APPENDIX A

Program Regulations
Keystone Recreation, Park and Conservation Fund

Title 22

CHAPTER 142: GRANTS FOR PUBLIC LIBRARY FACILITIES

Title 22

CHAPTER 142. GRANTS FOR PUBLIC LIBRARY FACILITIES

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Authority

The provisions of this Chapter 142 issued under section 8(a) of the Keystone Recreation, Park and Conservation Fund Act (32 P. S. § 2018(a)); and section 201(15) of The Library Code (24 P. S. § 4201(15)), unless otherwise noted.

Source

The provisions of this Chapter 142 adopted December 13, 1996, effective December 14, 1996, 26 Pa.B. 5951, unless otherwise noted.

§ 142.1. Definitions.

The following words and terms, when used in this chapter, have the following meanings unless the context clearly indicates otherwise:

Acquisition—The purchase or lease with an option to purchase of land or buildings for public library uses.

Act—The Keystone Recreation, Park and Conservation Fund Act (32 P. S. § § 2011—2024).

Administrative expenses—An expenditure of funds, including expenditures of Commonwealth agencies for personnel and other operating costs necessary to accomplish the purposes of the act.

Agency—The Department of Education.

Commonwealth Libraries—The State Library of Pennsylvania, part of the Department of Education.

Development—New construction, improvement, alteration or renovation required for and compatible with the physical development, improvement of land or buildings for public library purposes.

Fund—The Keystone Recreation, Park and Conservation Fund established by the act.

Indirect costs—Costs including administration or utilities that are not readily identifiable as particular, eligible costs directly related to the project.

Land—Real property, including improvements thereon, right-of-ways, water, riparian and other rights, easements, privileges and any other physical property or rights of interest of any kind or description relating to or connected with real property.

Library—A free, public, nonsectarian library, whether established and maintained by a municipality or by a private association, corporation or group, which serves the informational, educational and recreational needs of the residents of the area for which its governing body is responsible by providing free access, including free lending and reference services, to an organized and currently useful collection of printed items and other materials and to the services of a staff trained to recognize and provide for these needs.

Minor civil division—A city, borough, incorporated town, township, home rule municipality or other local government within a county for which the Department of Labor and Industry provides unemployment statistics.

Municipality—A county, city, borough, incorporated town, township, home rule municipality or an official agency created by the foregoing units of government under the laws of the Commonwealth. Actions of an authority or other official agency taken under the act shall be first approved by the participating local governing bodies in that authority or other official agency.

Planning—Master site development plans, feasibility studies, maintenance, management plans, and other plans and documents, including long-range plans for the allocation of grants, useful to municipalities and State agencies in the planning, development, operation, protection and management of their public library facilities and programs. Planning may be performed by State agency staff or by outside consultants.

Public library—A library, as defined in section 3 of the act (32 P. S. § 2013), or library system, as defined in § 141.24(b)(1) (relating to library systems).

Rehabilitation—The improvement or restoration, excluding routine maintenance of existing public library facilities.

Routine maintenance—Recurring upkeep needed on a regular basis for physical facilities,

including cleaning, minor repair of fixtures or structures, painting, regular servicing of heating, air conditioning or other equipment and landscape maintenance such as lawn care or pruning.

Technical assistance—The provision of grant and professional service to municipalities, organizations and citizens, including publications, video tapes, workshops, meetings, phone consultation and written and electronic communication.

Third-party in-kind contributions—Property or services that benefit a grant-supported project and that are contributed without charge to the grant recipient by a third-party other than a municipality, a school district or a public library.

Third-party costs—Direct expenditures for property or services that benefit a grant-supported project and that are contributed without charge to the grant recipient by a third-party other than a municipality, a school district or a public library.

§ 142.2. Long-range plan.

(a) Commonwealth Libraries, in consultation with the Advisory Council on Library Development, will prepare a 3 to 5 year long-range plan for the allocation of grants available to municipalities for public library planning, acquisition, development or rehabilitation from the Fund. In preparing the long-range plan, Commonwealth Libraries will consult with municipal officials and library representatives. The long-range plan will be reviewed each year by Commonwealth Libraries and modified as need dictates. The long-range plan will include the following components:

(1) A library facility needs assessment, including an analysis of the need in different geographical regions of this Commonwealth and of libraries serving various size municipalities, and a consideration of county library system plans.

