

CARROLL CITIZENS FOR SENSIBLE GROWTH

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Terry Mutchler
Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street
4th Floor
Harrisburg, PA 17120

Dear Mr. Mutchler,
As directed by Josephine M. Patton, Carroll Township (York County) Right-To-Know Officer for Municipal Records, I am contacting you to appeal the denial dated August 6, 2009, of CCSG's request for information on July 10th for copies of Village at South Mountain: 1) Revised Traffic Impact Study, 2) Revised Stormwater Report, 3) Architectural Design Standards. This denial was based upon ongoing "confidential negotiations" between Carroll Township and the developer of Village at South Mountain, Dillsburg Ventures, LLC (aka Powers Bros.)

The PA Middle District Court held that parties can not "contract" away a public's right to access to a record which is otherwise a public record. Cohen, Sklar, and Levick v Commonwealth of Pennsylvania Insurance Department, Office of Counsel and Philadelphia Inquirer, No. 500 M.D. 2002, Pa. Cmwlt. January 3, 2003. In that case, the Court specifically held that a settlement agreement which the parties had determined would be confidential, was not deemed confidential by the Court and not subject to confidentiality. CCSG's request for these documents serves a direct public interest.

CCSG is not looking to intervene in the lawsuit or discussions of the parties, but is simply looking for the ability to review this information to ensure adequate public review for appropriate responses, following the "guaranteed" approval of the Preliminary Plans by our township following the court's approval of this mediation. CCSG nor the public can be assured that final approval of this plan will not occur within a reasonable timeframe for public review and comment.

Thank you for your consideration,

Deana Weaver
Co-Founder, CCSG