

RTL-423

Date Received:  
2/1/2017

January 27, 2017

Lynn Jorden  
1216 King Street, Suite 300  
Alexandria, VA 22314

5 Day Response Due:  
2/8/17

Abegale Gibb, Right to Know Officer  
Springettsbury Township  
1501 Mount Zion Road  
York, PA 17402

30 Day Response Due  
3/10/17

Dear Ms. Gibb:

Pursuant to Pennsylvania's Right to Know Law, I am writing to request copies of the following public records:

- Any correspondence, including electronic correspondence (with any attachments), between any employee or representative of the Township and any employee, official or representative of Penn Waste, Inc. Employees of Penn Waste are known to use e-mail addresses with the "@pennwaste.com" e-mail extension. This request includes any e-mails in which "@pennwaste.com" appears in the "to" line, the "from" line, the subject line, or the body of the message. Please note that in most – if not all – cases, there will be the sender's name attached to the e-mail address that ends in @pennwaste.com, and these results are included in my request.
- Any correspondence, including electronic correspondence (with any attachments), between any employee or representative of the Township and any employee, official or representative of K B S, Inc., which also may be known as KBS, Inc. or KBS Trucking. Employees of K B S, Inc. are known to use e-mail addresses with the "@kbstrucking.com" e-mail extension. This request includes any e-mails in which "@kbstrucking.com" appears in the "to" line, the "from" line, the subject line, or the body of the message. Please note that in most – if not all – cases, there will be the sender's name attached to the e-mail address that ends in @kbstrucking.com and these results are included in my request.
- All files in possession of the Township regarding Penn Waste, Inc. This includes paper files as well as electronic files, files on hard drives, files on shared drives, files on cloud drives and files held in other formats. This request also includes phone records. This request includes a manual search of records.
- All files in possession of the Township regarding K B S, Inc., also known as KBS, Inc. or KBS Trucking. This includes paper files as well as electronic files, files on hard drives, files on shared drives, files on cloud drives and files held in other formats. This request also includes phone records. This request includes a manual search of records.
- All e-mails (including attachments) sent or received by any employee or representative of the Township that mentions one of the following terms in the subject or message of the e-mail:
  - KBS

- K B S
- K.B.S.
- Penn Waste
- PennWaste

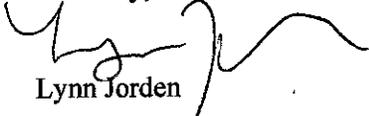
This request covers the years 1999 to present for Penn Waste, Inc. and years 2005 to present for KBS, Inc. If your office does not maintain records for a portion of these time periods, I request that you provide me with a copy of the retention schedule under which those records were destroyed or direct me to any archival repository in which they are now stored. In such an instance where a portion of the records are not maintained by your office, I request that you proceed with fulfilling my request for the years where it is possible to do so.

My preferred reproduction format is an electronic file e-mailed to me at [REDACTED]. If this is not possible, I request that you provide access to these records electronically via an FTP site, or mail electronic copies of the records to me on removable media, such as a CD or flash drive. If none of these delivery methods are feasible, I request that you mail paper copies of the records to me at the address provided above.

If you estimate the cost of providing the records at more than \$25, please notify me before proceeding with efforts to fulfill this request.

I would appreciate an acknowledgment of receipt sent to [REDACTED]. Please feel free to contact me there with any questions and thank you for your cooperation with this request.

Sincerely,

  
Lynn Jordan

# SPRINGETTSBURY TOWNSHIP



COAT OF ARMS OF SPRINGETT PENN  
1701-1731

1501 Mt. Zion Road  
York, Pennsylvania 17402  
717-757-3521 Fax: 717-757-7856  
www.springettsbury.com  
email: info@springettsbury.com

Police: 717-757-3525 Fax: 717-840-1908  
Police and Fire Emergencies - Dial 911  
Recreation Office: 717-505-0406

Wastewater Treatment Facility  
3501 North Sherman Street  
717-757-3521 Fax: 717-840-0680

## BOARD OF SUPERVISORS

Mark M. Swomley  
Chairman

George M. Dvoryak  
Vice Chairman

Kathleen A. Phan  
Assistant Secretary/Treasurer

William H. Schenck, III

Blanda E. Nace

## TOWNSHIP MANAGER

Benjamin B. Marchant

February 8, 2017

Ms. Lynn Jordan  
1216 King Street  
Suite 300  
Alexandria, VA 22314

Re: **RIGHT-TO-KNOW REQUEST – Penn Waste and KBS, Inc.**

Dear Ms. Jordan,

Thank you for writing to Springettsbury Township with your request for information:

I have reviewed the request and an extension of time to respond is required due to the reasons set forth below. The Township anticipates responding to your request no later than March 10, 2017.