(2) An action plan to meet the need for improved library facilities through the use of the Fund and other available moneys.

(3) Commonwealth Libraries' policies concerning the grants for public library facilities.

(4) A plan for Commonwealth Libraries' administration of the program, including provision of technical assistance, monitoring of ongoing projects and evaluation of completed projects.

(b) Grants to municipalities for public library planning, acquisition, development or rehabilitation will be made in accordance with the long-range plan.

(c) Commonwealth Libraries will incur administrative expenses to meet costs of activities listed in the component of the long-range plan described in subsection (a)(4), to meet costs of planning, and to meet other costs of grants administration.

(d) Commonwealth Libraries will publish the long-range plan and subsequent modifications to the long-range plan in the *Pennsylvania Bulletin*.

§ 142.3. Eligible project costs.

(a) Commonwealth Libraries, in accordance with the policies in its long-range plan for library facilities, may provide grants to pay for the following eligible project costs:

(1) Planning.

(2) Acquisition.

(3) Development.

(4) Rehabilitation.

(b) Grants may not be used for the following ineligible costs:

(1) Operating costs of a public library, including costs of purchasing books and other library materials, personnel costs and costs of routine maintenance.

(2) Costs of equipment or software, or both, to automate public library functions and catalogs unless the automation is part of the development or rehabilitation of a public library facility.

(3) Planning, acquisition, development or rehabilitation of facilities that are not public libraries. In the case of shared facilities, the grant and related matching funds may pay only for that portion of the facility to be used as a public library.

§ 142.4. Eligible grantees.

(a) A municipality that intends to plan, acquire, develop or rehabilitate a public library is eligible to apply for a grant.

(b) The public library for which a municipality applies for a grant shall have a formal, legal relationship with that municipality, either by being a department or unit of local government or through a contract describing mutual obligations and responsibilities.

(c) A municipality, alone or in cooperation with other municipalities, is eligible to apply for a grant for a public library funded by local tax revenue or monies raised by the levy of special taxes to establish or maintain, or both, a public library which directly provides public library service, delegates responsibility for public library service to a board of directors, or delegates responsibility for public library service to a nonprofit corporation.

(d) If a public library serves more than one municipality, the municipalities shall come to mutual agreement and designate one to apply for a grant for that library.

(e) When a public library is sponsored by a school district or any entity other than a municipality, the municipality where the public library is located may apply for a grant for that public library.

(f) The public library that benefits from the grant shall be receiving State aid under Article III of the Library Code (24 P. S. § § 4301—4304) at the time of the grant application and shall continue to receive State aid for the term of the grant. If the public library did not exist prior to the grant-funded project to acquire, plan, develop or rehabilitate its facility, that newly formed public library is eligible for and may apply to receive State aid under Article III of the Library Code when it opens to the public.

§ 142.5. Funding guidelines.

(a) Commonwealth Libraries will award grants from the Fund to municipalities to pay up to 50% of eligible public library project costs.

(b) The municipality shall demonstrate that sufficient matching funds from eligible sources are available to meet at least 50% of project costs.

(c) The municipality shall demonstrate that the grant award plus other available funds are sufficient to complete the proposed project.

(d) Commonwealth Libraries will give priority to economically distressed communities in awarding grants meeting 50% of costs and may award grants meeting a smaller percentage of project costs to municipalities whose local economies better enable local support of the project. For purposes of this grant program, in deciding whether a community is considered economically distressed, Commonwealth Libraries will be guided by one or more of the following criteria:

(1) The public library to benefit from the grant received equalization aid in the year of the grant application or will be eligible to receive equalization aid in the year following the grant application under section 303(b)(6) of the Library Code (24 P. S. § 4303(b)(6)).

(2) The municipality is a city, borough, incorporated town or township having a market value per capita below the twentieth percentile of all like cities, boroughs, incorporated town and townships, as certified annually by the State Tax Equalization Board.

(3) The municipality is a county or is located in a county having a personal income per capita below the twentieth percentile of all counties, as certified annually by the Department of Revenue.

(4) The municipality is a county or is located in a county or is a minor civil division with a population of 25,000 or higher having an average annual unemployment rate above the eightieth percentile of all counties or all minor civil divisions, as determined annually by the Department of Labor and Industry.

Cross References

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

§ 142.6. Eligible matching funds.

