

House Testimony

My name is Ed Truitt and, for over thirty-five years I have been the Emergency Management Coordinator for the County of Delaware. I also have some knowledge of the needs of local government during time of emergency having served as Vice-Chairman of Upper Darby Township Council for over thirty years where I also chaired the Finance Committee.

As County Emergency Management Coordinator I have felt the frustration of municipal officials when dealing with localized emergencies, mostly as a result of flooding. In Delaware County there are a number of PENNDOT owned bridges over streams that were built with center supports into the stream bed that, during periods of high rainfall, collect upstream debris forming a dam with concurrent water backup. This has continually impacted upstream communities and their resources.

The municipalities continually affected during my term of service have been Chester City, Upland Borough, Chester Township, Brookhaven Borough, Darby Borough, Colwyn Borough, Springfield Township, Haverford Township, Tincum Township and Upper Darby Township with others irregularly affected from time to time. Each of these municipalities have suffered economic loss during time of emergency of varying proportions.

Over the past several years we have noticed a problem surfacing that was previously unreported and that is the issue of sanitary sewer backups during major rainstorms. In a nutshell, the problem is the municipal sanitary system becomes overloaded as a result of storm water impingement with raw sewage entering a residents basement. The resident complains to the municipality who then files an insurance claim on behalf of the resident which is denied by the municipal carrier claiming the damage occurred as a result of flooding which is not covered by municipal insurance. The resident is justifiably unhappy as the damage was caused by municipal sewage and they feel the municipality should assist in the cleanup efforts. The municipality, who may well recognize they have a moral right to accommodate the resident is advised they cannot use public funds for what amounts for private purposes and is in a quandary. While, legally, they can point to the Municipal Tort Liability Act and Governmental Immunity and deny residential assistance that does not, in the minds of local elected officials, resolve the moral dilemma of doing the right thing and helping their residents with active mitigation support resulting in a decision which can be challenged by residents not affected by the sewage backups. It would seem a municipal assistance fund would enable a local municipality to satisfactorily resolve the residential sewage backup issue by providing a potential funding source regardless of whether or not the municipality could be made whole or not depending on the amount of fund reserve.

Major snowstorms also present an economic issue when not covered by a Presidential Declaration which occurs not infrequently due to the county's close proximity to the Atlantic Ocean and offshore winds. The county threshold for Public Assistance is \$3.27 per capita for assistance to be accompanied by a Commonwealth threshold of \$1.30 per capita. This equates to county damage of \$1,800,000.00 and Commonwealth damage of \$16,000,000.00 with both thresholds mandated in order to qualify for federal aid. The county has often been able to comply with its threshold criteria but, as the snowfall or rainfall was not statewide, the companion mandatory commonwealth threshold not able to be met resulting in not insignificant municipal economic impact.