE FEES AND SERVICE CHARGES (Continued from previous issue)

Charges for municipal services are taking a more important position in local finances with each passing year. Charges most common are for garbage and refuse collection, for fire protection outside municipal boundaries, for sewer rentals, and assessments for special purposes. The idea is that many services, once paid from general funds are now charged those who receive the service.

The use of service charges for refuse collection and disposal is growing. There are advantages to the use of the service charge for refuse collection and disposal over and beyond the revenues to be obtained. The service charge can be related directly to the service given. General fund money is released for other functions. Of course, there will be criticism. Many citizens may feel that certain services such as garbage and refuse collection are a rightful function of local government.

If a municipality makes charges for any service, a complete list of payers must be prepared for use in billing and enforcement. In the case of garbage and refuse collection such a list should include the names of all tenants (whether property owners or not), address, and classification of property (residential or commercial). Many local units of government set up a service charge system for residential property only. Commercial establishments must find their own methods of collection and disposal.

A separate accounting fund should be established for each service. Either the secretary or treasurer can be designated the collector of the revenue, so long as the billing is done from a central office. Some times the bill for the rental or service accompanies the tax bill. Billing can be done annually, semi-annually, quarterly, or monthly, depending on the service. No council or board should change from a policy wherein a service has been financed from the general fund to a policy wherein the service will be financed from charges or fees without careful study of comparative costs and without completely informing the general public.

SUBSISTENCE ALLOWANCE

Since September 30, 1958 local police officers are no longer entitled to a special income tax deduction of up to five dollars a day for statutory subsistence allowances granted in 1954 under Section 120 of the Internal Revenue Code. That part of the Code was repealed by Congress. A police officer may exclude from allowances received from January 1 through September 30, 1958. He may still, however, deduct such travel expenses and subsistence costs to which he is entitled under general income tax regulation.

ACT 481

Political subdivisions may legally tax certain amusements and not tax other amusements. Local governments have a wide discretion to classify for tax purposes under Act 481. Any challenge to a tax ordinance or resolution under Act 481 based on the uniformity provision of the Pennsylvania Constitution is not likely to be successful. This decision would also apply to second class townships which have the power to tax under Act 430. (Coe V. Duffield, Pa. Superior Court, 1958)

URBAN RENEWAL INCREASES REVENUE

Cities participating in urban renewal projects stand to reap benefits of increased tax yields. These increased yields will enable the municipal governments to pay off construction costs within relatively short periods of time. New Haven, Connecticut, will put \$575,000 into its Oak Street project and revenues will increase \$375,000 annually. The tax yield in Sacramento, California, will increase \$300,000 a year through urban renewal. Ten projects in New York City will cost \$29,965,000 and return a tax of \$3,700,000 annually. At that rate the total cost can be written off in seven years. The picture is clear. Therefore Congress ought to be urged to recognize the long-term needs of urban renewal and authorize a ten year program for its accomplishment. Local officials ought to also urge Congress to amend Section 701 of the Housing Act of 1954 to (1) make planning assistance matching grants available to cities of less than 50,000 instead of limiting the aid to cities of less than 25,000, (2) increase the fund authorization for the planning program.

SACRAMENTO

Considerable attention has been attracted to Sacramento as a result of a 1957 report on "The Government of Metropolitan Sacramento" developed

by Public Administration Service for the Sacramento Metropolitan Area Advisory Committee. The basic recommendation of the report was for consolidation of the city and county government (involving absorption of smaller municipalities within Sacramento County) under a home rule "metropolitan charter" for the new government. The repository of local legislative powers would be the 11-member Metropolitan Council. Six members of this body would be selected at large, and five elected to represent each of the five boroughs proposed for the consolidated jurisdictions. The boroughs would have elected councils serving as a tie with the Metropolitan Council, as administrative districts, and possibly as areas of extra local services. Also suggested was the establishment of differentials in taxation and in services by division of the consolidated territory into zones of "urban" and "rural" territory, proceeding via (1) a carefully written charter provision that would define what constitutes urban and rural territory and would justify added urban taxes to meet the costs of added urban services; and/or (2) a state permissive law allowing a city--county charter to contain such a tax differential for urban services if protected by adequate safeguards.

LEGISLATION AFFECTING BOROUGHS

A proposal, approved by the Local Government Commission, and not sponsored by the Association of Pennsylvania Boroughs, would amend the Third Class City Code to permit a borough to be annexed to a city if the borough council passes an ordinance after three-fifths of the taxable inhabitants present a petition accompanied by written consent of a majority in numbers and interest of property owners of the borough asking for such annexation. It should be understood that the Local Government Commission consideration and approval precedes the introduction (or possible introduction) of a bill before the legislature.

DELAWARE COUNTY COOPERATION

The Delaware County Commissioners recently created a County Disposal Department. The new department is to take the place of the Delaware county Incinerator Authority. Tentative plans call for the issuance of bonds to finance the building of three incinerators to serve every municipality in the county. It is felt that a county-wide incinerator plan will be more efficient and less expensive than a number of smaller ones. Also, the disposal problem is one which affects every individual in the county and not just isolated local units and will, therefore, call for the cooperation of every community in Delaware County.

LOCAL UNITS COOPERATE

Ten communities in the Harrisburg area recently held a joint meeting to discuss a very acute problem common to all. Seven boroughs and three townships located on the west shore of the Susquehanna, directly opposite Harrisburg, are faced with a serious problem of garbage and refuse disposal. In an effort to remedy the situation, the ten municipalities are jointly investigating the problem and discussing the several courses of action open to them. Individuals experienced in the various methods of disposal were invited to appear at the meeting and presented films and short talks on various aspects of the disposal problem.

The West Shore Chamber of Commerce made a study of the disposal situation in the ten communities. In its report on the problem, copies of which were distributed at the meeting, the Chamber concluded that the immediate solution to the problem lies in the establishment of a sanitary landfill for the area. The report also suggested that a joint collection scheme be instituted in the ten communities. Such a system, they point out, would provide for efficient, systematic, regulated, and economical operation rather than the piecemeal approach now in effect.

SECOND CLASS TOWNSHIP

The officers of the Second Class Townships Association in Luzerne County are: President-Arthur Smith, Kingston; First Vice-President-Alan Major; Lehman; Second Vice-President-Fred Kendiz; Secretary-Clark Rinehimer, Dorrance.

THOUGHTS FOR TODAY

Some workers make use of their opportunities; others seem to create a lack of them.

Lots of parents take their kids to the circus and send them to Sunday School.

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VOL. VIII NO. 3 WILKES COLLEGE, WILKES-BARRE, PA., MARCH 15, 1959

VEHICLE USE STUDY

Six out of every ten gainfully employed Pennsylvanians use private automobiles to get to and from work, according to a Vehicle Use Study prepared by the Department of Highways planning division in cooperation with the Federal Bureau of Public Roads. Nearly 23 percent of gainfully employed residents of the Keystone State use public transportation -- largely buses--for conveyance to their jobs, while 14.5 percent walk. Eighteen percent of workers in cities with more than 25,000 population (excluding Philadelphia and Pittsburgh) are conveyed to their jobs by public transportation facilities.

Use of cars to get to work is more important in cities of more than 100,000 population than in cities of 25,000 to 100,000 population. In the former 64 percent use cars and in the latter 57 percent. In places of under 25,000 population, the lower the population, the higher the proportion of auto users. Two-thirds of suburban fringe dwellers make their way to their jobs in cars. One-fourth use public transit facilities. Use of autos to carry people to work as passengers rather than as drivers is most common in communities of fewer than 1,000 persons. In those places almost one-third of employed persons getting to work by car do so as passengers.

HARVEY VS ALLEGHENY COUNTY RETIREMENT BOARD

The Supreme Court ruled that once a member of a retirement system for public employees has complied with all the conditions necessary to receive a retirement allowance, he cannot be affected adversely by later legislation changing the terms of a retirement contract. Employees who have not become eligible to retirement allowances may be affected adversely by changes in the law only if such changes enhance the actuarial soundness of the retirement fund. Increasing the minimum age for retirement would enhance the actuarial soundness of the fund, and, therefore, present employees may be compelled to work for a longer period of years than would have been the case had the law not been changed. On the other hand, a new requirement restricting the kind of employment to be engaged in by retired persons does not enhance the actuarial soundness of the fund, hence would not apply to persons who were members of the fund before the change in the law.

DAHL VS WOOSTER

To fill a vacancy in the office of tax collector, the Borough of Ellwood City appointed the plaintiff, a qualified elector of the Borough, who took the oath of

office and made a written request to the school board to fix his bond. The school board, however, appointed the defendant as collector of school taxes. Following this action of quo warranto, the court ruled in favor of the plaintiff and ousted the defendant as collector of school taxes.

The court stated that the intent of the law is that the borough tax collector, whether elected by the voters or appointed to fill a vacancy, is to collect school taxes as well as borough taxes. The only circumstances under which the school district is authorized to appoint its own tax collector is when the person elected or appointed as borough tax collector fails to furnish proper bond within the time limit set out in the law. In this instance, the plaintiff's failure to furnish bond was only because he was prevented from doing so by the failure of the school board to fix his bond following his written request.

LIQUID FUELS TAX

A discussion of liquid fuels tax distributions was led by John T. Corrigan, Field Auditor, Liquid Fuels Tax Department of the State Highway Department, at the last dinner meeting of local government officials at the Commons on the Wilkes College Campus. Mr. Corrigan established the Department in 1956 and is in charge of the field auditors. In his talk before about 75 local officials, Mr. Corrigan explained the allocation to municipalities in the State of the thirty million dollars on the basis of population and mileage. Each municipality receives two hundred and ninety-seven dollars for each mile of improved streets and one dollar and eleven cents per person. In order to be eligible for the money, a municipality must set up expenditures for road work. The report must list the expenditures. All the money received may be used for maintenance if all the roads in a town are improved as determined by highway engineers, otherwise twenty-five percent of the allocation must be used for new construction. Curbs and drainage are considered new construction if all the roads are improved. If the "new construction money" is not used within two years, the money reverts back to the Highway Fund, and the municipality is penalized next year by receiving that much less money. The local officials should encumber the "new construction money" for a job even though they may rewrite it for another construction. The idea is to encumber one year to receive the money next year. Relaying storm lines and snow removal are considered maintenance. Cinder removal in the spring is not considered maintenance. A two inch roll with bituminous is considered maintenance. If oil and chips raises the type of road, it is new construction; otherwise, it is maintenance.

SURRENDER OF HEALTH FUNCTION

The following municipalities in Luzerne County have voluntarily relinquished their health function to the State Department of Health: Nuangola, Laurel Run,

White Haven, Conyngham, New Columbus, Dallas, Avoca, Yatesville, West Wyoming, Highestown, Exeter, Duryea, Courtdale, Wyoming, Edwardsville, Laflin, Ashley, Plains Township, Luzerne, and Newport Township.

BOROUGH ASSOCIATION

The following are the 1959 officers of the Luzerne County Boroughs Association: Alan Bare, President, Forty-Fort; John Mizin, Vice President, West Wyoming; Luther Nicholason, Vice President, White Haven; Brinley Crahall, Secretary, Courtdale; and George Weiskerger, Treasurer, West Pittston.

REAL ESTATE TAX SALE LAW

Recognizing the inequities in delinquent tax procedure, the State in 1947 passed the Real Estate Tax Sale Law. This law consolidates all delinquent real estate tax claims throughout a county in one agency--the Tax Claim Bureau. It eliminates the accumulation of delinquent taxes, and the two year redemption period after a tax sale. It also makes it possible to convey a clear title to the purchase at a tax sale. The property owner has at least two years from the date tax was first due before any property can be sold for unpaid taxes. One sale procedure is provided by the Tax Claim Bureau. The law benefits municipalities in a county in the accelerated collection of delinquent real estate taxes without working undue hardship on the delinquent property owner. It has reduced the amount of delinquent real estate taxes heretofore accumulated through liens filed with the prothonotary. The end result should increase the total tax yield for properties are continuously on the assessment and tax rolls. The provision for conveying a clear title does attract purchasers to tax sales. By transferring non-tax paying properties to the current tax rolls in the hands of responsible taxpayers, a delinquent tax liability is converted into a tax revenue.

PLAINS TOWNSHIP

At a meeting of the Board of Commissioners it was decided to adopt an ordinance to impose a real estate transfer tax in the township at the 1 percent rate. It was estimated that approximately two thousand dollars will be realized from this source and will be used to increase wages of township employees. The tax was necessary in view of the fact that the board had to relinquish to the school board two dollars and fifty cents from the township seven dollars and fifty cents per capita tax.

NANTICOKE

Nanticoke probably will match the \$ 320,000 redevelopment grant from the State Housing and Redevelopment division with services. The city can provide the equivalent in new sewers, lighting, street paving and similar services.

EDWARDSVILLE

President Judge John J. Aponick confirmed nisi a report of a three man commission which recommended the abolishment of all the ward lines in the borough. There are not seven wards in the borough. The commission stated, "It is the opinion of this commission that the affirmation of this recommendation will suit the convenience of the inhabitants of the Borough and the interest of the taxpayers property owners and residents."

TERM OF OFFICE

Borough secretaries and treasurers are no longer to be elected every biennium but, along with all other officers and employees appointed by the borough council, are to have indefinite terms of office subject to removal by the council. Act 194, approved June 20, 1957 amends Section 1001 and clause I of Section 1005 of Borough Code.

THOUGHTS FOR TODAY

A woman may be outspoken, but seldom by her husband.

Liquor makes you see double and act single.

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APR 27 1959
VOL. VIII NO. 4 WILKES COLLEGE, WILKES-BARRE, PA., APRIL 15, 1959

THE DINNER

The Seventh Annual Dinner of the Luzerne County Local officials group will be held at the Wilkes College Commons on Wednesday, May 6, 1959 at 6:30 p.m. The speaker will be an old friend to many local officials in this area, Dr. Harold Alderfer, presently Deputy Secretary of Public Instruction. This will be a gala occasion for the local officials in Luzerne County. This meeting really brings to a climax the activities in local government in this area. Certificates will be awarded to township supervisors and school directors who have completed a prescribed course. Awards are made to local officials who have served faithfully in their communities. Make your reservations early.

REVISED DEBT LIMITS

Debt limits based on market value was part of a report recently presented to the Governor and to the General Assembly by the Pennsylvania Commission on Constitutional Revision. The Commission, appointed by former Governor Leader and by the General Assembly to study and recommend changes in the State Constitution of 1874, proposed 20 major changes.

The Constitution now stipulates that the limit of councilmanic or non-electoral debt is two per cent of the assessed value of the taxable real estate of the municipality, with an additional five per cent allowed after a favorable vote of the people. The Constitutional Revision Commission recognized the inequities of basing debt limits on assessed valuation and recommended that market value be used instead. The Commission stated that the change would permit "a municipal subdivision to relate its debt to its real ability to repay its obligations-- market value of taxable property."

The Commission also recommended that no constitutional limit be placed on the amount of debt which can be created with the approval of the electorate, but that the General Assembly may add additional limitations or restrictions, both on councilmanic or electoral debt. Further recommended changes would authorize the General Assembly to apportion authorized borrowing power among the political subdivisions, which means that the legislature may set a total debt limit for an area and assign a percentage of the limit to the municipality, the school district, the county and the institutional district.

The new section would also prohibit further use "of authority financing which depends on general revenues under a lease or other arrangement," but would provide that any debts incurred for self-liquidation projects such as sewage disposal plants where the cost of the plant will be paid through sewer charges, not be included within the debt limitations. It was felt by the Commission that these changes would eliminate the inequities of the current debt law, provide means of giving the municipalities the added borrowing power that is so urgently needed without forcing them to resort to authority financing.

WHAT IS A SUPERVISOR ?

Reprint From Township Supervisor

Strange as it may seem supervisors are human. Just like the rest of us they eat breakfast, sleep in a bed and most of them brush their teeth. In fact until a certain election day came along they were one of us. Many in this part of the country are males, although they do not have to be. They come in various sizes. This sometimes depends on whether you are looking for or trying to avoid one.

Most of them have homes, all covered with roses and mortgages. If he drives a big car he's a chiseler; a little car, "who's he kidding." His credit should be good because his salary isn't. Figuring what little recompense he gets compared to the hours put in and it is only pennies.

The supervisor is a 'meeting man'. He puts in endless hours and many nights of meetings. Although some will be enjoyed others must be endured. When he gets to all the meetings his family wants to know when he is going to move home again. When he misses some the public says he is neglecting his duty.

If he can help you he is a good egg. When he helps the other fellow he is in a clique. If he tries to take care of a ticket for you, he wants your vote. If he refuses, he only plays politics with the other fellows. When he makes a mistake "he's a grafter and that goes for the rest of them, too." When he withstands pressure, he is stubborn; if he gives in, he is a push over. No matter what decision, he makes he will be ace high to some and a dirty double crosser to others. He gives long hours, thinks wide and his answers must have depth. To many he is a game, to see how many of his faults can be found. He has some. He also has some good points, but if they are found nobody lets on. The supervisor continually hums the song, "Yield Not to Temptation." Not so much to resist bribes but to refuse unwarranted favors from deserving friends. To last, a supervisor must have integrity. If he has he will face even complex problems, straight forward without putting off or side stepping. He will stand up under pressure, he will disregard political reaction, as community welfare will come first. He will give credit to the deserving without respect of person or political party. He will work without recompense; he will take undeserved abuse without revenge; and will acknowledge mistakes without reserve.

So you see a supervisor has to be a real softie, toughie, as wise as Solomon and hope he has no babies to divide, spread himself thin to reach all constituents, yet be able to lump up when there is a warranted need; say a sympathetic "no" and a good many "yeses," but to live in a glass house with some loose stones handy just in case.

Why does a man want to be a supervisor? The reason must be a noble one or else has been disillusioned. It is interesting work. He will have the satisfaction of knowing the municipal government is run honestly and he will have a feeling of having done his part to make his community a better place to live. If with a deflated ego, a flat pocketbook and stooped shoulders, the supervisor can still take punishment and runs for re-election, one of the most rewarding things that could happen to him would be for him to receive your vote.

REFUSE COLLECTORS PROVIDE CLEAN CANS

A new refuse collection plan which has been in operation in Nottingham, England, deserves a try on this side of the Atlantic, too. The collector takes an empty refuse can to a house, leaves it, and picks up the filled container which he empties into the waiting collection truck. So far, this sounds familiar, but now he inserts a power-driven bristle brush which is installed under the truck and scours out the can with disinfectant. This clean container is then taken to the next house and the filled container picked up. By this process the collector makes only one trip to each house and in each places a clean, disinfected garbage can. A simple ordinance and small fee could accomplish this here in many of our towns.

EXPIRATION OF COUNCIL MEMBERSHIP

The term of office of members of borough council expires at 8:00 p.m. on the first Monday of January next succeeding the municipal election. This is the opinion of the Department of Justice, which was written by Deputy Attorney General Harrington Adams in the early part of 1958.

This information was requested by Miss Genevieve Blatt, Secretary of Internal Affairs, Commonwealth of Pennsylvania, to determine whether the action of a borough council in over-riding the burgess' veto was legal. Members of the borough council had voted between 7:30 and 7:50 on that Monday evening, just a few minutes before the deadline.

The Luzerne County News-letter

VOL. VIII. NO. 5 WILKES COLLEGE, WILKES-BARRE, PA., MAY 15, 1959

A legal opinion on the exact time at which borough councilmen's terms of office expire was necessary since the fate of a bond issue hinged on determining the legality of the councilmen's vote in over-riding the burgess' veto. All bond issues must be approved by the Secretary of Internal Affairs and her decision to approve or disapprove the issue in the case in question was based on establishing the validity of the vote of the borough council members.