(a) Commonwealth Libraries may award Federal library construction funds, when available, to pay additional portions of project costs and meet matching requirements of grants awarded from the Fund. Priority for these Federal grants will be given to municipalities in economically distressed communities, using criteria in § 142.5(d) (relating to funding guidelines).

(b) The municipality may use Federal funds, other than those awarded under subsection (a), which are available to it or to the public library, as matching funds, if the Federal funds are not already being used to match another State grant.

(c) The municipality may use State funds, other than those awarded from the Fund, and which are available to it or to the public library, as matching funds, if the funds were not appropriated as compensation to public libraries under the Library Access Statewide Card Program or as library State-aid under terms of Article III of the Library Code (24 P. S. § § 4301—4304).

(d) The municipality may use the following local monies, costs and contributions as matching funds:

(1) Local tax revenues.

(2) Proceeds from local bond issues.

(3) Cash contributions from individuals, corporations and others.

(4) The fair market value of land or buildings provided to the public library by the municipality up to 2 years previous to award of the grant. The market value shall be for the time at which the land or buildings were designated for the public library.

(5) Costs incurred by the municipality or the public library up to 2 years prior to filing of the initial application for the following:

(i) Services of a library building consultant, registered architect, engineering firm used in the development of plans for the project.

(ii) Acquisition of real estate as part of the project.

(iii) Physical site preparation.

(6) Third-party in-kind contributions and third-party costs which conform to the rules in § § 142.7—142.9 (relating to third-party in-kind contributions and third-party costs; valuation of donated services; and valuation of donated equipment, buildings and land).

§ 142.7. Third-party in-kind contributions and third-party costs.

(a) The municipality may use third-party in-kind contributions and third-party costs towards satisfying the matching requirement only when those contributions and costs are directly related to the public library planning, acquisition, development or rehabilitation project. The

municipality may not use third-party in-kind contributions and third-party costs for operation of the public library to count towards satisfying the matching requirement.

(b) If third-party in-kind contributions and third-party costs are used as matching funds, the municipality shall be able to verify those contributions and costs from its records or the records of the public library. The municipality shall show from the records how the value placed on third-party in-kind contributions was calculated. To the extent feasible, the municipality shall verify the value of volunteer services by using the same methods that the municipality or the public library uses to support the allocation of its regular personnel costs.

(c) The municipality may use third-party in-kind contributions towards satisfying the matching requirement only when, if the municipality or public library receiving the contributions were to pay for them, the payments would be eligible matching funds.

(d) The municipality may not use third-party in-kind contributions towards satisfying the matching requirement if they represent indirect costs.

Cross References

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

§ 142.8. Valuation of donated services.

(a) The municipality shall value volunteer services provided by individuals to the municipality or public library at rates consistent with those ordinarily paid for similar work in the municipality or public library. If the municipality or public library does not have employes performing similar work, the municipality shall use rates consistent with those ordinarily paid by other employers for similar work in the same labor market. In either case, the municipality may include a reasonable amount for fringe benefits in the valuation.

(b) When an employer other than the municipality or public library furnishes free of charge the services of an employee in the employe's normal line of work, the municipality shall value the services at the employe's rate of pay exclusive of fringe benefits and the employer's overhead costs. If the services are in a different line of work, subsection (a) applies.

Cross References

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

§ 142.9. Valuation of donated equipment, buildings and land.

(a) The municipality may count as matching funds the market value of donated equipment, buildings or land at the time of donation.

(b) If it is necessary to establish the market value of land or a building, Commonwealth Libraries may require that the market value be established by a certified real property appraiser and that the value be certified by the municipality and by the public library.

Cross References

This section cited in 22 Pa. Code § 142.6 (relating to eligible matching funds).

§ 142.10. Title to site.

(a) The municipality or public library shall have or obtain a full title or other interest in the site upon which the public library facility is or will be located, including right of access, that is sufficient to insure the undisturbed use and possession of the facility as a public library for 50 years or the useful life of the project to be funded by the grant, whichever is shorter.

(b) If the title to the site upon which the public library facility is or will be located is held by the municipality, the municipal officials shall pass a resolution or ordiniance ensuring the undisturbed use of the facility as a public library for 50 years or the useful life of the project to be funded by the grant, whichever is shorter.