- The extent or nature of the request precludes a response within the required time period.
- The request requires the retrieval of historic records.
- Timely response to the access cannot be accomplished due to bona fide and specified staffing limitations.

Records are being compiled in electronic and hardcopy format. Please be advised, the records will be provided in the format in which they exist as per Right to Know Law Section 705: *Creation of record. When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.*

The applicable fees associated with your request are approximately \$144.00; additional fees are anticipated however the total amount is unknown at this time. You will be advised of the estimated fees after completion of the review of your request.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Abegale Gibb

Right To Know Officer

File: Right-to-Know 423



COAT OF ARMS OF SPRINGETT PENN  
1701-1731

# SPRINGETTSBURY TOWNSHIP

1501 Mt. Zion Road  
York, Pennsylvania 17402  
717-757-3521 Fax: 717-757-7856  
www.springettsbury.com  
email: info@springettsbury.com

Police: 717-757-3525 Fax: 717-840-1908  
Police and Fire Emergencies - Dial 911  
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Wastewater Treatment Facility  
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Blanda E. Nace

## TOWNSHIP MANAGER

Benjamin B. Marchant

March 10, 2017

Ms. Lynn Jorden  
1216 King Street Suite 300  
Alexandria, VA 22314

Re: **RIGHT-TO-KNOW REQUEST – Penn Waste and KBS, Inc.**

Dear Ms. Jorden,

Thank you for writing to Springettsbury Township with your request for information as identified below.

Your request is approved in part and denied in part.

Please note, records are provided in the format in which they exist, electronic or hardcopy per Pennsylvania Right to Know Law, Act 3 of 2008, Section 705: *Creation of record. When responding to a request for access, an agency shall not be required to create a record which does not currently exist or to compile, maintain, format or organize a record in a manner in which the agency does not currently compile, maintain, format or organize the record.*

(1) "All files in possession of the Township regarding Penn Waste, Inc. This includes paper files as well as electronic files, files on hard drives, files on shared drives, files on cloud drives and files held in other formats. This request also includes phone records. This request includes a manual search of records."

(2) "All files in possession of the Township regarding K B S, Inc., also known as KBS, Inc. or KBS Trucking. This includes paper files as well as electronic files, files on hard drives, files on shared drives, files on cloud drives and files held in other formats. This request also includes phone records. This request includes a manual search of records."

Records approved for your request include:

- 234 hardcopy pages related to Police Incident Reports for KBS Trucking and/or Penn Waste.
- 102 hardcopy pages related to correspondence, service/complaint logs, improved recycling information/processes, etc.
- Electronic (PDF and JPEG) copies of files are available on a USB drive based on the size of the files requested. Included records: the Municipal Records Manual (Pennsylvania Retention Policy), approved December 16, 2008 and amended July 23, 2009, invoices, complaint/service logs, year to date recycling reports, commercial users, and additional topics related to the request.

- Further records are available on the Township website, [www.springettsbury.com](http://www.springettsbury.com).
  - Current Waste/Recycling Contract Information
  - All Township Ordinances
  - All Township Board of Supervisor Meeting minutes, 1999-Present are available on the Township website, with the exception of calendar year 2000. Calendar year 2000 Board of Supervisors meeting minutes are not available on the website, but have been reviewed and no records related to your request exist.
  - All Township Recycling Committee minutes
  - Additional records related to your request
- All completed Right to Know Requests received between 2009 to present are available on the Township website, which includes right to know requests received related to Penn Waste.