PAVING LIEN

Nanticoke City Council has written off paving liens totaling \$72,552.93 and therein lies a story. The money can't be collected and members of the body know it. They are simply getting down to earth in preparation for the time when the city debt will be eliminated.

It seems the paving liens were improperly filed when the work was done more than three decades ago. In spite of this, however, each succeeding administration continued to list the item as an asset and, making matters worse, even borrowed against it. It won't be possible in the future.

As a result of the cut, the City's 1959 budget is finally free of fat. There is no need for additional loans so municipal assets are no longer inflated. The paving liens listed at \$73,552.93 only a year ago, now have a more realistic value of \$1,000.

THOUGHTS FOR TODAY

A public official is a man who can fool some of the people all of the time, and all of the people some of the time, but not his private secretary.

Horsepower was much safer when only the horses had it.

PUBLICATION

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LOOKING AHEAD FOR LOCAL GOVERNMENT

The speaker at the Seventh Annual Dinner of Luzerne County Local Officials, held at Wilkes College, was Dr. Harold F. Alderfer, Deputy Superintendent of Public Instruction, Commonwealth of Pennsylvania. A part of the message that he gave to local officials follows in abbreviated form.

"After more than a quarter of century of work with Pennsylvania local government, I have come up with one deeply-rooted, rock-bound belief -- that local government is linked to human freedom, and that when one grows the other grows with it, and when one goes, the other goes along with it down the road to oblivion. To me, the highest good is freedom; I want it for myself, I want it for all people - all over the world. But we must constantly work for it. When we have freedom we can live the best life our human and natural resources will allow. We may not be rich, but we won't starve, we won't lack shelter and we will have as much as it is possible to have because when we all have freedom we will help each other and that is the central motivation of every community.

"But, in our day, local government is being challenged as never before by big government, both state and national. We must admit that local government here in our own state as well as in the nation, and in fact all over the world, has exhibited some glaring weaknesses. It needs to be modernized. It needs freedom of action, increased powers and more revenue. It needs to be geographically adjusted to the tremendous changes which have come about.

"Its present weaknesses are what enemies of local government parade to the public. They say, 'Look, local government is ox-cart. It can't do the things that must be done. It does not have trained personnel, its units are too small, it lacks money. Let the state or the national government take over. They have what is necessary.'

"And then some of our local government officials, looking at their own inadequate resources reply, 'Sure, take over. Local government costs us too much money. We can't find more money; we can't raise our assessed valuations. We cannot inaugurate new taxes. Our people won't go along. They will not elect us and they will hate us.'

"The state and national governments have been whittling away at such functions, once entirely local, as highways, police, health, education, public assistance, welfare, housing - in fact in almost everything except fire protection. And why not fire protection? I have an idea that the volunteer fire departments have a lot to do with that. They have numbers, they have citizen members, they have local interest, they are inactive. They make fire protection fun as well as useful. The climate of fire protection is not dull like that of most local functions.

"So we must help local government to be strong. The state government through the General Assembly and the Governor must give it more power, more financial resources, more flexibility, more modern ways of doing things, up-to-date machinery. Local government law must reflect the best possibilities, the legal shackles and restraints must be lifted. State departments can help through various kinds of advice and assistance. But again, it must be said, the real job must be done at home.

"Let's take a look at the most pressing problems of the anthracite region. I would like to suggest a few ideas along this line, knowing all the while that I am an outsider with little detailed knowledge of the community. But this sometimes has a few advantages and I am willing to take advantage of them for the good of the order.

"First, I would like to see some functions of the state government decentralized and some of the offices set up in the anthracite region. There are about 65,000 employees in the government of the Commonwealth, most of them in the Harrisburg area. It is increasingly difficult to get persons who are qualified for various positions in the lower salary echelons to come to Harrisburg, and to live there and survive economically. They could do better living nearer home. Many of them now drive from the lower anthracite region to Harrisburg every day to the detriment both of their health and their work. The increased possibilities of decentralization should be explored.

"Second, I would like to see the entire anthracite region united in an organization designed for and with full power to work towards improved economic conditions of the whole area. Such an authority should be established by state law, given an appropriation to get under way, be governed by a board of residents appointed by the Governor on the recommendation of the various occupational, professional and industrial organizations of the region, have a capable staff appointed on the basis of merit, and given full powers to seek all available means to do better economically, to utilize existing resources, to acquire property and even to set up new industries if resources are available.

"One word must be said about the place of local government in

such a picture. Local units would remain as they are, they would cooperate together through such an Authority. They would carry on their present functions with their present resources, but they would receive aid and assistance from the Anthracite Authority when requested and where possible."

SERVICE AWARDS

These awards were presented to the following people: Roy Andrews, Shickshinny; Miner Aylesworth, Ross Township; Miss Bertha Blakeslee, Buck Township; Peter Chronowski, Wyoming Borough; Mrs. Burt Durland, West Pittston Borough; Mayor Frank E. Kielar, Nanticoke; Ceola Kishbaugh, Nescopek Borough; George Kohl, Laurel Run Borough; Raymond E. Kresge, Bear Creek Township; John A. Learn, Dennison Township; Michael Mastroianni, Wilkes-Barre City; Howard Perry, Exeter Township; John Roskos, Rice Township; George Sobeck, Jr., Luzerne Borough; William J. Storm, White Haven Borough; Michael Sunder, Hazle Township; William Thomas, Fairview Township; John Wawryzn, Sugar Notch Borough; Harvey VanFossen, Dorrance Township; Harry Bogart, Kingston Township; and Allan Sachs, Wright Township.

SCHOOL DIRECTORS CERTIFICATES

The following people received Public Service Institute Certificates: Peter F. Albano, McAdoo; William H. Clewell, Dallas; John Contrady, McAdoo; Alvin H. Cunfer, Butler; William E. Davis, Dallas; Allen Feinberg, Wilkes-Barre; Carrol Hansen, Fairview; William J. Hodakowski, Edwardsville; Alphonse J. Hozempa, Edwardsville; H. Merritt Hughes, Wilkes-Barre; Frank J. Jagodinski, Plains; Richard H. Kerschner, Butler; U. Craig Peters, Wilkes-Barre; Willard Reese, Wyoming; Louis M. Sauer, McAdoo; Moderno D. Sciamanna, Conyngham; Floyd S. Siegfried, Wilkes-Barre; Julius A. Skwayek, Conyngham; Mrs. Harriet Stahl, Dallas; Girard G. Stish, Hazleton; Raymond W. Tubridy, Wilkes-Barre; Albert C. Wagner, Butler; J. Stuart Weiss, Kingston; Mrs. Volma Whitesell, Hunlock Creek; and Russell Worrall, Hunlock Creek.

TOWNSHIP SUPERVISORS

The following people received Public Service Institute Certificates: Daniel Bafunno, Dorrance; Otto Biery, Lake; Stephen Bodnar, Salem; Harry Bogart, Kingston; Keith Bonham, Hunlock; Adam Crahall, Bear Creek; Mason Davenport, Hunlock; William Fink, Hunlock; E. Cleaver Geist, Salem; Otto Good, Hollenback; Walter Hoover, Lake; Edward Jeffrey, Jackson; William Jenkins, Fairmont; George Kemezis, Jenkins; Lloyd Kishbaugh,

Salem; E. Raymond Kresge, Bear Creek; Wesley Lamoreaux, Jackson; Arlie MacDougall, Salem; Jacob D. Martz, Huntington; Harold R. Maye, Lake; Calvin McHose, Lake; Charles B. Mowery, Lake; Thomas Murphy, Bear Creek; Howard Perry, Exeter; Howard Piatt, Lake; Steve Radonavitch, Jackson; Reynold Rehn, Wright; Edgar Ridall, Huntington; Clark Rinehimer, Dorrance; Keith Rinehimer, Dorrance; Michael Semyon, Jenkins; Warren Scott, Exeter; Donald Smith, Wright; Paul Smith, Exeter; Carl Swanson, Lake; Bruce Thomas, Salem; Sharon Whitesell, Lake; Fred Wolfe, Hollenback; Leroy Zeigler, Kingston.

75th BIRTHDAY

A huge celebration is in the planning to celebrate the 75th anniversary of Edwardsville Borough which was incorporated June, 1884. The celebration is being planned by officials and organizations throughout the town.

Edwardsville Borough, which was named after Dnaiel Edwards, early resident, has a colorful history. Prior to 1884 the land which constituted the incorporated borough of Edwardsville consisted of certain sections of two townships, Kingston Township and Plymouth Township.

REALTY TRANSFER TAX

Six Luzerne County communities so far this year have imposed a realty transfer tax to bring to 22 the number which now require payment of such tax.

The municipal tax, which is one per cent in all cases, except for Hazleton City, which requires payment of a realty transfer tax of three-tenths of one per cent, is in addition to the one per cent State Realty Transfer Tax.

THOUGHTS FOR TODAY

If you want a youthful figure, ask a woman her age.

No one but a convict likes to be interrupted in the middle of a sentence.

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The Luzerne County News-letter

VOL. VIII. NO. 6 WILKES COLLEGE, WILKES-BARRE, PA., JUNE 15, 1959

Wilkes College Library

CONSOLIDATION JUN 22 1959

Consolidation of Wilkes-Barre and Plains, Hanover, and Wilkes-Barre Townships (First Class) went down to a crushing defeat on primary election day at the hands of voters of the three townships, while in the city the vote was overwhelming in favor of the proposals.

Annexation	Yes	NO
Wilkes-Barre Township	340	1,107
Wilkes-Barre City on Wilkes-Barre Township	10,233	1,732
Plains Township	789	2,812
Wilkes-Barre City on Plains Township	9,608	1,674
Hanover Township	1,122	3,815
Wilkes-Barre City on Hanover Township	9,621	1,645

That such a decision must be accepted without rancor goes without saying. That is the American way. Consolidation is one of a set of 8 or 10 solutions to metropolitan problems. Of the various plans for meeting the governmental problems of metropolitan areas, only three are sufficiently comprehensive to afford permanent relief on a large scale. Consolidation is one of these three. A lengthy study of all possible solutions must precede acceptance of any one of them for our particular area. Moreover, an understanding of the basic reasons for the movement of people out of our cities is most important. Because many people lack that understanding, few know the "metropolitan problem." The real job necessary to develop integration in American metropolitan areas in the foreseeable future is education. Above all, there is the need to foster a feeling of unity within the entire metropolitan area that will aid in bringing about the urge to make the necessary improvements that are so urgently needed.

NEW TOWN HALL

Fairview Township supervisors obtained court approval yesterday to purchase property at 144 North Main Street, Mountaintop, for \$6,400, the premises to be used as a Town Hall.

The building, the supervisors noted, would supplant the municipality's present town hall which is old, of frame construction and in need of considerable repairs and maintenance. Petition of the supervisors also pointed out the present township building is no longer adequate in size or facilities due to tremendous increase in new residences, business and industrial establishments and the large growth of population within its borders. The supervisors also noted the present structure can be sold at public sale and the proceeds applied on the purchase price of the new property.

SALE OF ZONING RIGHTS FOR PARKING

The Lower Merion Township of Pennsylvania has come up with a plan to share the costs for off-street parking, required under their zoning law, between the municipality and the benefitted merchants. Under the plan, the Township will accept contributions toward the cost of municipal off-street parking facilities and, in return, will issue to the contributor Certificates of Participation which will be acceptable in lieu of off-street parking required under the zoning ordinance, at such time as the contributor chooses to remodel, expand, or rebuild. The contribution required for each certificate will equal one half the average cost per car space. Highlights of the plan include:

- A policy is established that parking funds will be used in any area on an equal matching basis;
- Certificates of Participation are prepared for parking spaces with the price based on one half the average cost per space;
- Certificates are offered for sale and for a period of a year are limited to persons with an interest in property within 300 feet of the parking lot;
- The number of certificates are limited to the number of spaces required under zoning if the private building were constructed today;
- Certificates may be issued in return for land dedicated and accepted as part of the parking system, on the basis of one certificate for 150 square feet of land accepted;
- Certificates are transferrable between individuals until such time as they have been used in lieu of required off-street parking for new construction, expansion or change of use;
- Parking meters or other means of charging can be used to cover the municipal cost.

Municipalities requiring off-street parking under zoning ordinances may find that the Zoning Certificate plan provides a solution to revitalize the older downtown areas, and enable them to compete with suburban shopping centers.

COOPER, APPELLANT, V. READING

In Cooper, Appellant, v. Reading the city was held liable for the death of two children by drowning in a pool formed by the discharge of storm drainage water into the bed of an abandoned canal. The city had obtained an easement permitting it to discharge storm water into the canal in 1911, while the canal was still a navigable waterway. At that time the water was carried off as part of the overflow of the canal. The pool is shallow around the edge, but near the center the constant flow of water from the city's outlet pipe eroded the former canal bed and caused the formation of a hole about 16 feet deep. For many years, children in the neighborhood used the pool for swimming in the summer and sliding in the winter. The area was unfenced and easily accessible to children. No attempt had been made to block access to the pool, even after the drowning of a child three years before the death of the Cooper children.

In the lower court, the verdict of the jury was in favor of the plaintiffs, but the court set aside the award and entered judgment n.o.v. in favor of the city. The Supreme Court reversed the judgement in favor of the city and reinstated the verdict of the jury awarding damages to the parents of the drowned children.

The Supreme Court ruled that the city, through its easements, completely controlled the land on which the pool was located. Therefore, it must be held to the duties of a possessor of land, as to the responsibility of guarding against injury to trespassing children. In this particular situation, factors making the city responsible included the following. (1) There is little doubt that the city knew or should have known that the pool was a place where children were likely to trespass. (2) The pool involved an unreasonable risk to trespassing children because of its deceptive appearance of shallowness around the edges, with no indication of the deep hole in the middle. (3) The pool was of no use to the city, and the danger could have been eliminated by the city with little effort or expense.

The court dismissed, as being without merit, the city's argument that the city's negligence could not be considered as the proximate cause of the accident.

Finally, the court stated that there was no merit in the city's contention that, even if it were negligent, it would not be liable because, in maintaining the storm drainage system, it was engaged in a governmental function. The court pointed out that the city did not create the pool in pursuance of the storm drainage project; it merely passively allowed the water, after it had been disposed of, to form into a pool upon the land that it controlled because of its easement.

MEETINGS

Pennsylvania State Association of Boroughs, Annual Convention, Philadelphia, June 14-17.

Pennsylvania State Association of Townships Commissioners, Unity House, Poconos, June 14-17.

GOVERNOR SIGNS BILL

Governor David L. Lawrence signed Senate Bill number 29 on April 15, 1959.

The bill amends the Borough Code by authorizing Civil Service Commissions to designate the times when applicants for positions and promotions in the police forces and paid fire departments shall take physical examinations. This will allow Civil Service Commissions to require physical examinations AFTER the applicants have passed the other examinations.

SEWER SILT

Kingston Borough Street and Sanitation Department is in the process of removing silt and dirt from the Mercer Avenue sewer line which has become blocked by caving in the area and from the creek flowing into it from Swoyerville.

Operation at Mercer Avenue sewer is being done by a 30-inch bucket which is run back and forth through the line, removing silt and debris and loaded into a truck for hauling away. The operation is slow due to the necessity of pumping water from the line each day before actual work on silt and debris can begin.

THOUGHTS FOR TODAY

Chinese currency is so inflated that the yen is now barely an urge.

Recent surveys show that 4 out of 5 women haters are women.

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The Luzerne County News-letter

VOL. VII. NO. 7 WILKES COLLEGE, WILKES-BARRE, PA., JULY 15, 1959

METROPOLITAN GOVERNMENT

A committee recently made a study of and published its conclusions about the form of a metropolitan government for the area in and around Seattle, Washington. The committee carefully explored seven forms of government for a unified metropolitan government for the area. Teams from the committee did much research in ascertaining the merits and shortcomings of these different forms in other counties and cities and reported back to the main group which discussed their possible applicability.

Here are these possible alternative forms or changes in government:

1. The direct annexation of substantially all of the metropolitan area by Seattle was considered inadvisable. The financial burden on the city would be too great. City government would become farther removed from the people and less responsive to them. Some local public functions can be more efficiently performed by smaller units of local government. Community spirit and citizen participation can be more effectively developed in smaller cities. The value of keeping local government close to the people makes it undesirable to proceed by direct annexation of the entire metropolitan area particularly where only certain functions of government really require area-wide administration and planning.
2. The performance of metropolitan functions and services by Seattle throughout the metropolitan area outside the city limits was considered to violate the fundamental principle that the government of an area should represent the people in the area governed. For example, the people being served with city water should have a voice in fixing water rates.
3. The creation of separate metropolitan sewer, water, transit, and other districts, each to handle a particular function, was carefully examined. Based on the experience of other communities around the country, the committee concluded that the creation of single function districts makes it more difficult to achieve coordination between different functions. Functions are related to each other. Storm drainage is directly related to sanitary sewage disposal and both are related to road construction. Road construction and financing are closely related to mass transportation. All functions are related to sound land use. Establishing special districts for each function will impede a sound, over-all solution.

4. Consolidation of the city and county governments within the metropolitan area and the performance of all governmental functions within that area was considered impractical because of the difficult position in which the remainder of the county would be left if the metropolitan area with its wealthy financial base were separated from the rural area. Two counties would have to be created, one a city-county and one a rural county, and each would require its own structure of government. The new city-county government would amount to a very large city in itself and would be subject to the same disadvantages as the direct annexation approach.
5. Expansion of county government to enable it to give city-county services in the metropolitan area would be effective only if the county were at the same reorganized to permit sound administration of such services.
6. Combined city-county agencies would be set up to perform some, but not all of the metropolitan functions. However, they would not be representative of the smaller cities, and would be too limited in power to accomplish comprehensive solutions of many metropolitan problems.
7. After reviewing the available alternatives, the committee concluded that the creation of a representative metropolitan government charged with the duty of handling common problems within the area, while leaving traditional and local county functions to the individual counties, cities and towns, holds the greatest promise for a sound, ultimate solution.

THE EPHRATA DECISION

One of the impetuses to the formation of municipal authorities has been the fact that they are self-liquidating projects and their debts are not considered to be an obligation of the incorporating municipality within the Pennsylvania Constitution. The Municipal Borrowing Act of 1941 provides for the issuance of revenue bonds by a municipality. In an opinion by the Supreme Court of Pennsylvania on March 24, 1959 (*Elmer Beam, et al v. Ephrata*) sustained the issuance of municipal non-debt revenue bonds by a boro to borrow the money necessary to pay for improvements to its electric system. The ordinance of the boro provided that the bonds were payable solely out of electric revenues and that no taxes would be levied for the payment of the bonds or the interest that might accrue and that no property of the boro may be taken to satisfy either the principal or interest requirements.

A taxpayer contended that the bonds, if a debt, would violate the Constitution. Did the bonds create such a debt? The Court said "No" under the wording of the ordinance. The Court pointed out that many improvements have been financed through the Authority method and that authorities do not create a debt of the incorporating municipality contrary to the Constitution. The Court then said that if the municipality could do this indirectly through an Authority, it could do its borrowing directly.

TELEPHONE SYSTEM

Upper Darby Township recently installed a 24-hour a day public emergency call telephone system. The system, which was designed originally for reporting fires, is now used in many cities throughout the country for reporting all types of emergencies. The system comprises 40 public telephones which are located on utility poles or special standards. The telephones are contained in bright red boxes, on the outside of which are the words, "FIRE, EMERGENCY, POLICE," in large white letters. On top of the telephone boxes are continuously-burning blue and amber lights. The telephone lines are connected directly to the switchboard of the police department in the Township building. The switchboard operators have direct telephone and radio connections with eight fire companies, twelve police cars (two of which are emergency cars which can be used as ambulances), and two detective and motorcycle squad cars. All foot patrolmen can be reached through the system by the switchboard operators who can flash lights on top of the boxes to attract the attention of the patrolmen while they are patrolling their beats.

