pennsylvania
OFFICE OF OPEN RECORDS

January 22, 2024

Sent Via UPS Overnight:

Holly Ruggiero, Prothonotary
Northampton County Government Center
669 Washington Street
Easton, PA 18042

RE: Submission of Record in: *Borough of Bath v. Michael Long,*
Northampton County Court of Common Pleas Civil No. C-48-CV-2023-10559

Dear Prothonotary Ruggiero:

We hereby submit the record in the above-referenced matter. Section 1303 of the Right-to-Know Law, 65 P.S. §§ 67.101, *et seq*., ("RTKL"), defines the Record on Appeal as "the record before a court shall consist of the request, the agency's response, the appeal filed under section 1101, the hearing transcript, if any, and the final written determination of the appeals officer." Pursuant to *Department of Transportation v. Office of Open Records*, 7 A.3d 329 (Pa. Commw. Ct. 2010), this record includes all "evidence and documents admitted into evidence by the appeals officer pursuant to Section 1102(a)(2)." The record in this matter consists of the following:

Office of Open Records Docket No. AP 2023-1598:

1. The appeal filed by Michael Long ("Requester") to the Office of Open Records ("OOR"), received July 13, 2023.

2. Official Notice of Appeal dated July 13, 2023 sent to both parties by the OOR, advising them of the docket number and identifying the appeals officer for the matter.

3. Requester submission dated July 24, 2023.

4. Bath Borough ("Borough") submission dated July 25, 2023.

5. Borough supplemental submission dated July 25, 2023.

6. Requester submission dated July 25, 2023.

7. Requester submission dated July 26, 2023.

8. Requester submission dated July 27, 2023.

9. Borough submission dated August 2, 2023.

10. Requester submission received August 4, 2023.

11. Requester supplemental submission dated August 4, 2023.

12. OOR correspondence dated September 1, 2023 seeking additional time to issue the final determination.

13. Email chain dated September 21, 2023 through September 25, 2023, wherein the Requester grants the OOR additional time to issue the final determination.

14. Email dated September 26, 2023, wherein the OOR confirms the Requester's extension agreement and directs the Borough to provide an exemption log of the records.

15. Borough exemption log submission dated October 4, 2023.

16. Email chain dated October 5, 2023 wherein the OOR confirms receipt of the Borough's exemption log.

17. Email chain dated October 13, 2023 through October 18, 2023 wherein the Requester provides a submission and the Requester responds to the OOR's request for clarification.

18. Email chain dated October 18, 2023, wherein the OOR confirms the Requester's agreement for additional time to issue the final determination.

19. The Final Determination dated November 3, 2023, issued by the OOR.

20. Borough Petition for Reconsideration and Entry of Appearance dated November 17, 2023.

21. OOR Response dated December 1, 2023, partially granting Reconsideration.

22. Borough Entry of Appearance dated December 1, 2023.

23. Email chain dated December 5, 2023 through December 6, 2023, wherein the OOR responds to the Requester's reconsideration questions and seeks additional information from the Borough.

24. Requester Response to Reconsideration dated December 8, 2023.

25. Requester Revised Response to Reconsideration dated December 11, 2023.

26. Borough submission dated December 11, 2023.

27. OOR correspondence dated December 13, 2023 regarding the continuation of the Reconsideration.

28. Requester submission dated December 18, 2023.

29. Requester revised submission dated December 18, 2023.

30. Borough submission dated December 18, 2023.

31. Requester correspondence dated December 20, 2023.

32. Borough correspondence dated December 20, 2023.

33. Borough correspondence dated December 28, 2023, regarding Petition for Review filed in Northampton County Court of Common Pleas.

34. Requester correspondence dated December 29, 2023.

35. OOR Final Determination Upon Reconsideration issued January 12, 2024.

The OOR has discretion to hold a hearing on appeals filed but chose not to do so in this matter. Therefore, there is no transcript to transmit. Certification of the record in this case is attached to this letter. Please feel free to contact us for any reason in connection with this matter.

Sincerely,

Kyle Applegate

Kyle Applegate
Chief Counsel

Attachments

cc: Michael Long (Requester)
J. Chadwick Schnee, Esq. (for Borough)

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
CIVIL ACTION-LAW

BOROUGH OF BATH,	:	
Petitioner,	:	
	:	
v.	:	**No. C-48-CV-2023-10559**
	:	
MICHAEL LONG,	:	
Respondent.	:	
	:	

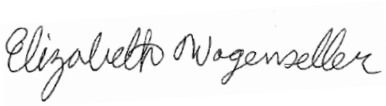
CERTIFICATION OF RECORD

I hereby certify the contents of the record transmitted with this Certification of Record pursuant to Pa.R.A.P. 1952 in *Michael Long v. Bath Borough,* OOR Dkt. AP 2023-1598, which is the subject of this appeal.

The record transmitted with this certification is generated entirely from the Office of Open Records database. It is our practice to scan in each and every document submitted in an appeal. Thus, no originals are being transmitted to this Court.

I certify that this filing complies with the provisions of the 'Public Access Policy of the Unified Judicial System of Pennsylvania Case Records of the Appellate and Trial Courts' that require filing confidential information and documents differently than non-confidential information and documents.

Also, my signature on this Certification of Record and on all other correspondence directed to the Court in connection with this matter may be electronic and not original. I hereby certify that this is my true and correct signature and that I have approved the use thereof for these purposes.



Elizabeth Wagenseller, Executive Director
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
Email: OpenRecords@pa.gov

Dated: January 22, 2024

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
CIVIL ACTION-LAW

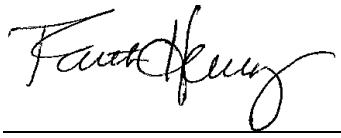
BOROUGH OF BATH,	:	
Petitioner,	:	
	:	
v.	:	**No. C-48-CV-2023-10559**
	:	
MICHAEL LONG,	:	
Respondent.	:	
	:	

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the Certified Record upon the following persons via email only as addressed below:

Michael Long
220 Creek Road
Bath, PA 18014
michael.long479@gmail.com

J. Chadwick Schnee, Esquire
Schnee Legal Services, LLC
74 E. Main Street, #648
Lititz, PA 17543
chadwick@schneelegal.com



Faith Henry, Administrative Officer
Office of Open Records
333 Market, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
Email: fahenry@pa.gov

January 22, 2024

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
CIVIL ACTION-LAW

BOROUGH OF BATH,	:	
Petitioner,	:	
	:	
v.	:	**No. C-48-CV-2023-10559**
	:	
MICHAEL LONG,	:	
Respondent.	:	
	:	

CERTIFIED RECORD

Kyle Applegate
Chief Counsel
Commonwealth of Pennsylvania
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
Email: Kyapplegat@pa.gov

Dated: January 22, 2024

IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
CIVIL ACTION-LAW

BOROUGH OF BATH,	:	
Petitioner,	:	
	:	
v.	:	**No. C-48-CV-2023-10559**
	:	
MICHAEL LONG,	:	
Respondent.	:	
	:	

TABLE OF CONTENTS
RECORD

Michael Long v. Bath Borough, OOR Dkt. No. AP 2023-1598

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34. Requester correspondence dated December 29, 2023.

35. OOR Final Determination Upon Reconsideration issued January 12, 2024.

OOR Exhibit 1

From: no-reply@openrecordspennsylvania.com
To: michael.long479@gmail.com
Subject: [External] PA Office of Open Records - Appeal Confirmation
Date: Thursday, July 13, 2023 3:55:04 AM
Attachments: oor_logo_email.png

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the Report Phishing button in Outlook.*

pennsylvania
OFFICE OF OPEN RECORDS

You have filed an appeal of an agency's response to a request for records under the Right-to-Know Law.

Name:	Michael Long
Company:	
Address 1:	220 Creek Road
Address 2:	
City:	Bath
State:	Pennsylvania
Zip:	18014
Phone:	610-507-3721
Email:	michael.long479@gmail.com
Email2:	
Agency (list):	Bath Borough
Agency Address 1:	220 Creek Road
Agency Address 2:	
Agency City:	Bath
Agency State:	Pennsylvania
Agency Zip:	18014
Agency Phone:	610-837-6525
Agency Email:	bradford.flynn@boroughofbath.org
Records at Issue in this Appeal:	1. Emails between any combo of B. Flynn, F. Mirabito, M. Ehrgott, P. Andrews, B. Fenstermaker, J. Kratz from 9/20/21 to 5/15/22 regarding council membership changes, hiring, and policy. 2. List of employees hired outside of Public Works Department since 1/1/22, with details including name, position, date of hire, department, status, salary, and additional benefits. -more detailed version attached

Request Submitted to Agency Via:	e-mail
Request Date:	05/17/2023
Response Date:	06/23/2023
Deemed Denied:	No
Agency Open Records Officer:	Bradford Flynn
Attached a copy of my request for records:	Yes
Attached a copy of all responses from the Agency regarding my request:	Yes
Attached any letters or notices extending the Agency's time to respond to my request:	Yes
Agree to permit the OOR additional time to issue a final determination:	30 Days
Interested in resolving this issue through OOR mediation:	No
Attachments:	• RTK Appeal Request 7-13-23.docx • Right-to-Know_Reques_Wed_May_17_2023_at_16-38-55.docx • RTK_15.2023_Follow-Up_Treasurer_Reports_Fri_Jun_16_2023_10-49-49.docx • RTK_20.2023_Response_902_Extension_Required_with_Attachment_Wed_May_24_2023_06-59-53.docx • RTK_20.2023_Response_with_Attachments_Fri_Jun_23_2023_09-09-50.docx

I requested the listed records from the Agency named above. By submitting this form, I am appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific.

July 13, 2023

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: Right to Know Appeal for Request #20.2023

To Whom It May Concern:

I am writing to appeal the partial denial of my right-to-know request #20.2023, which I submitted to the Borough of Bath on May 17, 2023. I received a written response on June 23, 2023, denying parts of my request. Specifically, I am appealing the denial of my request for:

- Email communications between specific individuals regarding the resignation of a council member, the vacated council seat, appointment of a new member, policies on vacated seats, and hiring, among other matters. The Borough claimed no such emails exist without proof.
- A list of employees hired since January 2022 with name, position, salary, etc. The Borough claimed no such list exists but provided employee earnings reports.

I assert the requested records are public records as defined under Section 102 of the RTKL, as they document official activity including performance of a governmental function and the expenditure of public funds.

The Borough denied my request claiming the records do not exist, without providing any proof of their search methodology or locations. I argue they did not perform an adequate search in good faith, and that the requested records do likely exist for the reasons outlined in this appeal.

Additionally, I received a document from the Borough titled "Follow-Up Treasurer Reports" in response to a separate request (AORO Tracking #15.2023). I believe this document was sent in error as part of the response to request #20.2023, but I have included it in this submission for completeness and in the spirit of providing all relevant information to the Office of Open Records.

I request that the Office of Open Records require the Borough to conduct a good faith search for these records and provide any that exist, redacting only protected personal identification information. I have substantial reasons to believe that the records exist, and will elaborate on these reasons during the actual appeal process.

Please let me know if you need any additional information to process this appeal. I have included the original request, the Borough's response, and all relevant documents received from the Borough.

Sincerely,

Michael Long

Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Friday, June 23, 2023

VIA EMAIL ONLY

Mr. Michael Long
220 Creek Road
Bath, PA 18014

RE: Right to Know Request #20.2023

Dear Mr. Long,

As you know, I am an Open Records Officer for the Borough of Bath (the "Borough"). As you also know, I am the Manager for the Borough. On May 17, 2023, the Borough received your Right-to-Know Requested dated May 17, 2023 ("RTK Request #20.2023).

As to the first part of RTK Request #20.2023 seeking:

> "All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> - The resignation of Mark Saginario
> - The vacated council seat following Mark Saginario's resignation
> - The appointment of Emmanuel Mirabito to the council seat
> - Borough policy on a vacated council seat
> - Any potential employment, position benefits, compensation for Fiorella Mirabito
> - Advertisement of any new position within the Borough
> - The resignation of Marena Rasmus
> - Clerk positions within the Borough
> - The hiring of any individual for a clerk position within the Borough
> - Borough policy on hiring for new positions
> - Any public announcement regarding the above topics [. . .]"

RTK Request #20.2023 further states:

> "Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

The first part of RTK Request #20.2023 is denied in part and granted in part. RTK Request #20.2023 relative to: "All communications, …, memos, notes, and text messages …" is denied per RTKL Section 705 because no such records exist. Also, as to your statement that you are not seeking attorney-client privileged communications, but you claim to define the scope of attorney-client privilege, your claim as to the scope of attorney-client privilege is erroneous. For your information, as to emails from Solicitor Kratz to me, the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council are privileged per attorney-client privilege and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record"). Thus, RTK Request #20.2023 is denied as to said emails for that reason. Further, based upon my review of the relevant time frame, Solicitor Kratz did not provide any privileged or non-privileged emails regarding any potential employment, position benefits, compensation for Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing. Thus, with respect to the foregoing, RTK Request #20.2023 is denied per RTKL Section 705 for said non-existent emails.

That said, RTK Request #20.2023 is granted to the following attached emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz from the timeframe specified between September 20, 2021, to May 15, 2022:

- **Attachment 'A'** – '12_6_21 Meeting of Council' email dated 12/02/2021. Additionally, Resolution #2021-012 is a responsive record contained within the Council packet associated with the email dated 12/02/2021 and it is enclosed marked as Attachment 'A' - 1
- **Attachment 'B'** – 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021. Additionally, councilman's Mark A. Saginario resignation letter, and a letter of interest to fill councilman's Saginario's seat was included with the Council packet associated with the email dated 12/29/2021. These documents are enclosed as Attachment 'B' - 1, and Attachment 'B'- 2.
- **Attachment 'C'** – 'March Meeting Minutes' email dated 04/04/2022.

As to the second part of RTK Request #20.2023 seeking:

> "A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:
>
> - Full name
> - Position title
> - Date of hire
> - Department
> - Full-time or part-time status
> - Salary or hourly wage
> - Any additional compensation or benefits
>
> Please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons.
>
> Please provide these records in electronic format. If any of these requests are denied, please cite each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available under the law."

The second part of RTK Request #20.2023 is denied in part and granted in part. RTK Request #20.2023 is denied per RTKL Section 705 because no such list or list containing the alleged public records exists. The Borough is not required to create such list or such list to contain the alleged public records that you seek. That said, RTK Request #20.2023 is granted to the Employee Earnings Reports for any hired Borough personnel from January 1, 2022, to April 30, 2023 (**see Attachment 'D'**). Redaction, pursuant to RTKL Section 706, was necessary to redact home addresses, dates of birth, and social security numbers of employees pursuant to Section 708(b)(6)(i)(A). The Employee Earnings Report is what the Borough has and is responsive to the second part of RTKL Request #20.2023.

Subject to the penalties of 18 Pa.C.S. Section 4904, I certify that the facts set forth above on behalf of the Borough are true and correct to the best of my knowledge, information, and belief.

You have a right to appeal the above denials in writing to: Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records, website, https://www.openrecords.pa.gov.

If you choose to file an appeal, you must do so within 15 business days of the mailing of this letter. See 65 P.S. § 67.1101. The mailing date of this letter is June 23, 2023. Please note that a copy of your original Right-to-Know requests, the Borough's extension notice, and this letter should be included when filing an appeal. The RTKL also requires that you state the reasons why the alleged record is a public record under the RTKL, and you must address each of the reasons the Borough denies your Requests. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, https://www.openrecords.pa.gov.

Sincerely,

Bradford T. Flynn, Borough Manager
Borough of Bath

encls
cc: James F. Kratz, Solicitor

ATTACHMENT 'A'

From:	Marena Rasmus
To:	Fiorella Reginelli-Mirabito; Michele Ehrgott; Barry Fenstermaker; Frank Hesch; Phyllis Andrews; Carol Bear-Heckman; Anthony Kovalovsky; Mark Saginario
Cc:	Bradford Flynn; James F. Kratz (jfk@stevenslee.com); Ron Madison; Tanya Lamparter
Subject:	12/6/21 Meeting of Council
Date:	Thursday, December 2, 2021 5:58:40 PM
Attachments:	Borough Council Agenda 12.06.2021.pdf image001.png December Council Packet.pdf

Good evening Mayor, Council and Professional Services,

Attached you will find the Meeting Agenda and Packet information for the December 6th meeting.

To summarize the packet information:

- There are four (4) Resolutions for adoption including one regarding conduct and decorum, two (2) for cable franchises (this should close this matter, if I'm not mistaken), and the 2022 Schedule of Fees.
- We also have four (4) Ordinances including one which sets an installment program for Real Estate Taxes, amending our Weeds ordinance, setting the tax collector salary for the upcoming term of 2022-2025, and one regarding the zoning law and 'garden apartments'.
- This leads us to actions needed for the two land development submissions that have been reviewed and discussed at the PC meetings (See Jamie's letters regarding PC's suggestions); Bath View/Huratiak requires a time extension while Bathwick Hills/Maula may be denied by Council.

There will be a few add-ons before Monday's meeting. Should anyone have questions, we're here to help!

See everyone on Sunday

Marena Rasmus, Office Administrator
Borough of Bath
121 S Walnut Street
Bath, PA 18014
Phone - 610.837.6525
Fax – 610.837.8989

E-MAIL CONFIDENTIALITY NOTICE: The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete

this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, copying, or storage of this message or any attachments is strictly prohibited

ATTACHMENT 'A' - 1

BOROUGH OF BATH,
Northampton County, Pennsylvania

RESOLUTION NO. 2021-012

(Duly Adopted December 6, 2021)

A RESOLUTION OF BOROUGH COUNCIL OF THE BOROUGH OF BATH, NORTHAMPTON COUNTY, ADOPTING ARTICLES OF DECORUM AND RULES OF ORDER FOR PUBLIC MEETINGS

WHEREAS, the primary purpose of Borough Council meetings is to afford elected officials the opportunity to conduct Borough business; and

WHEREAS, the purpose of the following Decorum and Rules of Order is to assure an orderly framework within which the business at hand can be conducted by setting basic ground rules for public participation and the distribution of information, and by prohibiting inappropriate behavior; and

WHEREAS, the following Decorum and Rules of Order also establish a code of ethical behavior for elected officials of the Borough of Bath; and

WHEREAS, the authority for establishment of these rules is derived from the Borough Code, Act of June 17, 2014 (1965 P.L. 1965, No. 581) and all amendments thereto; the Sunshine Act, Act of June 30, 2011 (P.L. 388, No. 84, 65 P.S. 271 et seq., 65 Pa. C.S. §§ 701 et seq., No. 56) and all amendments thereto; and the Right-to-Know Law, Act of February 14, 2008 (P.L. 390, No. 212, 65 P.S. 66.1 et seq., 65 P.S. §§ 67.101, et seq.) and all amendments thereto; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED this 6th day of December 2021, by the Council of the Borough of Bath, in lawful session duly assembled the following Articles of Decorum and Rules of Order for Public Meetings:

Article 1 – Definitions

1.1 Regular Council Meeting: Council is required to meet on a regular basis at least once per month and must advertise its schedule of meetings at the beginning of each year. A schedule, including day, time, and location, will be established at the first meeting every year. The meetings are open to the public, and minutes must be kept.

1.2 Council Work Session (or Bi-Monthly Council Sessions): Council meets, if needed, on a monthly or bi-monthly basis to address issues brought before Borough Council in a work session environment. A schedule, including day, time, and location, will be established at the first meeting every year, in accordance with the Newspaper Advertising Act (45 Pa. C.S.A. Section 101). The meetings are advertised, open to the public, and minutes must be kept. Anyone attending the meeting (whether the public or a council member) who wants to tape the session should inform Council that he or she is taping the meeting.

1.3 Special Council Meeting: Any meeting not included in the advertised annual schedule of meetings. Public notice of the meeting, including advertisement, must be given at least 24 hours in advance, in accordance with Section 1006(2) of the Borough Code. These meetings are open to the public, and minutes must be kept. Anyone attending the meeting (whether the public or a council member) who wants to tape the session should inform Council that he or she is taping the meeting.

1.4 Council Executive Session: Either an entire meeting or a portion of a regular meeting, work session/bi-monthly session, or special meeting that is called to deliberate Borough business and attended by a quorum of members, but one from which Council may legally exclude the public, provided the business to be discussed falls within the specific categories as described under §708 of the Sunshine Act:

a) Personnel Matters

b) Collective Bargaining, Labor Relations, and Arbitration

c) Real Estate Transactions

d) Litigation

e) Public Safety

f) Legally Protected Information

Note: Since Executive Sessions are closed to the public, minutes need not be kept. Official actions taken based on discussions held in Executive Session must occur at an open public meeting. Executive Sessions shall not be recorded or taped by any councilmember in attendance.

1.5 Quorum: In accordance with Section 1006(4) of the Borough Code a quorum is "a majority of council eligible to vote at a meeting." Certain provisions of the Borough Code, such as Section 1005(7) requires a 2/3 vote to enact an ordinance to abolish the elected auditor positions. For council to override the mayor's veto, the council must vote as a majority plus one (1) in accordance with Section 3301.3(c) of the Borough Code. For council to establish or repeal the manager ordinance, this requires a vote of a majority of council elected to office, in accordance with Section 1141(a) of the Borough Code.

Article 2 – Officers of Council; Term Limits; Filling Vacancies

2.1 Electing Council Officers: Section 1001 of the Borough Code requires the council to elect both a president and a vice president of council at the mandatory reorganization meeting on the first Monday in January of the even-numbered year. These officers, and any additional (such as President Pro-Tem), serve at the pleasure of council. This means a council member at any public meeting can make a motion to remove the president, vice president, president pro-tem

or all three provided there is a second and a majority vote then the action is taken, however, the mayor does not preside at this meeting at these non-biennial re-organizations.

2.2 Officer Elections:

a) The mayor presents his/her affidavit of residency to a judge or notary public and then takes the oath of office at the biennial even-numbered reorganization meeting.

b) After the mayor has been sworn in during the biennial even-numbered year re-organization, he or she presides over the council meeting to conduct officer elections. The mayor may also defer the officer election process to the Borough Solicitor.

c) Newly elected and reelected members of Council shall present their completed affidavit of residency to a judge or notary public prior to the meeting or to the mayor at the reorganization meeting. At that point they can take the same oath of office.

d) Written copy of the oath and the affidavit must be filed with the borough secretary and maintained with the borough records for a period of six (6) years.

e) The mayor (or his/her legally authorized representative) will accept nominations for the position of Council President. Nominations do not require a second and are voted in the order that the nominations are made. Voting continues until one nominee attains a majority. The process is repeated for vice president. Once the officers are elected, the mayor turns the gavel over to the newly elected president.

f) Once the new Council is seated and officers are elected, it is able to conduct any other Council business that comes before it at the organization meeting.

2.3 The President:

a) Opens the meeting of council at the appointed time, by taking the chair and calling the meeting to order;

b) Manages the decorum in the meeting;

c) Has the agenda at hand, follows it, and announces what item of business is next to be considered;

d) Under Section 10A08 of the Borough Code, the President shall serve as acting mayor in the incapacity of the mayor and when doing so, votes as the mayor to break tie or split votes and not as a council member.

2.4 Vice President:

a) In the absence of the President, acts on behalf of the president with such powers conferred upon the president.

2.5 President Pro-Tem:

a) In the absence of the President and Vice President, acts on behalf of the president with such powers conferred upon the president.

2.6 Elected Council Officer Term Limits: Officers of Council are limited to two (2) consecutive even-numbered year reorganizations terms. Officers can serve for a maximum of four (4) years consecutively. Officers that have reached their consecutive term limit may run again in the following even-numbered year council re-organization.

2.7 Filling Council Vacancies: The following rules have been established to fill a council seat vacancy:

a) In accordance with Section 901(a.1.)(1) of the Borough Code, a vacancy is not created by a resignation until the date that the resignation is accepted by a majority vote of a quorum of council at a public meeting or the effective date of the tendered resignation, whichever is later.

b) Section 901(a.1.)(1) Council must accept a resignation no later than forty-five (45) days after it has been tendered in writing to Council, unless it is withdrawn in writing prior to acceptance.

c) Section 901(a.1)(2) states a resignation (whether written or oral) and recorded in the meeting minutes which is not accepted as provided under Section 901(a.1)(1) shall be deemed accepted after forty-five (45) days.

d) Section 901(a) requires Council to fill a vacancy in thirty (30) days, which is counted from the effective date of the resignation per Section 901(a)(a.1.).

e) If a vacancy is not filled within thirty (30) days, Section 901(c) requires the matter be resolved by the Borough of Bath Vacancy Board, which has an additional fifteen (15) days after the expiration of Council's thirty (30) days to fill the vacancy.

f) Council shall fill a vacancy created by the outgoing councilmember irrespective of his/her registered political party affiliation.

Article 3 – Public Information

3.1 Agenda: Paper copies or other appropriate media of the meeting agenda shall be made available for the public at the start of the meeting. Drafts of current agendas shall be posted on the Borough's website approximately twenty-four (24) hours prior to the meeting.

3.2 Meeting Minutes: Meeting minutes shall be made available to the public upon approval by Borough Council. The minutes are not official until approved by Borough Council. Once approved, minutes shall be posted on the Borough's website. If applicable, approved minutes from other Board and Commission meetings, such as the Planning Commission and Zoning Hearing Board, shall also be made available to the public on the Borough's website.

Article 4 – Public Participation

4.1 Every Borough Council meeting that is required by law to be open to the public shall include an opportunity for residents and taxpayers to be heard. The following rules shall apply:

a. Council President as Spokesperson: The Council President shall be the spokesperson for council, and he/she may ask questions to council members or may refer the question from the public to a committee to research. The Council President shall attempt to answer question(s) during the public comment period, however, if the president needs more information, then he/she should note the question and tell the citizen that he/she will refer it to a committee or the borough manager and respond to the speaker at a future date.

b. Sign In: Persons entering the meeting room should sign the attendance sheet indicating their full name and address. Individuals addressing

Council must state their full name and address for the purpose of accurately recording the meeting minutes.

c. Groups: For groups desiring to comment, a spokesperson shall be designated for the presentation and discussion. The spokesperson shall be responsible for maintaining order and decorum of the group.

d. Comments Limited to Appropriate Issues: Public comment is intended to give citizens an opportunity to address items on the agenda as well as to comment on other topics related to Borough services. It is not intended to be a question-and-answer period. Council response to public input at a meeting is at Council's discretion. It is Council President's prerogative to initiate a follow-up public comment at the end of a meeting to open discussion among the public with any other issues that may not have been addressed on the meeting agenda.

e. Time Limit: It is the intent to provide each participant a fair and equal opportunity to be heard. Borough Council applies its discretion to limit the time for an individual's public comment to a maximum of five (5) minutes and may end the participant's comment if the comment becomes repetitive or strays from the current issue and the participant has had a fair and equal opportunity to be heard. The Council President may extend time to an individual's public comment if warranted.

f. Deferment of Comment: If, in the judgement of Borough Council, the period of public comment is unusually long, the atmosphere has become unruly, or the comments become repetitive, Borough Council may move

to close public comment or defer all or portions of the public comment to a subsequent regular meeting or to a work session or an advertised special meeting to be held in advance of the next regular meeting.

g. Request to Appear on the Agenda: Residents or taxpayers who wish to address Borough Council may do so under the Public Comment section of the agenda. Community groups prepared to make a presentation on a particular topic may make a request to the Borough Manager to be included on the meeting agenda. The request must be made to the Borough Manager at least one (1) week in advance of the meeting.

h. Recording of Meetings: Members of the public may record or videotape all portions of Borough Council meetings that are open to the public, provided that their actions do not disturb or interrupt the proceedings. The recording or videotaping must be conducted from the participant's seat, or the area designated by the Borough for recording (located in the southwest corner of the meeting room) and must be publicly announced prior to commencing the recording.

i. Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, personal insults, and attacks or any conduct that disrupts the follow of business is out of order. Avoid using foul language and derogatory remarks. Remember that your comments are part of the public record. At the discretion of Borough

Council, disruptive individuals shall be subject to remove from Council chambers unless they agree to maintain civility and decorum.

j. Speaker by Proxy: Speaking on behalf of another resident or taxpayer who is not present during the public meeting is prohibited, except for a speaker who has submitted written proof to Council that said speaker has the legal authority to speak for the resident or taxpayer to the satisfaction of Council, in its sole discretion.

k. Special Accommodations: If a resident needs a reasonable accommodation to attend the meeting, then he/she should contact the borough secretary no later than three (3) days' in advance so the borough can make the accommodation for he/she to attend the meeting.

Article 5 – Rules of Conduct

5.1 General Procedure: It is the policy of Borough Council not to become involved in the entanglements over "parliamentary procedure." It is the intent of Council to act consistently with the Pennsylvania Borough Code and any applicable Borough Ordinances or other legal requirement. This being said, in general, Roberts' Rules of Order shall apply to the conduct of public meetings subject to the authority of the President of Borough Council.