Pennsylvania Right To Know Law, Act 3 of 2008 Section 704. Electronic Access: *(b) (1) In addition to the requirements of section 701, an agency may respond to a request by notifying the requester that the record is available through publicly accessible electronic means or that the agency will provide access to inspect the record electronically. (b) (2) If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days of following receipt of the agency notification, submit a written request to the agency to have the record converted to paper. The agency shall provide access to the record in printed form within five days of the receipt of the written request for conversion to paper.*

Some records, both electronic and hard copies, related to the above referenced sections (1) and (2) may be denied or redacted based on Pennsylvania Right to Know Law, Act 3 of 2008:

- A. *Section 102: The definition of a public record excludes records that are protected by a privilege. Some of the records under this request fall within the attorney/client privilege.*
- B. *Section 705 (b)(11): A record that constitutes or reveals a trade secret or confidential proprietary information.*
- C. *Section 708 (b)(6)(i)(a): A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number.*

You have a right to appeal denial of information in writing to Erik Arneson, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, PA 17120-0225. If you choose to file an appeal, you must do so within fifteen business days of the mailing date of the agency's response, as outlined in Section 1101 of the Right-To-Know Law.

Additional records related to criminal investigations are hereby denied and information has been redacted based on Pennsylvania Right to Know Law, Act 3 of 2008:

- A. *Section 708 (b) (16): The requested information is a criminal investigative report and is exempt under the law.*
- B. *Section 708 (b)(6)(i)(a): A record containing all or part of a person's Social Security number; driver's license number; personal financial information; home, cellular or personal telephone numbers; personal email addresses; employee number or other confidential personal identification number.*

You have a right to appeal denial of criminal investigative information in writing to the York County Office of the District Attorney, 45 N. George Street, York, PA 17401. If you choose to file an appeal, you must do so within fifteen business days of the mailing date of the agency's response, as outlined in Section 1101.

(3) "Any correspondence, including electronic correspondence (with any attachments), between any employee or representative of the Township and any employee, official or representative of Penn Waste, Inc. Employees of Penn Waste are known to use e-mail addresses with the '@pennwaste.com' e-mail extension. This request includes any emails in which '@pennwaste.com' appears in the 'to' line, the 'from' line, the subject line, or the body of the message."

(4) "Any correspondence, including electronic correspondence (with any attachments), between any employee or representative of the Township and any employee, official or representative of K B S, Inc., which also may be known as KBS, Inc. or KBS Trucking. Employees of K B S, Inc. are known to use e-mail addresses with the '@kbstrucking.com' e-mail extension. This request includes any e-mails in which "kbstrucking.com" appears in the 'to' line, the 'from' line, the subject line, or the body of the message."

(5) "All e-mails (including attachments) sent or received by any employee or representative of the Township that mentions one of the following terms in the subject or message of the email:

- KBS
- K B S
- K.B.S.
- Penn Waste
- PennWaste"

Electronic and email correspondence as identified in the above sections (3) (4) & (5) from the original request are denied based on Pennsylvania Right to Know Law, Act 3 of 2008, Section 703: *A written request for access to records may be submitted ....A written request should identify or describe the records sought with sufficient specificity to enable the agency to ascertain which records are being requested...*" Correspondence records requested in sections (3) and (4) are included as part of records related to sections (1) and (2) as referenced on page 1 of this letter.

You have a right to appeal denial of information in writing to Erik Arneson, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, PA 17120-0225.

If you choose to file an appeal, you must do so within fifteen business days of the mailing date of the agency's response, as outlined in Section 1101 of the Right-To-Know Law.

To summarize copies and costs:

- Electronic copies are available on a USB drive at a cost of \$10.00
- 102 hardcopy pages related to correspondence, service/complaint logs, improved recycling information/processes are available at a rate of \$0.25 per page, for a cost of \$25.50.
- 234 hardcopy pages related to Police Incident Reports for KBS Trucking and/or Penn Waste are available at a rate of \$0.25 per page, for a cost of \$58.50.
- Online documents are available on our website, [www.springettsbury.com](http://www.springettsbury.com), no cost is associated with records available online.

Total cost of the USB drive and hard copies is \$94.00 if picked up from the Township offices, 1501 Mount Zion Road, York, PA 17402. If you would prefer the USB Drive and hard copies be mailed, there will be an additional cost of \$8.50 for postage, for a total cost of \$102.50. The documents can be picked up or mailed upon receipt of payment to Springettsbury Township. Payment may be made in the form of a check, payable to Springettsbury Township.

Please be advised that this correspondence will serve to close this record with our office as permitted by law.

If you have any questions, please do not hesitate to contact me.

Very truly yours,



Abegale Gibb  
Right To Know Officer

File: Right-to-Know 423