Locally, Nanticoke has adopted the system and from all reports it seems to be working efficiently. Perhaps, the idea could be explored either in center valley or a switchboard for the east side and a board for the west side of the River. Costs could be shared by each municipality if the idea were adopted for the west side.

BOWLING ALLEYS

A ruling which is the first of its kind in the State, and which has no precedent in the nation, was handed down by Judge James Henninger of the Common Pleas Court of Lehigh County who decided that bowling alleys are a part of the real estate on which they are located and thus subject to real estate taxation. The Judge upheld the county chief assessor who had assessed the alleys of three property owners as part of the real estate in which the alleys were installed.

PLYMOUTH

The newly purchased Elgin street sweeper has arrived and is in service. Sentiment of the people indicates approval of the council action in securing the mechanical sweeper. Businessmen have purchased containers and placed them at intersections so that people discard paper and waste matter in the baskets. These two projects will certainly go a long way toward making the community a better community.

HANOVER POLICE PENSION FUND

Last April the State went to the Supreme Court to regain money it had paid into a newly dissolved private police pension fund. The twenty members of the Hanover Township Police Pension and Benefit Association voted to end the non-profit corporation in 1957 when the Township established its own retirement fund. The fund held over \$132,000. The Commonwealth had contributed over \$67,000 between 1946 and 1957. At the time of dissolution only one policeman was on pension. Luzerne County Common Pleas Court directed that the State money be placed into the new township fund which would pay his pension. The balance of the money, after expenses, was to be distributed to the members of the Association. The State, in asking reversal of the lower court decision as to the Commonwealth contributions, stated that when the private police pension fund was dissolved the moneys allocated by the State for pension purposes must be returned together with interest for redistribution for the same purpose.

THOUGHTS FOR TODAY

Trouble is only opportunity in work clothes.

If you still think you're so young, try running up two flights of steps.

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NEW LEGISLATION

- Act 95 - Provides for the acquisition, maintenance and enlargement by second class townships of certain sewage collection or disposal systems.
- Act 76 - Empowers boro council to adopt a procedure for the sale of personal property of an estimated value of less than \$200, such procedure not to require the approval of each individual sale by council.
- Act 69 - Changes the provisions relating to the compensation of special school police in second class townships.
- Act 6 - Provides for the election of councilmen upon consolidation of boroughs.
- Act 5 - Provides that council may perform duties and obligations of Shade Tree Commissions where there is no Commission.
- Act 2 - Authorizes townships of the first class and of the second class to impose a penalty not to exceed 5% on unpaid assessments.
- Act 7 - Provides that commissioners of first class townships may act as the Shade Tree Commission where there is no Commission.
- Act 3 - Increases mileage allowance for delegates to meetings of state associations from 8 cents to 10 cents.
- Act 4 - Increases minimum compensation of supervisors for attendance at meetings to six dollars and the maximum compensation to ten dollars.
- Act 9 - Authorizes second class township supervisors to regulate junk dealers, junk yards, and salvage yards.
- Act 12 - Provides for the annexation of boroughs having a population of 10,000 or more inhabitants.
- Act 21 - Increases mileage allowance for delegates to meetings of State Association of Boroughs from 8 cents to 10 cents.

Hazleton desires to annex the land in question so that the latter can become a part of the Can-Do Industrial Development plot in the Boro. One of the arguments placed before the Court was that Hazle Township would lose revenue if the tract of land was annexed by West Hazleton. The difference is age old - whether or not a second class township is equipped to provide all services necessary in an area of 550 acres, which eventually would hold about a dozen plants with a possible payroll of 4,000 to 5,000 people. The supervisors contend that the added revenue from the development will provide more than sufficient money to provide the necessary services. The Boro argues that the township cannot and that it will be years before West Hazleton realizes any revenue.

The Court was not at this time ruling on the annexation report, but on five legal issues raised by the petitioners: 1) Is the Act of 1953 constitutional despite its failure to provide for the giving of notice to aggrieved persons?; 2) Can the Boro of West Hazleton in one proceeding annex lands situated in two different townships?; 3) Can the Boro of West Hazleton annex land which is not contiguous to the Boro, but which is contiguous to other land to be annexed in the same proceeding?; 4) Is it sufficient that the map of the territory to be annexed filed in these proceedings contains a description of the entire territory by metes and bounds, or must it show in addition the location of each individual tract of land within that area?; 5) Will the Courts permit a loss of assessment in affirming an annexation?

The Court considered the merits of each of the legal issues raised and then entered the order saying it was satisfied of the legality and propriety of the proceedings.

THOUGHTS FOR TODAY

Honesty is the fear of being caught.

Conceit is a form of "I" strain.

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the whole group of cities is about even as between charging and not charging for police record information, more than a half-dozen cities without such charges indicate an intention to develop such fee schedules for early adoption.

SCRANTON HAS PARK PLAN

The City of Scranton is considering a detailed plan for developing 375 acres of new parks and playgrounds which will include a new municipal golf course, 14 new neighborhood playfields and one 33-acre and one 61-acre district park. The plan has been prepared by a professional city planning firm and requires that the city make annual purchases of new land areas in accordance with a definite expenditure program adjusted to the financial ability of the city in order to fulfill the goal. Scranton already comes close to meeting the standard of the National Recreation Association for one acre of playground space for each 1,000 residents and the projected new parks and play areas will greatly exceed this standard and will help to increase the attractiveness of Scranton to new industry.

TRAFFIC LIGHTS

HARRISBURG -- To assure that motorists see traffic signals and that they see them soon enough, the Department of Highways now requires that two separate lights face in each direction. Previously, the Department approved single installations, because the municipalities, which pay for installation and operation of the signals, did not desire to assume the cost of operating a second installation. New policy calls for two faces in each direction whether the signals are on or off the State Highway System. The usual arrangement will be for the right side signal to be on the far corner and the left side signal on the near corner. However, conditions at each location will govern the choice of arrangement, including whether overhead signals should be used.

ANNEXATION

Objections to the legality and propriety of annexation proceedings involving West Hazleton Boro and the townships of Hazle and Sugarloaf were dismissed by the Luzerne County Court en banc and a board of three commissioners was named to study facts and submit a report to the Court for final approval. The objections were raised by the supervisors of Hazle Township, the School District of Hazle Township, and four individual taxpayers of Hazle Township. There were no complainants from Sugarloaf Township. West Hazleton is the annexing boro. The proposed territory to be annexed is located for the most part in Hazle Township. West

TAX DEDUCTIBLE EXPENSES OF NON-PAID MUNICIPAL OFFICIALS

The Internal Revenue Service has issued a revised ruling, 59 -160, which reads as follows: "To the extent that mayors, councilmen, and/or other elected or appointed officials, who render the services of such offices for cities or other municipal governments without compensation, can establish that they actually incurred unreimbursable expenses directly connected with and solely attributable to the performance of their official duties (i. e., are not personal expenses), the amount of such out-of-pocket expenses constitute contributions within the meaning of section 170 of the Internal Revenue Code of 1954 and are deductible in computing taxable income, subject to the limitations imposed by that section."

POLICE RECORDS YIELD REVENUE

The money-making possibilities of a service that was once an accommodation is increasingly the vogue among city police departments, as the result of an American Municipal Association survey on this relatively new development. The minor bonanza is being found in the police records, frequently consulted, for legitimate purposes, by attorneys, employers, insurance companies, and others.

San Francisco is one city that authorizes charges for supplying information from police records of individuals, traffic accidents, etc. An ordinance authorizes establishment of fees for "furnishing reproductions of reports, records, documents, data or other material to the public." Initially adopted charges require payment of \$2.50 for the first copy of a complete report, duplicates being made available for \$2.00 each. Individual page charges range from \$1.00 for the first copy of a first page, to 75¢ for additional pages or additional copies of any page. Governmental agencies, foreign and domestic, are exempted from the charges, which may also be waived by the Chief of Police for "any persons or institutions affected with a public interest, as a matter of policy or reciprocity".

The increasing tempo of establishment of such charges is indicated by the fact that San Francisco is the sixth sizeable city to recently adopt a schedule of charges for access to information in police records. Others newly developing the revenue potential of record room service are Washington, D.C.; Akron, Ohio; Wichita, Kansas; Jacksonville, Florida; and Jackson, Mississippi. Several anticipate that the revenues to be derived will exceed the cost of rendering the service. These hopes appear justified from the experience of more than twenty-five cities having longer-established schedules of charges for records for room service.

Intensity of interest in the subject is reflected in the response of 60 cities queried by the Association in its current survey. While practice among

The Luzerne County News-letter

Wilkes College Library

VOL. VIII NO. 9 WILKES COLLEGE, WILKES-BARRE, PA., SEPTEMBER 15, 1959

OCTOBER MEETING

The Fall meeting of local officials will be held Monday evening, October 12, 1959 at the Commons at Wilkes College. The dinner will begin at 6:30 p.m. and the meeting followed by discussion will begin at 7:30 p.m.

The speaker for the evening will be Mr. Edward Heiselberg, Director of Planning, Luzerne County Planning Commission. We have heard Mr. Heiselberg before but since the planning Commission is now prepared to adopt subdivision regulations, his remarks will be all the more timely. His topic will be "The Adoption of Subdivision Regulations for Luzerne County." He will review and discuss the regulations on which the Commission has already held one public hearing, with other meetings to follow. This meeting on the 12th is really an opportunity for the local officials to be heard. Certainly, the adoption of these regulations will have an effect on every community--its plans for the future and its capital budget in the present.

The Luzerne County Boroughs Association will hold its meeting immediately after the discussion on subdivision regulations. Every borough should be represented in order to hear a report of the major pieces of legislation passed at this session of the General Assembly.

PLANNING COURSE

A seven-session course on planning, zoning, and community development will be offered to local officials for the first time in north-eastern Pennsylvania as part of the instructional program of the Institute of Municipal Government at Wilkes College. The course will be co-sponsored by the Luzerne County Planning Commission, the Public Service Institute of the Department of Public Instruction and the Institute of Municipal Government at Wilkes College.

The course is designed to provide local officials--members of councils, zoning boards, planning commissions, township boards, redevelopment authorities and school boards - with an opportunity to familiarize themselves with the latest developments in the planning field and to discuss problems of mutual interest. The instructor for the course will be Mr. Edward Heiselberg, Director of Planning for the Luzerne County Planning Commission, assisted by a number of expert lecturers on specialized topics.

The tentative program includes such important topics as zoning, land subdivision, transportation and utilities, housing and redevelopment, planning for schools and other community facilities, and economic development.

The course will be held on the fifth floor in Parrish Hall at Wilkes College on seven successive Monday evenings beginning October 19, 1959. Each session will begin promptly at 7:30 p.m. and close at 10 p.m. Registration will be limited to local officials on a "first come, first serve" basis. There is no charge or fee for the course. Registration will be limited to 35 persons in order to provide adequate time for discussion.

Those attending six of the seven sessions will receive a certificate at the annual May dinner of Local Officials.

SUBDIVISION REGULATIONS

The subdivision of land is essential to the general growth of almost every type of community and can be a great benefit if it provides proper living conditions for new residents and at the same time gives assurance of economic maintenance and service and a long term addition to the community's resources. On the other hand, poorly planned, poorly located or premature land subdivisions become a permanent handicap to any community's growth.

While many communities may have to focus much of their attention in development on rejuvenation of the old, subdivision control offers a community the opportunity to prevent future substandard residential areas by compelling subdividers in new areas to comply with a certain set of standards in regard to lot layout and subdivision plan.

THE POWER OF A COMMUNITY TO CONTROL THE SUBDIVISION OF LAND IS OF DIRECT BENEFIT TO THE COMMUNITY, TO THE POTENTIAL PURCHASERS OF A HOME, AND TO THE LEGITIMATE DEVELOPER HIMSELF.

The community gains by forestalling future health hazards, slums and blight which may appear as the result of excessively narrow lot specifications, excessive building over the land, and the failure of the developer to allow sufficient space for necessary community facilities, such as water service, sewers and parks. The community may forestall hazards to the safety of the future residents, particularly to children, by redesigning the street layout, so that residential streets feed into collector streets, which in turn feed into arterial highways making it impossible for local residential streets to become heavy traffic arteries. The community may save itself substantial amounts of money initially by a redesign of the subdivision to eliminate unnecessary lengths of street or area of paved surfaces, and may save itself heavy future expenses in repaving, snow removal, cleaning and other such costs.

The potential purchaser can invest in this lot with considerably more confidence if he knows that the entire subdivision has been examined and approved by the Planning Commission. He knows that the values of his investment can be protected against overcrowding and deterioration of the neighborhood, and that the cost of his lot has not been inflated by a wasteful subdivision plan.

The developer has as much to gain as anyone through community surveillance of his plan. With the planning commission's stamp of approval on his map, his lots become more saleable. He has the advantage of the expert's examination of his layout to protect him against costly mistakes, to guard him for example, against a street plan that unnecessarily requires too high a percentage of his land. In addition he benefits from the recommendations for improvement in the attractiveness and utility of the site which ultimately will lead to increased investment profits for him.

In many localities, the increasing population, caused by the rapidly expanding subdivisions, has brought tremendous burdens upon the local governments and school boards. In numerous instances the increased income from taxes is far overshadowed by the cost of providing educational and municipal facilities for the new citizens. No community in Wyoming Valley that is growing can afford this.

Subdivision regulations should be designed to assure the orderly development of residential areas, the coordination of existing streets and public buildings and shopping areas, the proper provision of open space for passive and active recreation and the proper location of future sites for schools, public buildings and shopping areas. In order to attain this purpose, complete subdivision regulations must be concerned with the land, streets and roads, blocks and lots, building lines, utility easements and the provision of improvements such as sidewalks, planting, water mains, sewers, and other facilities.

Lot sizes often provide a bitter bone of contention, since narrow frontages are important to the developer and broad lots are usually desired by the community. However, it should always be remembered that the most important economy lies in the provision of decent living conditions for the future. In addition, the increased road and improvement costs entailed by the provision of wider lot frontages may often be entirely offset by a decrease in lot depth and proper planning of block arrangements and utility systems.

In semi-urban areas where public water and sewer mains are not available within a reasonable distance, the developer might be required to install water and sewage disposal facilities that will meet minimum standards. In order to insure a healthful separation of water supply and sewage disposal in such situations, lot sizes will be necessarily be much larger than when off-the-lot mains are installed. If the lot size is too great, the developer may find that the resulting smaller number of saleable lots

The Luzerne County News-letter

VOL. VIII NO. 10, WILKES COLLEGE, WILKES-BARRE, PA., OCTOBER 15, 1959

will offset any advantage of individual installations. In fact, he might well be money ahead to provide off-the-lot sewerage at the outset. Where extension of public mains to or near the site is contemplated in the near future, the developer and new owner will probably find it more economical to install the local mains and connections within the subdivision at the time of development and to provide a temporary community water supply and sewage plant. The cost of any installation is not complete until connection has been made with the public system. Consequently, if the laterals and local mains of a community plant were initially used, part of the cost of the public connectinn will have been saved; if, on the other hand, cesspools or septic tanks were originally installed nothing can be salvaged - the property owner will have paid twice for the same service.

THOUGHTS FOR TODAY

Janitors might be called floor flushers.

A wife is a woman who sticks with her husband through all the troubles he wouldnot have if he had not married her.

PUBLICATION

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RETIREMENT BILL

Senate Bill 699, the Municipal Employes Retirement Bill and one of the most important parts of the Boroughs Association's and the Authorities Association's legislative programs, was signed in to law by Governor Lawrence on September 23, 1959, as Act Number 390.

The bill, introduced by Senators Stevenson and Mallery, had the full support of all the local government associations and passed both houses of the legislature by unanimous vote.

The signing of the bill into law is the culmination of much work by the Retirement Committee of the Boroughs Association and the Association staff.

ACT 390 amends the Municipal Employes Retirement Law which has been "on the books" but has not been used since its passage in 1943. The amendments would co-ordinate the provisions of this existing retirement system with Social Security. With the co-ordinated system most boroughs and authorities should be able to afford retirement for all their employees.

The retirement pay will be about 1.6 per cent of the employe's final salary multiplied by the number of years employed. The plan would go into effect as soon as municipalities having a cumulative total of 250 employes sign up for the service. The system will be administered by the State Employes Retirement Board.

The staffs of the Associations are preparing an explanatory release on the full provisions of ACT 390.

INSURANCE PLACEMENT PROCEDURES

In the past, the City of Glendale, California, distributed its fire insurance to local insurance agents on the basis of the volume of insurance business which they wrote in the city. This resulted in the city dealing with 50 different agents.

Following a conference between the city's insurance committee and representatives of the Glendale Insurance Association a new procedure for placing fire insurance on city-owned property was adopted. The Insurance Association will act as the city's broker for fire insurance and will issue fire insurance policies. The association will also keep the city insurance committee advised of changes, revisions, and desirable protection. The city has the right to accept or reject any proposals submitted.

As commissions are earned they are placed in a trust account; amounts not disbursed for actual expenses connected with handling the city's insurance are to be transferred to a welfare account from which sums may be disbursed upon authorization of the Insurance Association for projects such as safety, fire prevention, community, civic, and other welfare projects. None of the commissions from public business will be distributed to any member of the Insurance Association except for reasonable and approved expenses.

BORROW WITHOUT BONDS

On September 8th the Governor signed into law House Bill 354, ACT 299. This important Boroughs Association bill would allow a municipality to borrow money, not to exceed \$15,000, for capital expenditures for municipal improvements and equipment without the issuance of bonds, provided the money is repaid within five years from the date of borrowing.

The bill, which amends the Municipal Borrowing Law of 1941 by adding a new article-VII-A. The Commission sponsored the bill and the Local Government Conference supported it.

The new law further provides that at least one-fifth of the total

principal of the original loan shall be paid annually and that such obligation or obligations may be paid in full or in part each year when the taxes are received and reborrowed again the latter part of the fiscal year provided that the amount borrowed the preceding year by at least one-fifth of the total amount of the original loan.

Act 299 further stipulates that the municipality may refund any part of the obligation by the issuance of bonds and that the municipality shall not pay any interest or charges equal to more than six per cent per year on any money borrowed under the provisions of the article.

All borrowing under the provisions of this act must fall within the non-electoral constitutional debt limits of the municipality (two per cent of the assessed property valuation) and a statement must be filed with the Department of Internal Affairs attesting this fact.

An annual tax for each of the years the obligation shall be outstanding sufficient for the payment of the interest thereon and the repayment of not less than one-fifth of the total principal of the original loan shall be assessed by the taxing authorities of the municipality. The annual tax shall be expressed as an amount to be raised by taxation in each succeeding year for principal and interest on the debt so that in each succeeding year the tax rate may be adjusted to produce the amount specified.

OPEN DUMPS

George Livingstone, regional sanitarian for the State Department of Health, announced that he intends to close all open dumps, both private and municipality-operated, in the eight-county area under his jurisdiction. The crackdown is part of a State-wide campaign to "rid the Commonwealth of these insect and disease breeding disposal sites."

Livingstone reported that he has sent letters to county commissioners in Luzerne, Columbia, Lackawanna, Monroe, Pike, Susquehanna, Wayne and Wyoming counties, informing them of his plans and requesting conferences on the matter. He has already met with solicitors for Luzerne County and received replies from officials in Susquehanna and Wyoming counties

The Luzerne County News-letter

Wilkes College Library

VOL. VIII NO. II, WILKES COLLEGE, WILKES-BARRE, PA., NOVEMBER 15, 1959

The sanitarian pointed out that State Law prohibits garbage decaying matter or waste from being permitted to remain exposed upon the surface of the ground. He said this clearly outlaws the common open dumps. The only approved refuse disposal methods are sanitary landfill and incineration. Landfill consists of dumping refuse in a trench, compacting it and covering it with a layer of dirt. Livingstone said many small communities report they do not have the money for grading equipment which is needed for the sanitary fill method. He reported that this work may have to be handled on a county level when the crackdown is completed.