5.2 Authority of the Chair: The President shall act as a facilitator, assisting Council to focus on its agenda, discussions, and deliberations.

5.3 Limit Deliberations: Councilmembers will limit their comments to the subject matter, item, or motions being currently considered by Council.

5.4 Obtaining the Floor: Members of Council wishing to speak must first obtain the floor by being recognized by the President of Council.

5.5 Speaking: When a member has the floor, no one should interrupt unless the President must announce a call to order. Another councilmember may make a point of order if the member who is speaking provides erroneous information or to clarify information. Each councilmember is allowed seven (7) minutes to speak. If two members speak at the same time, the President selects who will speak first. No member shall interrupt the meeting unless it's a motion to adjourn, postpone a vote, make a motion to commit, or to offer any amendment.

5.6 Reconsideration: The motion to reconsider enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration of a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of a hasty, ill-advised, or erroneous action, or to consider added information or a changed situation that has developed since the taking of the vote. A motion and a second to reconsider shall be made by two members on the prevailing side on the same day the original motion was made.

5.7 Rescind: The motion to rescind means the assembly can change an action previously taken or amended. The effect of rescind is to strike out an entire motion, resolution, rule, bylaw, section, or paragraph that has been adopted at some previous time. The motion can be made if there are no other motions on the floor, are out of order when another has the floor, must be seconded, are debatable, and require a majority vote. Roberts' Rules of Order states that when a resignation has been acted upon, or a person has been appointed and he/she has been informed of the appointment (unless this person is not eligible to hold office), said action cannot be reconsidered or rescinded:

a) When it has been moved to reconsider the vote on the main motion, and the question can be reached by calling up the motion to reconsider.

b) When motion has passed, due to the vote on the main motion, that is impossible to undo, where the unexecuted part of an order, however, can be rescinded or amended.

c) When a resignation has been acted upon, or a person has been appointed and he has been informed of the appointment (unless this person is not eligible to hold office).

5.8 Petitions: The name of any councilmember, citizen, or taxpayer who presented a petition, or a letter shall be entered into the minutes.

5.9 Motion to Withdraw: A motion to withdraw must be made by the same member who moved it, with the approval of the member who seconded the motion, and with majority approval.

5.10 Suspension of the Rules: A two-thirds vote of council is required to suspend, amend, or to repeal the rules contained within this resolution.

Article 6 – Order of Business

6.1 Call to Order: The Council President shall convene the meeting at the advertised date and time. The President shall call the meeting to order, and the secretary or designee shall take roll call. In the absence of the President, the Vice President shall chair the meeting, and if the President isn't present, but there's still a quorum of Council, then the remaining council members elect a president pro tem (if not already elected) who shall chair the meeting. In the absence of the borough secretary or designee, a member of Council may be asked to either operate the recorder or take meeting minutes. If the roll call shows that there's no quorum in attendance and council has waited fifteen (15) minutes for others to arrive and there's still no quorum, then the President adjourns the meeting to a future date.

6.2 Agenda: The Borough Manager is responsible for preparing a written agenda for each Council meeting. The agenda provides a guide for the President to keep the meeting on track, assures all relevant points concerning the business at hand will be discussed, and lets all participants know exactly when they will be expected to make their contribution.

6.3 President of Council: The President or other presiding officer should maintain a neutral and impartial attitude throughout the proceedings. The Borough Council President cannot make a motion on an issue. Furthermore, the President should not enter into debate until such time that all other members of Council have expressed themselves on a given issue. Only then may the President state an opinion on the merits of the question under discussion.

6.4 Motions, Resolutions & Ordinances: A motion is the normal means by which a matter is brought before Council for consideration. Most routine matters are approved by a single motion. Resolutions need to be approved by a simple majority vote after a motion. Ordinances are approved by roll call vote after a proper motion. The following additional rules apply:

a) Motions and Resolutions regarding administrative matters need not be submitted to the mayor. Ordinances, such as legislative actions, shall be submitted to the mayor for signature.

b) A motion requires a second, or sponsorship, by a second member of Council before it can receive consideration at a meeting. If a motion is not seconded, it is lost, and no further action is taken on the matter. The President then proceeds with the next item on the agenda.

6.5 The first rule of parliamentary order is that only one matter of business can be considered at a time. That is, when one “main motion” has been properly introduced and seconded, no other main motion can be presented until the first has been disposed of. In the usual

course of business, the motion is disposed of when it is either passed or defeated. However, several other things can happen to the motion as discussed in other sections of this Resolution and additionally as follows:

a) The motion can be amended.

b) The motion can be referred to a committee for further consideration.

c) Action can be postponed until a definite date.

d) The motion can be tabled.

Note: The only motions on which debate, or discussion are permitted are the main motions to postpone, amend, or refer. On all others, members vote yes or no.

6.6 Unanimous Consent: Action is occasionally taken without the formality of a motion, a second, and putting the question to a vote. In cases of minor importance, or in routine business where there seems to be no opposition, the President might ask, for instance, "Is there any objection to pursuing bids for future consideration?" The President might also extend the time allotted to a speaker by simply asking if there is no objection. Such action taken is said to be by "general consensus" or "unanimous consent." It does not necessarily mean that everyone is in favor of the action, but it indicates that the matter is so routine that formal procedures are not required.

6.7 Debate: Debate is the discussion of the pros and cons of a motion that is on the floor. In reality, debate of a particular subject matter often occurs prior to a formal motion being offered. Debate is closed when it appears to the President that all who wish to debate the matter have done so. The President then puts the question to the vote of the members. Any member of Council may request that the Borough Manager or Assistant Borough Manager detail the pros and cons of an issue at any time during the discussion.

6.8 Voting: Voting is done in one of two ways—by expressing either favor or opposition or by roll call vote. In any instance where the result of expressing favor or opposition seems other than unanimous, or in the event of one or more abstentions, the President shall call for a roll call vote. Any member of Council may demand a roll call vote on any question before Council. Additionally:

a) Pursuant to Resolution 2016-008, Council members may participate in meetings and vote via telecommunication device using speaker phones or computer terminals only after a physical quorum has been established at the meeting place and provided both Council and the public are able to hear the comments and votes of the councilmember not in physical attendance. Participation via telecommunication device is only possible for one of the following reasons: illness or disability of the Councilmember, care for the ill or newborn in the member's immediate family, an emergency, and family or business travel.

b) Voting by ballot is never permissible in Council meetings because of the Constitutional requirement for voice vote pursuant to the Pa. Sunshine Act. Voting by proxy is also prohibited.

6.9 Conflict of Interest: In the case that a member believes that he/she has a conflict of interest in the matter being decided, he/she is required by law to abstain from voting and to so inform Council orally and in writing of the nature of the conflict. If Council would be unable to take any action on a matter because the number of members required to abstain from voting makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if said disclosures are made.

6.10 Abstention: All members of Council are required to vote in favor or in opposition unless they are required to abstain on grounds of personal interest. Members are not permitted to abstain from voting because of the following:

a) The desire to avoid embarrassment or alienation of one's constituents;

b) The desire to let action go through without committing oneself; or

c) The inability to make up one's mind because of a feeling that the Councilmember lacks full knowledge of the proposal and its effect on the Borough (the need for knowledge should be addressed in debate).

6.11 Mayor's Tie-Breaking Authority: The authority of the Mayor to cast the deciding vote applies whenever, as a result of a tie vote, Council is unable to:

a) Enact or pass an Ordinance, Resolution, or motion;

b) Declare or fill a vacancy on Council or in any other Borough office; or

c) Take any action on any matter lawfully brought before it.

Article 7 – Policy Decision-Making Process

7.1 Committees of Council: Most boroughs establish committees of council to handle various duties. They meet to study a topic and make recommendations to the whole of council at a duly advertised public meeting. The President may, from time-to-time, choose to appoint ad-hoc committees to address particular tasks. Each committee shall have a chairperson, typically held by a councilperson. The President has the authority to appoint council members to these committees without Council's approval. The President is an ex officio member of all committees and his/her presence at a committee meeting does count toward a quorum.

Article 8 – Representative of Borough Governance

8.1 Councilmember Participation in Community Activities: From time-to-time, Councilmembers may choose to participate in community activities, committees, events, and taskforces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of Borough Council. Acting or participating on behalf of Borough Council, including oral and written correspondence such as speeches, letters to residents, and other groups or organizations, posts on social media websites, and statements to the press, is limited to those instances when Council has formally designated the Councilmember as its representative for the matter.

8.2 Mayor to Act as Ceremonial Representative: The Mayor is delegated the responsibility to act as Council's ceremonial representative at public events and functions. In the Mayor's absence, the President assumes the responsibility. The mayor may appoint another Councilmember to assume the responsibility in his/her absence.

Article 9 – General Guidelines for Ethical Conduct

9.1 Annual ethics forms shall be submitted to the Borough Office in a timely manner.

9.2 Elected officials shall not disclose confidential information to which they have access by virtue of their public office or position. Unless otherwise noted, all emails and working draft documents shared between staff and Borough Council are considered privileged and confidential and, as such, are not intended for public dissemination or discussion.

9.3 Personal gifts, favors, loans, services, payments, and other inducements, made either directly to the elected official or to a family member of the official where there is reason to believe such gifts, favors, or inducements are offered to influence official actions in favor of the donor should be refused. Any in-kind and/or cash gift, favor, tip, service, etc., with a value over twenty ($20.00) dollars shall be disclosed to the Borough Manager and/or Borough Council who

may require that such item be refused or returned. Nominal token gifts including holiday food baskets, calendars, lunches, and similar items may be accepted.

9.4 Elected officials shall not convey to any person any information or advice not generally available to the public in any transaction, negotiation, or litigation to which the Borough is a party.

Article 10 – Administrative Support

10.1 Letters Addressed to Mayor and/or Council: All letters addressed to the mayor and/or Council requiring a response from staff are copied to all Councilmembers and the Mayor along with a copy of the response.

10.2 Letters Addressed to Individual Councilmembers: All letters addressed to Councilmembers requiring a response from staff are copied to all Councilmembers and the Mayor along with a copy of the response. Letters addressed to individual Councilmembers that do not require a response from staff, but which provide information to Council matters are copied to the full Council and Mayor.

10.3 Council Correspondence: All Councilmember correspondence written with Borough resources (letterhead, logos, staff support, postage, etc.) will reflect the position of the full Council, not individual Councilmember positions. All councilmember correspondence using Borough resources will be copied to the full Council and the Mayor.

Article 11 – Mayor and Council Reimbursement

11.1 Travel Expenses: Councilmembers and the Mayor will be reimbursed for expenses incurred while traveling to, from, and during attendance at Borough-related events and conferences pre-approved by Council. Reimbursement shall include mileage, meals, tuition, and

lodging. Expenses for lodging may be paid in advance by the Borough. All other reasonable expenses are reimbursed after submission of an itemized account of expenses.

Article 12 – Mayor

12.1 General: Even though the mayor possesses few statutory powers, he/she is viewed as the ceremonial head of Borough government by the public and can exercise leadership

12.2 Oversight of the Police Department: The Mayor directs the day-to-day activities of the Police Department. Issues regarding Department ranks, including the duties of each rank; appointing, suspending, reducing in rank, or discharging officers; establishing the size of the Department; and controlling budget and finance are reserved to Borough Council.

12.3 Meetings: The Mayor presides over Council only twice during each term of office—at the re-organizational meeting of Council in even-numbered years. The mayor has the right to attend all Council meetings and is permitted to take part in discussions.

Article 13 – Non-Observance of Rules

13.1 These rules, wholly or in part, may be amended or repealed by majority vote in any regularly scheduled meeting of Borough Council. Rules adopted to expedite and facilitate the transition of the business of Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of or invalidate any action taken by Council.

Article 14 – Acknowledgement

14.1 The Borough acknowledges the Pennsylvania State Association of Boroughs (PSAB), the Pennsylvania Mayors Association, the Borough of Ebensburg, the Borough of Carroll Valley, the Borough of Elizabethtown, and the Borough Solicitor, Jamie Kratz for assistance provided in the preparation of these Articles of Decorum and Rules of Order.

Attest:

BOROUGH COUNCIL OF

THE BOROUGH OF BATH

By: _____

Bradford T. Flynn, Secretary

By: _____

Michele S. Ehrgott, Council President

Duly approved this 6th day of December 2021

By: _____

Fiorella Reginelli-Mirabito, Mayor

CERTIFICATE

I, Bradford T. Flynn, the undersigned, Borough of Bath Secretary, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of a Resolution of the Borough of Bath which was duly enacted by affirmative vote of the majority of the members of the Bath Borough Council at a meeting duly held on December 6, 2021, and that said Resolution remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that the Council of the Borough of Bath met the advance notice requirements of Act No. 93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1998, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 121 S. Walnut Street, Bath, Pennsylvania, the place of the meeting.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 6th day of December 2021.

_____

Bradford T. Flynn, Secretary

ATTACHMENT 'B'

From:	Bradford Flynn
To:	Barry Fenstermaker (bfenstermaker@boroughofbath.org); Fiorella Reginelli-Mirabito; Frank Hesch; Mayor Fiorella; Michele Ehrgott; Phyllis Andrews; Jim Lisiecki; douglashamadyk@gmail.com
Cc:	Kratz, James F.; Marena Rasmus; Tanya Lamparter
Subject:	January 2022 Regular & Reorganization Meeting
Date:	Wednesday, December 29, 2021 8:44:00 PM
Attachments:	January Council Packet.pdf image001.png Borough Council Agenda 01.03.2022.pdf

Good evening, Mayor, Council, and Professional Services,

Please find attached the January 3rd Agenda and January Council Packet.

There are minor tweaks to the agenda explained herein, see below. Monday's session will also serve as the required biennial reorganization meeting. I would like to welcome our newest Councilmembers, Mr. Doug Hamadyk and Mr. Jim Lisiecki to Borough Council!

The current Covid protocol is to have limited public access to Council Chambers during the upcoming meeting. The public will be encouraged to attend Monday's meeting via Zoom. Otherwise, standard social distancing guidelines will apply until Council Chambers reaches capacity; roughly 14 total participants, including members of Council. Those Council members who wish to attend via Zoom may do so. Family members of those new Councilmembers to be sworn in are welcome to join us in Council Chambers. We will be checking forehead temperatures at the door, and everyone is asked to wear a face mask while attending the meeting due to the recent uptick in Covid-19 infections across the area.

Here are some agenda notes:

- The borough needs a Sewage Enforcement Officer. Hanover Engineering has offered to provide those services and their schedule of fees is enclosed.
- We do have Engineering listed as an appointment item; however, Council has already made that decision to appoint Colliers Engineering & Design, who replaced Keystone Consulting Engineering (KCE) in October.
- There are two (2) appointments necessary to the Zoning Hearing Board, please see enclosed Resolution #2022-001.
- The Personnel, Finance, Administration Committee has worked on amending a few internal borough employee policies. Those policies can be reviewed under the "Motions/Action Items".
- There is a Zoning Ordinance Amendment for review, which Solicitor Kratz can brief Council on during the meeting. The amendments cover zoning issues relative to billboards and other advertising signage. This was an important item the previous Council desired to have cleared up in the borough's zoning law. More to come on this issue during the meeting.
- Council must consider the resignation of Councilmember Mark Saginario, which becomes effective on the last day of this year. This will create an open seat on borough council. The borough did receive a letter of interest from a borough resident requesting to be appointed to Mark's seat. Solicitor Kratz will offer guidance on filling Mark's seat.
- Regretfully, Mr. Allen George, Vice Chair of the Bath Planning Commission, has also indicated he does not desire to renew his seat on the Planning Commission. Council will need to fill this seat in the coming months.

This is the overall gist of the January 3rd Council Meeting. Please, if there are any agenda or council packet question, I'm available to speak with you. Anything else I may have missed we can certainly cover during the meeting.

Doug and Jim, this is your first set of governmental documents. If you have any questions, please don't hesitate to ask. Keep in mind, this information is privileged and should not be shared with anyone. The office is working to establish your email accounts. I'm hoping to have these accounts up and running soon. In the meantime, relax and enjoy the light reading!

I wish everyone a very safe and happy New Year!

Best,

Bradford T. Flynn, MPA, CBO
Borough Manager
Borough of Bath
121 S. Walnut Street
Bath, PA 18014
Main Office: 610.837.6525 Fax: 610.837.8989
Manager's Office: 484.281.3451

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ATTACHMENT 'B'- 1

December 31, 2021

Bath Council
c/o Bradford T. Flynn, Bath Manager
121 S. Walnut Street
Bath, PA 18014

Dear Council,

I served many wonderful years on Council and enjoyed the privilege of working alongside you, my excellent colleagues. During my time on Council, I believe we made a difference and the quality of life in Bath improved and continues to improve.

Although Bath and my time on Council will always have a special place in my heart, I recently accepted a position as the Manager of the Borough of Tatamy and, in order to focus on my position with Tatamy, I am tendering my resignation from Council effective Friday, December 31, 2021.

I will never forget my time on Council with you and wish you further success.

All the best,

Mark Saginario

PECEIVED

DEC 14 2021

ATTACHMENT 'B' - 2

December 13, 2021

Borough of Bath
121 South Walnut Street
Bath, PA 18014

Attn: Bath Borough Council

Dear Members of Council:

I write this letter to indicate my interest in fulfilling the seat now vacated by Bath Borough Councilmember, Mark Saginario.

My involvement with the municipal government of the Borough of Bath expands decades. I was a member of Bath Borough Council for 12 years - of the years mentioned, I held the office of President of Council for 10 years; Vice-President of Council (my first year) for 1 year; and 10 years on the Bath Zoning Hearing Board. I was one of the founding members of Colonial Regional Police Department. I have worked extensively with State Congressmen, State Senators and State Representatives during my tenure on Bath Borough Council. Lastly, I was instrumental in the renovation of what is now, the new Bath Borough Municipal Building.

I have always taken pride in being a part of the decision making process for our municipality during my years on Borough Council. I will continue to focus on the betterment of all who reside or conduct business within our Borough.

I would like to be considered for the vacated seat and look forward to hearing from you.

Sincerely,

Emanuel T. Mirabito
270 East Northampton Street
Bath, PA 18014
610-417-1386
mirabito4@yahoo.com

ATTACHMENT 'C'

From:	Bradford Flynn
To:	Barry Fenstermaker (bfenstermaker@boroughofbath.org); Douglas Hamadyk; Fiorella Reginelli-Mirabito; Frank Hesch; Jim Lisiecki; Manny Mirabito; Mayor Fiorella; Michele Ehrgott ; Phyllis Andrews
Cc:	Jamie Kratz; Ron Madison
Subject:	March Meeting Minutes - Unfortunate News
Date:	Monday, April 4, 2022 1:10:00 PM
Attachments:	image001.png 3.7.2022.pdf

Good afternoon, Mayor & Council,

Please find attached the March meeting minutes for your review prior to tonight's meeting.

Unfortunate news: Marena Rasmus has resigned from her position with the borough, effective Sunday, April 3rd. Marena is facing personal issues that has led her to this decision. Sad situation. We wish her the best.

See you tonight!

Thanks,

Bradford T. Flynn, MPA, CBO
Borough Manager
Borough of Bath
121 S. Walnut Street
Bath, PA 18014
Main Office: 610.837.6525 Fax: 610.837.8989
Manager's Office: 484.281.3451

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To print this report, use a page orientation of landscape.

Employee Earnings

May 26 2023 4:16 PM

ATTACHMENT ' D'

Prepared By: fsilvestri

Status: All | Department Range: All | Check Date Range: 01/01/2022 to 04/30/20231 Record Number Range: 81 to 83 | Wage Pay Type: All | Pay Frequency: All

Co#	Company Name	Pay Period End Date	Check Date	End Type
14146	BOROUGH OF BATH	5/27/2023	6/1/2023	W

Company 14146 BOROUGH OF BATH

Red# 81 KOVACH, MICHAEL
[redacted]

Reg	H	R	21.520	**Status**	Active	**Soc Sec No**	XXX-XX-	Hire **Date**	3/30/2022
OT1	H	R	32.280	Department	170	**StdWrkWk**	40.00	**Term Date**	
OT2	H	R	43.040	**Position**		**Birth Date**	[redacted]	**LOA Date**	

Check Date / Pay End Date / Pay#	*Hours• Reg / OT1 / OT2	Sick / Vac / Hol	"Earnings* Reg / OT1 / OT2 / Other	Sick / Vac / Hol / Tips	Fed W/H / FICA / State Tx / City Tax	*Deductions" SUI / WAGEAT	LSI / B.ANKNG	HEALTH / WAGE%	HEALTH	457(8)	DOMREL	HEALTH	ROTH	Gross / TotDed / Net Pay / Check#
417/2022	5.50	0.00	109.84	0.00	0.00	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.84
4/2/2022	0.00	0.00	0.00	0.00	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.94
8	0.00	0.00	0.00	0.00	3.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	96.90
			0.00	0.00	1.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51538
5/5/2022	33.00	0.00	659.01	0.00	16.09	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	659.01
4/30/2022	0.00	0.00	0.00	0.00	50.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	93.73
10	0.00	0.00	0.00	0.00	20.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	565.28
			0.00	0.00	6.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1208
5/19/2022	31.00	0.00	619.07	0.00	12.10	0.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	619.07
5/14/2022	0.00	0.00	0.00	0.00	47.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	85.03
11	0.00	0.00	0.00	0.00	19.01	0.00	0.00	0.00,	0.00	0.00	0.00	0.00	0.00	534.04
			0.00	0.00	6.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1216
6/2/2022	22.50	0.00	449.33	0.00	0.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	449.33
5/28/2022	0.00	0.00	0.00	0.00	34.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52.93
12	0.00	0.00	0.00	0.00	13.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	396.40
			0.00	0.00	4.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1230
6/16/2022	22.00	0.00	439.34	0.00	3.11	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	529.21
6/11/2022	3.00	0.00	89.87	0.00	40.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	65.45
13	0.00	0.00	0.00	0.00	16.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	463.76
			0.00	0.00	5.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1238
6/30/2022	19.50	0.00	389.42	0.00	0.00	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	389.42
6/25/2022	0.00	0.00	0.00	0.00	29.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.87
14	0.00	0.00	0.00	0.00	11.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	343.55
			0.00	0.00	3.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1247

7/14/2022	32.00	0.00	639.04	0.00	67.85	0.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	639.04
7/9/2022	0.00	0.00	0.00	0.00	48.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	143.13
15	0.00	0.00	0.00	0.00	19.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	495.91
			0.00	0.00	6.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1256
7/28/2022	38.50	0.00	768.85	0.00	85.33	0.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	784.75
7/23/2022	0.00	0.00	0.00	0.00	60.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	177.77
16	0.00	0.00	0.00	0.00	24.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	606.98
			15.90	0.00	7.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1265
8/11/2022	20.50	0.00	409.39	0.00	41.04	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	409.39
8/6/2022	0.00	0.00	0.00	0.00	31.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	89.27
17	0.00	0.00	0.00	0.00	12.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	320.12
			0.00	0.00	4.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1272
8/25/2022	33.00	0.00	659.01	0.00	75.04	0.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	698.96
8/20/2022	1.00	0.00	29.96	0.00	53.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	157.38
18	0.00	0.00	0.00	0.00	21.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	541.58
			9.99	0.00	6.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1280
9/8/2022	35.00	0.00	698.95	0.00	108.02	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	973.84
9/3/2022	2.50	0.00	74.89	0.00	74.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	222.74
20	0.00	0.00	0.00	0.00	29.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	751.10
			200.00	0.00	9.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1292
9/22/2022	15.00	0.00	299.55	0.00	33.05	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	329.51
9/17/2022	1.00	0.00	29.96	0.00	25.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	71.88
21	0.00	0.00	0.00	0.00	10.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	257.63
			0.00	0.00	3.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1299
10/6/2022	30.00	0.00	599.10	0.00	77.43	0.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	718.92
10/1/2022	4.00	0.00	119.82	0.00	54.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	162.11
22	0.00	0.00	0.00	0.00	22.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	556.81
			0.00	0.00	7.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1307
10/20/2022	35.00	0.00	698.95	0.00	95.45	0.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	869.11
10/15/2022	0.00	0.00	0.00	0.00	66.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	197.82
23	8.00	0.00	170.16	0.00	26.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	671.29
			0.00	0.00	8.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1315
11/3/2022	30.00	0.00	599.10	0.00	98.79	0.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	896.88
10/29/2022	0.00	0.00	0.00	0.00	68.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	204.44
24	14.00	0.00	297.78	0.00	27.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	692.44
			0.00	0.00	8.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1323
11/17/2022	10.00	0.00	199.70	0.00	50.86	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	497.48
11/12/2022	0.00	0.00	0.00	0.00	38.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.45
25	14.00	0.00	297.78	0.00	15.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	388.03
			0.00	0.00	4.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1332
12/1/2022	24.00	0.00	479.28	0.00	147.69	0.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,189.88
11/26/2022	1.00	0.00	29.96	0.00	91.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	287.85
26	32.00	0.00	680.64	0.00	36.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	902.03
			0.00	0.00	11.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1345

12/15/2022	31.50	0.00	653.86	0.00	179.51	0.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,334.50
12/10/2022	0.00	0.00	0.00	0.00	102.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	336.72
27	32.00	0.00	680.64	0.00	40.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	997.78
			0.00	0.00	13.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1353
12/29/2022	68.50	0.00	1,464.62	0.00	208.14	0.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,464.62
12/24/2022	0.00	0.00	0.00	0.00	112.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	380.68
28	0.00	0.00	0.00	0.00	44.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,083.94
			0.00	0.00	14.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1362
1/12/2023	48.00	0.00	1,026.96	0.00	112.04	0.72	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,026.96
1/7/2023	0.00	0.00	0.00	0.00	78.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	235.12
1	0.00	0.00	0.00	0.00	31.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	791.84
			0.00	0.00	10.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1370
1/26/2023	56.00	0.00	1,197.12	0.00	210.54	1.06	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,519.92
1/21/2023	0.00	0.00	0.00	0.00	116.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	391.74
2	7.50	0.00	322.80	0.00	46.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,128.18
			0.00	0.00	15.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1378
2/9/2023	43.50	0.00	930.50	0.00	106.21	0.68	2.00	0.00	0.00	0.00	0.00	0.00	0.00	978.36
2/4/2023	1.50	0.00	47.86	0.00	74.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	223.56
3	0.00	0.00	0.00	0.00	30.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	754.80
			0.00	0.00	9.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1386
2/23/2023	63.00	0.00	1,347.76	0.00	172.67	0.94	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,347.76
2/18/2023	0.00	0.00	0.00	0.00	103.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	333.57
4	0.00	0.00	0.00	0.00	41.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,014.19
			0.00	0.00	13.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1395
3/9/2023	46.50	0.00	992.68	0.00	170.30	0.94	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,337.00
3/4/2023	0.00	0.00	0.00	0.00	102.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	329.94
5	8.00	0.00	344.32	0.00	41.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,007.06
			0.00	0.00	13.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1408
3/23/2023	48.00	0.00	1,024.96	0.00	139.53	0.84	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,197.12
3/18/2023	0.00	8.00	0.00	172.16	91.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	282.67
6	0.00	0.00	0.00	0.00	36.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	914.45
			0.00	0.00	11.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1419
3/23/2023	0.00	0.00	0.00	0.00	71.44	0.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	688.64
3/18/2023	0.00	0.00	0.00	0.00	52.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	152.64
6	0.00	32.00	0.00	688.64	21.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	536.00
			0.00	0.00	6.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1420
4/6/2023	32.00	0.00	684.64	0.00	70.96	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	684.64
4/1/2023	0.00	0.00	0.00	0.00	52.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	153.69
7	0.00	0.00	0.00	0.00	21.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	530.95
			0.00	0.00	6.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1428
4/20/2023	33.00	0.00	706.29	0.00	73.56	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	706.29
4/15/2023	0.00	0.00	0.00	0.00	54.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	158.82
8	0.00	0.00	0.00	0.00	21.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	547.47
			0.00	0.00	7.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1436

Employee Total	906.50	0.00	18,746.32	0.00	2,426.75	14.77	16.00	0.00	0.00	0.00	0.00	0.00	0.00	23,049.45
	14.00	8.00	422.32	172.16	1,763.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,158.94
	115.50	32.00	2,794.12	688.64	707.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,890.51
			225.89	0.00	230.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	87318

Rcd # 82 MIRABITO, FIORELLA R
[redacted]

Reg	H	R	16.170	**Status**	Active	**Soc Sec No**	XXX-X>IIIIIIHIire Date 4/01/2022
OT1	H	M	1.500	Department	151	StdWrk Wk	40.00 Term Date
OT2				Position		Birth Date	[redacted] LOA Date