(c) If during the 50-year period, the municipality or public library desires that the facility be used for other than public library purposes, it may request a waiver from the State Librarian. In deciding whether to grant that waiver, the State Librarian will consider the public library's need for a facility and how that need will be met.

(d) Recipients of grants for public library facilities under the act may not dispose of nor at any time convert property acquired with the grant to other than the purposes approved in the project application without the prior written approval of the Commissioner of Libraries, the State Librarian. If disposition or conversion occurs without prior written approval, the State Librarian may require:

(1) The recipient to refund all grant funds for the particular project, including 10% annual interest compounded four times annually from the date the original grant-in-aid was received until it is repaid.

(2) Acquisition by the recipient of equivalent replacement land, as determined by the State Librarian.

§ 142.11. Beginning the grant project.

Before grant project work is advertised or placed on the market for bidding, the municipality shall get approval from Commonwealth Libraries of final working drawings and specifications.

§ 142.12. Completing the grant project.

(a) The sponsoring municipality shall complete its grant project within a reasonable time.

(b) The municipality shall complete the grant project in accordance with the grant application and approved drawings and specifications.

§ 142.13. Supervision and inspection by the municipality.

In the case of grants for development or rehabilitation, the municipality shall retain a licensed architect or professional engineer for supervising or inspecting at the project site to insure the work conforms to the approved drawings and specifications when the supervision is determined to be necessary by Commonwealth Libraries.

§ 142.14. Operation and maintenance of facility.

An authorized representative of the grantee shall sign a form provided by the Agency to assure that, when the project is completed, sufficient funds will be available for effective operation and maintenance of the public library.

(Retrieved from http://www.pacode.com/secure/data/022/chapter142/chap142toc.html. 4/5/12 2012)

APPENDIX B

Pennsylvania Historical & Museum Commission

Project Review Form

Pennsylvania Historical & Museum Commission

PROJECT REVIEW FORM

Request to Initiate SHPO Consultation on State and Federal Undertakings

SHPO USE ONLY
DATE RECEIVED:
ER NUMBER:

REV: 10/2014

SECTION A: PROJECT NAME & LOCATION

Is this a new submittal? ☐ YES ☐ NO **OR** ☐ **This is additional information for ER Number:**

Project Name | County | Municipality

Project Address | City/State/ Zip

SECTION B: CONTACT INFORMATION & MAILING ADDRESS

Name | Phone

Company | Fax

Street/PO Box | Email

City/State/Zip

SECTION C: PROJECT DESCRIPTION

This project is located on: (check all that apply) ☐ Federal property ☐ State property ☐ Municipal property ☐ Private property

List all federal and state agencies and programs providing funds, permits, licenses.

Agency Type	Agency/Program/Permit Name	Project/Permit/Tracking Number (if applicable)

Proposed Work – Attach project description, scope of work, site plans, and/or drawings

Project includes (check all that apply): ☐ Construction ☐ Demolition ☐ Rehabilitation ☐ Disposition

Total acres of project area: Total acres of earth disturbance:

Are there any buildings or structures within the project area? ☐ Yes ☐ No Approximate age of buildings:

Does this project involve properties listed in or eligible for the National Register of Historic Places, or designated as historic by a local government?	Yes	No	Unsure	Name of historic property or historic districts	

Please print and mail completed form and all attachments to:

PHMC
State Historic Preservation Office
400 North St.
Commonwealth Keystone Building, 2nd Floor
Harrisburg, PA 17120-0093

Attachments – Please include the following information with this form

- ☐ **Map –** 7.5' USGS quad showing project boundary and Area of Potential Effect
- ☐ **Description/Scope –** Describe the project, including any ground disturbance and previous land use
- ☐ **Site Plans/Drawings –** Indicate the location and age, if known, of all buildings in the project area
- ☐ **Photographs –** Attach prints or digital photographs showing the project site, including images of all buildings and structures keyed to a site plan

SHPO DETERMINATION (SHPO USE ONLY)

- ☐ There are **NO HISTORIC PROPERTIES** in the Area of Potential Effect
- ☐ The project will have **NO EFFECT** on historic properties
- ☐ The project will have **NO ADVERSE EFFECTS** on historic properties:
- ☐ The project will have **NO ADVERSE EFFECTS WITH CONDITIONS** (see attached)
- ☐ **SHPO REQUESTS ADDITIONAL INFORMATION** (see attached)

SHPO REVIEWER: _____ **DATE:** _____