The City of Phoenix, Arizona recently conducted graduation ceremonies and presented certificates to 748 employees who had completed 63-in-service training courses during the past year. In addition, 5,818 employees completed 21 training courses for which no certificates were awarded.

THOUGHTS FOR TODAY

Some people are like mummies, all rapped up in themselves.

America has the best "yessed" woman in the world.

PUBLICATION

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EDUCATING PUBLIC EMPLOYEES

"Can you tell us whether we would be out of line if we granted some sort of financial assistance to our employees for regular courses in high schools and colleges?"

That question coming from a mayor of a city of 75,000, may be considered by many local government officials during the next decade.

Right now we are being warned of rising educational costs and the difficulty facing many families which may be unable to afford a college education for their children. This suggests that some, perhaps many, youngsters will be unable to receive all the education they want and need. Industry and governments are being asked to help solve the dilemma.

For a full treatment of the question raised by the mayor, let us cite a report on a national survey of programs of formal education and assistance in the January, 1959, issue of the Public Personnel Review. Here are a few highlights from that account.

Although not yet widespread, practices of the last five years reveal the beginning of a trend for local governments to give their employees assistance in getting more formal education. Programs exist in cities and counties of all sizes; Ipswich, Mass., population 6,895, introduced a program in 1947.

Generally these assistance programs must be "directly connected with and relevant to the duties of the employee in his present position;" and must be taken on the employees own time. The employee is not required to continue as an employee after completion of the course, however.

The most common requirement is simply completion of course work. Glendora, California requires a 1-page course summary and statement of benefits derived, while Covenia, California requires 90 per cent class attendance.

Some governments use screening committees for selection of candidates. Ripon, Wisconsin, requires a written examination and oral interview to qualify for educational aid.

A variety of aids are offered. Seventy-six per cent of reporting jurisdictions pay full tuition; 9 per cent allow 50 per cent tuition and 15 per cent provide no tuition. Books and supplies are purchased by 43 per cent; one contributes 8 cents per mile auto allowance. Lynwood, California pays for only one-half tuition, expenses but grants premium pay on the basis of one dollar per completed unit of study.

Supervisors place a high value on the program as morale builders; employees are moderate in their acceptance of them, often preferring to have the governmental unit give pay increases instead of paying for the employee education.

There are sharp differences of opinion about justification of the program. The personnel director of Pasadena, California believes employees work harder and gain more by paying for their own formal education; the chief personnel technician at Anaheim, California views the programs as a "long-range capital gain" primarily for the benefit of the community and not for the personal benefit of employees.

Other benefits cited are; an aid to recruitment, a brake on turnover and an opportunity to provide special training in some of the professional fields.

Government assistance to public employees in regular school and college courses cannot be viewed as a substitute for in-service training. But a precedent for this type of educational assistance has been set; public officials should observe and evaluate its operation as a means of improving public service in their communities.

SHOPPING CENTERS

Many a retailer has looked at his diminishing receipts and decided that if only off-street parking were available for his customers all of his problems would be solved. His store is located in an old "established" shopping center where he has done a good business for years. He is within a comparatively few feet of an important transfer corner on main transportation lines. While his business continues to decline, the new modern shopping centers some distance away are prospering. If only there were off-street parking.

Because his livelihood may be at stake, he had better check to see whether or not his wishful thinking is really dreaming. Shopping habits have changed to quite a degree. However, while the automobile has come into use more and more as the means of conveyance from the home to the store, an off-street parking space, on its own, will not bring a single

customer to the merchant. Even in the new shopping centers, with their acres of free parking, it is not the parking which is the first attraction to the buyer. The shopper is interested in the merchandise, the merchandising, in the price, in opportunity to make comparisons, and in several factors which are placed before parking.

All things being equal, the center with convenient parking facilities will outdraw the center without parking, but close examination will usually reveal that the average man or woman does not discontinue shopping in a given neighborhood or store only because of the inconvenience connected with the lack of parking. He or she learns of a new store which is bright and attractive, which is well lighted where the values of the goods offered for sale are more attractive, where the clerks are pleasant, and where the service is good. After he tries it once or twice, trips to the "old neighborhood" become more infrequent.

The city of Detroit has established off-street parking lots in a number of its major shopping centers outside of the central business district as a part of a thriving automobile parking system. Briefly told, some of the experiences may be of value to the merchant who would like to believe that all of his troubles can be related to the lack of parking.

Case History No. 1

A 360-car parking lot was established in a neighborhood center with comparatively new stores. The center is recognized for its alert and aggressive merchandisers and for its cleanliness and attractiveness. Despite the fact that it is within the orbit of one of the world's most successful suburban shopping centers, this center has held its own, continuing to prosper. The use of the parking lot has increased each year with an annual average occupancy in excess of 200,000 cars. The fee on the parking lot is ten cents for the first hour and five cents for each additional hour.

Case History No. 2

A 260-car parking lot was established in an endeavor to stop the decline of an important secondary major business center. The attitude of many of the merchants and business property owners was defeatist and, while the announcement of the coming of the parking lot was encouraging to several of them, quite a few with expiring leases were seeking new and more productive locations. During the twelve months between the announcement of the approval of the parking lot and its opening, several merchants moved out. Others were convinced that as soon as the parking lot was opened, the vacant stores would be filled and the cash registers would be

The Luzerne County News-letter

VOL. VIII NO 12, WILKES COLLEGE, WILKES-BARRE, PA., DECEMBER 15, 1959

ringing again. After all, they reasoned, the population which the center served was still there, and the nearest of the new suburban shopping centers was six miles away. The parking lot was opened with much fanfare by the brave band of retailers who were either convinced or were hopeful that the center would come back. However, the shopping public stayed away in droves. After a year's operation at a parking rate of ten cents for the first hour and five cents for each additional hour, the parking lot did not produce enough revenue to pay the salary of the attendant. A parking gate has been installed and it is now possible to park on the lot for ten cents for an unlimited period. This change has attracted the cars of a few of the merchants but has brought no additional customers. The future of the center is a big question mark.

This article does not intend in any way to indicate that adequate parking is not a necessary adjunct of the retail business. Rather, it is believed that these case histories, selected from a number of experiences, emphasize what has previously been said. Parking is one of the factors necessary to the success of a retail business. However, it is only one factor and it is not, by any means, the most important factor. It is necessary to give attention to many things in order to maintain a shopping center in an attractive, healthy, prosperous condition. Before a property owner decides to invest in parking as a panacea, he would do well to keep in mind that "off-street parking will not save a dying shopping center."

"THOUGHTS FOR TODAY"

Loud-mouths don't have to worry about food shortages, they usually eat their words.

An ounce of suggestion is worth a pound of lure.

"PUBLICATION"

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NEW COURSES BY THE INSTITUTE

Immediately following the Christmas holidays the Institute of Municipal Government will send out informational letters on training courses for newly elected local officials - School Directors, Councilmen and Township Commissioners. Both of these courses will provide an opportunity for successful candidates to gain a valuable orientation toward their new careers in Public Service.

LOCAL GOVERNMENT SERVICES

The Department of Internal Affairs is exploring the feasibility of establishing a Division of Administrative Services in the Bureau of Municipal Affairs. The Division would be headed by a trained administrator who would be assisted by a staff well versed in public finance, records management programs and personnel systems. The Division would also locate local government officials who are especially trained in any of these fields and who would be willing to make their training and experience available to other local governments which are seeking assistance. Thus, when a local government sought aid, either a member of the Division would render the aid directly, or some local government official, working under the supervision and in cooperation with the Division, would advise and assist the municipality.

A government which seeks help in any of these three areas would be expected to pay for the service. Every effort, of course, would be made to offer the desired assistance on as economical and efficient a basis as possible, but the political sub-division would compensate the appropriate parties for the services rendered.

The Pennsylvania approach to the matter differs from the Maryland and New York approach. The fact that the proposed courses of action differ, however, is immaterial. What is important is the increasing interest which is becoming evident

in all three states for the creation of a state body which will provide technical advisory services to local governments. There appears to be a growing recognition of the circumstances that, if the political subdivisions are to provide the types of services desired by the citizenry, it is necessary that more specialized assistance be made available to them at reasonable cost.

VOLUNTEER FIREMEN

A supplement to the Workmen's Compensation Act amended in 1956 (1955 P. L. 1468; 77 PS 22a) provided that the word employee should include members of volunteer fire companies of the various cities, boroughs, towns and townships, and that they should be entitled to compensation for injuries; (1) "received while actually engaged as fire fighter or while going to or returning from any fire; (2) "or while participating in instructing fire drivers"; (3) or "while repairing or doing other work about or on fire apparatus or building x x x or the fire company, " (4) "or while answering any emergency call"; (5) or "while riding upon fire apparatus owned or used by the fire company of which they are members"; (6) "or while performing any other duties of such company or fire department authorized by such township."

The Act further provided that the subdivision should be deemed to have knowledge of all other employment of its volunteer firemen and that the compensation payable should be based upon the fireman's average weekly wage or his earnings if self employed.

The great detail in which the coverage is spelled out in this act was prompted by decisions like *Versellesi v. Elizabeth Township*, 136 Super. 362, where the volunteer fire chief was denied compensation while working on an addition to the firehouse; and *Smith v. Perkasié Borough*, 80 D & C 451, where a volunteer fireman was denied compensation while collecting waste paper to be sold for buying fire equipment where the collection was never authorized. This latter case may still be good law even under the 1956 amendment.

FEDERAL EXCISE TAX

Pennsylvania political subdivisions can save up to 11 per cent on purchases by taking advantage of their exemption from certain federal excise taxes. There are five major kinds of federal excise taxes from which municipalities are exempt. These include the manufacturers' excise taxes, the transportation taxes, the communication taxes, the retailers' taxes, and the admissions taxes.

Municipal governments are exempt from most excise taxes when the purchases are to be used solely for governmental purposes. These tax exemptions may be achieved in one of two ways. One way is by registering with the district director of internal revenue and the other way is by using tax exemption certificates. The "Excise Tax Technical Changes Act of 1951" authorizes local governments to use the registration method instead of the exemption certificates. Local governments may register but they are not required to do so. It must be remembered that the registration method is applicable only when municipal purchases are made directly from a manufacturer. If the purchases are made from a dealer or distributor, the exemption certificate must be used.

Ordinarily an exemption certificate should be filed with the order for goods or materials, but if the invoice shows that an excise tax is included in the charge, the municipality should deduct the amount of the tax and substitute an exemption certificate.

Most of the exemptions from the federal excise taxes (on purchases of vehicles, gasoline, oil, tires and tubes, radios, firearms, etc.) are set forth in the "Internal Revenue Code." Although the law is silent on exemption from taxes on safe deposit boxes, foreign insurance policies, deeds of conveyance, and transfers of mortgages and corporate securities, municipalities are not required to pay them as a matter of internal revenue policy.

AUXILIARY POLICE UNIT

Wyoming Boro Council unanimously voted down a request by members of the Boro Auxiliary Police Unit to be included as special boro police officers. The auxiliary unit also expressed a desire to become insured under boro jurisdiction. The request was turned down on the grounds that the present regular police force is adequate and that the insurance would be too costly for the taxpayers. It has also been argued that the community already possesses a group of special officers on whom the regular police can depend at all times

HANOVER TOWNSHIP

An ordinance creating a Redevelopment Authority in Hanover Township was approved. Together with the Planning Commission, the Authority will study the use of lands released for sale by the Glen Alden Corporation.

WILKES - BARRE

Presence within the City of one trailer camp and a number of trailers being used separately as permanent residences have caused city officials to consider regulations and taxation. Camps will be licensed renewable annually. The fee is \$15.00. Rules and regulations have also been considered under the police power of the city.

A YACHT CLUB OR SEWAGE PLANT

Boats bob at their moorings on three sides of it and flags fly gaily from its roof. Saucy seahorses adorn its wall. It looks just like a yacht club. Actually, it's Clearwater's new sewage treatment plant, designed to be a showplace rather than an eyesore.

The plant, put into service recently, had to be located near a luxurious residential development. Its designers took all this into consideration and came up with a building which looks like anything except what it is.

"THOUGHTS FOR TODAY"

A man about town is most always a fool about women.

A good salesman is the fellow who can convince his wife she looks fat in a fur coat.

PUBLICATION

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The Luzerne County News-letter

Wilkes College Library

VOL. IX NO. 1, WILKES COLLEGE, WILKES-BARRE, PA., JANUARY 15, 1960

VOLUNTEER PROPERTY INSPECTION

Twice during the past five years, volunteer inspectors from the Norristown Real Estate Board's Committee on local improvements have inspected every one of the 9,000 properties in the Borough of Norristown for unsightly exterior conditions. This campaign for local improvement was started in 1949 largely as a result of the concern of Harry Butera, a prominent citizen and realtor, who states that the campaigns have succeeded in removing the major unsightly physical conditions within the Borough.

The personal efforts of the volunteer inspectors are strongly reinforced by official law-enforcement actions endorsed by the Borough Council, and strengthened by consistent and intelligent reporting in the local newspaper.

The committee outlined its program in detail to the Borough Council, prior to the first survey which began in late October 1949. The Council agreed to cooperate fully and assigned the building inspector and the fire and health departments to work closely with the real estate men.

The committee's first step was to divide the Borough of Norristown, three and one-half square miles in area, into five districts and to assign a two-man team of volunteer inspectors from the real estate board to each district. With each man donating an afternoon a week until the survey was completed, the teams visited every property in the Borough and examined them for structural condition, for privies, for junkpiles, and for other physical, sanitary, and esthetic conditions.

Where the property clearly showed evidence of deterioration, the committee sent a form letter to the owner on which were checked off the specific deficiencies noted by the inspectors. The letter also offered, without charge, the realtors' "individual and collective expert advice" to correct the faults and, when necessary, for assistance in obtaining loans for repair and restoration work.

Borough officials have increased their enforcement activities since the time of the first survey. They now condemn buildings they would not have condemned before. For example, the real estate men's position was notably reinforced when only six months after they had reported that a fire hazard existed, a fire did break out in the structure and endangered an entire block. There had only been a cursory inspection of the building, but as Butera said at the time, "Those who have been around in this business can tell what the interior is like by looking at the exterior." The Borough officials immediately began to press their enforcement activities.

The local newspaper, The Norristown Times Herald, gave strong support to the campaigns. Richard Walsh, the city editor, assigned reporters to cover the committee's work and week after week ran daily stories reporting the conditions uncovered by the teams. Often a reporter accompanied the survey teams, bringing back special feature articles running up to column length.

As a whole, Norristown shows visible improvement. Several hundred privies are gone. Houses are freshly painted, many with new additions to them. Yards and river banks are cleared of junk and out-buildings. The only severely blighted area just behind a local shopping street is being brought up by a group of retail merchants for conversion to customer parking. Their action, according to Butera, is attributable to the Improvement Committee's initial effort to maintain the community.

Exclusive of hundreds of hours of volunteer work, the first survey cost the Real Estate Board about \$250. Most of this went for printing the form letters. The campaigns not only started a chain reaction of local improvements of which the committee is intensely proud, they also started Butera off on a career of speech-making around the country, as scores of communities heard of the Norristown experience and wanted to know how to undertake similar operations. Sometimes Butera feels that this demand for assistance to other communities keeps him from concentrating on the Norristown program which he created and which remains his major interest.

MUTUAL AID AND INSPECTION PLAN

Four public agencies in Rochester, New York are engaged in a something-for-something relationship that eventually may provide a complete inspection history - available at a moment's notice - of every dwelling in the city and that, potentially, could

become an important source of census-type housing information for the city. Participants in the Rochester "mutual aid" plan: the fire bureau, the county health department, the rehabilitation commission, and the bureau of buildings.

The Rochester plan goes like this: a clearing house - it is known as the Central Housing Index - has been set up in the rehabilitation commission's offices. Anyone from any of the participating agencies who needs to know anything about the inspection history of a dwelling can get the story simply by dialing the Central Index number on the phone. At Central Index there is maintained a complete and permanent file, on key-sort cards, of every housing inspection job in the city. Included in the available information: name and address of building owner and/or agent; whether building is owner occupied or not; why the inspection was initiated; description of type and condition of structure; whether it has rooming or business units; whether it has central heat; what housing code violations exist; whether the owner or tenant is responsible for condition of the building; what action, if any, was taken as a result of the inspection (including such things as referral of a family to a social agency, calling in another of the housing inspection agencies, legal action).

The most important phase of the program is that it brings together in one place data collected by all inspection agencies, so that one may easily make use of information on a property previously gathered by another. Hence, as the central file is built up, more and more often it will be unnecessary for an inspector to go on a job cold, even if his particular agency has not investigated a property before. Further, the system offers new opportunities for checking on whether improvements ordered have been made and, in the long run, it may also prove a valuable source for getting a quick picture of the city's housing inventory.

- the Central Housing Index form is the master form maintained at Index headquarters for each inspected property. All information on a building emanating from inspections by any or all of the participating agencies is put on a single key-sort card, so that the information always is quickly available.

- the Record of Inspection is the special form filled out by an inspector for routing to the Central Housing Index (it is used in addition to, not as a substitute for, any of the regular forms of the participating agencies). Each inspector is provided with a book of such forms, rigged with carbons to yield duplicates. Both copies, once filled out, go to Central Index: one is kept at the Index to bring up to date the central file on the property; the second is filled out,

on the backside, with reports on previous inspections of the same property and then returned to the agency from which it originated.

-the Numerical Code System is the key to both of the forms described above. Inspectors use the code to fill out the Record of Inspection and "central indexers" use it to transfer information to the key-sort card. Under the code system, virtually all conditions that might apply to a building have been assigned numbers within four categories - why initiated, type of structure, reason for condition, category of violations - and an inspector need only circle the proper number under the proper category in order to tell the story of what his inspection has turned up. Result is that the recording of building data, literally, has been made as easy as 1, 2, 3.

DISCRIMINATION AGAINST NONRESIDENT GARBAGE

While a township may regulate the business of collecting and disposing of garbage, it may not prohibit the hauling and disposal of any materials which originate outside of the township with out similar control of garbage generated within the township. This is the decision of the Pennsylvania Supreme Court in Lutz v. Armour (1959) 395 Pa. 576.

The Supreme Court held that the attempt of Findlay Township to restrict the disposal of garbage within its boundaries on the basis of the place of origin of the garbage constituted unlawful discrimination and was therefore unconstitutional. The Court rejected the township's argument that it was merely regulating the quantity of garbage disposed of in the township because there was no attempt to control the quantity of local garbage disposed of in the township.

"THOUGHTS FOR TODAY "

A farmer is one who stands out in his field.
Life is an everlasting struggle to keep money coming in and teeth and hair from coming out.

PUBLICATION

This News-letter, published monthly as a community service, originates in the Institute of Municipal Government of Wilkes College. Notes and inquiries may be addressed to Dr. Hugo V. Mailey, Institute of Municipal Government, Wilkes College, Wilkes-Barre, Pennsylvania.

The Luzerne County News-letter

VOL. IX NO. 2, WILKES COLLEGE, WILKES-BARRE, PA., FEBRUARY 15, 1960

LIQUID FUELS MONEY

The Liquid Fuels Tax Act of 1931, most recently amended this session, provides that one-half cent per gallon of the permanent tax on gasoline shall be paid to the counties of the commonwealth. This money is distributed to the counties in amounts based on the money collected in each of the counties for the years immediately preceding the passage of the law in 1931. This basis of distribution is still in effect, i.e., the funds are distributed to the counties based on collections in the years 1929-1931.

The law originally stipulated that the money received from this source "shall be used for the purpose of construction, reconstruction, maintenance and repair, of roads, highways and bridges, including the payment of property damage . . ." The law was amended to set-up a County Liquid Fuels Tax Fund and provide that any money not used for highway purposes on county highways may be allocated and apportioned to the local governments within the county.