Check Date / Pay End Date / **Pay#**	*Hours* Reg / OT1 / OT2	*Hours* Sick / Vac / Hol	*Earnings* Reg / OT1 / OT2 / Other	*Earnings* Sick / Vac / Hol / Tips	Fed W/H / FICA / State Tx / CityTax	*Deductions* SUI / WAGEAT	LSl / BANKNG	HEALTH / WAGE%	HEALTH	457(8)	DOMREL	HEALTH	ROTH	Gross / TotDed / Net Pay / Check#
6/2/2022	185.00	0.00	2,775.00	0.00	197.65	1.67	2.00	0.00	0.00	0.00	0.00	0.00	0.00	2,775.00
5/28/2022	0.00	0.00	0.00	0.00	212.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	532.10
12	0.00	0.00	0.00	0.00	85.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,242.90
			0.00	0.00	33.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1229
6/16/2022	49.00	0.00	735.00	0.00	0.00	0.44	2.00	0.00	0.00	0.00	0.00	0.00	0.00	735.00
6/11/2022	0.00	0.00	0.00	0.00	56.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	90.05
13	0.00	0.00	0.00	0.00	22.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	644.95
			0.00	0.00	8.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1237
6/30/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
6/25/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
14	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1246
7/14/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
7/9/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
15	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1255
7/28/2022	54.00	0.00	810.00	0.00	0.00	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	810.00
7123/2022	0.00	0.00	0.00	0.00	61.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	99.05
16	0.00	0.00	0.00	0.00	24.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	710.95
			0.00	0.00	9.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1264
8/11/2022	56.00	0.00	840.00	0.00	0.00	0.50	2.00	0.00	0.00	0.00	0.00	0.00	0.00	840.00
8/6/2022	0.00	0.00	0.00	0.00	64.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	102.63
17	0.00	0.00	0.00	0.00	25.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	737.37
			0.00	0.00	10.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1271
8/25/2022	41.00	0.00	615.00	0.00	0.00	0.37	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.00
8/20/2022	0.00	0.00	0.00	0.00	47.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.68
18	0.00	0.00	0.00	0.00	18.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	539.32
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1279
9/8/2022	40.00	0.00	600.00	0.00	0.00	0.36	2.00	0.00	0.00	0.00	0.00	0.00	0.00	600.00
9/3/2022	0.00	0.00	0.00	0.00	45.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.88
20	0.00	0.00	0.00	0.00	18.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	526.12
			0.00	0.00	7.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1291

9/22/2022	53.00	0.00	795.00	0.00	0.00	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	795.00
9/17/2022	0.00	0.00	0.00	0.00	60.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	97.25
21	0.00	0.00	0.00	0.00	24.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	697.75
			0.00	0.00	9.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1298
10/6/2022	22.00	0.00	330.00	0.00	0.00	0.20	2.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
10/1/2022	0.00	0.00	0.00	0.00	25.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41.54
22	0.00	0.00	0.00	0.00	10.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	288.46
			0.00	0.00	3.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1306
10/20/2022	44.00	0.00	660.00	0.00	0.00	0.40	2.00	0.00	0.00	0.00	0.00	0.00	0.00	660.00
10/15/2022	0.00	0.00	0.00	0.00	50.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	81.07
23	0.00	0.00	0.00	0.00	20.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	578.93
			0.00	0.00	7.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1314
11/3/2022	37.00	0.00	555.00	0.00	0.00	0.33	2.00	0.00	0.00	0.00	0.00	0.00	0.00	555.00
10/29/2022	0.00	0.00	0.00	0.00	42.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	68.49
24	0.00	0.00	0.00	0.00	17.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	486.51
			0.00	0.00	6.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1322
11/17/2022	50.00	0.00	750.00	0.00	0.00	0.45	2.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
11/12/2022	0.00	0.00	0.00	0.00	57.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	91.86
25	0.00	0.00	0.00	0.00	23.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	658.14
			0.00	0.00	9.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1331
12/1/2022	39.00	0.00	585.00	0.00	0.00	0.35	2.00	0.00	0.00	0.00	0.00	0.00	0.00	585.00
11/26/2022	0.00	0.00	0.00	0.00	44.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	72.08
26	0.00	0.00	0.00	0.00	17.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	512.92
			0.00	0.00	7.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1344
12/15/2022	44.00	0.00	690.42	0.00	0.00	0.41	2.00	0.00	0.00	0.00	0.00	0.00	0.00	690.42
12/10/2022	0.00	0.00	0.00	0.00	52.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	84.72
27	0.00	0.00	0.00	0.00	21.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	605.70
			0.00	0.00	8.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1352
12/29/2022	46.00	0.00	743.82	0.00	0.00	0.45	2.00	0.00	0.00	0.00	0.00	0.00	0.00	743.82
12/24/2022	0.00	0.00	0.00	0.00	56.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	91.13
28	0.00	0.00	0.00	0.00	22.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	652.69
			0.00	0.00	8.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1361
1/12/2023	42.00	0.00	679.14	0.00	0.00	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	679.14
117/2023	0.00	0.00	0.00	0.00	51.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	83.44
1	0.00	0.00	0.00	0.00	20.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	595.70
			0.00	0.00	8.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1369
1/26/2023	48.00	0.00	776.16	0.00	0.00	0.54	2.00	0.00	0.00	0.00	0.00	0.00	0.00	776.16
1/21/2023	0.00	0.00	0.00	0.00	59.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95.05
2	0.00	0.00	0.00	0.00	23.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	681.11
			0.00	0.00	9.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1377
2/9/2023	41.00	0.00	662.97	0.00	0.00	0.46	2.00	0.00	0.00	0.00	0.00	0.00	0.00	662.97
2/4/2023	0.00	0.00	0.00	0.00	50.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	81.48
3	0.00	0.00	0.00	0.00	20.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	581.49
			0.00	0.00	7.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1385

2/23/2023	60.00	0.00	970.20	0.00	0.00	0.68	2.00	0.00	0.00	0.00	0.00	0.00	0.00	970.20
2/18/2023	0.00	0.00	0.00	0.00	74.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	118.33
4	0.00	0.00	0.00	0.00	29.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	851.87
			0.00	0.00	11.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1394
3/9/2023	50.00	0.00	808.50	0.00	0.00	0.57	2.00	0.00	0.00	0.00	0.00	0.00	0.00	808.50
3/4/2023	0.00	0.00	0.00	0.00	61.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98.94
5	0.00	0.00	0.00	0.00	24.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	709.56
			0.00	0.00	9.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1407
3/23/2023	44.00	0.00	711.48	0.00	0.00	0.50	-10.00	0.00	0.00	0.00	0.00	0.00	0.00	711.48
3/18/2023	0.00	0.00	0.00	0.00	54.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.31
6	0.00	0.00	0.00	0.00	21.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	636.17
			0.00	0.00	8.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1418
4/6/2023	56.00	0.00	905.52	0.00	0.00	0.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	905.52
4/1/2023	0.00	0.00	0.00	0.00	69.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	108.57
7	0.00	0.00	0.00	0.00	27.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	796.95
			0.00	0.00	10.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1427
4/20/2023	51.00	0.00	824.67	0.00	0.00	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	824.67
4/15/2023	0.00	0.00	0.00	0.00	63.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98.89
8	0.00	0.00	0.00	0.00	25.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	725.78
			0.00	0.00	9.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1435
Employee Total	1,222.	0.00	18,872.88	0.00	197.65	11.98	32.00	0.00	0.00	0.00	0.00	0.00	0.00	18,872.88
	0.00	0.00	0.00	0.00	1,443.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,491.34
	0.00	0.00	0.00	0.00	579.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,381.54
			0.00	0.00	226.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31912

Red# 83 SMITH, CAVIC

[redacted]

Reg	H	R	19.850	**Status**	Active	**Soc Sec No**	XXX-XX[redacted]	Hire Cate 8/29/2022
OT1	H	R	29.775	Department	170	StdWrk Wk	40.00	Term Cate
OT2	H	R	39.700	Position		Birth Cate	[redacted]	**LOA Cate**

	Hours		*Earnings*		*Deductions*									
Check Cate	Reg	Sick	Reg	Sick	Fed W/H		SUI	LSl	HEALTH	HEALTH	457(8)	DOMREL	HEALTH	ROTH	Gross
Pay End Cate	OT1	Vac	OT1	Vac	FICA	WA	EAT	BANKNG	WAGE%						Tot Ded
Pay#	OT2	Hol	OT2	Hol	State Tx										Net Pay
			Other	Tips	City Tax										Check#
9/8/2022	5.50	0.00	101.31	0.00	0.00	0.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	142.76
9/3/2022	1.50	0.00	41.45	0.00	10.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.10
20	0.00	0.00	0.00	0.00	4.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	125.66
			0.00	0.00	1.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51549
9/22/2022	2.50	0.00	46.05	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.68
9/17/2022	1.00	0.00	27.63	0.00	5.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.82
21	0.00	0.00	0.00	0.00	2.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.86
			0.00	0.00	0.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1300
10/6/2022	14.00	0.00	257.88	0.00	0.00	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	313.14
10/1/2022	2.00	0.00	55.26	0.00	23.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37.51
22	0.00	0.00	0.00	0.00	9.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	275.63
			0.00	0.00	3.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1308

10/20/2022	10.00	0.00	184.20	0.00	0.00	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.50
10/15/2022	10.00	0.00	276.30	0.00	35.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	55.18
23	0.00	0.00	0.00	0.00	14.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	405.32
			0.00	0.00	5.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1316
11/3/2022	18.00	0.00	331.56	0.00	49.48	0.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	976.26
10/29/2022	18.00	0.00	497.34	0.00	74.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	166.45
24	4.00	0.00	147.36	0.00	29.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	809.81
			0.00	0.00	11.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1324
11/3/2022	11.00	0.00	202.62	0.00	0.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	451.29
10/29/2022	9.00	0.00	248.67	0.00	34.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	54.06
24	0.00	0.00	0.00	0.00	13.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	397.23
			0.00	0.00	5.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1325
11/17/2022	20.00	0.00	368.40	0.00	42.85	0.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	921.00
11/12/2022	20.00	0.00	552.60	0.00	70.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	153.17
25	0.00	0.00	0.00	0.00	28.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	767.83
			0.00	0.00	11.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1333
12/1/2022	12.00	0.00	221.04	0.00	69.93	0.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,146.65
11/26/2022	9.50	0.00	262.49	0.00	87.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	207.30
26	18.00	0.00	663.12	0.00	35.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	939.35
			0.00	0.00	13.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1346
12/15/2022	12.00	0.00	232.48	0.00	2.36	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	521.65
12/10/2022	10.00	0.00	289.17	0.00	39.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.84
27	0.00	0.00	0.00	0.00	16.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	456.81
			0.00	0.00	6.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1354
12/29/2022	16.00	0.00	317.60	0.00	33.56	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	833.70
12/24/2022	12.00	0.00	357.30	0.00	63.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	133.43
28	4.00	0.00	158.80	0.00	25.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.27
			0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1363
12/29/2022	0.00	0.00	0.00	0.00	21.65	0.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	714.60
12/24/2022	0.00	0.00	0.00	0.00	54.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	107.27
28	18.00	0.00	714.60	0.00	21.94	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	607.33
			0.00	0.00	8.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51559
1/12/2023	14.00	0.00	277.90	0.00	69.35	0.83	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,181.08
117/2023	13.00	0.00	387.08	0.00	90.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	212.97
1	13.00	0.00	516.10	0.00	36.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	968.11
			0.00	0.00	14.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1371
1/26/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
1/21/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
2	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1379
2/9/2023	6.00	0.00	119.10	0.00	8.27	0.43	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.35
2/4/2023	6.00	0.00	178.65	0.00	47.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	84.04
3	8.00	0.00	317.60	0.00	18.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	531.31
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1387

2/23/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
2/18/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
4	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1396
3/9/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
3/4/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
5	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1409
3/23/2023	12.00	0.00	238.20	0.00	75.30	0.86	-10.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
3/18/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	212.86
6	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,017.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1421
4/6/2023	12.00	0.00	238.20	0.00	75.30	0.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
4/1/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	222.86
7	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,007.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1429
4/20/2023	11.00	0.00	218.35	0.00	65.77	0.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,151.30
4/15/2023	10.00	0.00	297.75	0.00	88.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	203.81
8	16.00	0.00	635.20	0.00	35.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	947.49
			0.00	0.00	13.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1437
Employee Total	212.00	0.00	4,069.49	0.00	739.72	10.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,656.46
	182.00	0.00	5,258.19	0.00	1,197.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,616.25
	161.00	0.00	6,328.78	0.00	480.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,040.21
			0.00	0.00	187.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	126306

GRAND TOTALS:	Hours	Earnings		Taxes
Regular	2,340.50	41,688.69	**FedW/H**	3,364.12
OT1	196.00	5,680.51	**FICA**	4,404.81
OT2	276.50	9,122.90	State	1,767.66
Sick	0.00	0.00	**City**	644.88
Vacation	8.00	172.16		
Holiday	32.00	688.64	Total Deductions	10,266.53
Other		225.89		
Tips		0.00		
Gross		57,578.79		
Net Pay		47 312.26		

Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Friday, June 16, 2023

VIA EMAIL ONLY

Mr. Michael Long
220 Creek Road
Bath, PA 18014

RE: Right-to-Know Request:
AORO Tracking #15.2023

Dear Mr. Long,

This letter is a follow-up to the Borough's response letter to you dated May 5, 2023, concerning the records requested referenced below (as part of AORO Tracking #15.2023):

"**Subject: Right to Know Request Treasurer's Reports (2016-2022, Q1 2023)**

Pursuant to the Pennsylvania Right-to-Know Law, I am requesting copies of the Treasurer's Reports for the years 2016 through 2022 and the first quarter of 2023 for Borough of Bath.

Please include the following information in each report:

1. Opening Balance
2. Revenues
3. Expenditures
4. Transfers
5. Ending Balance
6. Budget Comparison"

Treasurer's Report titles and formats have changed over the years dependent on how Borough Council desires to view financial information of the Borough. That said, the Borough Treasurer's Report is typically distributed to Borough Council during their monthly public meetings. In some cases, the report may have been delayed or there were no reports to be distributed. During fiscal year 2022, the Borough's Office Administrator, who performed the Borough's accounting work, unexpectedly resigned. Bookkeepers were hired to complete a full review of the Borough's financial accounting practices and to update ledgers. This process carried through to the end of fiscal year 2022 and into the early part of 2023.

With respect to Request #15.2023 regarding Treasurer's Report information, I applied the following steps to retrieve information responsive to Request #15.2023 regarding 'Treasurer Reports':

1. Reviewed each Borough Council monthly packet information from 2016 to 2022 and Quarter 1 of 2023 (January, February, and March).
2. Reviewed documents with the title "Treasury", "Treasury Report" or 'Treasurers Report."
3. Here is a tally of months where no treasury report was filed (no record exists):
    a. 2018 – Month of January
    b. 2019 – Month of December
    c. 2020 – Months of January, March, April meeting was combined with May, June, October, November, and December (NOTE: Covid-19 Pandemic)
    d. 2021 – Months of January, February, August, October, November, and December
    e. 2022 – Months of January, February, March, April, May, June, July, August, September, October, and December (NOTE: Accountant resigned from Borough on April 3, 2022)
    f. 2023 – Month of January
4. Where "Treasury", "Treasury Report" or "Treasurers Report" was missing in 2022, the month of November the report was entitled, "TAX ACCOUNT RECONICILATIONS_09.30.2022". In 2023, the month of February the report(s) were entitled "2022 Actual vs. Budget_12.31.2022" and "Account Reconciliations_12.31.2022." I've copied these reports to a flash drive.
5. The flash drive also contains the "Treasury", "Treasury Reports" or "Treasurers Report" from 2016 to 2022 and Quarter 1 of 2023 (January, February, March) each identified as follows:
    a. **2016**
        i. January Council Meeting – 'Treasurer's Report_Nov 2015'
        ii. February Council Meeting – 'Treasurer Report for December 2015'
        iii. March Council Meeting – 'Treasurer's Report 03-07-2016'
        iv. April Council Meeting – 'Treasurer's Reports [February 2016] for 4-04-2016'
        v. May Council Meeting – 'Treasurer's Reports [March 2016] for 5-01-2016'
        vi. June Council Meeting – 'Treasurer's Reports [April 2016] for 6-06-2016
        vii. July Council Meeting – 'Treasurer's Reports [May 2016] for 7-05-2016
        viii. August Council Meeting – 'Treasurer's Reports [June 2016] for 8-01-2016
        ix. September Council Meeting – 'Treasurer's Reports [July 2016] for 9-12-2016

x. October Council Meeting – 'Treasurer's Reports [August 2016] for October-3-2016
xi. November Council Meeting – 'Treasurer's Report [September 2016] for 11.07.2016
xii. December Council Meeting – 'Treasurer's Reports [October 2016] for 12-05.2026

b. **2017**
i. January Council Meeting – 'Treasurer's Reports [November 2016] for 1-03-2017
ii. February Council Meeting – 'Treasurer's Reports [December 2016] for 2-06-2017
iii. March Council Meeting – 'Treasurer's Reports [January 2017] for 3-01-2017
iv. April Council Meeting – 'Treasurer's Reports [February 2017] for 4-05-2017'
v. May Council Meeting – 'Treasurer's Reports [March 2017 unofficial] for 5-03-2017
vi. June Council Meeting – 'Treasurer's Reports [April 2017] for 6-06-2017
vii. July Council Meeting – 'Treasurer's Reports [May 2017] for 7-12-2017
viii. August Council Meeting – 'TREASURERS REPORT – June 2017'
ix. September Council Meeting – 'Treasurers Report July'
x. October Council Meeting – 'Treasurers Report'
xi. November Council Meeting – 'Treasurers Report- November'
xii. December Council Meeting – 'Treasury Report'

c. **2018**
i. February Council Meeting – 'Treasury Report – Jan 18'
ii. March Council Meeting – 'Treasury Report 3.1.18'
iii. April Council Meeting – 'Treasurer's Report 3.28.18'
iv. May Council Meeting – 'Treasury Report 4.26.18'
v. June Council Meeting – 'Treasury Report – June Mtg'
vi. July Council Meeting – 'Treasury Report – June'
vii. August Council Meeting – 'Treasury Report'
viii. September Council Meeting – 'Treasury Report'
ix. October Council Meeting – 'Treasury Report – Sept'
x. November Council Meeting – 'Treasury Report'
xi. December Council Meeting – 'Treasury Report'

d. **2019**
i. January Council Meeting – 'Treasury Report'
ii. February Council Meeting – 'Treasury Report'
iii. March Council Meeting – 'Treasury Report'
iv. April Council Meeting – 'Treasury Report'
v. May Council Meeting – 'Treasury Report'
vi. June Council Meeting – 'Treasury Report'

vii. July Council Meeting – 'Treasury Report'
viii. August Council Meeting – 'Treasury Report'
ix. September Council Meeting – 'Treasury Rpt Sept'
x. October Council Meeting – 'Treasury Report'
xi. November Council Meeting – 'Treasury Report'

e. **2020**
   i. February Council Meeting – 'Treasury 1', 'Treasury 2', and 'Treasury 3'
   ii. May Council Meeting – 'Treasury Report'
   iii. July Council Meeting – 'Treasury Report' and 'Treasury Report 2'
   iv. August Council Meeting – 'Treasury Report Bills'
   v. September Council Meeting – 'Treasury Report'

f. **2021**
   i. March Council Meeting – 'Treasury'
   ii. April Council Meeting – 'Treasury_BudgetvActual'
   iii. May Council Meeting – 'Treasury'
   iv. June Council Meeting – 'Treasury'
   v. July Council Meeting – 'Treasury' and 'Treasury_Report'
   vi. September Council Meeting – 'Treasury'

g. **2022**
   i. November Council Meeting – 'Tax Account Reconciliation_09.30.2022'

h. **2023**
   i. February Council Meeting – '2022 Actual vs Budget_12.31.2022' and 'Account Reconciliations_12.31.2022'
   ii. March Council Meeting – 'February Treasury Report'

As per the Borough's response letter to you dated May 5, 2023, regarding this compiled material that I have copied to the flash drive, the cost of the flash drive is **$4.99** which must be paid prior to the release of the flash drive. Payment should be made at the Borough Office during normal business hours.

Sincerely,

Bradford T. Flynn, Borough Manager
Borough of Bath

Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Wednesday, May 24, 2023

VIA EMAIL ONLY

Mr. Michael Long
220 Creek Road
Bath, PA 18014

RE: Right-to-Know Request (AORO Tracking #20.2023)

Dear Mr. Long,

The undersigned is an Open Records Officer for the Borough of Bath (the "Borough"). On May 17, 2023, the Borough received your Right-to-Know Request dated May 17, 2023 ("RTK Request #20.2023"). RTK Request #20.2023 seeks access to the following alleged record(s):

- See RTK Request #20.2023 attached hereto and incorporated herein by reference.

Pursuant to Section 902(a) of the Right-to-Know Law, the Borough requires an additional thirty (30) days to respond because (check all that apply):

☒ The request for access may require redaction of a record in accordance with Section 706 of the RTKL;
☐ The request for access may require the retrieval of a record in a remote location;
☒ A timely response to the request for access cannot be accomplished due to bona fide and specific staffing limitations;
☒ A legal review is necessary to determine whether the record is a record subject to access under the RTKL;
☐ The requester may not have complied with the Borough's policies regarding access to records;
☐ The requester refuses to pay applicable fees authorized by the RTKL;
☒ The extent or nature of the request precludes a response within the required time period.

The Borough expects to respond to RTK Request #20.2023 on or before Friday, June 23, 2023. That response will include a statement of the applicable fees (if any).

Very truly yours,

Bradford T. Flynn, Open Records Officer
Borough of Bath

pennsylvania
OFFICE OF OPEN RECORDS

Standard Right-to-Know Law Request Form

Good communication is vital in the RTKL process. Complete this form thoroughly and retain a copy; it is required should an appeal be necessary. You have 15 business days to appeal after a request is denied or deemed denied.

SUBMITTED TO AGENCY NAME: Borough of Bath (Attn: AORO)

Date of Request: May 17, 2023 Submitted via: Email

PERSON MAKING REQUEST:

Name: Michael Long Company (if applicable):
Mailing Address: 220 Creek Road

City: Bath State: PA Zip: 18014 Email: michael.long479@gmail.com

Telephone: 6105073721 Fax:
How do you prefer to be contacted if the agency has questions? Email

RECORDS REQUESTED: *Be clear and concise. Provide as much specific detail as possible, ideally including subject matter, time frame, and type of record or party names. Use additional sheets if necessary. RTKL request should seek records, not ask questions. Requesters are not required to explain why the records are sought or the intended use of the records unless otherwise required by law.*

NARRATIVE

Subject: Right-to-Know Request

Dear Open Records Officer,

Pursuant to the Pennsylvania Right-to-Know Law (RTKL), I am requesting the following records:

1. **All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:**

The resignation of Mark Saginario

The vacated council seat following Mark Saginario's resignation

The appointment of Emmanuel Mirabito to the council seat

Borough policy on a vacated council seat

Any potential employment, position, benefits, compensation for Fiorella Mirabito

Advertisement of any new position within the Borough

The resignation of Marena Rasmus

Clerk positions within the Borough

The hiring of any individual for a clerk position within the Borough

Borough policy on hiring for new positions

Any public announcement regarding the above topics

Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things.

2. A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:

Full name

Position title

Date of hire

Department

Full-time or part-time status

Salary or hourly wage

Any additional compensation or benefits

Please note that personal identifying information such as home addresses, personal phone numbers, and social security numbers can be redacted for privacy reasons.

Please provide these records in electronic format. If any of these requests are denied, please cite each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available under the law.

Thank you for your attention to this matter.

Sincerely,

DO YOU WANT COPIES? Yes, electronic copies preferred if available.
Do you want certified copies? Yes (may be subject to additional costs).
RTKL Requests may require payment or prepayment of fees. See the Official RTKL Fee Schedule for more details.
Please notify me if fees associated with this request will be more than $100?
Please notify me if fees associated with this request will be more than (...)? Please specify for the Agency $50

ITEMS BELOW THIS SECTION FOR AGENCY USE ONLY

Tracking:	Date Received:	Response Due (5 Bus. Days):
30-Day Extension Required?:	If Yes, Final Due Date:	Actual Response Date:
Request was?:		Cost to Requester:

Appropriate third parties notified and given an opportunity to object to the release of requested records?

NOTE: In most cases, a *completed RTKL request form is public record.*

More information about the RTKL is *available at* *htt{J.s://www.ofJ_enrecords.fJ_a.gov*

Form updated Nov. 27, 2018

Right-to-Know Request

Michael Long

220 Creek Road

Bath, PA 18014

Michael.Long479@gmail.com

610-507-3721

Borough of Bath

121 South Walnut Street

Bath, PA 18014

Subject: Right-to-Know Request

Dear Open Records Officer,

Pursuant to the Pennsylvania Right-to-Know Law (RTKL), I am requesting the following records:

1. All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
    - The resignation of Mark Saginario
    - The vacated council seat following Mark Saginario's resignation
    - The appointment of Emmanuel Mirabito to the council seat
    - Borough policy on a vacated council seat
    - Any potential employment, position, benefits, compensation for Fiorella Mirabito
    - Advertisement of any new position within the Borough
    - The resignation of Marena Rasmus
    - Clerk positions within the Borough
    - The hiring of any individual for a clerk position within the Borough
    - Borough policy on hiring for new positions
    - Any public announcement regarding the above topics

Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things.

2. A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:
    - Full name
    - Position title
    - Date of hire
    - Department
    - Full-time or part-time status
    - Salary or hourly wage
    - Any additional compensation or benefits

Please note that personal identifying information such as home addresses, personal phone numbers, and social security numbers can be redacted for privacy reasons.

Please provide these records in electronic format. If any of these requests are denied, please cite each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available under the law.

Thank you for your attention to this matter.

Sincerely,

Michael Long

OOR Exhibit 2

NOTICE OF DEADLINES

The appeal has been docketed by the OOR and it has been assigned to an Appeals Officer. The docket number and the Appeals Officer's contact information are included in the attachments you received along with this notice.

The Final Determination is currently due on **September 13, 2023**.

The timeline for this RTKL appeal may be extended by the OOR during the appeal. This extension will allow the OOR the flexibility it requires to protect due process and to ensure that the agency and requester, along with any third parties, have a full and fair opportunity to meaningfully participate in the appeal.

Evidence, legal argument and general information to support your position must be submitted within seven (7) business days from the date of this letter, unless the Appeals Officer informs you otherwise. *Note: If the proceedings have been stayed for the parties to submit a completed mediation agreement, the record will remain open for seven (7) business days beyond the mediation agreement submission deadline*.

Submissions in this case are currently due on **July 24, 2023**.

If you are unable to meaningfully participate in this appeal under the above deadlines, please notify the Appeals Officer as soon as possible.

Due to delays in U.S. mail, we urge agencies and requesters to use email or the E-File Appeal Portal for all communications with the OOR to the extent possible.

Presently, the OOR is receiving postal mail on a limited basis. Accordingly, we urge agencies and requesters to use email for all communication with the OOR to the extent possible.

If you have any questions about this notice or the underlying appeal, please contact the Appeals Officer. The OOR is committed to working with agencies and requesters to ensure that the RTKL appeal process proceeds as fairly and as smoothly as possible.

333 Market Street, 16th Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | https://openrecords.pa.gov

pennsylvania
OFFICE OF OPEN RECORDS

July 13, 2023

Via Email Only:

Michael Long
220 Creek Road
Bath, PA 18014
michael.long479@gmail.com

Via Email Only:

Bradford T. Flynn
Agency Open Records Officer
Bath Borough
121 South Walnut Street
Bath, PA 18014
manager@boroughofbath.org
bradford.flynn@boroughofbath.org

RE: OFFICIAL NOTICE OF APPEAL - Long v. Bath Borough OOR Dkt. AP 2023-1598

Dear Parties:

Review this information and all enclosures carefully as they affect your legal rights.

The Office of Open Records ("OOR") received this appeal under the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101, et seq. on July 13, 2023. A binding Final Determination ("FD") will be issued pursuant to the timeline required by the RTKL, **please see the attached information for more information about deadlines.**

Notes for both parties (more information in the enclosed documents):

- The docket number above must be included on all submissions related to this appeal.
- Any information provided to the OOR must be provided to all parties involved in this appeal. Information that is not shared with all parties will not be considered.
- All submissions to the OOR, other than *in camera* records, will be public records. Do not include any sensitive information- such as Social Security numbers.

If you have questions about this appeal, please contact the assigned Appeals Officer (contact information enclosed), providing a copy of any correspondence to all parties involved in this appeal.

Sincerely,

Elizabeth Wagenseller

Elizabeth Wagenseller
Executive Director

Enc.: Description of RTKL appeal process
Assigned Appeals Officer contact information
Entire appeal as filed with OOR

333 Market Street, 16th Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | https://openrecords.pa.gov

The Right-to-Know Law Appeal Process

Please review this information carefully as it affects your legal rights.

The Office of Open Records ("OOR") has received the enclosed appeal, which was filed under the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101, et seq. A binding Final Determination will be issued by the OOR pursuant to the statutory timeline, subject to the notice of deadlines enclosed herein. If you have any questions, please contact the Appeals Officer assigned to this case. Contact information is included on the enclosed documents.

Submissions to the OOR

Both parties may submit evidence, legal argument, and general information to support their positions to the assigned Appeals Officer. Please contact the Appeals Officer as soon as possible.

Any information provided to the OOR must be provided to all parties involved in this appeal. Information submitted to the OOR will not be considered unless it is also shared with all parties.

Include the docket number on all submissions.

The agency may assert exemptions on appeal even if it did not assert them when the request was denied (*Levy v. Senate of Pa.*, 65 A.3d 361 (Pa. 2013)).

It is strongly advised that attorneys and other party representatives **file an Entry of Appearance** by contacting the Appeals Officer or completing the form at https://www.openrecords.pa.gov/Appeals/EntryOfAppearance.cfm.

NOTE TO AGENCIES: In cases assigned to the E-File Portal, if an Entry of Appearance is not filed, the AORO is responsible to inform attorneys and other party representatives of all docket activity.

Generally, submissions to the OOR — other than *in camera* records — will be public records. Do not include sensitive or personal information, such as Social Security numbers, on any submissions.

Agency Must Notify Third Parties

If records affect a legal or security interest of a third party; contain confidential, proprietary or trademarked records; **or** are held by a contractor or vendor, **the agency must notify such parties of this appeal immediately and provide proof of that notice by the record closing date set forth above.**

Such notice must be made by: (1) Providing a copy of all documents included with this letter; **and** (2) Advising relevant third parties that interested persons may request to participate in this appeal by contacting the Appeals Officer or completing the form at https://www.openrecords.pa.gov/Appeals/DIPRequest.cfm. (see 65 P.S. § 67.1101(c)).

The Commonwealth Court has held that "the burden [is] on third-party contractors... to prove by a preponderance of the evidence that the [requested] records are exempt." (*Allegheny County Dep't of Admin. Servs. v. A Second Chance, Inc.*, 13 A.3d 1025, 1042 (Pa. Commw. Ct. 2011)).

A third party's failure to participate in a RTKL appeal before the OOR

may be construed as a waiver of objections regarding release of requested records.

NOTE TO AGENCIES: If you have questions about this requirement, please contact the Appeals Officer immediately.

Statements of Fact & Burden of Proof

Statements of fact <u>must</u> be supported by an affidavit or attestation made under penalty of perjury by a person with actual knowledge. Statements of fact or allegations submitted without an affidavit may not be considered.

Under the RTKL, the agency has the burden of proving that records are exempt from public access (see 65 P.S. § 67.708(a)(1)). **To meet this burden, the agency <u>must</u> provide evidence to the OOR**.

The law requires the agency position to be supported by sufficient facts and citation to all relevant sections of the RTKL, case law, and OOR Final Determinations.

An affidavit or attestation is required to prove that records do not exist.

Sample affidavits are on the OOR website, openrecords.pa.gov.

Any evidence or legal arguments not submitted or made to the OOR may be waived.

Preserving Responsive Records

The agency must preserve all potentially responsive records during the RTKL appeal process, including all proceedings before the OOR and any subsequent appeals to court.

Failure to properly preserve records may result in the agency being sanctioned by a court for acting in bad faith.

See *Lockwood v. City of Scranton*, 2019-CV-3668 (Lackawanna County Court of Common Pleas), holding that an agency had "a mandatory duty" to preserve records after receiving a RTKL request. Also see generally *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 185 A.3d 1161 (Pa. Commw. Ct. 2018), holding that "a fee award holds an agency accountable for its conduct during the RTKL process..."

Mediation

The OOR offers a mediation program as an alternative to the standard appeal process. To participate in the mediation program, both parties must agree in writing.

The agency must preserve all potentially responsive records during the RTKL appeal process. Mediation is a voluntary, informal process to help parties reach a mutually agreeable settlement. The OOR has had great success in mediating RTKL cases.

If mediation is successful, the requester will withdraw the appeal. This ensures that the case will not proceed to court — saving both sides time and money.

Either party can end mediation at any time.

If mediation is unsuccessful, both parties will be able to make submissions to the OOR as outlined on this document, and the OOR will have no less than 30 calendar days from the conclusion of the mediation process to issue a Final Determination.

Parties are encouraged to consider the OOR's mediation program as an alternative way to resolve disputes under the RTKL.

pennsylvania
OFFICE OF OPEN RECORDS

IN THE MATTER OF	:	
	:	
MICHAEL LONG,	:	
Requester	:	
	:	**Docket No.: AP 2023-1598**
v.	:	
	:	
BATH BOROUGH,	:	
Respondent	:	

This correspondence confirms the above-referenced Requester's agreement to an additional thirty (30) day extension of time to issue a Final Determination in this matter as indicated in the Requester's appeal form. Accordingly, pursuant to 65 P.S. § 67.110l(b)(l), the Office of Open Records will now issue a Final Determination in the above-captioned matter on or before September 13, 2023.

333 Market Street, 16th Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | https://openrecords.pa.gov

pennsylvania
OFFICE OF OPEN RECORDS

APPEALS OFFICER:	**Kelly Isenberg, Esq.**
CONTACT INFORMATION:	**Commonwealth of Pennsylvania** **Office of Open Records** **333 Market Street, 16th Floor** **Harrisburg, PA 17101-2234**
FACSIMILE:	**(717) 425-5343**
EMAIL:	**kisenberg@pa.gov**
Preferred method of contact and submission of information:	**EMAIL** **(Except cases assigned to the E-File Appeal Portal)**

Please direct submissions and correspondence related to this appeal to the above Appeals Officer. Please include the case name and docket number on all submissions.

You must copy the other party on everything you submit to the OOR. The Appeals Officer cannot speak to parties individually without the participation of the other party.

The OOR website, https://openrecords.pa.gov, is searchable and both parties are encouraged to review prior final determinations involving similar records and fees that may impact this appeal.

The OOR website also provides sample forms that may be helpful during the appeals process. OOR staff are also available to provide general information about the appeals process by calling (717) 346-9903.

pennsylvania
OFFICE OF OPEN RECORDS

IN THE MATTER OF :
:
_____, :
Requester :
:
v. :
:
_____, :
Agency :

OOR Dkt. AP _____

Please accept my appearance for the _____ in the above captioned case.

(Requester/Agency)

PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.

Attorney: _____

Firm: _____

Address: _____

_____

Email: _____

Phone #: _____

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.

REQUEST TO PARTICIPATE BEFORE THE OOR

Please accept this as a Request to Participate in a currently pending appeal before the Office of Open Records. The statements made herein and in any attachments are true and correct to the best of my knowledge, information and belief. I understand this statement is made subject to the penalties of 18 Pa.C.S. § 4904, relating to unsworn falsifications to authorities.

NOTE: The requester filing the appeal with the OOR is a named party in the proceeding and is NOT required to complete this form.

OOR Docket No: _____ **Today's date**: _____

Name:_____

PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.

Address/City/State/Zip_____

E-mail_____

Fax Number:_____

Name of Requester: _____

Address/City/State/Zip_____

Telephone/Fax Number:_____/_____

E-mail_____

Name of Agency: _____

Address/City/State/Zip_____

Telephone/Fax Number:_____/_____

E-mail_____

Record at issue: _____

I have a direct interest in the record(s) at issue as (check all that apply):

- ☐ An employee of the agency
- ☐ The owner of a record containing confidential or proprietary information or trademarked records
- ☐ A contractor or vendor
- ☐ Other: (attach additional pages if necessary) _____

I have attached a copy of all evidence and arguments I wish to submit in support of my position.

Respectfully submitted, _____(must be signed)

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.

OOR Exhibit 3

From:	Michael Long
To:	Isenberg, Kelly
Cc:	Kratz, James F.; Michael Long; bradford.flynn@boroughofbath.org
Subject:	[External] Re: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Monday, July 24, 2023 11:43:20 PM
Attachments:	AppealLong.pdf

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the Report Phishing button in Outlook.*

OOR Appeals Officer Isenberg,

Thank you for your continued patience and professionalism in handling this matter.

You can find my filing attached.

Thank you

Michael Long

On Thu, Jul 13, 2023 at 4:44 PM DC, OpenRecords <RA-OpenRecords@pa.gov> wrote:

> Dear Parties,
>
> Attached, find an appeal that has been filed with the Office of Open Records. The above mentioned matter is assigned to Appeals Officer Kelly Isenberg (refer to the attachment for contact information). Please forward all future correspondence directly to the Appeals Officer (cc'd on this email) and all other parties.
>
> **Ian Spiess**
> Administrative Officer
> Office of Open Records
> 333 Market Street, 16th Floor
>
> Harrisburg, PA 17101-2234
>
> (717) 346-9903 | **Fax** (717) 425-5343
>
> https://openrecords.pa.gov
>
> @OpenRecordsPA
>
> Open Records in Pennsylvania Blog

Michael Long

220 Creek Rd

Bath, PA 18014

Email: Michael.Long479@gmail.com

July 24, 2023

Office of Open Records

Commonwealth of Pennsylvania

333 Market Street, 16th Floor

Harrisburg, PA 17101-2234

Re: Long v. Bath Borough OOR Dkt. AP 2023-1598

Dear Appeals Officer Kelly Isenberg,

I am writing to appeal the denial of access to records under the Pennsylvania Right-to-Know Law (RTKL), 65 P.S. §§ 67.101, et seq., by the Borough of Bath (the Agency). My original request, dated May 17, 2023, sought access to various records related to the resignation of Mark Saginario, the appointment of Emmanuel Mirabito to the council seat, the resignation of Marena Rasmus, and the hiring of any individual for a clerk position within the Borough, among other related topics. Despite clear and specific requests for these records, I believe the Agency failed to conduct a good faith search and withheld responsive records without proper justification.

In the denial letter, the Agency claimed that some of the requested records do not exist, while others are protected by attorney-client privilege. However, upon careful review of

the Agency's response and the records provided, I respectfully submit that these claims are unfounded and inconsistent with the evidence available. Moreover, I argue that the Agency failed to meet its burden of proof under the RTKL to justify the denial of access to the requested records.

Firstly, there is evidence suggesting the existence of additional responsive records that the Agency failed to provide. For instance, the minutes of the borough council meetings held on April 4, 2022, and July 14, 2021, reference the resignation letters of Office Administrator Marena Rasmus and Council President Mark Saginario, respectively. These resignation letters fall within the scope of my original request and should have been provided by the Agency. Their absence raises serious concerns about the thoroughness and good faith of the Agency's search for responsive records.

Secondly, the Agency's claim of attorney-client privilege over certain requested records is not substantiated by evidence. The Agency has not provided any specific reasons or context to justify the application of this privilege. Under the RTKL, factual information, the application of law to fact, or legal strategy are not protected by attorney-client privilege. Furthermore, communications between the Agency and its attorney about the process of appointing an elected position, which is procedural in nature and laid out by the law, should not be shielded from public scrutiny.

Thirdly, I believe that the Agency has failed to properly certify the records provided. My original request explicitly asked for certified copies of the requested records, but the Agency did not comply with this request.

I request that the Office of Open Records overturn the Agency's denial and order the Agency to provide all responsive records without delay. I firmly believe in the public's right to transparency and accountability, especially in matters of public interest such as the appointment of elected positions and the hiring of public employees. If the requested records are not provided, it could significantly undermine these principles and erode public trust in the Agency.

Thank you for your attention to this matter. I look forward to your prompt and favorable response.

Sincerely,

Michael Long

ATTACHMENT #5
(5 PAGES)

From:	Fiorella Reginelli-Mirabito
To:	Bradford Flynn
Cc:	Michele Ehrgott; Barry Fenstermaker; Frank Hesch; Mark Saginario; Carol Bear-Heckman; Phyllis Andrews; Anthony Kovalovsky; Marena Rasmus; Tanya Lamparter
Subject:	Re: CONCERNS
Date:	Thursday, October 28, 2021 8:13:03 AM

Brad…

Believe me I understand "conception" and "law" - again, for some reason I cannot shake the fact that it concerns me…that is all.

Safe travels home!

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
484-281-3628 - Mayors Office
visit us at: www.bathborough.org
"Bath…History Nestled With Friendship"

"*Believe you can, and you're half way there…" - Theodore Roosevelt*

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On Oct 28, 2021, at 8:00 AM, Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:

Understood. And as an objective fact, certain things must occur before the seat is filled.

Public knowledge of him resigning and the actual law on this is not aligned here. The Borough Code dictates what Council can do in this situation. Council accepts Marks resignation in public session. Which hasn't occurred yet. That sets the timetable for filling a seat, depending on the outgoing members tendered resignation date. A seat only opens when a member officially submits his/her resignation and Council accepts it.

We'll get it straightened out. Jamie has been guiding Michele and I. We can discuss further in executive session.

Brad

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Fiorella Reginelli-Mirabito <mayor@boroughofbath.org>
Sent: Thursday, October 28, 2021 3:54:12 AM
To: Michele Ehrgott <mehrgott@boroughofbath.org>
Cc: Barry Fenstermaker <bfenstermaker@boroughofbath.org>; Frank Hesch <fhesch@boroughofbath.org>; Mark Saginario <mark.saginario@boroughofbath.org>; Carol Bear-Heckman <checkman@boroughofbath.org>; Phyllis Andrews <pandrews@boroughofbath.org>; Anthony Kovalovsky <akovalovsky@boroughofbath.org>; Bradford Flynn <bradford.flynn@boroughofbath.org>; Marena Rasmus <marena.rasmus@boroughofbath.org>; Tanya Lamparter <tanya.lamparter@boroughofbath.org>
Subject: Re: CONCERNS

Thanks, Michele…

Although, I believe Brad has just made it clear on what the steps are and how Council is going to proceed. Again, in my humble opinion…it all concerns me.

Have a good day!

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
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On Oct 27, 2021, at 6:56 PM, Michele Ehrgott <mehrgott@boroughofbath.org> wrote:

Next meeting November 8th council can discuss np

Sent from my iPhone

On Oct 27, 2021, at 5:15 PM, Fiorella Reginelli-Mirabito

<mayor@boroughofbath.org> wrote:

Good afternoon, everyone…

A quick message to you all, in reference to Mark's resignation on Council.

This weekend at the campfire I spoke to several people in reference to many things throughout our Borough. I listened closely, didn't really give any answers - just smiled and told them I would take their opinions under advisement. One of the items was Mark's resignation from Borough Council and how that is going to be handled. Also, Mr. Mike Long pulled me to the side and gave me his "dissertation" on how things should go; what we should do; what should've been done; available grants; etc. - and, lastly - and, most concerning his firm decision to run as a write-in on Council. Please know - ANYONE receiving the highest votes will get the seat. Those on the ballot really have no reason to worry - since voters usually don't take the time to "write-in". There are others who know of Mark's resignation since it's in the newspaper that he has taken the position in Tatamy, and others wanting to apply for that seat.

I want to go on record - I completely disagree with waiting for Mark's resignation to take effect in January 2022. I think the seat should be filled now. I realize, again, ultimately - the decision is Borough Councils and not mine. Although, I have a terrible feeling about the outcome if you wait to fill the seat. Manny has indicated interest in "applying" to fill the seat - to be honest, I'm not in agreement - but, not my decision either. He DOES NOT want ANY office on Council. He wants to just fulfill the two years and that's it. Michele - please do not be concerned that he wants to be President - or VP for the matter - NO interest at all.

Thank you for allowing me to express my concern… ultimately, as in all things I do - my concern is for the Borough…nothing more.

Best,
Fi

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
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Theodore Roosevelt

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MOTION/ACTION ITEMS

- **MOTION**: APPOINTING, IN ADDITION TO JAKE SHRAY, SEO #03134 OF HANOVER ENGINEERING AS PRIMARY SEO THE FOLLOWING ADDITIONAL SEOs FROM HANOVER ENGINEERING; SCOTT J. BROWN, SEO #01716, CHRISTOPHER A. TAYLOR, SEO #03138, LUKE E. EGGERT, SEO #04090, AND JUSTIN P. ROBBINS, SEO #04079 made by Councilman Mirabito, seconded by Councilwoman Andrews, all ayes, motion carries 5-0.

- **MOTION**: Previously agreed to by Council during Courtesy of the Floor.

MOTION: TO ENTER EXECUTIVE SESSION FOR SOLICITOR CONSULTANCY AND TO DISCUSS PERSONNEL MATTERS made by Councilman Mirabito, seconded by Councilwoman Andrews, all ayes, motion passed 5-0 at 8:22 PM.

MOTION: TO ENTER PUBLIC SESSION made by Councilman Fenstermaker, seconded by Councilman Hamadyk, all ayes, motion passed 5-0 at 8:51 PM.

- **MOTION**: TO ENGAGE WITH HOWARD KULP ARCHITECTS, P.C. AS OF APRIL 1, 2022, PROPOSAL FOR THE PURPOSE OF NEW MEMBRANE ROOF INSTALLATION AT THE BOROUGH MUNICIPAL BUILDING DESIGN AND PLAN REVIEW PACKAGE FOR CODE REVIEW PRECONDITIONED UPON HOWARD KULP ARCHITECTS AGREEING TO CHANGES TO THE AGREEMENT AS REQUESTED BY SOLICITOR KRATZ made by Councilman Mirabito, seconded by Councilwoman Andrews, all ayes, motion passed 5-0.

- **MOTION**: TO ACCEPT THE RESIGNATION OF OFFICE ADMINISTRATOR MARENA RASMUS, EFFECTIVE PER HER EMAILED RESIGNATION DATED APRIL 3, 2022, made, with regret, by Councilman Fenstermaker, seconded by Councilman Mirabito, all ayes, motion passed 5-0.

RESOLUTIONS

- **RESOLUTION NO. 2022-008 AMENDING PART 11 OF THE BOROUGH SCHEDULE OF FEES**

MOTION: to Advertise Proposed Ordinance 2021-709 made by Councilman Hesch, seconded by Councilm Kovalovsky; six ayes, one nay, motion carries 6-0.

C. **Proposed Ordinance No. 2021-70X Amending Chapter 434 entitled Public Parking Lots; adding 250 Race Street Lot**

D. **Proposed Ordinance No. 2021-7XX Amending the Zoning Ordinance**

MOTION: to Advertise Ordinance 2021-70X made by Councilman Hesch, seconded by Councilman Kovalovsky; six ayes, one nay, motion carries 6-0.

E. **Proposed Ordinance No. 2021-7XX Creating Chapter XXX the Borough's Rental Inspection and Disruptive Conduct Property Law**
- It was noted to send questions and examples to the Borough Office for forwarding to legal for the special discussion meeting on July 20th.

MOTION TO ENTER EXECUTIVE SESSION at 7:28 PM made by Councilman Fenstermaker, seconded Councilwoman Andrews

MOTION TO EXIT EXECUTIVE SESSION at 7:40PM made by Councilwoman Andrews, seconded by Councilman Kovalovsky

GENERAL COMMENTS OR ITEMS TO BE PLACED ON THE NEXT AGENDA

Vice President Ehrgott read letter of resignation from seat of Council President from Mark Saginario. Saginario noted recent career changes and self-imposed term limits. Council expressed understanding; M Mirabito commented that Saginario had done very well as Council President. At this time, Asst. Solicitor K briefly explained proceedings of accepting nominations as laid out in Borough Code.

MOTION to accept the resignation of Mark Saginario from President made with regret by Councilwoman Andrews, seconded by Councilman Fenstermaker; all ayes, motion carries 6-0.

Asst. Solicitor Kratz requested nominations for President.
- Michele Ehrgott was nominated by Phyllis Andrews
- Frank Hesch was nominated by Carol Bear-Heckman

Michele Ehrgott voted as President with three ayes, one nay, two abstentions.

Asst. Solicitor Kratz requested nominations for Vice President.
- Barry Fenstermaker was nominated by Frank Hesch
- Frank Hesch was nominated by Phyllis Andrews

Barry Fenstermaker voted as Vice President with three ayes, one nay, two abstentions.

Asst. Solicitor Kratz requested nominations for President Pro Tem.
- Frank Hesch was nominated by Michele Ehrgott

Frank Hesch voted as President Pro Tem with five ayes, one abstention.

CORRESPONDENCE FORWARDED TO COUNCIL BY EMAIL

a) 06/28/2021 – Mayor/Council Rental Inspection & Registry Law Version 3 for Review

CURRENT SUBDIVISION/LAND DEVELOPMENT TIME LIMIT EXTENSIONS
- None

ADJOURNMENT

MOTION to adjourn at 7:55 PM made by Councilman Kovalovsky, seconded by Councilwoman Andrews, a ayes.

OOR Exhibit 4

From:	Kratz, James F.
To:	Isenberg, Kelly
Cc:	bradford.flynn; Michael Long
Subject:	[External] RE: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Tuesday, July 25, 2023 2:46:05 PM
Attachments:	7-24-23 JFK Letter to Isenberg re OOR AP 2023-1598.pdf 7-24-23 PROOF 7-24-23 JFK LETTER TO ISENBERG SUBMITTED 7-24-23.pdf

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Good Afternoon Appeals Officer Isenberg:

On behalf of Bath Borough, my attached letter of yesterday addressed to you (with copy to Mr. Flynn and Mr. Long) was submitted yesterday between 2 PM and 2:15 PM to the OOR Portal for filing to AP 2023-1598. Attached is the screenshot that I saved after it was successfully submitted yesterday. Please docket my letter of yesterday to the docket for AP 2023-1598.

Mr. Flynn and I each received a copy of Mr. Long's letter of yesterday addressed to you which he remitted via his below email of yesterday at 11:43 PM. Mr. Flynn will be providing you with a letter to respond to the mistaken claims set forth in Mr. Long's letter of yesterday. That letter will be emailed to you with copy to me and Mr. Long.

Thanks.

James F. Kratz, Esq.
Stevens & Lee
840 W. Hamilton Street, Suite 521
Allentown, PA 18101
T: 610-997-5065
F: 610-371-1229
james.kratz@stevenslee.com

Please note my new email address -- james.kratz@stevenslee.com. While I prefer that you use my new email address, in case you forget, I will continue to receive email addressed to my former email address of jfk@stevenslee.com. Thank you!

STEVENS & LEE

LAWYERS & CONSULTANTS

840 W. Hamilton Street, Suite 521
Allentown, PA 18101
(610) 691-7111 Fax (610) 691-7175
www.stevenslee.com

Direct Dial: (610) 997-5065
Email: jfk@stevenslee.com
Direct Fax: (610) 371-1229

July 24, 2023

BY OOR E-FILE APPEAL PORTAL ONLY

Appeals Officer Kelly Isenberg, Esq.
c/o Commonwealth of Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: In the Matter of Michael Long v. Bath Borough
OOR Docket No.: AP 2023-1598

Dear Appeals Officer Isenberg:

The undersigned is the Solicitor for the Borough of Bath (the "Borough"). **Enclosed** is my entry of appearance on behalf of the Borough in the above referenced matter.

On July 13, 2023, Mr. Long filed with your office his appeal of the Borough's final response letter dated June 23, 2023 (the "Borough's Response") from the Borough's Open Records Office, Bradford T. Flynn ("Flynn") to Mr. Long's Right-to-Know Law Request dated May 17, 2023 (the "RTKL Request").

In Mr. Long's appeal, for "Records at Issue in this Appeal", he states the following:

> "1. Emails between **any combo** of B. Flynn, F. Mirabito, M. Ehrgott, P. Andrews, B. Fenstermaker, J. Kratz from 9/20/21 to 5/15/22 regarding council membership changes, hiring, and policy. 2. List of employees hired outside of Public Works Department since 1/1/22, with details including name, position, date of hire, department, status, salary, and additional benefits. -more detailed version attached."

Emphasis added via bold typeface.

Please note that "any combo" was not stated in the relevant part of the original RTKL Request. The Office of Open Records has repeatedly held that a requester may not modify, explain or expand a request on appeal. See Pa. State Police v. Office of Open Records, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010); Michak v. Pa. Dept. of Public

Welfare, 56 A.2d 925 (Pa. Commw. Ct. 2012). The Office of Open Records review on appeal is confined to Mr. Long's RTKL Request as originally written and Mr. Long is not permitted to modify, explain or expand his RTKL Request. Id.

On another note, in his appeal, Mr. Long provided a letter dated July 13, 2023, addressed to "Whom It May Concern" at the Office of Open Records. Said letter, in relevant part, states as follows:

> "I am writing to appeal the partial denial of my right-to-know request #20.2023, which I submitted to the Borough of Bath on May 17, 2023. I received a written response on June 23, 2023, denying parts of my request. Specifically, I am appealing the denial of my request for:
>
> - Email communications between specific individuals regarding the resignation of a council member, the vacated council seat, appointment of a new member, policies on vacated seats, and hiring, among other matters. The Borough claimed no such emails exist without proof.
>
> - A list of employees hired since January 2022 with name, position, salary, etc. The Borough claimed no such list exists but provided earnings reports."

Please note that Mr. Long's appeal is limited to the alleged public records that he claims via the "Records at Issue in this Appeal". RTKL Section 1101(a)(1).

The first part of the relevant alleged records actually requested by Mr. Long via his RTKL Request, in relevant part, states as follows:

> "All …, … emails, …, …, …, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> - The resignation of Mark Saginario
> - The vacated council seat following Mark Saginario's resignation
> - The appointment of Emmanuel Mirabito to the council seat
> - Borough Policy on a vacated council seat
> - Any potential employment, position benefits, compensation of Fiorella Mirabito
> - Advertisement of any new position within the Borough
> - The resignation of Marena Rasmus

- Clerk positions within the Borough
- The hiring of any individual for a clerk position within the Borough
- Borough policy on hiring for new positions
- Any public announcement regarding the above topics

Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

Emphasis added via bold typeface.

The second part of the alleged records actually requested by Mr. Long via his RTKL Request were as follows:

"A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:

- Full name
- Position title
- Date of hire
- Department
- Full-time or part-time status
- Salary or hourly wage
- Any additional compensation or benefits

Please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons."

With respect to the first part of Mr. Long's RTKL Request, the Borough's Response, in relevant part, states as follows:

> "Also, as to your statement that you are not seeking attorney-client privileged communications, but you claim to define the scope of attorney-client privilege, your claim as to the scope of attorney-client privilege is erroneous. For your information, as to emails from Solicitor Kratz to me, the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council are privileged per attorney-client privilege and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record"). Thus, RTK Request #20.2023 is denied as to said emails for that reason. Further, based upon my review of the relevant time frame, Solicitor Kratz did not provide any privileged or non-privileged emails regarding any potential employment, position benefits, compensation for Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing. Thus, with respect to the foregoing, RTK Request #20.2023 is denied per RTKL Section 705 for said non-existent emails.
>
> That said, RTK Request #20.2023 is granted to the following attached emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz from the timeframe specified between September 20, 2021, to May 15, 2022:
>
> - **Attachment 'A'** – '12_6_21 Meeting of Council' email dated 12/02/2021. Additionally, Resolution #2021-012 is a responsive record contained within the Council packet associated with the email dated 12/02/2021 and it is enclosed marked as Attachment 'A' – 1
> - **Attachment 'B'** – 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021. Additionally, councilman's Mark A. Saginario resignation letter, and a letter of interest to fill councilman's Saginario's seat was included with the Council packet associated with the email dated 12/29/2021. These documents are enclosed as Attachment 'B' – 1, and Attachment 'B' – 2.

- **Attachment 'C'** – 'March Meeting Minutes' email dated 04/04/2022."

With respect to the Borough's Response stating that Mr. Long's claim as to the scope of attorney-client privilege is erroneous, that is correct. Please see the **enclosed** Affidavit prepared and executed by me today (the "7-24-23 JFK Affidavit"). Thus, Mr. Long's claim as to the scope of attorney-client privilege is erroneous. See Paragraphs 10 thru 13 of the 7-24-23 JFK Affidavit.

With respect to the Borough's Response stating that "as to emails from Solicitor Kratz to [Mr. Flynn], the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council are privileged per attorney-client privilege and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record")", that is also correct. Please see Paragraphs 10 thru 27 of the 7-24-23 JFK Affidavit; see also, RTKL Section 102 (definitions of "privilege" and "public record").