The law now says, as amended during the 1959 session of the Legislature that the county commissioners may allocate a portion of the "County Liquid Fuels Tax Fund" to the municipalities and that they shall notify the political subdivisions to make application within 90 days for participation in the distribution of a balance in the "County Liquid Fuels Tax Fund" if the balance is greater than the amount received into the fund for the preceding 12 months. The distribution of the unencumbered balance in excess of 50 per cent of the receipts for the previous 12 months shall be made to the political subdivisions applying.

The formula to be used for this distribution is: 50 per cent according to mileage and 50 per cent according to population. Considering all this, it is easy to see why some boroughs in neighboring counties are receiving highway money from the county and the State and why political subdivisions in Luzerne County are receiving money only from the State. In the first place, this money has first priority for use by the county. A few counties still have extensive county road systems for which they are responsible, although this is far from being the rule. Many counties maintain a number of bridges and some counties are still paying off some debt incurred for the construction of county roads and bridges although these may now not be the responsibility of the county. Perhaps the balance in the funds for a particular year in some counties was not in excess of the receipts for the previous twelve months. Another situation which has arisen in the past is that

political subdivisions have failed to make application to participate in the distribution of these funds after they have been notified by the county.

Most other sizable third class counties contribute sums of money to towns and townships in their borders for road and highway maintenance, while in Luzerne County there has been a consistent policy of refusing help except for rental of machinery.

Luzerne County has always spent all of its liquid fuel tax refund on its highway system, even though the mileage has not changed in recent years and the refund goes up with each succeeding year.

In 1959 the County received \$ 542,000 from the state, spent \$ 87,000 for road bonds and interest, and then spent for maintenance and repair, something like \$ 454,000.

Montgomery County, the only one which receives more in liquid fuel tax refunds than Luzerne, contributed \$ 70,615 to various subdivisions which asked for help in maintaining their road system. It spent \$ 449,000 for maintenance and repair. Neighboring Lackawanna County received \$ 375,000 from the State and applied \$ 74,000 for land damages costs, plus \$ 62,000 for interest and bonds. Westmoreland County, the most liberal with its subdivision, last year distributing \$ 109,500 out of \$ 427,000 received among the towns, using \$ 68,000 more for land damage claims and spending \$ 188,000 for its own highways. Berks County spent much more on gifts to subdivisions than on its own highways - \$ 77,000 against \$ 25,000 - and also spent \$ 55,000 for land damages. Berks ended the year with a quarter-million balance in its liquid fuels tax.

FOUR COMMUNITIES SHOW INTEREST IN REFUSE PLAN

Four communities are interested in the waste disposal program being offered by the Lancaster Area Refuse Authority. The authority board was told at its regular monthly meeting in October that if all four communities sign up for the program contracts for approximately 20 loads of waste per week will have been signed. A guarantee of at least 30 loads per week is required before the authority will formally start its program. To date, no communities have signed contracts.

Jack D. Lausch, landfill manager, told the authority board that in addition to the four communities interested in the program other smaller municipalities have expressed an interest. Mr. Lausch reported that one of the four larger communities queried him on the possibility of sending its waste collectors direct to the authority landfill sites instead of using the portable waste containers contemplated in the authority program.

The authority board, as a result, voted unanimously to adhere to its program. The vote followed the recommendations of the authority's operating committee. The authority plan calls for participating communities to buy huge metal containers which would be stationed in the various localities to receive waste. When full, they would be hauled to the authority landfill and emptied. An empty container would be left when a full one was picked up. Communities would buy the containers and pay \$ 19.00 per pick-up. The authority would buy the truck and spare containers.

The authority offered the plan after the State Health Department ordered the closing of all open dumps in the county. Some municipalities as a result are faced with the loss of all dumping grounds.

At the october meeting the board discussed but made no decision on the possibility of returning more of the money loaned to the authority by the seven member communities. The board discussed the possibility of channeling another \$ 12,000 to its members. The City of Lancaster would receive \$ 3,000 and each of the townships -- East Hempfield, East Lampeter, Lancaster, Manheim, Manor, and West Lampeter -- would receive \$ 1,500. Two years ago the authority returned \$ 12,000 to the members. Loans from various communities totaled \$ 60,000. After hearing that the authority cash balance was \$ 27,412, the authority board gave the finance committee permission to invest \$ 15,000.

POLICE RADIO SYSTEM TO SERVE FIVE MUNICIPALITIES

A big step forward for New Sewickley township resulted when the township board of supervisors approved plans to participate in a tentative five-area police radio communication system. The four areas beside New Sewickly are Pulaski, Daughtery and Rochester townships, and Rochester borough all of Beaver County.

The board took the action during its regular meeting held in the Big Knob fire hall. Officials from the other four communities were present at the meeting.

New Sewickley is the first of the five areas to go on record as definitely participating in the program. They did so providing that needed equipment

can be purchased under the present civil defense program and operation expenses will be a reasonable amount for the year. Other surrounding communities are expected to join the system later.

PUBLIC SAFETY

Hidden Cameras are used in New York City to snap the picture of persons turning in false alarms. The shutter of the camera clicks automatically as the alarm is pulled.

Auctioning Used Cars rather than trading them in saves several thousands of dollars for Winston-Salem, N.C. The city reports that it also makes substantial savings by replacing cars after 40,000 miles rather than 60,000, and by buying a year's supply of cars at one time.

A state Approved Training course will be compulsory for all police officers hired by municipalities or counties in New York State after July 1, 1960.

THE POLICE-FIRE INTEGRATION

The Police-Fire Integration experiment in Winston-Salem, N.C., has been called successful by both the fire chief and the police chief. The experiment was conducted in one section of this city of 105,000 population for 7 months. Both chiefs have recommended that the integration become permanent.

"THOUGHTS FOR TODAY"

A woman's chief asset is man's imagination.

A self-made man is usually an example of un-skilled labor.

PUBLICATION

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The Luzerne County News-letter

VOL. IX NO. 3, WILKES COLLEGE, WILKES-BARRE, PA., MARCH 15, 1960

TAX CLAIM BUREAU

In 1947 the Real Estate Tax Sale Law was passed in Pennsylvania in an effort to make the sale of property for taxes more efficient, to make tax sales more attractive to purchasers, and to dispose quickly of the great backlog of unsold property that had accumulated over the years. Luzerne County is one of the few counties that has adopted this system. But how many local officials know exactly what the Bureau does with the property?

Here are excerpts of remarks made by Mr. Harry Welsh of the County Tax Claim Bureau at a meeting of local officials.

"The Tax Claim Bureau is like an old letter file to municipalities. It is a place to put tax claims which tax collectors have been unable to collect. The Tax Claim Bureau enters the picture on the first Monday of May of each year when the various collectors certify, and turn over all of their unpaid tax claims. From here on they are absolved from all responsibility. The bureau carefully analyzes all of the returns. Many are discarded and stricken from the record as exempt, faulty assessments, or State or county owned real estate. The Bureau sends a notice of return by certified mail return receipt requested to every delinquent taxpayer. This notice gives complete data concerning property ownership, location, description, amount of claim and interest, methods of making payment, and that the claim will become absolute on December 31st following. All notices must be received by July 31st, and if for any reason a notice can not be delivered, then the property is posted with a like notice, and an affidavit to this effect is recorded."

"Beginning in June payments of claims start to flow through the Bureau. Each bill is prepared by the bureau, each payment is posted in the permanent docket and index, and each property ledger card is posted by a bookkeeping machine. This system is so complete that the recapitulation not only gives each district a total of all monthly collections, but it lists each district a total of all monthly collections, but it lists each property and description, each receipt number and date, and each individual payment by year broken down into tax, interest, and costs. The present charge for such service to each district----4% of the money collected."

"One year from the month of July, all properties against which there is still a claim open of record, or not properly protected by a written contract, are placed in a public sale known as an Upset Price Sale. The term Upset

Price denotes a total of all taxes, interest, penalties, costs, and municipal liens, if any. This Upset Price is the lowest amount which the Tax Claim Bureau will accept for the sale of any property. Besides computing the numerous Upset Price figures, the Bureau sends a notice of sale by certified mail return receipt requested to each property owner."

"Sale notices must be received by the property owners at least ten days prior to sale, and where the mail is not delivered, the property is posted. The Bureau will allow anyone to remove a property from sale for the owner anytime up to and including the morning of sale."

"Eventually the sale takes place, and the highest successful bidder at an open public auction is awarded each property. All properties not sold are considered advertised and held by the Tax Claim Bureau as Trustee. Within 60 days the Bureau must make a report to the Court of Common Pleas as to the status of all sale properties. Sixty days after receiving the report, the Court confirms all sales except those to which there is a valid objection. It should be noted that all successful buyers at an Upset Price Sale are actually paying all taxes of record. Judgements are wiped out by the sale, but mortgages if any, hold, and follow the property."

"One year from the date of this sale, the Tax Claim Bureau files individual petitions with the Court of Common Pleas to sell all those properties not sold at the Upset Price Sale. Each petition includes a legal search made by attorneys for the Bureau. The Court upon being satisfied that the petitions are proper, and that this service was made, sets a date and time for a public auction sale known as a Free and Clear Sale."

"Once again properties are placed on the auction block, and sold to the highest bidder, but bidding begins at the total amount of costs accrued by the Bureau in preparing the sale. This cost figure is usually about \$ 70.00, and all successful bidders get a free and clear title with all taxes, judgements, and mortgages wiped off the record. Where there is no interested bidder, a property is sold to the County of Luzerne for costs plus one dollar."

"All County owned property may still be purchased by a private bid. Such bids are initiated with the Bureau, and where the County Commissioners are satisfied with the amount of the bid, the Bureau petitions the Court to sell."

"While the Bureau is receiving claims from collectors, and docketing and indexing these claims, it is also preparing an Upset Price Sale for open claims from the previous year, and preparing a free and clear sale for claims received two years prior. It is also collecting, posting, and auditing thousands of payments, and making distribution to the districts. It is servicing thousands of pieces of mail, thousands of phone calls, and issuing thousands of certified lien certificates guaranteeing the status of the tax record. It is handling many private bid sales, and protecting tax claims at Sheriff sales. It also

deals with abatements, divisions of property, and tax compromises."

"Now why should districts be concerned with all this melee? The Tax Claim Bureau has the headache as agent for the districts while the districts receive money at a mere 4% charge on the money collected only."

"First of all, the district is responsible to see that current taxes are furnished to the Bureau to be included in all Upset Prices. Not one district does this. Is there money lost? Yes, and a lot more would be lost if the Bureau did not estimate current taxes purely on its own initiative."

"Districts are also responsible for furnishing the Bureau with all municipal liens, if any. Do they do this? No."

"The Tax Bureau can write a tax off the record at any time, and all but one or two districts in the County would not know the difference."

"The returns of taxes made to the Bureau usually include so many false claims that it is impossible to know how a district ever uses these claims when making up its budget."

"When a property owned by the County is sold for more than costs, the Bureau makes an equitable distribution of all bid money in excess of costs. Since all taxes were previously discharged, the district is actually without a claim, but still receives money."

"Did you know that a district may buy property at a tax sale in its own right, and that this could prove to be beneficial? It is never done. Did you know that a district can force the Tax Bureau into the sequestration of property, and that all rents received by the bureau in this capacity must be used to reduce tax claims? Did you know that a district can force the Bureau or the County to accept a tax bid that may have been refused, and thereby restore real estate to a tax income status?"

KINGSTON TOWNSHIP

The proposed 1960 budget includes four changes in sources of revenue. These changes include elimination of the 1-mill sinking fund tax; reduction in light assessment from seven cents to six cents per front foot; elimination of the 11-mill occupation tax and establishment of a \$3.00 per capita tax. Elimination of the 1-mill sinking fund tax is possible because there was sufficient balance in the sinking fund account at the end of 1959 to retire the one out-standing \$500 bond and pay the accumulated interest. Reduction in the light assessment is brought about because seven cents was a little more than was needed to pay the cost of light for those areas where street lights have been requested. As a result the light account has a balance beyond current needs. An assessment of six cents will provide a little less than is needed to defray the cost of those lights, so the balance in the

light will decrease from year to year. When the balance is sufficiently depleted it may be necessary to reestablish the seven cent assessment. The 11-mill occupation tax will be replaced with a \$3.00 per capita tax. These two changes will result in a more equitable distribution of the tax load by allowing those residents of the township, who are not property owners, to participate in paying the costs of the services they receive.

LUZERNE COUNTY BOROUGHS ASSOCIATION

In consideration of the May 1st deadline on operation of open dumps in the region Luzerne County Boroughs Association this week reaffirmed its stand to cooperate with the State Department of Health in eliminating open dumps and expressed its willingness to explore the possibility of joint landfill method of disposing of garbage. Establishment of a landfill operation would be in cooperation with the State Department of Health, Institute of Municipal Government and Public Services Committee of the Chamber of Commerce.

ANNEXATION

Luzerne County Court ~~and Bank~~ approved the annexation of certain sections of Hazle and Sugarloaf Townships to the Borough of West Hazleton. The Court noted in its decision that all the free holders in the sections proposed to be annexed were in favor of the proposal. West Hazleton council by ordinance, approved the proposed annexation and Sugarloaf Township did not complain. The municipal and school authorities of Hazle Township and several citizens of record opposed the annexation.

EDWARDSVILLE

The Council has had under consideration a building ordinance governing construction and remodeling within borough limits. Officials intend to adopt the ordinance which would make it compulsory for individuals to obtain a permit before starting work. The move is intended to protect persons and properties from hazards and undesirable construction in the business and residential areas.

THOUGHTS FOR TODAY

Today is the day you worried about yesterday.

The honeymoon is the thrill of a wife-time.

PUBLICATION

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The Luzerne County News-letter

VOL. IX NO. 4, WILKES COLLEGE, WILKES-BARRE, PA., APRIL 15, 1960

DINNER

Eighth Annual Dinner for Luzerne County Local Officials will be held Wednesday, May 11, 1960 at the Wilkes Commons. Join in the fun and see your fellow officials receive awards. Police, Planners, Commissioners, Councilmen, and School Directors will receive awards. Make your reservations with the Institute at VA. 4--4651.

EXEMPTIONS OF RELIGIOUS INSTITUTIONS

During the 1959 session of the Legislature in Harrisburg a bill was introduced into the House, known as HB No. 1230. This bill sought to redefine "places of actual worship" so as to include in that tax exempt category "any building or lands maintained and used as a parsonage, whether or not connected to or adjacent to the church building." This bill was passed by both Houses of the Legislature and sent to the Governor for his approval.

Governor Lawrence, after studying the bill at length, vetoed it with the explanation that even though enacted into a law, the bill would not be sustained by the State courts because of its unconstitutionality. He referred to the provision in the State Constitution wherein tax exemptions of various classes of property are authorized (Art. IX Sec. 1). According to the Governor, this proposed act attempted to go beyond the meaning of "actual places of religious worship" as specifically referred to in this constitutional provision.

His reasoning was similar to that in a decision handed down by the State Supreme Court on December 30, 1959 in the case of Second Church of Christ, Scientist, et al vs. Philadelphia. This case concerned two Philadelphia churches which appealed from decisions of the Court of Common Pleas, in which the court ruled that church parking lots, used solely for parking by members of their congregation were taxable. Appeals were heard first by the State Superior Court and resulted in a reversal of the lower court's decision. Then on appeal to the Supreme Court, the Superior Court was in turn reversed.

After reviewing previous cases involving church exemptions, the Supreme Court took the position that the Constitution expressly limited exemptions of religious institutions to "places of actual worship." Although this has been defined by legislative enactment to include "ground thereto annexed necessary for the occupancy and enjoyment of the same", a

distinction was drawn between church and charitable exemptions.

The court reasoned that parking lots as such could not possibly be accepted as "places of actual worship" and therefore are not considered "necessary," which term has been limited by previous decisions to land adjacent to the church structures which ground is required for entrance, exit, light and air. Beyond that point the court refused to go.

It should be noted that in this decision the court once again pointed out that parsonages could not be made exempt, thus bearing out the conclusion arrived at by Governor Lawrence when he refused to approve HB 1830.

COMPETITIVE BIDDING ON INSURANCE

In March 1955 this letter suggested to local governments to look into the possibilities of competitive bidding on insurance. It was stated then that Park Forest Illino in 1954 purchased insurance on a competitive basis at considerable savings. The municipality combined as many types of policies as practicable into a single package and requested bids from insurance companies and agencies. A 37% reduction in premiums for workmen's compensation and general liability insurance resulted. Savings from other types of policies included in the package could not be determined since coverage was broadened in some cases, while peculiar circumstances made necessary the continuance of auto comprehensive and liability insurance with the same company for a short period of time. Because of the success of the initial venture, Park Forest expected to repeat the system the following year with further refinements in the procedure and bid forms.

From time to time this News-letter has advocated that a municipality place its insurance on a competitive basis. No municipality in Luzerne County stirred a hand to change its ways, in spite of the fact that considerable savings could be realized. The pressures of local insurance agents were too heavy politically to change to a procedure that has been tried, tested, and proven to be economically feasible and practical. Local officials still continue to pay as much as 60% more for the total insurance item in the budget than warranted.

Municipalities often "pay excessive premiums for the protection afforded," the 1956 Municipal Year Book stated. Only 12 per cent of the reporting municipalities use competitive bidding when buying fire insurance; 25 per cent use competitive bidding for general and motor vehicle public liability insurance. In recent years, the calling for competitive bids on municipal insurance has increased, but the acceptance of the idea has not been widespread.

Recently the Luzerne County Housing Authority was able to save more than \$ 800.00 on its insurance through competitive bidding. The Mayor of Wilkes-Barre has been able to show that savings can result from "shopping around" when purchasing meter insurance.

MUNICIPAL EMPLOYEES RETIREMENT SYSTEM

The 1959 session of the Pennsylvania General Assembly modernized the Municipal Employees Retirement Act by integrating it with Social Security, by providing options for paying for prior service, and, in general, by providing a retirement system that should be within the financial reach of virtually all boroughs.

The \$10,000 appropriation in the bill for expenses involved in putting the system into operation was deleted and, although the law provides that the State Employees Retirement Board shall be responsible for the administration of the system until the required 250 members are enrolled, the lack of an appropriation has thrown the responsibility primarily on State Associations.

Once the system is operating, i.e., after the required 250 employees have been enrolled, the administration will be paid for by the member municipalities not to exceed \$10.00 per person per year. In the meantime, the biggest question confronting officials seems to be, "Where do we go from here?"

Local officials should obtain preliminary cost estimates for participation in the State Municipal Employee's Retirement System. In this, there are two factors involved: (a) cost of current and future service, (b) cost of prior or past service. On the basis of sample actuarial studies, the municipality's cost for current and future service can be fairly accurately pinpointed at between four and five percent of the payroll. The determination of prior service is much more complicated, however, and can be determined only after individual actuarial studies for each municipality have been made. The complicating factors are the options which a municipality may choose in paying for prior service benefits and the vast extremes in the age and length of service of employees from municipality to municipality. This study for prior service cost must be paid by the municipality.

In addition to the cost of the municipality's participation in the retirement system, officials will, of course, want to know the employee's contribution. The system was designed so that the employee's contribution and the municipality's contribution would be about equal. This fact may be used for estimate purposes. Also, the actuary, on the basis of his sample studies, has informed us that a figure of between four and five percent of pay may be used for the younger employees and that an older employee's contribution may be as much as eight percent of pay.

TRAFFIC OFFICERS TRAINING SCHOOL

The twentieth annual Traffic Officers Training School will be held at the Pennsylvania State University, University Park, May 9-20, 1960.

The course is designed for traffic and other police officers. Private police officers having traffic duties may also enroll. Both new and experienced officers are eligible.