With respect to the Borough's Response stating that, "based upon [Mr. Flynn's] review of the relevant time frame, Solicitor Kratz did not provide any privileged or non-privileged emails regarding any potential employment, position benefits, compensation for Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing", that is also correct per the search conducted by Mr. Flynn. **Enclosed** is Mr. Flynn's Attestation Regarding Borough Possession of Records executed July 24, 2023 (the "7-24-23 Flynn Attestation) that provides Mr. Flynn's search methodology and locations relative to his processing of Mr. Long's RTKL Request. Specifically, please see Paragraphs 7, 8, 11 and 12 of the 7-24-23 Flynn Attestation.

Via the 7-24-23 Flynn Attestation, it is apparent that Mr. Flynn understood the first part of the request for emails "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz from the timeframe specified between September 20, 2021, to May 15, 2022" which is correct relative to Mr. Long's original language in the first part of his RTKL Request. Emphasis added. See Paragraphs 4)a., 4)c., 4)e., 4)i., 4)j., 6 and 7 of 7-24-23 Flynn Attestation; see also, Pa. State Police v. Office of Open Records, *supra*; Michak v. Pa. Dept. of Public Welfare, *supra*.

With respect to the Borough's Response to the first part of Mr. Long's RTKL Request, the Borough granted access to the following emails between Mr. Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022:

1) '12_6_21 Meeting of Council' email dated 12/02/2021 from Marena Rasmus to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Flynn, Solicitor Kratz, Borough Engineer Madison and Borough office secretary Lamparter. This email is responsive because it references proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) which, at Article 2.7 (Filling Council Vacancies), is responsive to Mr. Long's request for Borough policy on a vacated council seat. This email was marked Attachment 'A' and provided to Mr. Long via the Borough's Response.

    a. The above email (Attachment 'A' to Borough's Response) included an attachment (Council packet) that included Resolution #2021-012. Proposed Resolution #2021-012 was marked Attachment 'A' – 1 and provided via the Borough's Response.

2) 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021 from Flynn to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz, former employee Rasmus and Borough office secretary Lamparter. This email is responsive because it references Mark Saginario's resignation from Council and a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mr. Saginario's resignation. This email was marked Attachment 'B' and provided to Mr. Long via the Borough's Response.

    a. The above email (Attachment 'B' to Borough's Response) included an attachment (Council packet) that included Mr. Saginario's resignation letter from Council. Mr. Saginario's resignation letter from Council was marked Attachment 'B' – 1 and provided to Mr. Long via the Borough's Response.

b. The above email (Attachment 'B' to Borough's Response) included an attachment (Council packet) that included a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mark Saginario's resignation. Mr. Mirabito's letter of interest was marked Attachment 'B' – 2 and provided to Mr. Long via the Borough's Response.

3) 'March Meeting Minutes' email dated 04/04/2022 from Flynn to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz and Borough Engineer Madison. This email is responsive because it was Mr. Flynn's reporting that former Borough employee Marena Rasmus resigned from her position effective Sunday, April 3, 2022. This email was marked Attachment 'C' and provided to Mr. Long via the Borough's Response.

With respect to the first part of Mr. Long's RTKL Request, the Borough granted access to the non-attorney-client privileged emails between Mr. Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022, for the following subject matters:

1) Borough policy on a vacated council seat. See Attachments 'A', 'A' - 1 and 'A' -2 to the Borough's Response.

2) Mark Saginario's resignation from Council. See Attachment "B', 'B' -1 and 'B' – 2 to the Borough's Response.

3) Prospective appointment of Emmanuel Mirabito to Council seat. See Attachment "B', 'B' -1 and 'B' – 2 to the Borough's Response.

4) The resignation of Marena Rasmus. See Attachment 'C' to the Borough's Response.

See Borough's Response; see also Paragraph 9 of 7-24-23 Flynn Attestation.

There aren't any non-attorney-client privileged emails between Mr. Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022, regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on

hiring for new positions or any public announcements regarding same so no such records exist. See Paragraphs 12 and 13 of 7-24-23 Flynn Attestation; see also, RTKL Section 705.

Accordingly, Mr. Long's appeal relative to the first part of his RTKL Request should be denied for all of the above reasons.

With respect to the second part of Mr. Long's RTKL Request, the Borough's Response, in relevant part, states as follows:

> The second part of RTK Request #20.2023 is denied in part and granted in part. RTK Request #20.2023 is denied per RTKL Section 705 because no such list or list containing the alleged public records exists. The Borough is not required to create such list or such list to contain the alleged public records that you seek. That said, RTK Request #20.2023 is granted to the Employee Earnings Reports for any hired Borough personnel from January 1, 2022, to April 30, 2023 (**see Attachment 'D')**. Redaction, pursuant to RTKL Section 706, was necessary to redact home addresses, dates of birth, and social security numbers of employees pursuant to Section 708(b)(6)(i)(A). The Employee Earnings Report is what the Borough has and is responsive to the second part of RTKL Request #20.2023.

The alleged list that Mr. Long requested via his RTKL Request does not exist and the Borough's Response properly denied this part of Mr. Long's request via RTKL Section 705. See RTKL Section 705; See Paragraphs 14 thru 16 of the 7-24-23 Flynn Attestation. Accordingly, Mr. Long's appeal of the second part of his RTKL Request should be denied because the list that he seeks does not exist. Id.

Closing

In sum, Mr. Long's appeal should be denied for all of the reasons provided in the Borough's Response and above.

Very truly yours,

STEVENS & LEE



James F. Kratz

cc: Bath Borough c/o Bradford T. Flynn (OOR e-file appeal portal only)
Michael Long (OOR e-file appeal portal only)

ENTRY OF APPEARANCE

IN THE MATTER OF :

MICHAEL LONG, :
Requester :

v. : **OOR Dkt. AP** 2023-1598

BATH BOROUGH, :
Agency :

Please accept my appearance for the BATH BOROUGH in the above captioned case.
(Requester/Agency)

PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.

Attorney Name: JAMES F. KRATZ

Firm: STEVENS & LEE

Address: 840 W. HAMILTON STREET, SUITE 521

ALLENTOWN, PA 18101

Email: JAMES.KRATZ@STEVENSLEE.COM

Phone Number: 610-997-5065

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF LEHIGH :

I, JAMES F. KRATZ, ESQ., being duly sworn according to law, do depose and state that the following facts are true and correct to the best of my information and belief:

1. I am currently licensed as an attorney in the Commonwealth of Pennsylvania.

2. I graduated from law school in May 2004 and have practiced law continuously in the Commonwealth of Pennsylvania since I was admitted to the practice of law in October 2004.

3. I am an attorney with the law firm of Stevens & Lee, P.C. ("Stevens & Lee") and have been since admitted to the practice of law in the Commonwealth of Pennsylvania as stated above.

4. Since circa 1999, Blake C. Marles, Esq., of Stevens of Lee, served as the Solicitor for the Borough of Bath (the "Borough"), Northampton County, Pennsylvania.

5. Since circa January 2005, I served as the Assistant Solicitor for the Borough.

6. Since circa August 2021, I commenced serving as the Solicitor for the Borough in lieu of Attorney Marles.

7. On May 17, 2023, the Borough received a Pennsylvania Right-to-Know Law request, dated May 17, 2023, from Michael Long requesting, in relevant part, the following:

> "All …, … emails, …, …, …, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> - The resignation of Mark Saginario
> - The vacated council seat following Mark Saginario's resignation
> - The appointment of Emmanuel Mirabito to the council seat
> - Borough Policy on a vacated council seat
> - Any potential employment, position benefits, compensation of Fiorella Mirabito
> - Advertisement of any new position within the Borough
> - The resignation of Marena Rasmus
> - Clerk positions within the Borough
> - The hiring of any individual for a clerk position within the Borough
> - Borough policy on hiring for new positions
> - Any public announcement regarding the above topics

> Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

8. I will refer to the above referenced part of the Right-to-Know Law request, dated May 17, 2023, as "RTKL Request".

9. Mr. Long's above statement in is RTKL Request regarding the scope of attorney-client privileged communications is erroneous.

10. The attorney-client privilege has the purpose of fostering the free and open exchange of relevant information between the lawyer and the client. Gillard v. AIG insurance Company, 15 A.3d 44 (Pa. Supreme 2011).

11. To establish the attorney-client privilege, the person claiming it must demonstrate:

(1) The asserted holder of the privilege is or sought to become a client.
(2) The person to whom the communication was made is a member of the bar of a court, or his subordinate.
(3) The communication relates to a fact of which the attorney was informed by his client, without the presence of strangers, for the purpose of securing either an opinion of law, legal services or assistance in a legal matter, and not for the purpose of committing a crime or tort.
(4) The privilege has been claimed and is not waived by the client.

Office of the Governor v. Davis, Jr., 122 A.3d 1185 (Pa. Cmwlth. 2015)(citing Nationwide Mutula Insurance Company v. Fleming, 924 A.2d 1259 (Pa. Super. 2007), *affirmed by an equally divided court*, 992 A.2d 65 (Pa. Supreme 2010).

12. The attorney-client privilege operates in a two-way fashion to protect confidential client-to-attorney or attorney-to-client communications made for the purpose of obtaining or providing professional legal advice. Gillard, *supra*.

13. The holder of the privilege is the client or person seeking to become the client. Office of the Governor, *supra*.

14. Here, the holder of the privilege is the Borough of Bath (the "Borough") and the Borough has not waived the privilege.

15. Bradford T. Flynn ("Flynn") is an Open Records Officer for the Borough.

16. Flynn is also the Manager for the Borough.

17. On or around June 23, 2023, Flynn, in his capacity as a Borough Open Records Officer, asked me to review several potentially responsive emails that he located via his search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022, regarding the subject matters identified in the RTKL Request.

18. Based on my review of the potentially responsive emails that Flynn located via his search on the Borough's server, I identified only my email of December 3, 2021, from me to former Borough employee Marena Rasmus with copy to me, Borough Engineer Madison, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) (the "JFK Email of 12-3-21") as containing my legal advice regarding several parts of proposed Resolution #2021-012 including, but not limited to, Article 2.7(f) of proposed Resolution #2021-012.

19. Article 2.7 of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, Article 2.7(f) of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Because of that, my legal advice in the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012 relates to the appointment of a person to a vacated Council seat and, therefore, it related to the prospective appointment of Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario.

20. The JFK Email of 12-3-21 falls within the "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz, from September 20, 2021, to May 15, 2022" stated in Mr. Long's RTKL Request. Emphasis added.

21. The JFK Email of 12-3-21 was made to representatives of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to a communication from Flynn, outside the presence of strangers, for an opinion of law regarding any part of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.

22. The JFK Email of 12-3-21 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*.

23. On or around June 23, 2023, I also stated to Flynn that, as a precautionary measure, he should note in the Borough's letter of June 23, 2023, to Mr. Long that emails from me to Flynn, Mayor Fiorella Mirabito and/or members of Council regarding my legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to Council seat are attorney-client privileged and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record").

24. I stated "and/or" to Flynn because (a) the JFK Email of 12-3-21 which falls within the "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz" but also (b) I had/have the following email exchange for legal advice that does not fall within "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz":

(a) Email exchange in October 2021 (the "Email Exchange in October 2021") with Flynn and Council President Ehrgott regarding their request for legal advice regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person. The prospective appointment of Emmanuel Mirabito to the Council seat was not a part of this email exchange. The legal advice that I provided via the JFK Email of 12-3-21 related to the prospective appointment of Emmanuel Mirabito because it related to the prospective appointment of any person to a vacated Council seat.

25. The Email Exchange in October 2021 was made to representatives of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to emails from Flynn and Council President Ehgott, outside the presence of strangers, for an opinion of law and legal assistance regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person and not for the purpose of committing a crime or tort.

26. The Email Exchange in October 2021 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*.

27. I stated "and/or" to Flynn as stated in paragraph 24 above because I desired that Flynn inform Mr. Long that I did provide legal advice on the topics covered by the Email Exchange in October 2021 so Mr. Long is aware that Flynn and/or Council President Ehrgott were aware of my legal advice so Mr. Long may possibly find that he does not need to make another right-to-know law request on that topic/time period.

28. On or around June 23, 2023, I also searched my email records for the Borough and did not find any other email exchanges regarding Mr. Long's other subject matters during the relevant time frame so I informed Flynn that I didn't have other attorney-client privileged emails to note for Mr. Long.

29. In preparing this Affidavit, I performed another search to ensure my initial search was correct and I located the following email exchanges:

(a) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #1"), between Flynn and me wherein Flynn sought legal opinions regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation and where I provided legal advice in response to same.

(b) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #2"), between Council President Ehrgott and me wherein Council President Ehrgott sought legal opinion regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and where I provided legal advice in response to same.

30. The JFK 4-21-22 Email Exchange #1 was made to a representative of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to a communication from Flynn, outside the presence of strangers, for opinion of laws regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation.

31. The JFK 4-21-22 Email Exchange #1 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*.

32. The "JFK 4-21-22 Email Exchange #2" was made to a representative of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to a communication from Council President Ehrgott, outside the presence of strangers, for an opinion of law regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough.

33. The JFK 4-21-22 Email Exchange #2 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*.

34. While the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 each fall outside of Mr. Long's "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and [Solicitor Kratz]" designation via his RTKL Request and are attorney-client privileged, I am informing Mr. Long of the existence of the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 so Mr. Long is aware that Flynn and Council President Ehrgott were aware of the legal advice that I provided so Mr. Long may possibly find that he does not need to make another right-to-know law request on those topics/time period.

JAMES F. KRATZ, ESQ.

On this, the 24th day of July, 2023, before me a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared JAMES F. KRATZ, ESQ., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

Notary Public

Commonwealth of Pennsylvania - Notary Seal
LAURA A. KLOTZ, Notary Public
Lehigh County
My Commission Expires February 22, 2026
Commission Number 1414101

Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Attestation Regarding Borough Possession of Records

Name of Requestor: Michael Long

Appeal Caption: Michael Long v. Bath Borough / OOR Docket No.: AP 2023-1598

I, BRADFORD T. FLYNN, on this July 24, 2023, hereby declare, pursuant to 18 Pa.C.S. Section 4904, that the following statements are true and correct based upon my personal knowledge, information and belief:

1) I serve as an Agency Open Records Officer ("AORO") for the Borough of Bath (the "Borough") and am responsible for responding to Right-to-Know requests filed with the Borough.

2) In my capacity as an AORO, I am familiar with the records of the Borough.

3) The first part of the relevant alleged records requested by Mr. Long were as follows:

> "All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> - The resignation of Mark Saginario
> - The vacated council seat following Mark Saginario's resignation
> - The appointment of Emmanuel Mirabito to the council seat
> - Borough Policy on a vacated council seat
> - Any potential employment, position benefits, compensation of Fiorella Mirabito
> - Advertisement of any new position within the Borough
> - The resignation of Marena Rasmus
> - Clerk positions within the Borough
> - The hiring of any individual for a clerk position within the Borough
> - Borough policy on hiring for new positions
> - Any public announcement regarding the above topics
>
> Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does

not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

4) After receipt of Mr. Long's Right-to-Know Law request, I reviewed the Borough's hard copy storage files to determine whether the Borough had a hard copy storage file for the following specific topics and found as follows:

    a. The resignation of Mark Saginario;

        i. Based on my review, I found the Councilmember file that the Borough has for Mark Saginario for when he was a Councilperson. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

    b. The vacated council seat following Mark Saginario's resignation;

        i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

    c. The appointment of Emmanuel Mirabito to the council seat;

        i. Based on my review, I found the Councilmember file that the Borough has for Emmanual Mirabito since he was appointed a Councilperson in early January 2022. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

    d. Borough Policy on a vacated council seat;

        i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

    e. Any potential employment, position benefits, compensation of Fiorella Mirabito;

        i. Based on my review, I found the hard copy personnel file for Fiorella Mirabito. However, the personnel file did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

f. Advertisement of any new position within the Borough;

   i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to advertisements of any new position with the Borough.

g. The resignation of Marena Rasmus

   i. Based on my review, I found the personnel file for Marena Rasmus. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

h. Clerk positions within the Borough

   i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to the general category of clerk positions within the Borough.

i. The hiring of any individual for a clerk position within the Borough.

   i. Fiorella Mirabito was the only clerk (part-time office clerk) hired at a certain point during the period from September 20, 2021, to May 15, 2022. And, since I already found the hard copy personnel file for Fiorella Mirabito and found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, I ended my search on this topic there.

j. Borough policy on hiring for new positions.

   i. Based on my review, I found the Borough's hard file containing the Borough's policy on hiring new positions. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

5) Via my review described in #4 above, I denied Mr. Long's request for the alleged memos and notes as they do not exist.

6) After receipt of Mr. Long's Right-to-Know Law request, I checked my cell phone for any text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive text messages. I didn't locate any because none exist. Hence, I denied Mr. Long's request for the alleged text messages because they do not exist.

7) After receipt of Mr. Long's Right-to-Know Law request, I worked with the Borough's IT vendor to conduct a thorough examination of emails in the possession, custody and control of the Borough for records responsive to the request underlying this appeal by performing a search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive emails.

8) From my search described in #7 above, I then reviewed the potentially responsive emails for whether they were responsive to the subject matters identified by Mr. Long in #3 above and to exclude any attorney-client privileged emails (if any existed) from the potentially responsive emails that I located.

9) Via my review described in #7 above, I located the following non-attorney-client privileged responsive emails:

    a. '12_6_21 Meeting of Council' email dated 12/02/2021 from Marena Rasmus to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to me, Solicitor Kratz, Borough Engineer Madison and Borough office secretary Lamparter. This email is responsive because it references proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) which, at Article 2.7 (Filling Council Vacancies), is responsive to Mr. Long's request for Borough policy on a vacated council seat. I downloaded a copy of this email and marked it Attachment 'A'.

        i. The above email (Attachment 'A') included an attachment (Council packet) that included Resolution #2021-012. I downloaded proposed Resolution #2021-012 and marked it Attachment 'A' - 1.

    b. 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz, former employee Rasmus and Borough office secretary Lamparter. This email is responsive because it references Mark Saginario's resignation from Council and a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council

seat because of Mr. Saginario's resignation. I downloaded a copy of this email and marked it Attachment 'B'.

i. The above email (Attachment 'B') included an attachment (Council packet) that included Mr. Saginario's resignation letter from Council. I downloaded Mr. Saginario's resignation letter from Council and marked it Attachment 'B' – 1.

ii. The above email (Attachment 'B') included an attachment (Council packet) that included a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mark Saginario's resignation. I downloaded Mr. Mirabito's letter of interest and marked it Attachment 'B' – 2.

c. 'March Meeting Minutes' email dated 04/04/2022 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz and Borough Engineer Madison. This email is responsive because it is my reporting that former Borough employee Marena Rasmus resigned from her position effective Sunday, April 3, 2022. I downloaded this email and marked it Attachment 'C'.

10) Via my review described in #7 above, I located the following attorney-client privileged email:

a. 'RE: 12/6/21 Meeting of Council' email dated December 3, 2021, from Solicitor Kratz to former Borough employee Rasmus with copy to me, Borough Engineer Madison, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker). This email contains Solicitor Kratz's legal advice regarding proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) including, but not limited to, legal advice regarding Article 2.7(f) of proposed Resolution #2021-012.

i. When I discussed Solicitor Kratz's above email with him on or around June 23, 2023, Solicitor Kratz informed me that, as a precautionary measure, I should note in the Borough's denial letter to Mr. Long that emails from Solicitor Kratz to me, the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council seat are privileged per attorney-client and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record"). I believe

Solicitor Kratz stated that because of the email referenced in #7)a. above and certain other attorney-client privileged emails that he possesses.

11) Via my review described in #7 above, I determined that the potentially responsive emails did not contain any privileged or non-privileged emails from Solicitor Kratz regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing.

12) Via my review described in #7 above, I also determined that the potentially responsive emails did not contain any privileged or non-privileged emails from any of the other persons identified by Mr. Long's request regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding same but I forgot to state that in my letter of June 23, 2023 to Mr. Long.

13) Via the Borough's final response to Mr. Long's Right-to-Know Request, I granted him access to (and provided to him) the non-attorney-client privileged responsive records that I located and have identified in #9 above (Attachments 'A', 'A' – 1, 'B', 'B' – 1, 'B' – 2, and 'C' and identified in the Borough's final response of June 23, 2023, to Mr. Long.

14) The second part of the alleged records requested by Mr. Long were as follows:

> "A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:
>
> - Full name
> - Position title
> - Date of hire
> - Department
> - Full-time or part-time status
> - Salary or hourly wage
> - Any additional compensation or benefits
>
> Please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons."

15) While I am an AORO for the Borough, I am also the Manager of the Borough and have been the Manager of the Borough since circa May 2015.

16) As the Manager of the Borough, I knew and know that the Borough does not maintain a list containing all of the corresponding types of information requested by Mr. Long in #10 above because I conduct the hiring process for any prospective Borough employee whether full-time or part-time and I don't maintain such list.

17) As the Manager of the Borough, I am intimately familiar with the names and positions of all Borough employees.

18) As the Manager of the Borough, I knew that I participated in the hiring of the following persons on or after January 1, 2022:

    a. Michael Kovach hired with a start date of March 30, 2022 as a part-time parking and code enforcement officer at an hourly rate of $19.97. Mr. Kovach's hourly rate was increased to $21.52 starting with the pay period starting December 10, 2022 when other Borough part-time employees were given raises.

    b. Fiorella Mirabito hired as a part-time office clerk with a retroactive start date of April 1, 2022. Mrs. Mirabito started volunteering as an unpaid part-time office clerk starting April 4, 2022, because of the sudden and unexpected resignation of former Borough office administrator, Marena Rasmus, who resigned Sunday, April 3, 2022, effective immediately. Borough Council directed that Mrs. Mirabito's volunteer hours be tracked because Borough Council was considering whether the Borough should compensate Mrs. Mirabito for the office work that she offered to do on a temporary basis without compensation because Borough Council and I were considering the hiring of Mrs. Mirabito as a paid part-time office clerk. Per my duties, I have the ability of hiring part-time employees without obtaining Council approval, however, I discussed the issue with the officers of Borough Council, being the President, Vice-President, and President Pro-Tem. In or around late May 2022, Borough Council, after discussion with me, determined that Mrs. Mirabito would be compensated $15 per hour as a part-time office clerk starting April 4, 2022, and continue in that position as an at-will employee like other part-time employees of the Borough. At the time other part-time employees were given a raise starting for December 10, 2022 pay period, the hourly rate for Mrs. Mirabito was increased to $16.17 starting with that pay period.

        i. For OOR Appeals Officer Isenberg's and Mr. Long's edification, Fiorella Mirabito has also been the Mayor of the Borough since January 1, 2018 (via the November 2017 election) and was reelected as the Mayor of the Borough in November 2021 for her succeeding four year term that started January 1, 2022.

    c. David Smith hired with a start date of August 29, 2022, as a part-time parking and code enforcement officer at an hourly rate of $18.42. Mr. Smith's hourly rate was increased to $19.85 starting with the pay period starting December 10, 2022.

19) As the Manager of the Borough, I knew the Borough has the ability of providing an Employee Earnings report for each employee and that such report provides the start date, number of hours worked per weekly pay period, and gross pay for the respective period.

20) Because the Borough does not maintain the list requested by Mr. Long in #10 above, via the Borough's final response to Mr. Long's Right-to-Know Request, I granted him access to (and provided to him) the Employee Earnings report for Michael Kovach, Fiorella Mirabito and David Smith because I thought that may be helpful to Mr. Long because the Borough did not/does not maintain the list that he requested in #10 above but the Employee Earnings reports each contain most of the information that he was seeking.

21) It has come to my attention that the Employee Earnings reports (Attachment D to my letter of June 23, 2023) do not state the hourly rate of the respective employee so I provided those hourly rates above.

22) It has also come to my attention that the Employee Earning reports (Attachment D to my letter of June 23, 2023) state "Std Wrk Wk" of "40.00" for each respective employee's Employee Earnings report. Each of the subject employees is a part-time at-will employee. I did not create the format of the Employee Earnings report and I don't know how that field was created or populated. The report form is generated from the Borough's designated payroll servicing company, NCR payroll.

Sincerely,

Bradford T. Flynn, Borough Manager
Borough of Bath

OOR
Office of Open Records

ENTRY OF APPEARANCE

✔ Your entry of appearance request has been submitted successfully. After your request is reviewed by the OOR, you will receive a response regarding the status of your submission at the email address you provided.

Submit an Entry of Appearance for a currently pending appeal before the Office of Open Records.

Docket #:

Attorney For:

Type Agency Name if not in list

Agency Address:

Address 1

Address 2

City

Pennsylvania

Zip

Agency Contact:

Phone

Email

Name:

First Name

Last Name

PUBLIC RECORD NOTICE

All filings with the OOR will be public records and subject to public access with limited exception. If you do not want to include personal contact information in a publicly accessible record, please provide alternate contact information in order to receive future correspondence related to this appeal.

Firm:

Address:

Address 1

Address 2

City

State

Zip

Email:

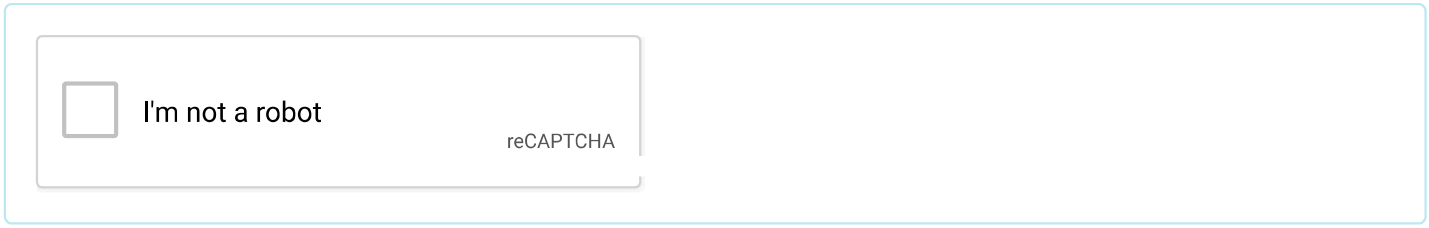
james.kratz@stevenslee.com

Phone #:

Attach Files:

+ Add Remove All

Maximum file attachments: 10
Maximum file size: 25MB per attachment
Allowed file types: pdf, doc, docx, rtf, txt, xls, xlsx, ppt, pptx, jpg, png, gif, bmp, tiff
File names may not contain the following characters: **\ / : * ? " < > |**



Submit Reset

OOR Exhibit 5

From: Bradford Flynn
To: Isenberg, Kelly
Cc: Kratz, James F.; Michael Long
Subject: [External] RE: Long v. Bath Borough, Dkt. AP 2023-1598
Date: Tuesday, July 25, 2023 3:29:33 PM
Attachments: image001.png
07-25-2023 - Flynn letter to Appeals Officer Isenberg.pdf

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Dear Appeals Officer Isenberg:

Attached is my letter of today addressed to you with copy to Solicitor Kratz and Mr. Long. My letter responds to certain mistaken claims made by Mr. Long, and I respectfully request that my response be made part of the docket. Also, on another note, as stated in my letter, I was/am aware that Solicitor Kratz filed the Borough's submission yesterday via the OOR ePortal, however, I have not received an email from the OOR ePortal notifying me of that or notifying me of Mr. Long's submission to you of late yesterday. Is the OOR ePortal working?

Thanks,

Bradford T. Flynn, MPA, CBO
Borough Manager
Borough of Bath
121 S. Walnut Street
Bath, PA 18014
Main Office: 610.837.6525 Fax: 610.837.8989
Manager's Office: 484.281.3451

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Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Tuesday, July 25, 2023

Appeals Officer Kelly Isenberg, Esq.
c/o Commonwealth of Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

RE: In the Matter of Michael Long v. Bath Borough
OOR Docket No.: AP 2023-1598

Dear Appeals Officer Isenberg:

On July 24, 2023, at approximately 11:45 PM, Mr. Long emailed you with his position letter. I'm writing to address certain points of his letter.

Mr. Long's letter of July 24, 2023, in relevant part, states:

> "[T]here is evidence suggesting the existence of additional responsive records that the Agency failed to provide. For instance, the minutes of the borough council meetings held on April 4, 2022, and July 14, 2021, reference the resignation letters of Office Administrator Marena Rasmus and Council President Mark Saginario, respectively. These resignation letters fall within the scope of my original request and should have been provided by the Agency."

Mr. Long's original request, in relevant part, requested the following:

> "1. All communications, including but not limited to emails, memos, notes, and text messages, between **Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz**, from **September 20, 2021 to May 15, 2022**, regarding:
>
> - The resignation of Mark Saginario
> - …
> - …
> - …
> - …
> - …
> - The resignation of Marena Rasmus
> - …
> - …
> - …

- …"

Emphasis added in bold typeface.

As to the resignation of Office Administrator Marena Rasmus, which was discussed during the April 4, 2022, Council Meeting, on April 3, 2022, Ms. Rasmus emailed her resignation of borough employment, effective immediately. The email served as the resignation letter. This email was addressed to me, Michele Ehrgott (Councilmember), and Frank Hesch (Councilmember) with copy to Tanya Lamparter (Office Secretary) and Fiorella Mirabito (Mayor). The email recipients fall outside the scope of Mr. Long's original request. Hence, the reason that my search did not locate Ms. Rasmus' email of April 3, 2022.

As to the "letter of resignation from seat of Council President from Mark Saginario" referenced in the July 14, 2021, Council Meeting minutes, the time period for Mr. Long's RTKL Request is September 20, 2021 to May 15, 2022, so this item falls outside of the time period of Mr. Long's RTKL Request. Also, for your and Mr. Long's edification, the July 14, 2021, Council Meeting minutes document that then Council President Mark Saginario resigned from his position as an 'officer' (President) of Borough Council; not his membership on Borough Council. Borough Council is comprised of seven (7) Councilmembers each elected by registered voters of the Borough and Borough Council has three officer positions elected by sitting Councilmembers which officer positions are: 1) Council President, 2) Council Vice President, and 3) Council President Pro Tempore. Mr. Saginario was elected by his fellow Councilmembers to serve as Borough Council President on May 4, 2015. Mr. Saginario resigned his officer position as Borough Council President at the July 14, 2021, Council meeting. That resignation only applied to his former officer position of Council President and Mr. Saginario remained a Councilmember. Councilmember Saginario attended certain Council meetings after the July 14, 2021, meeting and later resigned as a Councilmember via his letter dated December 31, 2021, which resignation was accepted by Borough Council at its meeting on January 3, 2022. Finally, via the Borough's Response of June 23, 2023, to Mr. Long, I provided a copy of Mr. Saginario's letter of resignation dated December 31, 2021 (marked as Attachment 'B' – 1) to Mr. Long.

That said, for Mr. Long's edification, Mr. Saginario's resignation letter from his position as Council President does not exist as a record of the Borough; it was not kept, because that resignation was documented in the July 14, 2021, Council Meeting minutes (as was the sitting Councilmembers electing new officers (Council President, Council Vice President and Council President Pro Tempore)) and Mr. Saginario's resignation from his position as Council President did not change his status as a Councilmember.

On another note, Mr. Long's letter of July 24, 2023, also stated:

> "Thirdly, I believe that the Agency has failed to properly certify the records provided. My original request explicitly asked for certified copies of the requested records, but the Agency did not comply with this request."

As to the certification of records, Mr. Long did not bring this up as part of his appeal so that issue should be dismissed. That said, if Mr. Long desires the certification of copies of Attachments 'A', 'A' – 1, 'B', 'B' – 1, 'B' – 2, 'C' and/or 'D' previously provided to him via the Borough's Response, the Borough can accommodate that request at a cost of $5.00 per record (in accordance with the Borough's Schedule of Fees, Resolution No. 2022-016) that he requests certified. Thus, I'll defer to Mr. Long if he desires to make a certification request to me and whether that request will be for certification of one, more or all of said documents.

Finally, I'd like to bring to your attention that I am aware that Solicitor Kratz filed the Borough's submission yesterday via the OOR ePortal, however, I have not received an email from the OOR ePortal notifying me of that or notifying me of Mr. Long's submission to you of late yesterday. Is the OOR ePortal working?

Subject to the penalties of 18. Pa. C.S. Section 4904, I certify that the facts set forth above on behalf of the Borough are true and correct to the best of my knowledge, information, and belief.

Sincerely,

Bradford T. Flynn, Borough Manager
Borough of Bath

cc: James F. Kratz, Borough Solicitor (via email only)
Michael Long (via email only)

OOR Exhibit 6

From:	Michael Long
To:	Bradford Flynn
Cc:	Isenberg, Kelly; Kratz, James F.
Subject:	[External] Re: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Tuesday, July 25, 2023 11:58:42 PM
Attachments:	image001.png Appeal follow-up.docx

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Dear Appeal Officer Isenberg:

I've included my response.

Thank you

Michael Long

On Tue, Jul 25, 2023 at 3:28 PM Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:

> Dear Appeals Officer Isenberg:
>
> Attached is my letter of today addressed to you with copy to Solicitor Kratz and Mr. Long. My letter responds to certain mistaken claims made by Mr. Long, and I respectfully request that my response be made part of the docket. Also, on another note, as stated in my letter, I was/am aware that Solicitor Kratz filed the Borough's submission yesterday via the OOR ePortal, however, I have not received an email from the OOR ePortal notifying me of that or notifying me of Mr. Long's submission to you of late yesterday. Is the OOR ePortal working?
>
> Thanks,
>
> **Bradford T. Flynn, MPA, CBO**
>
> **Borough Manager**
>
> Borough of Bath
>
> 121 S. Walnut Street
>
> Bath, PA 18014
>
> **Main Office: 610.837.6525 Fax: 610.837.8989**

Manager's Office: 484.281.3451

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Request for In Camera Review under the Pennsylvania Right-to-Know Law

July 25, 2023

Appeals Officer Isenberg
Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

July 25, 2023

Appeals Officer Isenberg

Pennsylvania Office of Open Records

Commonwealth Keystone Building

400 North Street, Plaza Level

Harrisburg, PA 17120-0225

Subject: Request for In Camera Review under the Pennsylvania Right-to-Know Law

Dear Appeals Officer Isenberg,

I, Michael Long, am writing to formally appeal the denial of my Right-to-Know request dated [insert date of original request]. This letter serves as a request for an in camera review (a private review by the judge) of the contested documents and communications that have been withheld by the Borough of Bath.

I. Introduction

My original request sought all communications, including but not limited to emails, memos, notes, and text messages, between various individuals or any combination thereof, from September 20, 2021, to May 15, 2022, regarding several specific topics. The request also included employment records after January 1st, 2022.

These topics and records are directly related to situations that I believe arose or whose outcomes were influenced by missed insurance payments by the Mayor. The Borough has claimed these were a simple "oversight," but the requested documents may provide insight into whether the Borough was aware of this issue and whether it influenced the decisions and actions related to the topics in my request.

II. Legal Arguments

As stipulated in the Pennsylvania Right-to-Know Law (RTKL), Section 102, a record is defined as "Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency." This definition includes electronic communications and communications made on personal devices if they pertain to agency business.

According to the Pennsylvania Sunshine Act, Section 708, an agency may hold an executive session to discuss various matters, but official action must be taken at an open meeting. Therefore, any discussions among council members regarding these significant events should be considered a public record under the RTKL and the Pennsylvania Sunshine Act.

III. Concerns with Borough's Response

The Borough's response to my request has been significantly lacking in both timeliness and completeness. They have not provided a thorough and comprehensive search for responsive records. The first place Mr. Flynn decided to look was in hard copies, despite the fact that he himself admits that the resignation was delivered in the form of a digital communication by email.

Furthermore, the minutes of the council's meetings do not reflect any discussion or public acknowledgement of several significant events, including the resignation of Marena and Mark, the appointment of Mr. Mirabito, or the creation and filling of a clerk position.

IV. Pattern of Incomplete Record Keeping

There is a concerning pattern in the Borough's record-keeping practices. They have only just provided a description of their process for finding records related to my request, which should have been included in their initial response. They have a habit of providing only some records while claiming that others do not exist or cannot be produced. However, when the absence of these records is challenged, they suddenly produce manually written copies of the records. This pattern raises serious questions about the Borough's transparency and compliance with the Right-to-Know Law.

V. Group Chat Involving Council Members

I have been informed by former participants and others about the existence of an ongoing group chat involving council members. This group chat, which continues to this day, could potentially constitute a continuous state of quorum, raising issues related to open meetings laws. Importantly, communications about borough business that occur on private devices, such as in this group chat, can still be considered public records under the Right-to-Know Law. Therefore, I believe that this group chat may contain...

VI. Attorney-Client Privilege

The Borough has withheld some of these documents, claiming attorney-client privilege. I believe that there may be an overreach or abuse of attorney-client privilege in this case, and that an in camera review is necessary to ensure transparency and accountability.

Given these concerns, I respectfully request that the Office of Open Records conduct an in camera review of the contested documents and communications. I believe that this review

will help ensure that all relevant communications and records have been provided and that the claim of attorney-client privilege has been appropriately applied.

Thank you for your attention to this matter.

Sincerely,

Michael Long

220 Creek Road

Bath, PA 18014

Michael.Long479@gmail.com

OOR Exhibit 7

From:	Michael Long
To:	Bradford Flynn
Cc:	Isenberg, Kelly; Kratz, James F.
Subject:	[External] Re: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Wednesday, July 26, 2023 1:40:15 AM
Attachments:	image001.png Correct_Appeal_Letter_Final.docx

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the Report Phishing button in Outlook.*

Subject: Important: Please disregard the earlier attachment - Correct Revision Attached

Dear Appeals Officer Isenberg,

I am writing to inform you that the attachment in my earlier email contained an incorrect version of my response. I sincerely apologize for any confusion this may have caused.

Please disregard the previous document. I am including the correct, revised version of my response in this email. I kindly ask you to use this document moving forward.

Once again, I apologize for any inconvenience this may have caused and appreciate your understanding.

Thank you for your attention to this matter.

Sincerely,
Michael Long

On Tue, Jul 25, 2023 at 11:57 PM Michael Long <michael.long479@gmail.com> wrote:

> Dear Appeal Officer Isenberg:
>
> I've included my response.
>
> Thank you
>
> Michael Long
>
> On Tue, Jul 25, 2023 at 3:28 PM Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:
>
> > Dear Appeals Officer Isenberg:

July 25, 2023

Appeals Officer Isenberg
Pennsylvania Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

Subject: Request for In Camera Review under the Pennsylvania Right-to-Know Law

Dear Appeals Officer Isenberg,

I am writing in response to the Borough of Bath's denial of my Right-to-Know request. I respectfully request an in camera review of the contested documents and communications withheld by the Borough.

I. Introduction

My initial request encompassed all communications, including emails, memos, notes, and text messages, between various individuals or any combination thereof, from September 20, 2021, to May 15, 2022, on specified topics. I also requested employment records post-January 1st, 2022.

The matters in my request are related to significant events potentially influenced by missed insurance payments by the Mayor. The Borough attributes these missed payments to an "oversight," but the documents I requested may reveal whether the Borough was aware of the situation and if it impacted decisions and actions related to the topics in my request.

II. Legal Arguments

The Pennsylvania Right-to-Know Law (RTKL) defines a record as any information that documents a transaction or activity of an agency created, received, or retained pursuant to law or in connection with a transaction, business, or activity of the agency. The Pennsylvania

Sunshine Act asserts that official action must be taken at an open meeting, suggesting that discussions among council members on these significant events should be public records under both the RTKL and the Sunshine Act.

III. Borough's Response

The Borough's response to my request raises concerns about their commitment to transparency. Their search for responsive records seems lacking in thoroughness and timeliness. For instance, their first place of search was in hard copies, despite the digital nature of some communications.

Furthermore, the minutes of the council's meetings lack any discussion or public acknowledgement of several significant events such as the creation of a clerk position or the hiring of the Mayor. Considering the fact that these are significant events, it's hard to believe that discussions regarding these matters would not have generated more responsive records in my request.

IV. Record Keeping Practices

The Borough's record-keeping practices have raised concerns. They only recently provided a description of their process for locating records related to my request, a detail which should have been included in their initial response. There is a recurring pattern where they provide only some records while stating that others do not exist or cannot be produced. Yet, when the existence of these records is later established, they produce manually created versions instead of official reports. These substitute records often raise more questions than they answer.

Just as Mr Mirabito was able to predict future events regarding the council seat, I predict a similar pattern with the production of records. To avoid this repetitive cycle and to mitigate mounting costs to the borough, I request an in camera review of all relevant records. Additionally, I ask the borough to conduct a second search for any records that may have been overlooked in digital locations such as emails, text messages, or group chats.

V. Group Chat

I have been informed about the existence of an ongoing group chat involving council members. This group chat could potentially constitute a continuous state of quorum, raising issues related to open meetings laws. Importantly, communications about borough business that occur on private devices, such as in this group chat, can still be considered public records under the Right-to-Know Law.

VI. Attorney-Client Privilege

The Borough has withheld some of these documents, claiming attorney-client privilege. I believe that there may be an overreach or abuse of attorney-client privilege in this case, and that an in camera review is necessary to ensure transparency and accountability.

In light of these concerns, I respectfully request that the Office of Open Records conduct an in camera review of the contested documents and communications. This review will help ensure that all relevant communications and records have been provided and that the claim of attorney-client privilege has been appropriately applied.

Thank you for your attention to this matter.

Sincerely,

Michael Long
220 Creek Road
Bath, PA 18014
Michael.Long479@gmail.com

OOR Exhibit 8

From:	Michael Long
To:	Bradford Flynn
Cc:	Isenberg, Kelly; Kratz, James F.
Subject:	[External] Re: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Thursday, July 27, 2023 1:30:26 PM
Attachments:	image001.png Agendas - Borough of Bath Council Agendas - Current Year - 2023 - Borough Council Agenda 06.05.2023.pdf Minutes - Borough of Bath Council Meeting Minutes- Current Year - 04-03-23.pdf

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My ongoing concerns regarding the Borough's lack of transparency and questionable compliance with the Right-to-Know Law have been greatly magnified by new information brought to my attention. Specifically, it appears discussions about potentially "scrubbing" emails occurred even after my original RTK request was filed with the Borough on May 17, 2023.

Learning that the possibility of deleting or removing emails was raised post-request raises alarms bells and exacerbates my fears about the integrity of the Borough's records management practices and response efforts. Intentionally destroying requested records to avoid disclosure is unambiguously illegal under the RTKL. Even discussing "scrubbing" emails after receiving my access request implies a willful disregard for transparency obligations.

Respectfully, this new revelation warrants serious investigation by the Office of Open Records as part of this appeal. Efforts by any agency to conceal public information from citizens through destruction of records betray the core principles of open government. I await your judicious examination of these deeply troubling allegations.

Please see the highlighted section on page 3 of the boroughs June Agenda and Page 9 of the Boroughs April Minutes.

Michael Long

On Wed, Jul 26, 2023 at 1:39 AM Michael Long <michael.long479@gmail.com> wrote:

> Subject: Important: Please disregard the earlier attachment - Correct Revision Attached
>
> Dear Appeals Officer Isenberg,
>
> I am writing to inform you that the attachment in my earlier email contained an incorrect version of my response. I sincerely apologize for any confusion this may have caused.
>
> Please disregard the previous document. I am including the correct, revised version of my response in this email. I kindly ask you to use this document moving forward.

BOROUGH OF BATH COUNCIL MEETING

Monday, June 5, 2023
6:00 PM
Room #102 - Council Chambers
121 South Walnut Street
Bath, PA 18014

REGULAR MONTHLY COUNCIL MEETING

WEBINAR & IN-PERSON MEETING – AS ADVERTISED

Join Zoom Webinar Meeting for LIVESTREAM Viewing & Listening ONLY

https://us06web.zoom.us/j/81073946226

Meeting ID: **810 7394 6226**
Dial In: **1-929-205-6099**

(Item 1/21) CALL TO ORDER

(Item 2/21) PLEDGE OF ALLEGIANCE TO THE FLAG

(Item 3/21) ROLL CALL

REQUIRED ATTENDEES			
MAYOR OF BATH			
Mayor - Fiorella Mirabito	A	E	P
OFFICERS OF BOROUGH COUNCIL			
Council President Michele Ehrgott	A	E	P
Council Vice President Frank Hesch	A	E	P
Council Pro Tem Barry Fenstermaker	A	E	P
MEMBERS OF BOROUGH COUNCIL			
Councilwoman Phyllis Andrews	A	E	P
Councilman Doug Hamadyk	A	E	P
Councilman Jim Lisiecki	A	E	P
Councilman Emanuel Mirabito	A	E	P
BOROUGH ADMINISTRATION			
Borough Manager – Brad Flynn	A	E	P
PROFESSIONAL SERVICE PROVIDERS			
Borough Solicitor – James Kratz	A	E	P
Borough Engineer – Ron Madison	A	E	P
Zoning Officer – Shawn Leidy	A	E	P

(Item 4/21) COURTESY OF THE FLOOR

Public Comment (Citizens & Taxpayers) – RULES OF CIVILITY
Thank you for coming to the meeting!

1. Please state your name and address for the record.
2. Identify the agenda item or topic you wish to address.
3. Speaker/speaking by proxy (on someone else's behalf) is prohibited.
4. Comments are limited to 3 to 5 minutes.
5. Please avoid foul language or derogatory remarks.
6. Remember that your comments are part of the public record.
7. Recording devices must be kept on the person performing the recording.
8. Everyone to be treated with equal respect.

*Council President **may** hold a 2nd Public Comment at the end of the meeting to discuss any topic. Council is **not** required to give any responses. Public comment topics **may** be considered for a future committee meeting or taken under advisement by Council for further comment at a future Council meeting. Public comment is reserved for Borough residents and taxpayers.*

(Item 5/21) APPROVAL OF COUNCIL MEETING MINUTES

a) May 1, 2023, Regular Session of Council

(Item 6/21) APPOINTED COUNCIL MEMBER COMMITTEE REPORTS & REPORT OF ELECTED OFFICIALS

a) Personnel, Finance, and Administration Committee
b) Nazareth Area Council of Governments (NAZCOG)
c) Environmental Steering Committee
d) Community & Economic Development Committee
e) Public Works & Facilities Committee
f) Public Safety Committee
g) Monocacy Creek Watershed Liaison
h) Parks & Recreation Committee
i) Bath Museum Liaison

(Item 7/21) MAYOR'S REPORT

a) Fiorella Reginelli-Mirabito, Mayor

(Item 8/21) PUBLIC SAFETY REPORTS

a) EMC
b) Zoning Officer; Code Enforcement & Permits
c) Parking Enforcement Program

(Item 9/21) BOROUGH ADMINISTRATION REPORTS

a) Borough Engineer
b) Public Works
c) Water Authority
d) Borough Manager
e) NEW Treasury Report Format
f) Borough Solicitor

(Item 10/21) BATH PLANNING COMMISSION MEETING MINUTES

a) May Meeting Cancelled

(Item 11/21) PRESIDENT'S COMMENTS

(Item 12/21) NEW BUSINESS

a) Ratification to pay Monthly Bills per May 2023 Treasurer's Report

(Item 13/21) IN PROGRESS BUSINESS

a) Wireless Communications Ordinance Review
b) Nor-Bath Trail Updates

(Item 14/21) MOTIONS/ACTION ITEMS

a) To ratify and approve transfer of ARPA Funds from the General Fund into an Escrow Account in the amount of $279,698.93, pending review of anticipated expenditures of ARPA with the guidance of the Borough's Special Accountant firm Zelenkofske Axelrod LLC.
b) To ratify and approve the transfer of $500,000 from the Tax Account to the General Fund for the purposes of funding municipal operations.
c) To consider approving the Borough of Bath Police Services Study Community Survey

(Item 15/21) RESOLUTIONS

a) Resolution No. 2023-005 – Amending Borough Council Articles of Decorum and Rules of Order
b) Resolution No. 2023-006 – Temporary Suspension of Open Container; Specified Areas
c) Resolution No. 2023-007 – Appointing Mrs. Beth Beers to the Borough of Bath ZHB

(Item 16/21) ORDINANCES

Ordinance Status/Number, & Title (Roll Call Vote)	*Concept and/or Discussion/Advertising*	First Reading	Second Reading	Third/Final Reading - Passage
Ordinance draft to implement a handicapped parking space at 142 Washington Street	**X**			

(NOTE: Ordinance adoption doesn't necessarily follow every step. Ex: An ordinance could be read on 'Final' and adopted as law.)

(Item 17/21) CORRESPONDENCE FORWARDED TO COUNCIL BY EMAIL

a) May 12, 2023 – Mayor/Council/Staff - Borough Email Scrubbing – Effective May 19, 2023
b) May 17, 2023 – Mayor/Council/Staff - Borough Email Scrubbing – Effective May 19, 2023 Reminder
c) May 22, 2023 – Mayor/Council – Elected Officials Questionnaire

(Item 18/21) CURRENT SUBDIVISION/LAND DEVELOPMENT TIME LIMIT EXTENSIONS

a) None

(Item 19/21) EXECUTIVE SESSION (Pursuant to Title 65 Pa. C.S.A § 701 – The Sunshine Act)

Exemptions set forth in Title 65 Pa. C.S.A § 708 - *Executive Sessions* of the Sunshine Act:

a) § 708 (a)(1) Employment;
b) § 708 (a)(4) Solicitor Consultancy
c) § 708 (a)(7) Public Safety/Emergency Preparedness

(Item 20/21) GENERAL COMMENTS OR ITEMS TO BE PLACED ON NEXT AGENDA

a) Open for further discussion

(Item 21/21) ADJOURNMENT

UPCOMING BOROUGH COUNCIL MEETINGS

Monthly Council Meeting is scheduled for Tuesday, July 10, 2023, 6:00 PM
Bi-Monthly Council Meeting is scheduled for Wednesday, June 14, 2023, 6:00 PM

UPCOMING JUNE MEETINGS

Environmental Steering Committee/Parks & Recreation 2nd Monday - 6p/5p
Bath Planning Commission 3rd Monday - 6p
Community/Economic Development Committee/Personnel Finance & Administration Committee 3rd Wednesday - 5p/6p
Public Safety Committee/Public Works & Facilities Committee 4th Monday - 6p/7p

BOROUGH OF BATH COUNCIL MINUTES
REGULAR MONTHLY MEETING
APRIL 3, 2023

The regular scheduled meeting of the Bath Borough Council convened at six o'clock in the evening in Council Chambers at 121 South Walnut Street, Bath Pennsylvania 18014. Zoom communication was available for the meeting.

REQUESTED ROLL CALL

Present: Mayor Fiorella R. Mirabito; Council President Michele Ehrgott (by Zoom); Council Vice-President Frank Hesch III; Council Pro Tem Barry Fenstermaker; Councilmembers Phyllis Andrews, Jim Lisiecki and Emanuel T. Mirabito; Borough Manager Bradford T. Flynn; Solicitor James F. Kratz and Engineer Ron Madison. Excused absent: Councilman Doug Hamadyk.

ANNOUNCEMENT BY VICE-PRESIDENT HESCH – RE: ZOOM

Vice-President Hesch announced going forward and beginning at the April regularly scheduled Bath Borough Council meeting, will change to "Zoom Live Stream Webinar." Beginning at the May regularly scheduled Borough Council meeting. People can view the meeting but are not able to participate – this is being done due to a few prior incidents with malicious third-party disruptions. If anyone has questions, please submit them the Wednesday before the scheduled meeting – either by email or phone call to the Borough office.

PRESENTATION BY PSP, LT. JAMES W. THOMAS

Lt. Thomas introduced himself as Station Commander who replaced Lt. Kelly who was sent to Harrisburg. He reviewed what transpired on the day – April 3rd. PSP began with a call at 6:58am with a pile-up accident on Route 22 and Route 309 – with a tractor trailer and multiple vehicles. In the meantime, there was a domestic call in the Borough of Bath – which was answered within ten minutes. Along with an incident in East Allen Township, PSP received a phone call at 7:36am with a non-responsive 17-year-old. He reminded everyone in attendance that he too lives in the area and is genuinely concerned about what transpires here. He then reviewed several PSP statistics for the Borough of Bath within Troop M Bethlehem.

JENNIFER GEORGE (116 East Main Street) Ms. George stated, "PSP is doing an excellent job and appreciates all PSP does – although, I want a regional police force." She indicated she had done her research and was aware that Troop M had received four new Troopers. Lt. Thomas replied that they (the four new Troopers) have replaced those who have retired or have been reassigned. He also indicated that his Troopers know to be here. PSP does not always have someone assigned to the Borough. He also reported that there are "many challenges" to acquiring a police force. It is difficult to find quality people for a newly formed police department. He stressed calling the barracks.

Ms. George indicated she called the barracks and sometimes received no positive results. Lt. Thomas reminded Ms. George that she needs to call – if she does not like what the dispatcher says, then ask for a supervisor, and if she is not happy with the supervisor – then ask for Lt. Thomas directly. Ms. George is also concerned about the vacancies – especially the bank building. Plus, the vacancy next door that has been empty for over 30 years. She also asked if PSP is "here all the time." Lt. Thomas said "first, I am not going to report when we are here. Plus, I am unsure on when CRPD was here." Mayor Mirabito responded "CRPD did a great job – but CRPD was never here 24/7/365." Lt. Thomas reassured everyone that the shooting incident is still under investigation, but the incident will be solved. Mayor Mirabito also added she and the Borough Manager visited with Deputy Chief Meixell of Bethlehem City PD and saw the city surveillance system.

VICE-PRESIDENT FRANK HESCH VP Hesch reported that a few years ago – due to the allotment of resources for PSP, he was told the more calls received would increase the allotment of resources for a certain area and asked for some clarification. Lt Thomas explained that the information is partially correct. If certain incidents happen it would give stations more of an "allocation of funds" - increased call volume and type of incident are the major factors in the determination. VP Hesch mentioned that when residents have called PSP they have received "the cold shoulder." Lt. Thomas indicated anyone can call to speak to a supervisor if someone is unhappy with the dispatcher. It's also dependent on what is happening at the time if other pressing matters are happening when the call is received. VP Hesch also asked if the Neighborhood Watch Program could be reinstated with PSP? Lt. Thomas replied that in many cases these programs are no longer around – although, if the Borough of Bath wants to restart it, PSP would be happy to do what they can for the program. Lt. Thomas feels PSP is doing a good job in the Borough and wants to do as much as he can going forward.

JUSTIN HURATIAK (Owner, HH Bathview – 282 North Walnut St.) Mr. Huratiak thanked Lt. Thomas for his service to our country and to the Borough of Bath. He also indicated that we would not get as much coverage with a regional police force. He is a Supervisor in Washington Township and knows the cost of a police department since theirs is over $800K. He feels "presence of police" does give you more of a feeling of security. Lt. Thomas will focus on any areas of concern – he will discuss the problem speeding areas of the Borough with his patrols.

MICHAEL LONG (220 Creek Rd.) Mr. Long asked if PSP could focus on more specific problematic times like Thursday through Saturday – 10pm to 2am. Lt. Thomas did not want to be specific but assured everyone he has more plans in the Borough of Bath.

BOBBY SIEGFRIED (220 Memorial Drive) Bobby explained he was genuinely concerned when the Borough of Bath began talks about switching to the State Police, although he is now incredibly happy with how PSP is handling police services for the Borough. He sees PSP more than he saw CRPD and thanked Lt. Thomas for all PSP does here in the Borough. He feels completely confident the shooting incident will be taken care of and resolved.

BRIAN RADCLIFFE (Scoutmaster and American Legion Commander) Brian expressed his thanks to PSP for their service to the Borough of Bath. He also asked Lt. Thomas if there would be someone at PSP willing to do a presentation/training for a safety course for his Troop. Lt. Thomas directed Brian to Trooper Branosky and assured him someone would help with his request.

Mayor Mirabito thanked Lt. Thomas for his continued commitment and dedication to the Borough and for his continued communication. He assured all in attendance that he will do all he can and will be available to anyone who reaches out to him.

JENNIFER GEORGE (continued) Ms. George asked Council when the crosswalks are going to be "re-lined" or painted. Manager Flynn has the request already on the list for the Public Works Dept.

NED HOWER (St. John's Lutheran Church Council President) Mr. Hower expressed him concerns for persons walking on the roadway to the rear and next to St. John's Church. Several drivers speed through the area to avoid the traffic signals and he feels it is a safety hazard for pedestrians. The parking lot is used by the nursery school, the congregation; and the food bank volunteers along with kids going to the playground. He would like to know if it would be possible to put crosswalks on Rohr Street to try and help the situation. VP Hesch feels Rohr Street should become a one-way street. Ms. Jennifer George added that she mentioned the same when she was on Council and was told "there are already too many one-way streets." She too feels crosswalks would help the area and would certainly agree to a one-way street. Mr. Hower feels the crosswalks will slow things down.

ALLEN GEORGE (116 East Main Street) Mr. George thanked Borough Manager Flynn and Mayor Mirabito for being proactive in visiting Bethlehem City PD to inquire about street cameras.

BOBBY SIEGFRIED (continued) Bobby added if there are grants available for video surveillance cameras for the new roadway infrastructure coming up. Manager Flynn indicated that the cost of such equipment is incredibly costly. Sadly, we're in competition with other municipalities for the same grants. Councilman Lisiecki stressed that having surveillance will certainly help deter continued issues with crime.

JUSTIN HURATIAK (continued) Justin wanted to express his concerns directly to Council in reference to the continued costs and delays on his project and feels they are detrimental. The funds being held back ($50K) are desperately needed.