The registration charge is \$ 35.00 and includes instructional materials, the get-acquainted session and the final banquet.

For complete details and program, write to; Conference Center, The Pennsylvania State University, University Park, Pennsylvania.

" THOUGHTS FOR TODAY "

If the cigarette industry ever succeeds in making man think for himself, the government will be looking for a new source of revenue.

The modern boy scout helps an old lady across the street by slowing down his convertible.

PUBLICATION

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The Luzerne County News-letter

VOL. IX NO. 5, WILKES COLLEGE, WILKES-BARRE, PA., MAY 15, 1960

Wilkes College Library

REPRINT

This article is a reprint from an article by Victor Roterus, director, Office of Area Development, Business and Defense Services Administration, United States Department of Commerce, in the February 1960 issue of "Maryland Municipal News."

There are, in effect, a number of ways in which municipal officials can assist economic development activities being carried out by both public and private organizations.

1. Realistic zoning ordinances which take into account the space and location needs of industry and recognize industry's right to protection from encroachment by incompatible land uses constitute a prime responsibility of local government for attracting new or branch industrial plants. There is no longer any excuse for the old unlimited custom of allocating the seemingly useless, the marginal, and out--of--the--way tracts for use by industry.
2. Zoning controls alone are not always sufficient for setting aside adequate land for industry, especially where suitable land is scarce. In communities where this is the case, land must be purchased and reserved for industrial use, if not by the city itself, then by private organizations set up for this purpose. In the latter event, the community can assist by establishing a far-sighted tax policy on this land while it remains vacant.
3. Taxes otherwise should not be so burdensome as to discourage the location of industry, but neither should taxes be reduced unrealistically in order to attract a new plant. Tax concessions may sound fine as an initial gesture of goodwill, but alert industrial management officials realize that the purpose of tax levies is to support essential public construction projects and services. If special tax privileges are granted to one firm, other firms, businesses, or residential uses will have to foot the bill, or else public services will be reduced to the detriment of all plant operations and the functioning of the community as a whole. Responsible firms stand ready to pay their share of taxes and ask and expect no special favors which might injure other elements of the community.
4. Local officials can cooperate in providing the basic data needed by development groups to inform industrial prospects of area resources for industrial growth. Accurate, complete, up--to--date information is essential for area development leaders to use in pointing out why industry

representatives should locate a plant in their community. Inadequate or incorrect information has proved to be sufficient reason in the past for an otherwise interested industrial prospect to look elsewhere for a plant site.

5. By comparing the cost of services which each land-use type receives with the amount of taxes it pays, official sources can do much to inform the community how industry unlike much residential development, more than pays its way. Unless the community comes to appreciate the importance of industry to the local economy and learns how industry can contribute to overall community development, it will prove difficult to gain public moral and financial support for economic development efforts. Public officials, through their expressions of confidence in local programs to gain new industry, can contribute to a favorable business climate in their communities. This will be noted favorably by visiting industrial prospects, especially if it appears in the form of an attractive business district, well-kept residential areas, and clean and uncongested streets.

FEDERAL AGENCY SERVES AS CLEARINGHOUSE ON COMMUNITY DEVELOPMENT PROBLEMS

Municipal officials may obtain information and help in their economic and community development activities from the federal government. In particular, the Office of Area Development in the Business and Defense Services Administration of the United States Department of Commerce was set up to work with the states and to serve as a kind of clearing house on information on small town and community development problems. Local groups usually want two kinds of assistance--advice and suggestions on how to obtain more jobs and information about federal aid for community improvement efforts. These information needs are met in large measure by the Office of Area Development, especially through its publications.

PUBLICATIONS WHICH CAN PROVIDE ASSISTANCE FOR MUNICIPAL OFFICIALS

Federal Activities Helpful to Communities, for example, describes in summary form 45 federal programs and services of help to community development efforts, such as advance planning grants, loans for public facilities, aids for water supply and pollution control, small business loans, and vocational rehabilitation aids.

Area groups interested in obtaining more jobs and stimulating business activities may find helpful the Community and Area Development Checklist. This checklist points out a whole series of actions which various communities in the country have taken to create new jobs and business opportunities. It details, for instance, the various steps a community can take to enter the industrial development field, to provide services to existing industries, and to set up a retail and service trade development program.

Most communities must make a survey of area resources if they are to embark on a program of industrial development. The Office of Area Development has prepared a simple form for industrial surveys for small towns entitled Industrial Location Facts. This publication outlines the kinds of information which should be collected and indicates how the data obtained should be presented for use by industry in appraising a community as a plant site location.

In its bimonthly periodical Area Development Bulletin, the Office of Area Development keeps community groups and public officials informed on new federal programs and helpful information sources, new government and private publications about planning and zoning problems, case studies of the ways medium size and small towns have successfully met planning and economic development problems, and the new techniques for community improvements.

NON-DEBT REVENUE BONDS

Since the *Beam v. Borough of Ephrata* case was decided, bond counsel throughout the commonwealth have taken a good hard look at non-debt revenue bonds. There are a number of facets of such bonds with which all bond counsel are in agreement. The following propositions outline the principal area of agreement:

Non-debt revenue bonds do not violate constitutional debt limitations. Non-debt revenue bonds cannot be assessment bonds or in any manner be made payable out of assessments. The revenues collected from the improvement financed by non-debt revenue bonds must be administered by the municipality and not be any trustee or agent. In the case of boroughs, the rates or charges for the use of the improvement must be sufficient to provide a depreciation reserve and a reserve for future improvements. In order to have the minimum effective pledge, the municipality must segregate specified revenues from the improvement and must use them only for purposes properly related to the improvement and the bonds. No general tax moneys may be used to make up a deficiency in the revenues from the project. Debt service during construction provided for in the financing may not exceed an amount sufficient to cover the debt service for one year. Non-debt revenue bonds are not legal investments for trusts. Non-debt revenue bonds may not give a receiver the right to take possession of or to operate and maintain the improvement. The bed--rock security behind a non-debt revenue bond is less than in the case of a general obligation bond or an authority bond.

The limited areas of doubt in which bond counsel are not yet satisfied that they are in complete accord are principally two: whether bonds may be sold at private sale. Whether any protection other than the naked promise of the municipality may be injected into the administration of revenues.

WINSTON-SALEM INCENTIVE PLAN

An incentive plan for refuse collection crews in Winston-Salem, North Carolina, is saving the city about \$ 30,000 per year in payroll costs. The new plan, in effect since September, 1958, provides pay on the basis of a 44-hour week with the men working as long as the collection actually requires. Over a full year the work week averages about 38 hours. Seasonal fluctuations bring it up to 44 hours before Christmas and for a few weeks in the summer and as low as 36 or 37 hours in the spring. As reported in Municipal South, the program was based on careful study and layout of collection routes, purchase of 25 refuse collection vehicles, and closer supervision. Savings have been effected through elimination of personnel on certain routes and elimination of overtime pay.

PROPERTY TRANSFER TAX

Thirty-two communities in the county now levy a 1% property transfer tax, with addition of four last month: Newport, Plymouth, Dallas and Huntington townships. The tax was authorized by the legislature about six years ago and since then the towns have increased their income by proceeds from this tax. Persons registering property transfers at the recorder of deeds office at the Court House pay the transfer tax there. The money then is distributed among the taxing authorities.

"THOUGHTS FOR TODAY"

Two can't live as cheaply as one-- but in June, who cares?

Often a man can switch from a blonde, to a brunette, to a redhead, and still be going with the same girl.

PUBLICATION

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The Luzerne County News-letter

VOL. IX NO. 6, WILKES COLLEGE, WILKES-BARRE, PA., JUNE 15, 1960

HONORABLE GENEVIEVE BLATT

Secretary of Internal Affairs Genevieve Blatt suggested at the Eighth Annual Dinner of Local Officials of Luzerne County that local governments provide the variety of services demanded by people on a cooperative basis involving two or more local governments.

"If you in local government don't solve the problems, the problems have to get solved, and they will be solved in some way. There will come a day when people will get impatient and will ask the State or Federal Governments to provide the necessary services."

"To go one step higher and away from local government is to increase costs proportionately. The distance is that much increased and the degree of local control is that much lessened. Turning responsibility over to State or Federal governments is more expensive, less efficient, and less democratic."

"Consolidation and merger is impractical because it does not take into account that people have strong loyalties and the ties are too strong to be surrendered willingly."

"Legislation permitting cooperation has been on the books of the Commonwealth since 1943. It is disappointing to learn from a recent survey that this power on the part of local governments has not been very much used. The Department of Internal Affairs can assist you to use the tools that have been put on the books for you. Your legislators can even amend the laws if that is what you want so that you can better explore these tools. I believe it truly would be worth your while to try. It is the only solution that is at all feasible at the beginning of the decade of the 1960's."

CERTIFICATES AND AWARDS

More than 100 municipal officials received certificates and awards at the Eighth Annual Dinner of Luzerne County Local Officials on Wednesday, May 11, 1960. Training certificates were given to 9 councilmen and township commissioners for completing the course for Borough Councilmen and Township Commissioners; 26 members of the Wilkes-Barre Police Force for completing the Basic Police Course; 29 school directors for completing the course for School Directors; and 25 local officials for completing the Planning and Zoning Course. The last course named was given by the Institute of Municipal Government for the first time.

Service Awards were made to 18 local officials for public service to their local governments. These awards have been a feature of the annual dinners.

The Public Service Institute of the Department of Public Instruction, Commonwealth of Pennsylvania co-sponsored the courses with the Institute of Municipal Government. Members of the Institute staff who instructed the student officials were Edward Heiselberg, Director of Planning of the Luzerne County Planning Commission; Walter Wint, member of the Wilkes-Barre Police Department; Stuart Veale, Business Manager of the Hazleton School District; and, Dr. Hugo V. Mailey, Director of the Institute of Municipal Government.

Contributions were made to Dr. Eugene S. Farley, President of Wilkes College, for the continuation of the work of the Institute of Municipal Government. The following made presentations: Mayor Frank Slattery in behalf of the City of Wilkes-Barre; Clem Falchek for the Luzerne County Township Commissioners Association; William Sommers for the Luzerne County School Directors Association; John Mizin in behalf of the Luzerne County Boroughs Association; and Arthur Smith, in behalf of the Luzerne County Township Supervisors Association.

GOOD IDEA

Volunteer firemen are summoned by a system which rings 70 telephones at the same time in Garden City, New York. The fire dispatcher, on receiving an alarm, picks up a special telephone on his desk and dials, simultaneously ringing phones in the homes of 70 volunteer firemen. The firemen get the calls on their regular phones using no special equipment.

MUNICIPALITIES AND SMALL CARS

Many municipalities throughout the country have been experimenting in the use of small cars for municipal transportation.

Richmond, Virginia, has had 20 Volkswagons in use for nearly two years and reports an initial cost savings of \$229-325 per vehicle and an average operation cost (routine maintenance, gasoline, lubrications) of 2.3¢ per mile. "Of the 350 passenger cars in Richmond's fleet, only police and fire appear to require the size and power of the standard American or large cars," says Richmond.

Burbank, California, has introduced the small Nash Metropolitan as a replacement for motorcycles in checking overtime parking. The city lists the following advantages: lower operating costs (2.4¢ vs. 2.9¢), lower purchase price, no hazardous riding bond required, more protection from bad weather, transportation for two persons when needed, and lower radio costs.

Philadelphia reports an expected savings of \$20,367 through the use of 100 compact cars in 32 city departments including use as police cruisers.

The National Institute of Governmental Purchasing reports that purchases of compact cars for all governmental uses is spreading. Other cities recently purchasing small cars include: Fort Lauderdale, Florida; Lincoln, Nebraska; Newark, New Jersey; and Wichita, Kansas.

MORE ON MALLS

Two city managers, speaking at the 12th annual management institute at the University of Michigan, praised their new downtown malls. They were Clarence Elliott, Kalamazoo, Michigan, and Russell Rink, formerly of Toledo, Ohio. Rink said that Toledo's 100-day mall received much favorable attention including visits from many officials in other cities. A permanent mall, to cost about \$100,000 is now being considered. City Manager Elliott said that business in Kalamazoo had increased 23% since installation of its permanent mall and that 18 permits have been taken for remodeling business establishments.

TAX ON RACE TRACKS

The great furor that has been aroused all over the State by the enactment of the Harness Racing Law has naturally raised the question as to how this will affect second class township taxes under Act 481.

If such a harness track is located in a township, the township could, under Act 481, establish a tax on admissions to the track. In view of the fact that most of these tracks will be located in townships of the second class, this can be of great importance to such townships.

ACT 527

Act 527 (S.B. 1078) adds a new section to the County Code (Sect. 1770.1), whereby new construction after September 1st may be re-assessed upon request of the County Commissioners, subject to the right of appeal. Property so added to tax duplicates shall be taxable at its re-assessed value for the proportionate part of the fiscal year.

PUBLIC RELATIONS

Monrovia, Calif. recently held a special public relations course for all members of the police department. The 10-hour course lasted three weeks, with three two-hour sessions held each week during working hours. Lectures and discussions were held on public relations, appearance, bearing, the Officer's private life, diplomacy, prejudice, conversation, writing a citation, voice and

manner of speech, demeanor in the courtroom, and attitude toward counsel while testifying. Results have been gratifying. Complaints on treatment of citizens have dropped off sharply, and the policemen themselves have developed a new spirit of public service.

RESIDENTIAL FIRE ALARM SYSTEMS

Fire alarm systems have been installed in some 300 new homes and apartments in Quincy, Massachusetts under a 1958 ordinance making it mandatory. An alarm system which is set off by high temperatures costs between \$60 and \$75 installed in a five-room house.

STATE RETIREMENT SYSTEM

On March 7, 1960, the Borough of Sellersville became the first municipality in Pennsylvania to pass an ordinance placing all its eligible employees under the State Municipal Employees Retirement System. This municipality of 2,500 population was the first to pass an ordinance and officially notify the State Retirement Board of its action. The Borough chose to offer the option to elected and per-diem employees on whether or not they choose to join the system. The council also voted to provide complete benefits for all prior service of their employees, the payment for which will be spread over a period of 30 years as provided by the law.

A total of 250 insured persons is needed to put the system into operation. Inquiries can be directed to the Pennsylvania Local Government Center, 2415 North Front Street, Harrisburg, Pennsylvania.

AGE OF SPECIALIZATION

Alton, Illinois, expects to save money by signing a one-year contract with the lowest bidder for all tire purchases and services and tire service calls.

THOUGHTS FOR TODAY

Babies are angels whose wings grow shorter as their legs grow longer.

Some men work hard and save money so their sons won't have the problems that made men of their fathers.

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The Luzerne County News-letter

VOL. IX NO. 7 WILKES COLLEGE, WILKES-BARRE, PA. JULY 15, 1960

ZONING DECISIONS

The State Supreme Court decision in the Cresko case can be viewed in the light of other such decisions handed down by the highest Court in Pennsylvania. It is to be noted that this decision involving a local matter is consistent with a general philosophy of the Court.

Zoning represents one of the most common examples of the exercise of the police power possessed by local governments. It is the division of a municipality into districts and the prescription and application of different land use regulations in each district. The restrictions must not be unnecessary and unreasonable on the use of private property. They must bear some substantial relation to public need or general welfare.

Over the past year or so, the decisions of municipal boards of adjustment have fared better in the Supreme Court than in the lower courts. The Supreme Court has tended to agree more with the boards than with the lower courts. It seems that up to May, 1960, the Supreme Court agreed with the boards of adjustment in nine of the ten variances appealed to it. It would appear that in some instances the lower courts have had trouble with variance requests as a result of forgetting that zoning law primarily involves purely statutory considerations rather than the general equitable considerations which may be more important in nuisance cases. It is doubtful whether local boards have a better grasp of legal principles than do the lower courts. It is their nearness to the municipal legislative bodies which has certain social objectives in mind that has been the factor giving the boards a better record.

On the subject of variances, the Supreme Court has restated that they can be granted only when unique circumstances produce unnecessary hardship. Such hardship must be a hardship relating to the property itself rather than the person of its owner.

In the Klein Zoning case (395 Pa. 122), where the home owner sought to enclose a front porch contrary to front yard limitations in order to provide an additional room for his wife and son who had respiratory ailments, the variance was refused on the ground that personal hardship is not sufficient.

The barber in the Gold case (393 Pa. 401) was also denied a variance despite his argument that he needed a small barbershop in his home because he was too ill to work regularly in an outside shop. There is no doubt that the

lower courts were influenced by the personal hardship involved.

Neither does economic hardship justify a variance. Some of the legal fraternity would call this "profit hardship". The requested conversion of a single-family dwelling to a three family dwelling was refused in Spadaro v. Zoning Board of Adjustment (394 Pa. 375) because inability to make greater profits out of property will not justify a variance.

Similarly, where a chemical warehouse had existed as a violation in a residential district for several years, a variance to validate it was refused despite the absence of an escape clause in the lease in Updylite Corp. v. Phila. (394 Pa. 645).

The Cresko decision seems to fall into this category of case when the opinion of the Court is closely analyzed. "Business operators persist in believing that a variance can be justified by an opportunity to make money or conversely that it is an abuse of discretion to deny them the opportunity. Such preoccupation with commerce is not at all what we mean by a variance or by the kind of hardship which justifies one. A deviation from the letter of zoning ordinance, to escape the stricture of being actual rezoning under the guise of a variance, can be allowed only when the difficulties and hardship are substantial and of compelling force. The owners knew the situation when they bought the land. They deliberately took their chances." The prospective loss of money from the applicant's pocket are not broad enough to justify the idea that all kinds of economic hardship are sufficient evidence for a variance.

The Pennsylvania Supreme Court is loathe to command a legislative body to rezone even where environmental changes subsequent to the original zoning create a need for rezoning. In English v. Zoning Board of Adjustment (395 Pa. 118) where the applicant's dwelling was located close to commercial and institutional used in a blighted mixed-use residential district, the Supreme Court would not permit the variance of a beauty shop in a home which the Board of Adjustment had granted. The Court stated that the legislative function does not pass to the Zoning Board, although the temptation may be great to rezone by variance. The Supreme Court made the same kind of a statement in Schecter v. Zoning Board of Adjustment (395 Pa. 310) - "a general rezoning of an area of land cannot be accomplished under the guise of a variance."

In Tidewater Oil Co. v. Poore (395 Pa. 19) a proposed petroleum tank farm on 62 residentially zoned acres located between the properties of two other oil companies zoned for industrial purposes was not permitted by the Supreme Court. Only local legislative determination could change the use of the land. It could not be done by the granting of a variance which the lower court had done.

It follows that neither the Boards of Adjustment nor the lower courts can substitute themselves for the local legislative bodies elected and representing the people of a municipality.

NEW DWELLING UNITS

Despite a loss of 46,492 in Luzerne County population since 1950, the number of dwelling units in the County increased by 3,339 in the same period. The census report on housing units disclosed there are 115,239 dwelling units in the County of which 107,027 are occupied and 8,212 are unoccupied. There were 111,900 dwelling units in the County in 1950. This means an increase of about 3% over 1950. It should be noted that by comparison, the increase in 1950 over 1940 was about 6%. Wilkes-Barre has the highest number of occupied units followed by Hazleton, Kingston, Nanticoke, Hanover Township, Pittston, Plymouth and Plains Township. Wilkes-Barre also leads in unoccupied dwelling units followed by Lake Township, Lehman Township, Hazleton, Bear Creek Township, Nanticoke, Ross Township, Butler Township, and Newport Township. It should be noted that some of the political subdivisions showing unoccupied dwellings are considered summer resort areas.