MICHAEL LONG (220 Creek Road) He questioned the number of the employees of the Borough. He was told there are three employees (two full-time; one part-time) in the office; three full-time PW employees; and one part-time Code Enforcement employee.

APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 6, 2023 REGULAR MEETING

MOTION TO APPROVE THE FEBRUARY 6, 2023 MEETING MINUTES made by Councilman Mirabito, second by Councilwoman Andrews; all ayes, motion carried 6-0.

APPROVAL OF COUNCIL MEETING MINUTES FOR FEBRUARY 8, 2023 BI-MONTHLY MEETING

MOTION TO APPROVE THE FEBRUARY 8, 2023 MEETING MINUTES made by Councilman Mirabito, second by Council Pro-Tem Festermaker; all ayes, motion carried 6-0.

APPROVAL OF COUNCIL MEETING MINUTES FOR MARCH 6, 2023 REGULAR MEETING

MOTION TO APPROVE THE MARCH 6, 2023 MEETING MINUTES made by Council Pro-Tem Fenstermaker, second by Councilwoman Andrews; all ayes, motion carried 6-0.

APPOINTED COUNCIL MEMBER COMMITTEE REORTS & REPORTS OF ELECTED OFFICIALS

PERSONNEL, FINANCE AND ADMINISTRATION COMMITTEE: Council President Ehrgott reported the Borough will be hiring another Code Enforcement Officer to replace Officer Michael Kovach. Also, a discussion was held in reference to OPENGOV procedure.

NAZARETH COUNCIL OF GOVERNMENTS: Vice-President Hesch mentioned the final payout from the grant from the state, since they were floating us – all funds were paid back to Lower Nazareth. The Borough of Bath will serve on a sub-committee with Upper Nazareth Township and Tatamy Borough to look at desired requirements on when to notify neighboring municipalities on upcoming developments in a COG member municipality which may trigger a COG review. The next COG meeting is April 20th – anyone is welcome to attend.

ENVIRONMENTAL STEERING COMMITTEE: Councilwoman Andrews reported the committee will draft a survey for residents on the possibility of recycling with costs and details included. Bobby Siegfried will help organize the survey. Councilman Hamadyk will prepare an outline for the next meeting for further review. The next recycling event will be held June 24, 2023 – from 9am to 11am at Firefighters Field.

COMMUNITY & ECONOMIC DEVELOPMENT COMMITTEE: VP Hesch thanked everyone on the CEDC committee for their time and dedication. He also mentioned the "Welcome to the Borough of Bath" signage (at all entrances to the Borough) will be upgraded and the Borough motto added underneath the signs – and extended his thanks to MSTechz. He reminded everyone Old Home Weekend will be August 10th to the 13th. The Business Forum will be held on Thursday, April 6th in Borough Hall at 7:00pm – all Borough business owners and managers are welcome to attend. He looks forward to their input. On Arbor Day, our PW employees will replace some trees throughout the Borough. Lastly, "Yuletide in Bath" will be held on Saturday, December 16th.

PUBLIC WORKS & FACILITIES COMMITTEE: President Ehrgott reported going forward, Chris the PW Crewleader, will be attending the committee meetings. He will keep us informed on projects – such as roadways and potholes.

PUBLIC SAFETY COMMITTEE: Councilman Mirabito reported the fire department received their replacement radio along with batteries. He also mentioned Council needs to appoint the EMC. Also, he mentioned Council will send the Letter of Intent to the state to begin the police study. Manager Flynn explained Council reported the study will be at no cost to the Borough and will examine options for the Borough in reference to police services. VP Hesch reminded everyone the plan was to revisit police services after five years with PA State Police – and we have reached that point.
MOTION TO AUTHORIZE THE BOROUGH MANAGER TO EXECUTE THE LETTER OF INTENT TO THE PENNSYLVANIA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, CENTER FOR LOCAL GOVERNMENT SERVICES, FOR THE POLICE SERVICES STUDY made by Councilman Mirabito; second by Councilman Lisiecki; all ayes, motion carried 6-0.

MONOCACY CREEK WATERSHED LIASION: VP Hesch reminded everyone the Earth Day Creek Clean-up event will be held on April 22, 2023 beginning at 9am until 11am. Everyone is welcome to assist.

PARKS & RECREATION COMMITTEE: Council Pro-Tem reported a meeting was held in reference to the Master Park Plan. Committee members met with Jay DeFelice of Colliers International to discuss possible options for a survey to the residents asking "what they would like" in the parks. Engineer Madison added we are "in good hands" with Mr. DeFelice, who has done several park plans and no doubt will do all he can for the Borough to finalize our master park plan.

BATH MUSEUM LIAISON: VP Hesch reminded Council when he has the date for the WDIY special and interviews with the committee members of the museum, he will let everyone know. He also urged all in attendance to get involved with Borough Council – residents are welcome to join the sub-committees.

MAYOR'S REPORT: Mayor Mirabito again thanked Lt. Thomas for attending the meeting and addressing the concerns of residents. She also extended her thanks to Ms Robin DeReamus for organizing the Free Prom Dress event and to those businesses who donated prizes for the event. It was a huge success and loved by all.

PUBLIC SAFETY REPORTS
EMERGENCY MANAGEMENT COORDINATOR: Solicitor Kratz reminded Council the EMC is not a salaried position and serves at the direction of the Borough Manager. If any costs are incurred, they must be pre-approved by the Borough Manager.
RESOLUTION 2023-002 APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR

MOTION TO APPROVE THE APPOINTMENT OF MR. LUIS FIGUEROA AS THE EMERGENCY MANAGEMENT COORDINATOR FOR THE BOROUGH OF BATH made by Councilman Mirabito, second by Councilwoman Andrews; all ayes, motion carried 6-0.

ZONING OFFICER; CODE ENFOREMENT & PERMITS: Nothing to report.

RENTAL INSPECTION: No further information to report.

BATH FIRE DEPARTMENT REPORT: Manager Flynn read the report given to the Borough for the month of March 2023. There were 23 fire calls and 4 EMS assistance calls. Total calls to date – 75.

BOROUGH ADMINISTRATION REPORTS

BOROUGH ENGINEER: Nothing further to report.

PUBLIC WORKS: Nothing further to report.

WATER AUTHORITY: Nothing further to report.

BOROUGH MANAGER: Nothing further to report.

TREASURY: Nothing further to report.

BOROUGH SOLICITOR: Nothing further to report.

BATH PLANNING COMMISSION MINUTES - February 20, 2023 Minutes pending.

PRESIDENT'S COMMENTS

President Ehrgott extended her thanks to Lt. Thomas for attending the meeting and for his valued information. She also expressed her gratitude to VP Hesch for always covering for her during her work travel commitments.

NEW BUSINESS

RATIFICATION TO PAY MONTHLY BILLS: MOTION TO PAY MONTHLY BILLS AS FUNDS BECOME AVAILABLE made by Councilwoman Andrews, second by Council Pro-Tem Fenstermaker; all ayes, motion carried 6-0.

IN-PROGRESS BUSINESS

WIRELESS COMMUNICATION ORDINANCE REVIEW: Nothing to report.

NOR-BATH TRAIL UPDATES: Nothing to report.

CAPITAL IMPROVEMENT PROJECTS

ROADS: Manager Flynn mentioned some projects scheduled - Penn Street from Broad Street to the dead end; Hoch Street; and Pine Street from Poplar Street to Broad Street. As many projects as possible will be done in-house.

MS 4: Nothing to report.

FACILITIES/PARKS: Nothing to report.

Mayor Mirabito added the two benches for the Paw Park Playground have arrived and she is planning on getting two plaques to adhere to the benches to indicate the donation of both benches from the Bath Republican Association.

MOTIONS/ACTIONS

MOTION TO ADVERTISE THE REVISED 2023 COUNCIL MEETING SCHEDULE made by Councilman Mirabito, second by Councilwoman Andrews; all ayes, motion carried 6-0.

MOTION TO ADOPT AD-2023-1 GENERAL FUND, FUND BALANCE POLICY made by Council Pro-Tem Fenstermaker, second by President Ehrgott; all ayes, motion carried 6-0.

MOTION TO ADOPT AD-2023-02 ACCOUNT RECONCILIATION POLICY made by Councilman Mirabito, second by Council Pro-Tem Fenstermaker; all ayes, motion carried 6-0.

MOTION TO ADOPT AD-2023-03 BOROUGH OF BATH PURCHASING POLICY made by Councilwoman Andrews, second by President Ehrgott; all ayes, motion carried 6-0.

MOTION TO ADOPT HR-2015-02 CREDIT CARD USE POLICY made by Councilman Lisiecki, second by President Ehrgott; all ayes, motion carried 6-0.

MOTION TO ADOPT ORDINANCE NO. 2023-728 TO AMEND CHAPTER 625 VEHICLES & TRAFFIC; AMENDING UNIFORM TRAFFIC REGULAIONS; REPEALING PARKING PROHIBITIONS BETWEEN 2:00AM AND 6:00AM; REVISING PARKING TIME LIMITED AT SPECIFIC LOCATIONS; REVISING MAIN STREET 2-HOUR PARKING made by Council Pro-Tem Fenstermaker, second by Councilman Mirabito; all ayes, motion carried 6-0.

CURRENT SUB-DIVISION /LAND DEVELOPMENT TIME LIMIT EXTENSIONS

MOTION TO ACCEPT THE MARCH 20, 2023 TIME LIMIT EXTENSION FOR THE BATHWICK HILLS APARTMENT COMPLEX SALDO PRELIMINARY APPLICATION made by President Ehrgott, second by Councilman Lisiecki; all ayes, motion carried 6-0.

MOTION TO CANCEL THE BI-MONTHLY COUNCIL MEETING SCHEDULED FOR WEDNESDAY, APRIL 12, 2023 AT 6:00PM made by Councilman Mirabito, second by Councilman Lisiecki; all ayes, motion carried 6-0.

EXECUTIVE SESSION

MOTION: TO GO INTO EXECUTIVE SESSION AT 7:48PM made by Councilwoman Andrews, second by Councilman Mirabito; all ayes, motion carried 6-0.

MOTION: TO GO BACK INTO REGULAR SESSION AT 8:29PM made by Councilman Mirabito, second by Councilman Lisiecki; all ayes, motion carried 6-0.

ACTIONS:

MOTION: TO ADOPT RESOLUTION NO. 2023-003 BOROUGH OF BATH EMERGENCY OPERATIONS PLAN made by Councilman Mirabito, second by Councilman Lisiecki; all ayes, motion carried 6-0.

PROPOSED ADDENDUM TO THE JANUARY 1, 2017 IT CONSULTING AGREEMENT BETWEEN DRIVELOCKER AND THE BOROUGH OF BATH, AS PER SOLICITOR KRATZ:

1) Who is the professional that is going to perform the service and what is that person's special expertise? The person is Anthony Panuccio of Drivelocker. He has been the Borough's IT professional since around February 2010. He holds the following certifications and qualifications: B.S. Degree in Business Administration with a major in accounting and a minor in mathematics and computer science. Certified Computer Examiner, Certified Information Technology Professional (CITP); Cisco Partner; Microsoft Partner; Office 365 Partner and other certifications. He has a longstanding unique knowledge of Bath's existing hardware and software programs. He has also demonstrated a very high quality of service in maintaining Bath's existing hardware and software programs.
    a. **MOTION: COUNCIL FINDS THAT MR. PANUCCIO HAS ACCEPTABLE CERTIFICATIONS AND QUALIFICATIONS, SPECIAL EXPERTISE REGARDING THE BATH'S COMPUTER PLATFORM AND HAS DEMONSTRATED A VERY HIGH QUALITY OF SERVICE IN MAINTAINING BATH'S EXISTING HARDWARE AND SOFTWARE PROGRAMS** made by Councilman Mirabito, second by Council Pro-Tem Fenstermaker; all ayes, motion carried 6-0.
2) Does the service require advanced technological capabilities which make the quality of the service more valuable than the price of the service? The service requires advanced technological capabilities including, but not limited to, computer security and the quality of the service is of paramount concern.
    a. **MOTION: COUNCIL FINDS THAT THE SERVICE REQUIRES ADVANCED TECHNOLOGICAL CAPABILITIES WHICH MAKE THE QUALITY OF THE SERVICE MORE VALUABLE THAN THE PRICES OF THE SERVICE** made by Councilman Mirabito, second by Councilman Lisiecki; all ayes, motion carried 6-0.
3) Is the quality of little concern because the service varies little from company to company? The quality of the service in this industry varies significantly from company to company as it is akin to engineers.
    a. **MOTION: COUNCIL FINDS THAT THE QUALITY OF THE SERVICE IS OF PARAMOUNT CONCERN AND THAT THE QUALITY OF SERVICE IN THIS INDUSTRY VARIES SIGNIFICANTLY FROM COMPANY TO COMPANY** made by Councilman Mirabito, second by Councilwoman Andrews; all ayes, motion carried 6-0.

MOTION: TO AUTHORIZE EXECUTION OF THE DRIVELOCKER IT ADDENDUM, SUBJECT TO THE ADDITION OF A TERMINATION CLAUSE FOUND ACCEPTABLE BY OUR SOLICITOR made by Councilman Mirabito, second by Councilwoman Andrews; all ayes, motion carried 6-0.

MOTION: IN REFERENCE TO FOUR RIGHT-TO-KNOW REQUESTS (NUMBERED 12 – 15) TO AUTHORIZE THE BOROUGH SOLICITOR TO TAKE LEGAL ACTION TO PURSUE INJUNCTIVE RELIEF AGAINST MICHAEL LONG RELATIVE TO HIS FILING OVERLY BROAD AND UNDULY BURDENSOME AND DISRUPTIVE RIGHT-TO-KNOW REQUESTS made by Councilman Mirabito, second by Councilwoman Andrews; all ayes, motion carried 6-0.

ADJOURNMENT

MOTION TO ADJOURN THE APRIL 3, 2023 MEETING AT 8:37PM made by Councilman Mirabito, second by Councilman Lisiecki; all ayes, motion carried 6-0.

Respectfully submitted,

Bradford T. Flynn
Manager, Secretary & Treasurer

OOR Exhibit 9

From:	Bradford Flynn
To:	Isenberg, Kelly
Cc:	Michael Long; Kratz, James F.
Subject:	[External] RE: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Wednesday, August 2, 2023 5:07:20 PM
Attachments:	image001.png 8-2-23 Flynn letter to Isenberg re OOR Docket 2023-1598.pdf

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Appeals Officer Isenberg:

Attached is my letter of today regarding OOR AP 2023-1598.

Thank you,

Bradford T. Flynn, MPA, CBO
Borough Manager
Borough of Bath
121 S. Walnut Street
Bath, PA 18014
Main Office: 610.837.6525 Fax: 610.837.8989
Manager's Office: 484.281.3451

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From: Kratz, James F. <james.kratz@stevenslee.com>
Sent: Wednesday, August 2, 2023 5:00 PM
To: Isenberg, Kelly <kisenberg@pa.gov>
Cc: Michael Long <michael.long479@gmail.com>; Bradford Flynn <bradford.flynn@boroughofbath.org>
Subject: RE: Long v. Bath Borough, Dkt. AP 2023-1598

CAUTION: This email originated from outside your organization. Please exercise caution when opening attachments or clicking links.

Good afternoon Appeals Officer Isenberg:

Attached is my letter today regarding OOR AP 2023-1598.

Thanks.

James F. Kratz, Esq.
Stevens & Lee
840 W. Hamilton Street, Suite 521
Allentown, PA 18101
T: 610-997-5065
F: 610-371-1229
james.kratz@stevenslee.com

Please note my new email address -- james.kratz@stevenslee.com. While I prefer that you use my new email address, in case you forget, I will continue to receive email addressed to my former email address of jfk@stevenslee.com. Thank you!

From: Michael Long <michael.long479@gmail.com>
Sent: Thursday, July 27, 2023 1:29 PM
To: bradford.flynn <bradford.flynn@boroughofbath.org>
Cc: Isenberg, Kelly <kisenberg@pa.gov>; Kratz, James F. <james.kratz@stevenslee.com>
Subject: Re: Long v. Bath Borough, Dkt. AP 2023-1598

My ongoing concerns regarding the Borough's lack of transparency and questionable compliance with the Right-to-Know Law have been greatly magnified by new information brought to my attention. Specifically, it appears discussions about potentially "scrubbing" emails occurred even after my original RTK request was filed with the Borough on May 17, 2023.

Learning that the possibility of deleting or removing emails was raised post-request raises alarms bells and exacerbates my fears about the integrity of the Borough's records management practices and response efforts. Intentionally destroying requested records to avoid disclosure is unambiguously illegal under the RTKL. Even discussing "scrubbing" emails after receiving my access request implies a willful disregard for transparency obligations.

Respectfully, this new revelation warrants serious investigation by the Office of Open Records as part of this appeal. Efforts by any agency to conceal public information from citizens through destruction of records betray the core principles of open government. I await your judicious examination of these deeply troubling allegations.

Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Wednesday, August 2, 2023

Appeals Officer Kelly Isenberg, Esq.
c/o Commonwealth of Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

RE: In the Matter of Michael Long v. Bath Borough
OOR Docket No.: AP 2023-1598

Dear Appeals Officer Isenberg:

On July 27, 2023, at approximately 1:30 PM, Mr. Long emailed you a follow-up relative to the above referenced matter and included two attachments; 1) Borough of Bath Council Minutes of April 3, 2023, and 2) Borough of Bath Council Meeting Agenda dated June 5, 2023.

In Mr. Long's email, he claims the following:

> "My ongoing concerns regarding the Borough's lack of transparency and questionable compliance with the Right-to-Know Law have been greatly magnified by new information brought to my attention. Specifically, it appears discussions about potentially '"scrubbing"' emails occurred even after my original RTK request was filed with the Borough on May 17, 2023.
>
> Learning that the possibility of deleting or removing emails was raised post-request raises alarms bells and exacerbates my fears about the integrity of the Borough's records management practices and response efforts. Intentionally destroying requested records to avoid disclosure is unambiguously illegal under the RTKL. Even discussing '"scrubbing"' emails after receiving my access request implies a willful disregard for transparency obligations.
>
> Respectfully, this new revelation warrants serious investigation by the Office of Open Records as part of this appeal. Efforts by any agency to conceal public information from citizens through destruction of records betray the core principles of open government. I await your judicious examination of these deeply troubling allegations.
>
> Please see the highlighted section on page 3 of the boroughs June Agenda and Page 9 of the Boroughs April Minutes.
>
> Michael Long"

Respectfully, Mr. Long's claims are mistaken. The "email scrubbing" referenced by Mr. Long has nothing to do with Mr. Long or any of his Right-to-Know Requests. The "email scrubbing" refers to the Borough's newly installed Barracuda Network Email Gateway Defense Quarantine program (the "Barracuda Defense Program"). This is a security measure used by the Borough effective May 19, 2023, to control outside emails being sent to our government's email exchange server. The Borough has been the subject of email phishing scams that can lead to hacking of critical Borough computer systems and/or login credentials for third party accounts utilized by the Borough (i.e. Borough's Amazon account). By way of single example, I personally received an email from an outside party posing as the Mayor of Bath, using the mayor's email address. It was an attempted phishing scam. The email scrubbing software (Barracuda Defense Program) is an added layer of defense relative to the Borough's ongoing cyber security efforts.

In the referenced attachment, Borough of Bath Agenda dated June 5, 2023, the agenda lists 'Correspondence Forwarded to Council by Email" on page 3. That part of the June 5th Agenda references emails sent to the Council during the month of May. The email descriptions entitled 'May 12, 2023 - Mayor/Council/Staff – Borough Email Scrubbing – Effective May 19, 2023' and 'May 17, 2023 – Mayor/Council/Staff – Borough Email Scrubbing – Effective May 19, 2023' were reminder emails/notices to Borough Council and employees that the email scrubbing program (Barracuda Defense Program) was going live on May 19, 2023. Further, Borough Council members and employees were to obtain instructional copies from the office of how to log on and operate the Barracuda Defense Program, otherwise they would not be receiving anymore emails.

As to Mr. Long's attachment referencing the Borough of Bath Council Meeting Minutes of April 3, 2023, I do not understand the connection or correlation with the instant appeal captioned above. While Solicitor Kratz was authorized on April 3, 2023, to take legal action to pursue injunctive relief against Mr. Long relative to his filing overlybroad and unduly burdensome and disruptive Right-to-Know Requests relative to RTKL Requests #12.2023 thru #15.2023, Solicitor Kratz has not commenced such legal action. Also, the RTKL Request underlying the instant appeal captioned above was submitted by Mr. Long to the Borough on May 17, 2023, and Mr. Long has submitted another RTKL Request to the Borough on July 17, 2023.

Subject to the penalties of 18 Pa. C.S. Section 4904, I certify that the facts set forth above on behalf of the Borough are true and correct to the best of my knowledge, information, and belief.

Sincerely,

Bradford T. Flynn, Borough Manager
Borough of Bath

cc: James F. Kratz, Borough Solicitor (via email only)
Michael Long (via email only)

OOR Exhibit 10

From: Michael Long
To: Bradford Flynn
Cc: Isenberg, Kelly; Kratz, James F.
Subject: [External] Re: Long v. Bath Borough, Dkt. AP 2023-1598
Date: Friday, August 4, 2023 2:54:57 PM
Attachments: image001.png
Response8-4.docx

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Follow up

On Wed, Aug 2, 2023 at 5:07 PM Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:

> Appeals Officer Isenberg:
>
> Attached is my letter of today regarding OOR AP 2023-1598.
>
> Thank you,
>
> **Bradford T. Flynn, MPA, CBO**
>
> **Borough Manager**
>
> Borough of Bath
>
> 121 S. Walnut Street
>
> Bath, PA 18014
>
> **Main Office: 610.837.6525 Fax: 610.837.8989**
>
> **Manager's Office: 484.281.3451**
>
> 
>
> ***Visit us at www.bathborough.org!***

August 4, 2023

Appeals Officer Kelly Isenberg
Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101

Re:In the Matter of Michael Long v.Bath Borough OOR Docket No.: AP 2023-1598; Right-to-Know Request dated March 30, 2023 to Bath Borough

Dear Appeals Officer Isenberg:

I write in response to the Borough of Bath's denial of my Right-to-Know request dated March 30, 2023, in which I sought billing records related to my prior requests. I outline below the concerning timeline of events related to this and other requests demonstrating inconsistencies and possible noncompliance with the Pennsylvania Right-to-Know Law (RTKL). I respectfully request an in camera review of documents withheld or redacted by the Borough.

My initial September 27, 2022 request (OOR Docket No. AP 2022-2675) encompassed communications between September 20, 2021 to May 15, 2022 regarding significant events potentially influenced by repayment issues of the Mayor's insurance premiums. This matter remains unresolved.

In response to my appeal of that request, the Borough's search focusing on hard copies despite my digital request raised concerns about thoroughness and timeliness per the RTKL's rules of construction requiring a good faith effort and least burdensome avenues of access under §67.102.

My March 30, 2023 request sought a breakdown of legal costs related to prior requests. The Borough initially denied such records existed. However, they then provided redacted Stevens & Lee invoices supposedly reused from an unrelated request, contradicting their claim per Office of Open Records v. Center Township, 95 A.3d 354 (Pa. Commw. Ct. 2014).

The Borough subsequently provided Treasurer Reports containing legal fee figures predating my request by one month, further contradicting their denial and suggesting the detailed records I sought did exist contrary to §67.305.

When I requested an in camera review, the Borough supplied a manually prepared summary despite arguing previously they had no duty to create records under §67.705.

The OOR's February 24, 2023 determination in OOR Docket No. AP 2023-0230 required the Borough provide unredacted records within 30 days. I did not submit a follow-up request until March 30, 2023. The extensive additional billing reflected in the manual summary provided by the Borough from the period when the only outstanding task was providing specified unredacted records is perplexing and excessive.

In OOR Docket No. AP 2023-0109 regarding my request for digital communications, the Borough claimed privilege, but the validity is uncertain. Per the balancing test in Pa. Dep't of Educ. v. Bagwell, 114 A.3d 1113 (Pa. Commw. Ct. 2015), I request these records be considered for in camera review given the facts and timeframe.

Despite knowing third parties must be contacted per §506(d)(1), the Borough provided Stevens & Lee records from another request without obtaining mine. Mr. Kratz did not recuse himself despite his firm possessing responsive records. The Borough created a manual summary only when an in camera review was requested, attempting to avoid scrutiny.

The Borough's contradictory responses, such as initially denying records exist then providing versions later, and selective transparency raise concerns. I request the OOR require certified, original billing records from Stevens & Lee and perform an in camera review given the Borough's actions, per the procedure endorsed in Barkeyville Borough v. Stearns, 35 A.3d 91 (Pa. Commw. Ct. 2012). Access to public records under the RTKL must be granted properly.

Thank you for your attention. Please contact me with any questions.

Sincerely,

Michael Long

OOR Exhibit 11

From:	Michael Long
To:	Bradford Flynn
Cc:	Isenberg, Kelly; Kratz, James F.
Subject:	[External] Re: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Friday, August 4, 2023 2:57:11 PM
Attachments:	image001.png HopefulLastResponse.docx

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the Report Phishing button in Outlook.*

This too

On Fri, Aug 4, 2023 at 2:52 PM Michael Long <michael.long479@gmail.com> wrote:

> Follow up
>
> On Wed, Aug 2, 2023 at 5:07 PM Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:
>
> > Appeals Officer Isenberg:
> >
> > Attached is my letter of today regarding OOR AP 2023-1598.
> >
> > Thank you,
> >
> > **Bradford T. Flynn, MPA, CBO**
> >
> > **Borough Manager**
> >
> > Borough of Bath
> >
> > 121 S. Walnut Street
> >
> > Bath, PA 18014
> >
> > **Main Office: 610.837.6525 Fax: 610.837.8989**
> >
> > **Manager's Office: 484.281.3451**

August 4, 2023

Appeals Officer Kelly Isenberg
Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101

Re:In the Matter of Michael Long v.Bath Borough OOR Docket No.: AP 2023-1598; Right-to-Know Request dated March 30, 2023 to Bath Borough

Dear Appeals Officer Isenberg:

I write in response to the Borough of Bath's denial of my Right-to-Know request dated March 30, 2023, in which I sought billing records related to my prior requests. I outline below the concerning timeline of events related to this and other requests demonstrating inconsistencies and possible noncompliance with the Pennsylvania Right-to-Know Law (RTKL). I respectfully request an in camera review of documents withheld or redacted by the Borough.

My initial September 27, 2022 request (OOR Docket No. AP 2022-2675) encompassed communications between September 20, 2021 to May 15, 2022 regarding significant events potentially influenced by repayment issues of the Mayor's insurance premiums. This matter remains unresolved.

In response to my appeal of that request, the Borough's search focusing on hard copies despite my digital request raised concerns about thoroughness and timeliness per the RTKL's rules of construction requiring a good faith effort and least burdensome avenues of access under §67.102.

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The Borough subsequently provided Treasurer Reports containing legal fee figures predating my request by one month, further contradicting their denial and suggesting the detailed records I sought did exist contrary to §67.305.

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In OOR Docket No. AP 2023-0109 regarding my request for digital communications, the Borough claimed privilege, but the validity is uncertain. Per the balancing test in Pa. Dep't of Educ. v. Bagwell, 114 A.3d 1113 (Pa. Commw. Ct. 2015), I request these records be considered for in camera review given the facts and timeframe.

Despite knowing third parties must be contacted per §506(d)(1), the Borough provided Stevens & Lee records from another request without obtaining mine. Mr. Kratz did not recuse himself despite his firm possessing responsive records. The Borough created a manual summary only when an in camera review was requested, attempting to avoid scrutiny.

The Borough's contradictory responses, such as initially denying records exist then providing versions later, and selective transparency raise concerns. I request the OOR require certified, original billing records from Stevens & Lee and perform an in camera review given the Borough's actions, per the procedure endorsed in Barkeyville Borough v. Stearns, 35 A.3d 91 (Pa. Commw. Ct. 2012). Access to public records under the RTKL must be granted properly.

Thank you for your attention. Please contact me with any questions.

Sincerely,

Michael Long

OOR Exhibit 12

From:	Isenberg, Kelly
To:	Michael Long
Cc:	Kratz, James F.; Bradford Flynn
Subject:	RE: [External] Re: Long v. Bath Borough, Dkt. AP 2023-1598
Date:	Friday, September 1, 2023 11:31:00 AM
Attachments:	image001.png image002.png
Importance:	High

Dear Mr. Long,

While cognizant of your wish to have this matter resolved, I am writing to respectfully request a brief two-week extension of the Final Determination deadline. The purpose of the request is to complete the review of the several submissions and research of the issues presented on appeal, including your request for *in camera* review, while also meeting internal drafting and editing deadlines for my entire caseload. The extended deadline would be Sep. 27, 2023.