WHAT'S NEW

- COURTDALE** - The Borough Council voted to approve a real estate transfer tax ordinance imposing a one per cent tax on the transfer of real estate, the tax to be used to raise additional money needed for street improvement without raising the property tax millage.
- PLYMOUTH** - The Council awarded a five-year contract for garbage and ash collection.
- WILKES-BARRE** - A five member recreation commission is under consideration by the City Council. The proposal was made by the Wyoming Valley Playground and Recreation Association and Welfare Planning Council of the United Fund. It has been suggested (as has been heretofore in this NEWSLETTER) that recreation be a governmental function and therefore tax-supported.
- PLAINS** - Luzerne County Court has directed that assets of the Township Police Pension Fund consisting of 15 annuity and endowment insurance contracts be transferred and paid over to the Board of Commissioners to provide pensions for police of the Township.
- WRIGHT** - The Township Planning Commission is presently conducting a survey of the surrounding areas for a suitable site for refuse and garbage disposal managed as a sanitary landfill.
- SHICKSHINNY** - The Council has adopted the 1960 budget and approved a tax rate of 21 mills, unchanged from previous years.
- HAZLE** - The Pennsylvania Supreme Court upheld the annexation of 550 acres of land in Hazle and Sugarloaf Townships by the Borough of West Hazleton.
- BACK MOUNTAIN** - Representatives of Dallas Borough, Kingston Township and Dallas Township met to discuss the possibility of making a joint survey regarding costs of joint sewage disposal facilities.
- LUZERNE COUNTY** - A total of 38 municipalities or school districts have imposed a 1% tax on real estate transfers. In most cases the tax is paid by the grantor and in only 3 cases is it paid by either party.

POPULATION SHIFT

A trend to suburban living is indicated in the 1960 population figures for Luzerne County. The County suffered a population decline of 46,492 since the last Federal census in 1950. At that time the County had a population of 392,241 compared with 245,749 in the census taken this year. While the County was suffering a drop, 25 communities within it registered gains ranging from 5 persons in Buck Township to 1,122 more residents in Fairview Township. On the other hand, 48 communities had population losses ranging from 3 in Laurel Run to 13,400 in Wilkes-Barre. The Back Mountain region showed increases for a combined total of 3,106 persons. Communities which suffered losses include: Nanticoke, Pittston, Plains Township, Hanover Township, Jeddo, Kingston, Larksville, Swoyersville, Edwardsville, Wilkes-Barre Township, West Pittston, Wyoming and Exeter.

ACT 481

Under Act 481 and its amendments, taxing districts are limited in the amount of revenue which may be raised under the provisions of the law. Currently, municipalities may levy no more than the equivalent of 15 mills on the assessed value of real estate, while school districts may levy, under Act 481, no more than the equivalent of 12 mills on the market value of real estate. Although the millage equivalent is smaller in the case of the school district, the basis is market value as opposed to assessed value in the case of the municipalities. Obviously, then in a county with a low ratio of assessed value to market value, a borough could be nearing its limit while a school district, which is collecting the same amount, may be quite a bit under its limit.

INSURANCE

The City of Clio, Michigan lost its municipal insurance when it was cancelled by the Hartford Company of Hartford, Connecticut. Such cancellation is a rare thing. The notice was given to the City when it was termed a "poor risk" by the Company. The Company cited 5 accidents over a 3-year period which involved Clio police cars.

THOUGHTS FOR TODAY

Middle Age is that time of life when you don't care where your wife goes, just so you don't have to go along.

You can cure a woman of almost any common illness by mentioning that her symptoms are signs of advancing age.

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The Luzerne County News-letter

VOL. IX NO. 8, WILKES COLLEGE, WILKES-BARRE, PA., AUGUST 15, 1960

HOUSING CODES

In Pennsylvania, as in most of the nation, the potential of housing codes has yet to be realized. Few municipalities have adopted housing regulations and even fewer enforce them effectively. Virtually all of those communities that have enacted minimum health, safety and sanitation regulations relating to dwelling occupancy have done so because they are a necessary condition for federal financial assistance in urban renewal.

A properly balanced, rigorously enforced housing code is an excellent vehicle not only for community improvement, but for the preservation of residential values as well. This is true for every type of municipality ranging from the aging, built-up community to one still in the process of development.

In order that it may accomplish its objectives, however, there must be a recognition that housing code enforcement is only a single vehicle. And a housing code, like zoning, subdivision control, a building code, or any other tool for community development or preservation, is not without its limitations.

The maintenance of a hazard-free structure; the installation and upkeep of necessary facilities and equipment for safe, healthful and sanitary occupancy; continuing provision of the amount and kinds of living and sleeping space essential for decent human habitation; the prevention of overcrowding and over-occupancy of the dwelling unit - these are, in general, the purposes for which housing codes are enacted. The minimum provisions are applicable to both to achieve initially the construction of safe, healthful, and sanitary structures, the community must rely on adequate building, plumbing, electrical, and allied codes. To realize a good residential environment, a comprehensive community plan would be necessary. This plan would be implemented by zoning regulations that prevent overcrowding of land and control population density; by subdivision requirements that promote a sensible neighborhood pattern and the installation of adequate improvements; and by a capital improvements program designed to provide needed facilities.

To conserve or enhance the character of a neighborhood, violations of the various traditional codes and ordinances must be curbed.

Salvaging declining neighborhoods is no simple task. Preserving above-

standard neighborhoods is much less difficult. But reliance of the finest, most resolutely enforced building code, zoning ordinance and subdivision regulations and on the most comprehensive program for maintaining and improving public facilities and services is not enough to do the total job. A means must be utilized for ensuring that the condition and quality of existing high-grade housing in sound neighborhoods will be preserved. And where environmental improvements are made, a tool must be available so that any substandard properties that threaten the future of a revitalized neighborhood can be compelled to measure up to the renewal pattern. These are the proper functions of the housing code - a co-partner in community preservation and in neighborhood improvement.

JOINT PURCHASING

An increasing number of governmental units are purchasing cooperatively with nearby governments according to the National Institute of Governmental Purchasing. In Florida, 12 cities have won lower bids on such items as cars, trucks, radios, gas, oil and grease by buying together. In the first two and one-half years of joint purchasing, the three original cities in the agreement saved nearly \$35,000 compared to prices paid on the same items purchased earlier by each city individually. Only some of the materials needed are bought cooperatively. Savings must be expected to surpass the added expense of buying together. On such items, the needs of all the cities are totaled and single bid is let. Any of the cities can reject the low bid, as it could in letting on its own.

In Kentucky, Louisville, Jefferson County, the University of Louisville, and the Louisville School Board, and several districts and commissions in the area have been purchasing together for 6 years. The Louisville Local Governmental Buyers' Group operates a warehouse from which members may requisition goods and holds meetings where purchasing information is exchanged. Savings have been made on purchasing light bulbs (29%), tires (5%), gas and oil (10%), antifreeze, coal, dairy products paper towels, and first aid equipment. Through regular meetings, purchasers have learned money-saving information.

Earlier this year, Alabama's governor ordered all school and charitable institutions of the state to purchase through the state. Savings of between \$2 and \$3 million were estimated by the State Board of Finance.

About 350 units of local governments in Pennsylvania do some purchasing jointly. Are there any in Wyoming Valley or in Luzerne County?

LIABILITY RE. FIRE CO.

The status of whether an organization is a "volunteer fire company" within the meaning of the Workmen's Compensation Act depends on what it actually does, according to Official Opinion No. 204 of the Pennsylvania Department of Justice. An ordinance of nonrecognition should not be effective to defeat the intent of legislation where the activities of a municipality itself actually contravene the language of the ordinance. Only in the event that the city would actually refuse to accept the services of this volunteer fire company when they were offered, and prevented this company from cooperating with the municipality fire department in fighting fires, would there be an actual nonrecognition of the volunteer fire company. Such actual refusal can be made either by use of police lines or by court action. In the absence of such measures, it is proper to assume that the city is benefiting from the assistance of the fire company.

Where the city has utilized the services of a volunteer fire company, the city cannot ignore its duty to afford the firemen the protection of workmen's compensation coverage.

Therefore, it is the opinion of the department that an organization engaged in the fighting of fires is a "volunteer fire company" within the provisions of the Act of 1939, P. L. 566, as amended, if its services are actually accepted by the municipality, whether or not any act, ordinance or other official pronouncement of the municipality states that it is not recognized as a volunteer fire company.

If the company is no longer regularly engaged in fire fighting, it is no longer acting as a volunteer fire company and, therefore, its members are not entitled to workmen's compensation coverage.

LAND MAPS

The 1960 census figures for Luzerne County show that most communities lost residents while many of the suburban and rural communities gained. A change in real estate valuations can also be expected. Back Mountain and Mountaintop communities have shown increases in population and also increases in new dwellings. This new construction will be reflected in the assessment figures of 1961, as many of the new units are picked up by the field workers of the Reassessment staff. Municipal officials interested in assessment data can check on land in their municipalities by requesting maps from the Board of Assessors. In this way, communities will be informed of the uses to which land is put, and the adoption of zoning requires a mapping program which many communities cannot afford. These maps can be provided by the County at a nominal cost.

BORROW WITHOUT BONDS LAW

A municipality may borrow as much as it needs in the sense that there is no monetary limit stipulated if the population is over 2,500. The original Act 299 of 1959 did limit the borrowing to \$15,000, but a later amendment which was passed during that session eliminated the ceiling altogether for municipalities over 2,500 and established a \$25,000 ceiling for municipalities with a population of less than 2,500. The Act does set forth other limits, however, and the use of the phrase "as much as we need" should not be interpreted literally. The stipulation that the amount borrowed must be paid back in 5 years, one-fifth each year, is certainly a limiting factor. The borrowing under this law must fall within the 2% constitutional debt limit and must be so certified by the Department of Internal Affairs. Money borrowed under this law must be used for capital expenditures for municipal improvements and equipment.

APARTMENTS FOR RENT

When the last child in the family married and left home, back in 1890, the average wife in the United States was a widow. Today, because of earlier marriage and earlier childbearing coupled with increased longevity, when the last child leaves home, the average wife and her husband still have 14 years of life together.

That, in a nutshell, is why there is far more demand for housing - usually rental apartments - near downtown in our cities than ever before. Couples whose families have grown and who want to live within easy reach of stores, restaurants, theaters and libraries, are creating a demand for housing in the centers of our cities that simply did not exist a generation ago. And because longevity will continue to increase (and so will traffic problems in suburbia), experts agree that the current trek back to the city will probably gain considerable momentum in the decade ahead.

THOUGHTS FOR TODAY

The only job where you start at the top is digging a hole.

A husband who is busy as a bee may wake up to find his honey gone.

PUBLICATION

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The Luzerne County News-letter

VOL. IX NO. 9 WILKES COLLEGE, WILKES-BARRE, PA. SEPTEMBER 15, 1960
SEP 27 1960

FORD FOUNDATION

This area has tried to make the transition from an economy based solely upon mining to an economy based upon many diverse industries. The adjustment requires time, new points of view, and new faces. The constructive efforts of the past must continue. Wilkes College has participated, as a community college, in every effort of this area to improve its conditions. In order to coordinate and strengthen existing community efforts, the College assumed the full responsibility for three projects. Application would have to be made to a Foundation for funds when it became evident that assistance was necessary to embark on the projects.

The Ford Foundation is a non profit foundation which offers funds in the field of research and public education on broad social questions of an international, national, or local nature. It has generally offered its funds to those individuals or organizations which seek out the problems of society. The Fund has been willing in the past to provide money where new thinking is called for. Some of us who considered the problems through, dreamed that by a stroke of fate, Wilkes might be a lucky recipient from the Ford Foundation.

It was, therefore, with high hopes that Admiral Harold Stark, Chairman of the Board of Trustees at Wilkes, and Dr. Eugene Farley, President of the College, set off for the Ford Foundation headquarters in New York City. The presentation by these two energetic leaders was excellent and the reception was favorable. In August of 1960, the Ford Foundation announced that \$150,000 had been assigned to Wilkes College for an Area Research Center, the Institute of Municipal Government, and Labor-Management Citizens Relations.

Expressions of genuine gratitude from local government officials since this news broke have been manifold and it is only fitting that this widespread surge of appreciation be passed along to the Ford Foundation authorities whose understanding of our problems made the grant a reality. The Institute of Municipal Government sincerely and heartily joins the local officials in expressing gratitude.

The program of the Institute will be expanded with the grant funds. Greater assistance will be offered to all public officials. The Institute will gather a library of information relating to local government. Classes, clinics, and conferences will be increased. A small advisory and consulting service will be maintained so that the classroom instruction can be made more effective.

REPRINT

The following is a reprint from an editorial - "City and Suburbs: One Destiny," from the Philadelphia Inquirer, dated August 21, 1960.

Explosive population gains in the suburbs have wrought revolutionary changes in the face of America since the end of the Second World War. They are dramatized with tremendous impact in the series of 1960 Census reports issued by the U. S. Department of Commerce in the last few weeks.

When these reports on various aspects of the Nation's population growth are compared and analyzed, one inescapable truth stands far above all the rest:

The predominant unit of economic, social and cultural life in America is no longer the city, the small town or the rural county. It is the metropolitan area - a central city surrounded by suburban satellites that enjoy self-government and guard it zealously.

Nearly two-thirds of the country's population growth in the last ten years was in the suburbs. And nearly two-thirds of Americans today live in metropolitan areas. All but one of the five U. S. cities with more than a million inhabitants lost population in the last decade but every one of the 22 metropolitan areas with more than a million people registered substantial gains in population during the same period.

These statistics mean, in summary, that America's rapid growth is concentrated in areas around cities, namely the suburbs.

What problems does this population revolution portend?

Dr. Norman R. Ingraham, Philadelphia Health Commissioner, discussed some of them at the ninth annual State Health Conference in Harrisburg the other day. He cited the vital need for city-suburban cooperation on matters of public health and noted seven specialized fields in which cooperation to some degree already has begun in the Philadelphia Metropolitan Area. His list included mosquito control, air pollution control, stream pollution control, garbage disposal, medical care, water supply and sewage disposal.

Praiseworthy as these small beginnings are, we believe the people of Greater Philadelphia hardly have scratched the surface of city-suburban cooperation. Much more should be done in the immediate and not-so-distant future.

Public health is only one phase of the need for cooperation. Economic health is another. Public safety is still another. Specifically, the city and the suburbs should join forces to provide an improved and better coordinated mass transportation system. They well might consider closer cooperation and consultation on

police and fire protection, zoning, education, libraries, recreation and other matters.

Cooperation should be promoted not only between the city and suburbs but among the suburbs themselves. A paradox of suburban life is that residents who pride themselves as good neighbors at the individual level are indifferent neighbors at the municipal level. The lack of liaison between some contiguous boroughs and townships is appalling.

A long, hard look at a map of the Philadelphia Metropolitan Area should convince any observer that the maze of political boundary lines drawn in the 18th and 19th centuries doesn't make very much practical sense today. Borough and township boundaries do not join together people of common interest but divide them. County lines do the same. Suburbs have flourished not as the result of organization but in spite of disorganization.

We do not subscribe to proposals of wholesale annexation by the central city. It seems to us, however, that political subdivisions of the metropolitan area, while preserving local autonomy, could unite in a kind of metropolitan federation with limited and clearly defined authority. The idea is worth study both in the city and the suburbs.

AMEN (This is the only comment that the Institute of Municipal Government is willing to make.)

PITTSTON

Pittston City has embarked on its first Urban Renewal Project called the Central Pittston Urban Renewal Area. It embraces approximately forty (40) acres and extends from the Fort Jenkins Bridge to Oak Street on the westerly side of Main Street.

The plan calls for the construction of a new one-way highway which will traverse the central business district; the construction of five (5) off-street parking areas; the extension of William Street (a major thoroughfare); the clearing and redeveloping of sections of several commercial areas on Main Street and the rehabilitation of a residential section of the city. The gross project cost is estimated to be about \$2,790,000.00.

With formal presentation of the contract the Pittston authority now will borrow up to \$2,163,048 for the project. The Federal Government will pay \$1,710,277 of the project cost with the State and city to split the remainder equally.

The 40-acre project in the heart of downtown Pittston affects 120 properties, about three-fourths of them residential and the balance commercial and vacant lots. The area is from Fort Jenkins Bridge to West Oak Street and from Main Street to Susquehanna River.

One of the improvements will be a new road from Fort Jenkins Bridge paralleling Lehigh Valley Railroad and behind the business district to intersect South Main Street at Columbus Avenue. The new road will be one-way southbound with Main Street one-way northbound. Five parking areas will be established at the rear of Main Street business places in addition to a commercial area at the south end of the development. William Street will be extended to the new road.

Oregon Heights section, at lower end of the development, will be rehabilitated by the residents on a voluntary basis with some loan assistance from the authority.

TAX CONCESSIONS

Adequate natural resources, location and good social conditions are more attractive to companies than such lures as tax concessions, a leading industrialist declared. Mark W. Cresap, Jr., president of the Westinghouse Electric Corp., which has eight manufacturing and distribution facilities in the Greater Baltimore area, in addition to cautioning American communities seeking new industries not to overstress tax concessions, outlined a typical check list of the "wants of industry. The community with a realistic, sound and equitable tax structure that indicates stable financing of government services will be considered more seriously by industry than one which offers special tax advantages to newcomer industries, he said.

"If a community meets such special requirements, inquiry moves into the area of economic and social conditions. The interplay of these factors must be assessed carefully. In the forefront of your deliberations is that you are committing your company to the expenditure of millions of dollars and a long, long stay in that community," Mr. Cresap explained. The Westinghouse president said that the check list of criteria for picking a new plant location includes: 1. Electric power - "Is it ample, dependable and reasonably priced?" 2. Labor supply - "Is it adequate - are the rates fair - is the turnover low?" 3. Communications - "Are there adequate air, rail and highway links with larger cities and market centers?" 4. Site values - "Are sites reasonably priced? Are they accessible to highway and railroad lines? Will gas, water and sewer lines and a good road serve the property?"

THOUGHTS FOR TODAY

Financial headaches are bad - severe pain extends as far down as the pants pockets.

A raisin is a grape that has had too many worries.

PUBLICATION

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VOL. IX NO. 10 WILKES COLLEGE, WILKES-BARRE, PA. OCTOBER 15, 1960

PUBLICATIONS

The Bureau of Municipal Affairs recently released two publications that provide a wealth of information for all locals. Act 481 of 1947 has been a good source of revenue for local governments. It has also caused many legal problems. The most recent study of this Act--The Legislative and Judicial Development of Act 481--includes much of the material of the earlier studies of 1950 and 1957, combined with amendments made to the Act by The General Assembly since 1957. This study also includes the decisions of courts pertaining to the Act.

Retirement for public employees has recently been a subject for lively discussion among local officials. The Bureau has now published a revision of an earlier study--A Guide to Pennsylvania Municipal Retirement and Pension Laws--which includes many of the changes in the laws since the earlier study. Local officials will find the Question and Answer Section in Appendix I quite informative.

TRAILER PARK

They have become "big business." Investors are taking a good look at them. No longer are these parking facilities for house trailers abandoned spots behind a row of billboards. Most of the new ones offer electricity, gas, sewers, cement slabs, laundries, recreational areas, and some of the luxury types even include swimming pools. Average rentals are \$30 to \$50 per month. Luxury lots rent for as high as \$150. Average costs for land and improvements vary, but \$1,500 to \$2,000 per trailer space would not be far from median. Average vacancy rate the nation over is 7%. Turnover is infrequent, because most tenants use these trailers as more or less permanent homes. Owners of such parks expect a net return of 10% on their over-all investment, and a return of their capital expenditures for improvements at the rate of 5% for 20 years. Some recapture 10% a year for 10 years. Trailer parks need zoning and regulation. More than 3 million people now live "on wheels." Best parks provide 3,000 square feet per space, and can be made a pleasing part of the community.

JOINT PURCHASE

Four local municipalities completed plans to suggest to their respective governing bodies the joint purchase of a \$25,000 road paving machine.

Representatives from Falls, Bristol, and Middletown townships and Bristol Borough, all in Bucks County, agreed during a Regional Cooperation Committee meeting, to seek approval from their respective boards and councils to jointly purchase the machine.

Milton Berkes, Falls board of supervisors chairman and cooperation committee chairman said the joint purchase of the huge device at an approximate cost of up to \$25,000 would solve one of the municipalities greatest road maintenance problems.

WATER AND SEWAGE

There is no sales appeal in sewers so most developers put in septic tanks, says Edward T. Thompson in the December issue of Fortune. The average home builder does not realize that up to 95 per cent of the water that enters a house must be carried away. Five or ten years later, the owner is stuck with sewer cost that will be far higher than if originally planned. (Georgia Local Government Journal, February 1959, p. 13)

FINANCES AND TAXATION

Collusive bidding on city or state purchases has been lessened in Texas. A new state law, aimed at discouraging identical bids, orders cities, counties, and special districts to award the contract by lot when all b'ds are the same. (Public Administration Bulletin, June 30, 1959).

STREETS

New and lower curb designs should be considered when planning street construction, since the modern cars have such restricted ground clearance that many car doors will not open if the curb height exceeds six inches. (Public Works, January 1959, p. 7).

Blast furnace slag provides excellent and lasting non-skid properties for constructing highway or street surfaces, according to a report from the American Road Builders' Association. Where slag surfaces were compared with those of other aggregate types, the slag pavements were always superior in showing higher coefficient of friction, with the exception of those covered with Kentucky rock asphalt, where the two were about equal. (Technical Bulletin No. 241, 1959, American Road Builders' Association).

Mixing asphalt patching material can be accomplished easily and economically by a new, portable, low cost machine which will produce

high-grade hot or cold mix material. It has a rotary dryer with a screw-feed type charging hopper, 100 gallon capacity asphalt tank with self-cleaning volumetric asphalt measuring system, pugmill and heating system. This machine is tractor mounted and sells for about \$3,000 f.o.b. plant. (The American City, February 1959, p. 189).

A SPLENDID IDEA

"Information Please" is the title of a booklet or publication to be issued quarterly by Lower Southampton Township, Bucks County. Volume I, Number 1 is now in our possession and indicates a splendid sense of responsibility to the general public on the part of this Board of Supervisors and a very comprehensive method of keeping their citizenry informed as to the activities of the township.

This newsletter, fourteen pages, is crammed full of pertinent information about the township and its operation that would be of value to all citizens and taxpayers and if it is to reach all these citizens quarterly as is planned, it will unquestionably provide the best of relations between the Supervisors and their constituency.

It is a splendid example of good public relations and a few copies are available in your State Association office for other Townships who should be interested in such an activity, as this can serve as a good example of what many Townships need in this field.

A TYPICAL COUNCILMAN WEARS TEN HATS

The typical city councilman wears ten different "hats" in the administration of his position. Arthur W. Bromage, professor of political science and a specialist on the problems of local government at the University of Michigan, Ann Arbor, Michigan, discussed this fact at a recent Institute for Mayors and Councilmen at the University of Michigan.

The ten roles which a councilman must play confidently and expertly include:

1. Legislator--He must regulate property by zoning and building and housing regulations and exercise control over persons by ordinance.
2. Financier--Although in most municipal governments, the finance officer prepares the budget, the councilman makes the final decision. He must tell the people that municipal government is a bargain when it is compared with the price of rampant crime, death by fire, spread of disease, and juvenile delinquency.

3. Employer--The councilman is responsible for all employees of a city. He must see that they are adequately paid and that the employees are provided with decent working conditions and fringe benefits.

4. Constructive Critic--Administrators are not perfect; they can get in a bureaucratic rut. When this happens it is up to the councilman to bring complaints to high administrative officers who can work out the problem with him.

5. Buyer--The councilman, who is probably one of the biggest buyers in our society, is dependent upon the administrators in this function. Requests for equipment, for example, must be in such a form that the councilman can see that the city gets the best value possible.

6. Administrator--The councilman is not always the policy maker; sometimes he has to decide on certain matters such as the issuance of licenses.

7. Intergovernmental Policy Expert--The councilman has to decide, for example, whether to sell water services to fringe areas. He also is asked to appear before the state governing bodies to represent his city's viewpoint and to make policy which determines the relation of the city to the federal government.

8. Public Relations Man--"Don't wait until a problem arises and then douse the fire with water," Professor Bromage advised. "Have a positive program and try to foresee problems before they become critical."

9. Fundamental Law Man--It is the councilman's business to recommend charter amendments if the old charter creates a serious problem and binds the city's progress.

10. General All-Purpose--This includes all of his other duties, such as attending ceremonial functions, making speeches, and reading and studying bills.

THOUGHTS FOR TODAY

Some women say they could have married anyone they pleased, evidently they never pleased anyone.

It's better to have loved a short guy than never to have loved a tall.

PUBLICATION

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The Luzerne County News-letter

VOL. IX NO. 11 WILKES COLLEGE, WILKES-BARRE, PA. NOVEMBER 15, 1960

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ARE CITIES IN TROUBLE?

Downtown areas of cities and large boroughs are in trouble if they cannot restore their past vitality. It is clear the statement is a conditional one and the condition is that cities and larger boroughs engage in forward working, creative integrated planning. The restoration of downtown areas can only take place through effective implements of such planning and not by superficial measures.

At the route of the trouble in the urban areas is the fact that public officials have not caught up with the tremendous technological development which has taken place in the last fifty years. In the last fifty years, we have had new inventions all the way from the automobile to rockets to the moon and yet the urban areas in their patterns and organizations have not changed at all. The same functional pattern still exists. Cities have not adapted themselves to the automobile age.

The automobile has come to be used as a means of mass transportation. Instead of people riding streetcars, subways, buses, or trains downtown, they now try to drive their automobiles; and our cities are simply not built to handle the number of automobiles that it takes for everybody to go downtown in his own car. It isn't the automobile per se which causes the trouble, it is the misapplied usage of it for mass transportation in heavy built-up areas. The automobile is also responsible for urban sprawl and suburban scatterization.

Most urban areas are building bigger freeways to handle the growing auto traffic. This has been carried on with the investment of billions of dollars during the past ten years. But isn't this a murder plot against our urban areas? The murder method is that of slowly poisoning a city by invasion of foreign particles into the blood stream in increasing doses. These particles in the form of automobiles and trucks can not be absorbed by the urban body and, therefore, cause serious diseases. The plotters are assisted by 5th columnists within the city who--by facilitating automobile traffic through widening of streets, one-way traffic, construction of gigantic garages--see to it that the poison is spread in the heart area of the city until it attacks the tissues of the most important urban cells.

The qualities that make a central area truly accessible are compactness and cohesiveness. If downtown buildings are level to make room for more and more cars, we destroy these qualities. Today, more of our urban areas resemble tremendous parking lots made inefficient by the island of buildings

which remain within them. The result is that our downtown areas are becoming such a nerve-racking environment that people are not going downtown as they used to. They are avoiding the downtown area.

Freeways can never present a complete solution to an urban area problem. Private automobile transportation, even with the largest amount of freeway construction, cannot solve the transportation problem for any large area.

Some experts in this field suggest subsidies to mass transportation facilities because these facilities move people and not cars or traffic, because moving people should be the primary objective in the first place. Victor Gruen suggests a new type of metropolitan organization that he calls the cellular form of urban planning. He begins by building from human beings to a family unit, then a group of family units, and then to a small community. A number of these cellular forms of communities may then form a bigger one which may be a town, but, each of these cellular forms or communities ought to remain as a definite unit and should not flow into the others. He feels that the cities of the future should arrange green spaces and separations between each one of the cellular forms and should not allow the cities to be converted into endless suburban deserts.

He does not feel that a complete rebuilding of the cities is necessary. Conversion of the present pattern of our cities could be accomplished with comparatively little effort into the kind of pattern that he suggests. Some of the present tools would be used to acquire this reconversion such as freeways, highways, and parkways. He contends that we are now building these from a strictly engineering point of view--simply to connect two points of non-existent interest in the shortest possible manner. In building freeways, he maintains that we are disrupting existing communities, often cutting them apart, cutting off homes from their schools or from their shopping centers. If we use freeways to encircle the cells or the communities in such a way as to provide green areas as we already do in our parkways, then while creating traffic ways we are simultaneously creating the desirable buffer between units. And what seems more important to him is that we could form urban units which instead of flowing into each other, are clearly defined and separated. Victor Gruen is probably best remembered for his idea of "the downtown maul." While he does not now disown the "maul" idea, he does feel that it is now used merely as a promotional device. According to him, the maul will be effective only if other things have been done first. Before a maul can be built, he suggests arranging for better accessibility to downtown areas by both private and public transportation. "Retainer basins" must be provided. "Loop roads" encircling a core area and immediately adjoining the loop roads must be provided. Also before the downtown can be revitalized effectively

something must be done about the slums. Once these steps are taken than the closing of the downtown core to auto traffic and its opening up as landscaped malls and courts become a choice and valuable step.

A number of cities have attempted just such ambitious projects, among them: Stamford, Connecticut; Patterson, New Jersey; Rochester, New York.

NATIONAL VIOLATIONS REGISTER

HARRISBURG - A National Register which will list the names of motor drivers whose driving permits have been revoked for driving while intoxicated or violation of the State's motor code resulting in the death of a person will be established by the U. S. Bureau of Public Roads. Secretary of Highways Park H. Martin has been advised by the U. S. Bureau of Public Roads that Wendell G. Eamers of Preston, Idaho has been named director of the Register. Public Law 86-660, approved in July, 1960, requires the Department of Commerce to establish such a Register which is scheduled to be in operation the latter part of 1961.

There are approximately one million operators licenses revoked annually, of which about 250,000 are for driving while intoxicated or for violations of the motor code involving loss of life. Initial contacts are to be made with the American Association of Motor Vehicle Administrators for establishing procedures and operations for the new unit. The program is voluntary insofar as the States are concerned, but it is expected that those participating will be able to reduce or prevent the granting of driving privileges to persons whose licenses have been revoked in other states.

NANTICOKE

The roof of a house at 28 North Walnut Street, Nanticoke, was removed today signalling the razing of the first property by the Nanticoke Redevelopment Authority as part of its Market-Broadway Redevelopment Project.

Specifications for razing of 10 to 15 additional properties for the second contract have been approved by the Housing and Home Finance Agency regional office at Philadelphia, according to word received by Stanley Yantz, authority chairman, and Alois Bohinski, executive director of redevelopment.

The authority now owns 28 properties with 12 others under option. These remaining parcels will be negotiated for during October after which final plans for rebuilding will begin. A total of \$1,688,825 has been allocated for the purchase of properties.

The authority has spent \$582,500 for land and buildings, and has applied for a Federal outright grant of \$350,000. The Philadelphia regional office has informed the authority that the central office in Washington has been notified to issue a check for \$330,081. A payment of \$957.75 for moving expenses for families under the contract for relocation payments also has been recommended by the regional office.

SINGLE POLICE, FIRE DEPARTMENT

Sharon City Council has approved a plan that would provide a single police force and fire department for five communities. Under the plan adopted yesterday, the Shenango Valley Metropolitan District would be created and have one police force, fire department and zoning commission. The district would cover Sharon, Farrell, Hickory Twn., Sharpsville and Wheatland. The plan will go to the Pennsylvania League of Third Class cities next month for approval then to the State Legislature. Each of the five communities would retain its own government and taxing bodies.

PHILLIP R. TUHY

Phillip R. Tuhy has been added to the Institute of Municipal Government as instructional assistant. He will also teach classes in the political science department. Mr. Tuhy, senior planner for the Luzerne County Planning Commission, will assume his duties on December 1. Mr. Tuhy is well prepared by education, background, and experience to join the Institute. He is a graduate of Valpariso University majoring in political science and also a graduate of the University of Pennsylvania with a major in governmental administration. During 1956-1957, Mr. Tuhy was assistant borough manager at Downingtown, Pennsylvania, where he conducted a research program for the community. He has also been associated with the International Cities Manager Association in a wide variety of capacities. The Institute of Municipal Government at Wilkes College is happy and delighted to have Mr. Tuhy join its staff.

THOUGHTS FOR TODAY

Some people think they're moral, when they're merely uncomfortable.

Before a man can wake up and find himself famous he must wake up and find himself.

PUBLICATION

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The Luzerne County News-letter

VOL. IX NO. 12 WILKES COLLEGE, WILKES-BARRE, PA. DECEMBER 15, 1960

MUNICIPAL BUDGETING

As the year draws to a close, municipal officials are, or should be, involved in the preparation of a budget for the coming year. A good municipal budget can accomplish a number of things: it establishes control over public funds; it is a plan of action for the immediate future; it assists local legislators in making policy decisions; and it informs the citizen of the operations of the municipality.

In order to have a sound budget program, certain requirements should be met. Strict conformance to the legal requirements is a necessity; complete and accurate accounting and good departmental records of work performed and work unit costs permit realistic estimates; adequate budget forms insure uniformity of estimates; adherence to a carefully prepared time schedule reduces emergency meetings and agreement on a long-term program of capital expenditures reduces strains on the debt limit.

The first step in the actual preparation of the tentative budget for the year is to make detailed estimates of the amounts required for the various functions of the municipal government.

A workable and balanced budget requires a careful study of expenditure and revenue trends of the three or more preceding years. These trends should be analyzed in the light of the following questions: (1) What new public services will have to be furnished during the coming year and how shall they be financed? (2) Should salaries and wages be adjusted in accordance with the trend of living costs? (3) Is debt service increasing or decreasing? (4) How does the outstanding floating debt compare with that of other years?

Fixed or mandatory expenditures should be computed first in the preparation of the municipality budget. This includes items such as debt service, repayment of temporary loans, and so forth. Next to be considered are the estimates of proposed expenditures submitted by the various municipal departments. With specific expenditures set down, summary totals can be made.

The next step is to estimate receipts for the coming year. As with expenditures, receipts should also be analyzed: (1) Are the yields from the taxes on real estate and occupations, millages being equal, rising, declining, or remaining stable? (2) Can general property taxes be increased, if necessary? (3) If not, what other sources of tax revenue are available? (4) Have the best tax

delinquencies been collected? (5) Are miscellaneous revenues, such as these from fines and fees, service charges, grants from the State or county, and taxes on non-real estate sources, rising, declining or remaining stable? (6) To what extent can permanent improvements be financed by special assessments? With this specific information set down, it is possible to estimate the revenue available for the coming year.

A mere glance at the total of expenditures and the information on revenue trends will indicate whether the municipality can proceed for the following year without significant changes in revenue policies by relying on the same revenue sources, with possibly a slight upward or downward adjustment in millage. Usually, the estimated expenditures are considerably in excess of available receipts. This will call for a thorough review of the entire budget--should services be curtailed, or should an increase of revenue be sought?

It is at this point that local legislators are forced to make important decisions: They can judge the adequacy of municipal operations; review the efficiency of work methods; restudy organization and personnel patterns; and compare borrowing with a pay-as-you-go plan. This information should be made available by the chief administrator.

Budget making should be regarded as a year-round process by the operating departments. Budgets can be improved through the compilation and use of general background information and the advance outlining of significant policy matters. In order to facilitate the estimate of work programs, cost and work units should be developed and standards for the cost and work units should be established. This would call for a continuous program of management research.

CITIZEN PARTICIPATION

(A Reprint)

By Aaron Levine

A major strength of planning in Philadelphia has been the strong support of citizen leadership. Businessmen, neighborhood leaders, professional persons--all levels of citizen leadership are interested and to some degree participate in the planning process. All major planning proposals, including the new Comprehensive Plan, the zoning ordinance, and even the six-year Capital Program now receive an intensive citizen review that few cities provide.

This lack of true representation of all major segments of the total community, coupled with an inadequate budget for staff services to ensure continuity of citizen involvement, makes "citizen participation in planning" a practice more devoutly to be sought after than ever to be discovered.

Philadelphia has been somewhat more fortunate than most communities in this regard. Citizen participation in its planning process goes back to the early 'forties, before a full-fledged city planning commission had been established.

A relatively small group of people worked against incredible odds in its attempt to establish a planning commission in a city which had been carefully preserved in inertia for some sixty years by the same political party. Any change of the status quo could only mean a disturbance of the powers which were entrenched and which intended to remain so indefinitely. No one faintly familiar with the history of Philadelphia need be told that the city administration of those days was hardly to be called progressive. Most of the councilmen were openly skeptical of the need for "long-haired planners," as the local press described them.

Since its formation in 1943, the Citizens' Council and the other citizen agencies have reviewed just about every major planning proposal for Philadelphia, to ensure that the finished plans not only represented the best solutions technically, but also took into consideration the citizens' desires and dreams.

The Citizens' Council organizes and sponsors activities in which the citizen may participate in the planning process at several different levels--in a neighborhood committee, in a larger geographic-area organization, or in a city-wide advisory group.

In general, neighborhood improvement associations meet monthly to discuss local planning problems or proposed capital improvements. Speakers from public agencies are always ready to meet with them. Last year, the Recreation Commissioner alone addressed more than one hundred of these evening meetings. He was able to learn at first hand the neighbors' ideas on the type of recreation development the community desired.

At the next level, the Citizens' Council has used a "town meeting" format to bring together representatives of many organizations within a fairly large geographic section of the city. They hear the Mayor explain briefly the general problem of providing public improvements for the entire city, and the Director of the Planning Commission outlines the specific projects scheduled for that area. These talks are followed by direct questioning from the audience. Usually, the commissioners of health, recreation, streets, or water are present to provide more specific, detailed answers.

At the city-wide level of citizen participation, there are advisory committees that work with most of the public agencies, helping to formulate policy as well as to advise on technical aspects of the varied programs.

It is the continuing and intensive involvement of the citizen at many levels of city planning which is peculiar to Philadelphia among major cities. It has produced concerted citizen support for planning in Philadelphia--support which has permitted the City Council to approve the passage of every major planning proposal brought before it during the past seventeen years.

The principal businessmen and industrialists in Philadelphia are active in many civic agencies--agencies like the Delaware Valley Council, the Philadelphia Housing Association, the Greater Philadelphia Movement, the Citizens' Budget Committee, the Bureau of Municipal Research--Pennsylvania Economy League, the Citizens' Council on City Planning, the Old Philadelphia Development Corporation, the Food Distribution Center, and the Philadelphia Industrial Development Corporation. The latter three are relatively new nonprofit business organizations established for a specific planning and development purpose.

Civic agencies and public agencies have also obtained the assistance of many academic men in Philadelphia. On each of the boards of the civic groups and public agencies there are leading staff members of the educational institutions. They have not retreated to their campus shelters, shutting out the downtown community.

The high degree of citizen participation in planning in Philadelphia is furthered by the existence of a ready vehicle for the citizen viewpoint in a Planning Commission established at the outset because of citizen pressure and a city government which is extremely sensitive and responsive to citizen opinion.

The visitor to Philadelphia often inquires how it is possible to induce busy men and women to volunteer their limited time and effort for this unpublicized citizen activity. After all, these people receive little public recognition, have no fancy letterhead bearing the city seal and their names, nor can they distribute expensive documents with their names imprinted.

Why do they participate in civic agencies? It is because these men and women have come to realize that their ideas and recommendations are taken seriously by the Planning Commission, the city administration, and the City Council. They have seen their recommendations considered and frequently accepted and, even when the public officials have not immediately endorsed their ideas, they have observed that subsequent public policy in Philadelphia often reflects citizen thinking.

THOUGHTS FOR TODAY

The best way to get a wart off your hands is to marry him.

Marriage resembles a pair of shears, so joined so that they can't be separated, often moving in opposite directions, yet punishing anyone who tries to come between them.

PUBLICATION

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