Kindly provide a reply to the Request as soon as practicable, or by the close of business Tues. Sep. 5, 2023. In the absence of an objection to the request, the docket will be amended to reflect the new deadline.

I thank you in advance for your anticipated understanding and cooperation in this request.

Regards,
Kelly Isenberg



Kelly C. Isenberg |Attorney
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
https://www.openrecords.pa.gov
@OpenRecordsPA

OOR Exhibit 13

From: Michael Long <michael.long479@gmail.com>
Sent: Monday, September 25, 2023 10:22 AM
To: Isenberg, Kelly <kisenberg@pa.gov>
Subject: [External] Re: AP 2023-1598 - Long v Bath Borough

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Apologies for the delay due to swapping over to a new phone I missed this email until now and fully support and accept your request for an extension.

Thank you

Michael Long

On Thu, Sep 21, 2023 at 10:08 AM Isenberg, Kelly <kisenberg@pa.gov> wrote:

> Dear Mr. Long,
>
> Based on a review of the submissions in this matter, it is necessary to further develop the appeal record by seeking an exemption log from the Borough for the withheld emails. To this end, an extension of the Final Determination deadline will be required, in order to provide time for the Borough to submit an exemption log, as well as to ensure sufficient time to review the log and complete the drafting of the Final Determination. I am proposing the following supplemental submission schedule:
>
> - The Borough submits the exemption log and supporting evidence by October 5, 2023.
> - The Final Determination will be issued on or before October 26, 2023.
>
> Kindly provide a reply to the Request as soon as practicable, or by the close of business Fri. Sep. 22, 2023. In the absence of an objection to the request, the docket will be amended to reflect the new deadline and a directive will be sent to the Borough with further information regarding the submission of an exemption log.
>
> I thank you in advance for your anticipated understanding and cooperation in this request.
>
> Regards,
>
> Kelly Isenberg

Kelly C. Isenberg |Attorney
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
https://www.openrecords.pa.gov
@OpenRecordsPA

OOR Exhibit 14

From:	Isenberg, Kelly
To:	Michael Long
Cc:	Kratz, James F.; bradford.flynn@boroughofbath.org; Bradford T. Flynn (manager@boroughofbath.org)
Subject:	RE: [External] Re: AP 2023-1598 - Long v Bath Borough
Date:	Tuesday, September 26, 2023 10:12:00 AM
Attachments:	image001.png

Mr. Long:

Thank you for your response. Please be mindful of including all parties on emails.

Attorney Kratz:

Please submit an exemption log generally describing all of the redacted and withheld emails. For each record, the exemption log must contain the following information:

(1) The date of the record;

(2) A description of the type of record (e.g., e-mail, letter, text message, etc.), including whether there are attachments to the record;

(3) The name and status of the author and each recipient of the record, including any parties copied on the correspondence or communication (e.g., attorney, agency official/employee, etc.);

(4) A general description of the subject matter of the record; and

(5) A citation to the legal basis upon which each record is withheld or information redacted from the record.

The exemption log must be attested to by a person with actual knowledge of the contents of the records. Additional guidance regarding exemption logs may be found on the OOR's website: https://www.openrecords.pa.gov/RTKL/Forms.cfm.

A copy of the Borough's submission must be provided to the Requester. The Borough's supplemental submission should be provided by October 5, 2023. If additional time is needed to complete the log, an extension request will be considered.

Thank you,
Kelly Isenberg

Kelly C. Isenberg |Attorney
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
https://www.openrecords.pa.gov
@OpenRecordsPA

Michael Long 220 Creek Rd

Bath, PA 18014

Email: Michael.Long479@gmail.com

July 24, 2023

Office of Open Records Commonwealth of Pennsylvania 333 Market Street, 16th Floor Harrisburg, PA 17101-2234

Re: Long v. Bath Borough OOR Dkt. AP 2023-1598

Dear Appeals Officer Kelly Isenberg,

I am writing in response to the handling of the Right-to-Know (RTK) request submitted on May 17, 2023, and the subsequent denial of information and appeals. Our detailed analysis of the correspondence and responses relating to this request has raised several concerns.

We have identified discrepancies, omissions, and potential non-compliance with the RTK Law in the Borough of Bath's handling of the request. While we acknowledge the Borough's efforts to respond to the request, we believe that certain aspects of the request were not adequately addressed.

Specifically, we have concerns about the Borough's decision to search hard copy files before electronic records, especially given that the requested information pertains to recent communications. We also note that the Borough did not provide any information about group chats, which could potentially contain responsive records.

Furthermore, we are concerned about an ongoing group chat involving council members. As a form of communication about borough business, this group chat could potentially contain records relevant to the RTK request. Moreover, this group chat could potentially constitute a continuous state of quorum, raising issues related to open meetings laws.

In addition, we request an in-camera review to ensure a neutral evaluation of the records in question. We also request a redaction or privilege log to provide clarity on any withheld or redacted information.

Moreover, we would like to raise the issue of the resignation of a council member and the appointment of a new one. Conversations about these matters, particularly if they involve the solicitor, should be procedural or fact-finding in nature, as these processes are laid out per state law. As such, these communications might not fall under attorney-client privilege and could be subject to disclosure under the RTK Law. We request an in-camera review of these specific records, with the goal of assessing their appropriate redaction or privilege status.

Furthermore, we question why Marena's resignation letter wasn't stored in her employee file. Properly filing this record would have made it responsive to the RTK request.

Based on these concerns, we request that the Borough conduct a thorough and comprehensive search for the requested information, including electronic records and group chats, and provide a complete and detailed response to the RTK request.

We trust that the Borough of Bath values transparency and compliance with the RTK Law, and we look forward to your prompt and comprehensive response to these concerns.

Sincerely,

Michael Long

OOR Exhibit 15

STEVENS & LEE

LAWYERS & CONSULTANTS

840 W. Hamilton Street, Suite 521
Allentown, PA 18101
(610) 691-7111 Fax (610) 691-7175
www.stevenslee.com

Direct Dial: (610) 997-5065
Email: jfk@stevenslee.com
Direct Fax: (610) 371-1229

October 4, 2023

BY EMAIL ONLY VIA MIMECAST LARGE FILE SEND

Appeals Officer Kelly Isenberg, Esq.
c/o Commonwealth of Pennsylvania Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: In the Matter of Michael Long v. Bath Borough
OOR Docket No.: AP 2023-1598

Dear Appeals Officer Isenberg:

Enclosed is my Affidavit of today in response to your email of September 26, 2023, requesting "an exemption log generally describing all of the redacted and withheld emails." The exemption log is Exhibit "A" attached to my Affidavit. While I do not know what you meant by redacted emails, the exemption log covers the attorney-client privileged emails that I identified in my Affidavit of July 24, 2023, and two (2) additional attorney-client privilege emails that I realized in gathering the attorney-client privileged emails that I identified in my Affidavit of July 24, 2023. Also, since the Borough's final response dated June 23, 2023, addressed to Mr. Long provided Attachment 'D' (Employee Earnings Reports for three employees hired during the relevant period) with their respective home address, social security number and date of birth redacted, I identified Attachment 'D' and said redactions on the exemption log in case that is what you meant when you used the word redacted.

As you'll see, for efficiency and organizational purposes, my Affidavit of today is based on my Affidavit of July 24, 2023, with the differences shown via bold, underlined text in my Affidavit of today. As you and Mr. Long will see in my Affidavit of today, among other things, I found certain inadvertent errors in my Affidavit of July 24, 2023, and corrected them via my Affidavit of today. For example, after further review, the JFK Email of 12-3-21 did not/does not relate to the appointment of Emmanuel Mirabito to the Council seat that was later vacated by then Councilperson Mark Saginario. While I am not pleased that I made any errors in my Affidavit of July 24, 2023, I anticipate your and Mr. Long's understanding because of the complexity of Mr. Long's Right-to-Know Request and responding to same. When I say "complexity", I do not intend to insult Mr. Long. I say it simply as my opinion.

My enclosed Affidavit is 35 megabytes because it was scanned in color and Exhibit "C" is large so that increased file size. Because of the large file size, I am sending this letter with its enclosure to you via email via Mimecast Large File Send so you can download same.

If you have any questions, please don't hesitate to contact me. Thank you for your attention and consideration in this matter.

Very truly yours,

STEVENS & LEE



James F. Kratz

Enclosure (10-4-23 JFK Affidavit)

cc: Bath Borough c/o Bradford T. Flynn (via email only via Mimecast Large File Send)
Michael Long (via email only via Mimecast Large File Send)

AFFIDAVIT

COMMONWEALTH OF PENNSYLVANIA :
: ss:
COUNTY OF LEHIGH :

I, JAMES F. KRATZ, ESQ., being duly sworn according to law, do depose and state that the following facts are true and correct to the best of my information and belief:

1. I am currently licensed as an attorney in the Commonwealth of Pennsylvania.

2. I graduated from law school in May 2004 and have practiced law continuously in the Commonwealth of Pennsylvania since I was admitted to the practice of law in October 2004.

3. I am an attorney with the law firm of Stevens & Lee, P.C. ("Stevens & Lee") and have been since admitted to the practice of law in the Commonwealth of Pennsylvania as stated above.

4. Since circa 1999, Blake C. Marles, Esq., of Stevens of Lee, served as the Solicitor for the Borough of Bath (the "Borough"), Northampton County, Pennsylvania.

5. Since circa January 2005, I served as the Assistant Solicitor for the Borough.

6. Since circa August 2021, I commenced serving as the Solicitor for the Borough in lieu of Attorney Marles.

7. On May 17, 2023, the Borough received a Pennsylvania Right-to-Know Law request, dated May 17, 2023, from Michael Long requesting, in relevant part, the following:

> "All …, … emails, …, …, …, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> - The resignation of Mark Saginario
> - The vacated council seat following Mark Saginario's resignation
> - The appointment of Emmanuel Mirabito to the council seat
> - Borough Policy on a vacated council seat
> - Any potential employment, position benefits, compensation of Fiorella Mirabito
> - Advertisement of any new position within the Borough
> - The resignation of Marena Rasmus
> - Clerk positions within the Borough
> - The hiring of any individual for a clerk position within the Borough
> - Borough policy on hiring for new positions
> - Any public announcement regarding the above topics

> Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

8. I will refer to the above referenced part of the Right-to-Know Law request, dated May 17, 2023, as "RTKL Request".

9. Mr. Long's above statement in is RTKL Request regarding the scope of attorney-client privileged communications is erroneous.

10. The attorney-client privilege has the purpose of fostering the free and open exchange of relevant information between the lawyer and the client. Gillard v. AIG insurance Company, 15 A.3d 44 (Pa. Supreme 2011).

11. To establish the attorney-client privilege, the person claiming it must demonstrate:

(1) The asserted holder of the privilege is or sought to become a client.
(2) The person to whom the communication was made is a member of the bar of a court, or his subordinate.
(3) The communication relates to a fact of which the attorney was informed by his client, without the presence of strangers, for the purpose of securing either an opinion of law, legal services or assistance in a legal matter, and not for the purpose of committing a crime or tort.
(4) The privilege has been claimed and is not waived by the client.

Office of the Governor v. Davis, Jr., 122 A.3d 1185 (Pa. Cmwlth. 2015)(citing Nationwide Mutula Insurance Company v. Fleming, 924 A.2d 1259 (Pa. Super. 2007), *affirmed by an equally divided court*, 992 A.2d 65 (Pa. Supreme 2010).

12. The attorney-client privilege operates in a two-way fashion to protect confidential client-to-attorney or attorney-to-client communications made for the purpose of obtaining or providing professional legal advice. Gillard, *supra.*

13. The holder of the privilege is the client or person seeking to become the client. Office of the Governor, *supra.*

14. Here, the holder of the privilege is the Borough of Bath (the "Borough") and the Borough has not waived the privilege.

15. Bradford T. Flynn ("Flynn") is an Open Records Officer for the Borough.

16. Flynn is also the Manager for the Borough.

17. On or around June 23, 2023, Flynn, in his capacity as a Borough Open Records Officer, asked me to review several potentially responsive emails that he located via his search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022, regarding the subject matters identified in the RTKL Request.

18. Based on my review of the potentially responsive emails that Flynn located via his search on the Borough's server, I identified only my email of December 3, 2021, from me to former Borough employee Marena Rasmus with copy to **Flynn**, Borough Engineer Madison, **Borough employee Lamparter,** Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) (the "JFK Email of 12-3-21") as containing my legal advice regarding several parts of proposed Resolution #2021-012 including, but not limited to, Article 2.7(f) of proposed Resolution #2021-012.

19. Article 2.7 of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, Article 2.7(f) of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, my legal advice in the JFK Email of 12-3-21 related to the process to appoint a person to a vacated Council seat. **Also, while my Affidavit of July 24, 2023, states that "[b]ecause of that, my legal advice in the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012 …, …, … related to the prospective appointment of Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario[]", after further review, that statement is not correct because it was not until the January 2022 Regular & Reorganization Meeting email dated 12/29/2021 (Attachment 'B' to Bath's final response letter dated June 23, 2023, addressed to Mr. Long which response letter is attached hereto as Exhibit "C" which response letter included (a) then Councilmember Mark Saginario's resignation letter dated December 31, 2021 (Attachment 'B-1' to Exhibit "C" attached hereto) and (b) the Emmanuel Mirabito letter of interest dated December 13, 2021 (Attachment 'B-2' to Exhibit "C" attached hereto)) that I became aware of the possibility of Council possibly appointing Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario and I was not asked**

to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat.

20. The JFK Email of 12-3-21 falls within the "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz, from September 20, 2021, to May 15, 2022" stated in Mr. Long's RTKL Request. Emphasis added.

21. The JFK Email of 12-3-21 was made to representatives of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to a communication from **Borough employee Marena Rasmus**, outside the presence of strangers, for an opinion of law regarding any part of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.

22. The JFK Email of 12-3-21 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*; **see also, RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2)**.

23. **In response to Office of Open Records Appeal Officer Kelly Isenberg's request of September 26, 2023, for the Borough to provide an Exemption Log, attached hereto as Exhibit "A" is the Borough's Exemption Log.**

24. **I prepared the Borough's Exemption Log and I have actual knowledge of the records identified in the Borough's Exemption Log.**

25. **The JFK Email of 12-3-21 is identified as Record Number 1 on the Borough's Exemption Log. See Exhibit "A".**

26. On or around June 23, 2023, I also stated to Flynn that, as a precautionary measure, he should note in the Borough's letter of June 23, 2023, to Mr. Long that emails from me to Flynn, Mayor Fiorella Mirabito and/or members of Council regarding my legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat[1] and the process to appoint a person to Council seat are attorney-client privileged and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record").

[1] On or around June 23, 2023, I mistakenly included the topic of the appointment of Emmanuel Mirabito to Council as I was not asked to provide a legal opinion regarding the appointment of Emmanuel Mirabito to Council and re-reviewing the content of the attorney-client privileged emails identified on the Borough Exemption Log made me realize that.

27. I stated "and/or" to Flynn **(as referenced in paragraph 26 above)** because (a) the JFK Email of 12-3-21 which falls within the "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz" but also (b) I had/have the following email exchange for legal advice that does not fall within "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz":

(a) Email exchange in October 2021 (the "Email Exchange in October 2021") with Flynn and Council President Ehrgott regarding their request for legal advice regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person. The prospective appointment of Emmanuel Mirabito to the Council seat was not a part of this email exchange **and it was not part of the JFK Email of 12-3-21 either. As stated in paragraph 19 above, I was not asked to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat**.

28. **The Email Exchange in October 2021 is comprised of the emails identified as Record Numbers 2 thru 12 on the Borough's Exemption Log attached hereto as Exhibit "A".**

29. The Email Exchange in October 2021 was made **by and** to representatives of my client, the Borough, for purposes of **the Borough seeking and my providing legal advice to the Borough**, outside the presence of strangers, in response to emails from Flynn and Council President Ehgott, outside the presence of strangers, for an opinion of law and legal assistance regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person and not for the purpose of committing a crime or tort.

30. The Email Exchange in October 2021 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*; **see also, RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2)**.

31. I stated "and/or" to Flynn as stated in paragraph 26 above because I desired that Flynn inform Mr. Long that I did provide legal advice on the topics covered by the Email Exchange in October 2021 so Mr. Long is aware that Flynn **and** Council President Ehrgott were

aware of my legal advice so Mr. Long may possibly find that he does not need to make another right-to-know law request on that topic/time period.

32. On or around June 23, 2023, I also searched my email records for the Borough and did not find any other email exchanges regarding Mr. Long's other subject matters during the relevant time frame so I informed Flynn that I didn't have other attorney-client privileged emails to note for Mr. Long.

33. In preparing **my Affidavit of July 24, 2023**, I performed another search to ensure my initial search was correct and I located the following email exchanges:

(a) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #1"), between Flynn and me wherein Flynn sought legal opinions regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation and where I provided legal advice in response to same.

(b) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #2"), between Council President Ehrgott and me wherein Council President Ehrgott sought legal opinion regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and where I provided legal advice in response to same.

34. The JFK 4-21-22 Email Exchange #1 was made **by and** to a representative of my client, the Borough, for purposes of **the Borough seeking and my providing legal advice to the Borough**, outside the presence of strangers, in response to a communication from Flynn, outside the presence of strangers, for opinion of laws regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation**, and not for the purpose of committing a crime or tort**.

35. **In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #1 was not made for the purpose of committing a crime or tort**.

36. The JFK 4-21-22 Email Exchange #1 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*; **see also, RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2)**.

37. **The JFK 4-21-22 Email Exchange #1 is identified as Record Numbers 13 thru 15 on the Borough's Exemption Log attached hereto as Exhibit "A".**

38. The "JFK 4-21-22 Email Exchange #2" was made **by and** to a representative of my client, the Borough, for purposes of **the Borough seeking and my providing legal advice to the Borough**, outside the presence of strangers, in response to a communication from Council President Ehrgott, outside the presence of strangers, for an opinion of law regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough**, and not for the purpose of committing a crime or tort**.

39. **In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #2 was not made for the purpose of committing a crime or tort**.

40. **The JFK 4-21-22 Email Exchange #2 is identified as Record Numbers 16 thru 18 on the Borough's Exemption Log attached hereto as Exhibit "A".**

41. The JFK 4-21-22 Email Exchange #2 is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra***; see also, RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2)**.

42. While the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 each fall outside of Mr. Long's "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and [Solicitor Kratz]" designation via his RTKL Request and are attorney-client privileged, I **informed** Mr. Long of the existence of the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 **via my Affidavit of July 24, 2023,** so Mr. Long is aware that Flynn and Council President Ehrgott were aware of the legal advice that I provided so Mr. Long may possibly find that he does not need to make another right-to-know law request on those topics/time period.

43. **In preparing this Affidavit, I gathered the emails identified as Record Numbers 1 thru 18 and, in doing so, I located the following attorney-client privileged email exchange that relates to the JFK Email of 12-3-21:**

(a) **Email exchange on December 6, 2021 (the "12-6-21 Email Exchange") between Flynn and me wherein Flynn sought follow up legal advice to the legal advice that I provided via the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012.**

44. **The 12-6-21 Email Exchange was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to**

the Borough, outside the presence of strangers, in response to Flynn's email of 12-6-21, outside the presence of strangers, for follow up legal advice regarding the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.

45. The 12-6-21 Email Exchange is comprised of the emails identified as Record Numbers 19 and 20 on the Borough's Exemption Log attached hereto as Exhibit "A".

46. The 12-6-21 Email Exchange is protected by the attorney-client privilege. Office of the Governor, *supra*; Gillard, *supra*; see also, RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2).

47. Via the Borough's final response dated June 23, 2023, addressed (and provided) to Mr. Long, the Borough provided Attachment 'D' to Mr. Long in response to the second part of his RTKL Request which was "[a] list of all employees hired by the Borough of Bath outside of Public Works Department since January 1, 2022 ..."

48. Attachment 'D' to the Borough's final response dated June 23, 2023, is the Employee Earnings Reports for Michael Kovach, Fiorella Mirabito and David Smith (who were hired by the Borough during the period January 1, 2022, to April 30, 2023) but with redactions that Mr. Flynn stated are the respective home address, social security number and date of birth for Michael Kovach, Fiorella Mirabito and David Smith that were redacted per RTKL Sections 706 and 708(b)(6)(i)(A).

49. Because the copy of Attachment 'D' attached to Mr. Long's appeal filed with the Office of Open Records on July 13, 2023, is not a true and correct copy of Attachment 'D' attached to the Borough's final response dated June 23, 2023, attached hereto as Exhibit "B" is a true and correct copy of Attachment 'D' that was attached to the Borough's final response dated June 23, 2023, addressed (and provided) to Mr. Long. For example, on page 6 of 8 of the copy that Mr. Long filed with the Office of Open Records, it states "Red# 83 SMITH, CAVIC". That is incorrect and may have been caused by software that Mr. Long uses. As you'll see, on page 6 of 8 of Attachment 'D' attached to the Borough's final response dated June 23, 2023, it states "Rcd # 83 SMITH, DAVID".

50. Attached hereto as Exhibit "C" is a true and correct copy of the Borough's final response dated June 23, 2023, addressed (and provided) to Mr. Long. See Attachmetn 'D' in Exhibit "C".

51. **I have reviewed the Borough's unredacted copy of Attachment 'D' and, after comparing it to the redacted copy of Attachment 'D' attached to the Borough's final response dated June 23, 2023, Mr. Flynn did only redact the respective home address, social security number and date of birth for Michael Kovach, Fiorella Mirabito and David Smith per RTKL Sections 706 and 708(b)(6)(i)(A) on Attachment 'D' attached to the Borough's final response dated June 23, 2023, addressed (and provided) to Mr. Long.**

52. **The redacted copy of Attachment 'D' to the Borough's final response dated June 23, 2023 is identified as Record Number 21 on the Borough's Exemption Log because of the redactions made by Flynn as discussed above.**

JAMES F. KRATZ, ESQ.

On this, the **4th** day of **October**, 2023, before me a Notary Public in and for the Commonwealth of Pennsylvania, the undersigned officer, personally appeared JAMES F. KRATZ, ESQ., known to me (or satisfactorily proven) to be the person whose name is subscribed to the within instrument, and acknowledged that he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.

Notary Public

Commonwealth of Pennsylvania - Notary Seal
LAURA A. KLOTZ, Notary Public
Lehigh County
My Commission Expires February 22, 2026
Commission Number 1414101

Exhibit "A" – Exemption Log

Records of Borough of Bath
OOR Dkt. No. AP 2023-1598

Record Number	Date of Record	Type of Record	Author of Record	Recipient(s) of Record	General description of subject matter	Legal Basis for Exclusion
1	12-3-21	Email with 5 attachments	Borough Solicitor	Borough employee, Borough Manager, Borough Engineer, Borough employee, Borough Mayor, and all 7 Borough Council members	Legal advice regarding Article 2.7(f) of proposed Resolution #2021-012 (process to appoint a person to a vacated Council seat) and legal advice regarding other unrelated documents	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).
2	10-19-21 at 1:46 PM	Email with 1 attachment	Borough Solicitor	Borough Council President and Borough Manager	Legal advice in response to verbal question from Borough Council President regarding prospective resignation of Councilmember Mark Saginario, prospective vacated Council seat and general process to appoint a person to vacated Council seat.	Same as above.

Record Number	Date of Record	Type of Record	Author of Record	Recipient(s) of Record	General description of subject matter	Legal Basis for Exclusion
3	10-19-21 at 1:52 PM	Email	Borough Manager	Borough Solicitor and Borough Council President	Legal advice regarding prospective resignation of Councilmember Mark Saginario, prospective vacated Council seat and general process to appoint a person to vacated Council seat.	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).
4	10-19-21 at 2:06 PM	Email	Borough Solicitor	Borough Manager and Borough Council President	Same as above.	Same as above.
5	10-3-21 at 3:38 PM	Email	Borough Council President	Borough Solicitor and Borough Manager	Same as above.	Same as above.

Record Number	Date of Record	Type of Record	Author of Record	Recipient(s) of Record	General description of subject matter	Legal Basis for Exclusion
6	10-19-21 at 4:55 PM	Email	Borough Manager	Borough Solicitor and Borough Council President	Legal advice regarding prospective resignation of Councilmember Mark Saginario, prospective vacated Council seat and general process to appoint a person to vacated Council seat.	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).
7	10-19-21 at 5:11 PM	Email	Borough Council President	Borough Solicitor and Borough Manager	Same as above.	Same as above.
8	10-19-21 at 5:12 PM	Email	Borough Council President	Borough Solicitor and Borough Manager	Same as above.	Same as above.

Record Number	Date of Record	Type of Record	Author of Record	Recipient(s) of Record	General description of subject matter	Legal Basis for Exclusion
9	10-19-21 at 5:18 PM	Email	Borough Manager	Borough Solicitor and Borough Council President	Legal advice regarding prospective resignation of Councilmember Mark Saginario, prospective vacated Council seat and general process to appoint a person to vacated Council seat.	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).
10	10-19-21 at 6:57 PM	Email with 1 attachment	Borough Solicitor	Borough Manager and Borough Council President	Same as above.	Same as above.
11	10-19-21 at 7:04 PM	Email	Borough Council President	Borough Solicitor and Borough Manager	Same as above.	Same as above.
12	10-19-21 at 7:10 PM	Email	Borough Solicitor	Borough Council President and Borough Manager	Same as above.	Same as above.

Record Number	Date of Record	Type of Record	Author of Record	Recipient(s) of Record	General description of subject matter	Legal Basis for Exclusion
13	4-21-22 at 2:29 PM	Email	Borough Manager	Borough Solicitor	Legal advice regarding the prospective employment of Fiorella Mirabito as a part-time office clerk for the Borough and form of compensation.	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).
14	4-21-22 at 2:59 PM	Email	Borough Solicitor	Borough Manager	Same as above.	Same as above.
15	4-21-22 at 3:26 PM	Email	Borough Manager	Borough Solicitor	Same as above.	Same as above.
16	4-21-22 at 12:53 PM	Email	Borough Council President	Borough Solicitor	Legal advice regarding the prospective employment of Fiorella Mirabito as a part-time office clerk for the Borough	Same as above.

Record Number	Date of Record	Type of Record	Author of Record	Recipient(s) of Record	General description of subject matter	Legal Basis for Exclusion
17	4-21-22 at 2:16 PM	Email	Borough Solicitor	Borough Council President	Legal advice regarding the prospective employment of Fiorella Mirabito as a part-time office clerk for the Borough.	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).
18	4-21-22 at 3:18 PM	Email	Borough Council President	Borough Solicitor	Same as above.	Same as above.
19	12-6-21 at 11:26 AM	Email	Borough Manager	Borough Solicitor	Seeking follow up legal advice regarding legal advice given regarding Article 2.7(f) of proposed Resolution #2021-012.	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).

Record Number	Date of Record	Type of Record	Author of Record	Recipient(s) of Record	General description of subject matter	Legal Basis for Exclusion
20	12-6-21 at 11:36 AM	Email	Borough Solicitor	Borough Manager	Legal advice regarding legal advice given regarding Article 2.7(f) of proposed Resolution #2021-012.	Attorney-client privilege per Office of the Governor v. Davis, Jr. and Gillard v. AIG Insurance Company; RTKL Sections 102 (definitions of "public record" and "privilege") and 305(a)(2).
21	Created 5-26-23 at 4:16 PM but partially redacted prior to 6-23-23.	Attachment 'D' to 6-23-23 Bath Final Response to Mr. Long.	Initially created by Borough Bookkeeper but the partial redactions made by Borough Manager	Mr. Long and Borough Solicitor received partially redacted Attachment 'D' to 6-23-23 Bath Final Response to Mr. Long.	Attachment 'D' was/is the earnings reports for 1-1-22 to 4-30-23 for Michael Kovach, Fiorella Mirabito and David Smith with their respective home address, birth date and social security number redacted.	The respective home address, respective birth date and respective social security number for Michael Kovach, Fiorella Mirabito and David Smith were redacted per RTKL Sections 706 and 708(b)(6)(i)(A).

To print this report, use a page orientation of landscape.

Exhibit "B"

Employee Earnings

May 26 2023 4:16 PM

ATTACHMENT ' D'

Prepared By: fsilvestri

Status: All | Department Range: All | Check Date Range: 01/01/2022 to 04/30/2023 | Record Number Range: 81 to 83 | Wage Pay Type: All | Pay Frequency: All

Co #	Company Name	Pay Period End Date	Check Date	End Type
14146	BOROUGH OF BATH	5/27/2023	6/1/2023	W

Company 14146 BOROUGH OF BATH

Rcd # 81 KOVACH, MICHAEL
[redacted]

Reg	H	R	21.520	**Status**	Active	**Soc Sec No**	XXX-XX-[redacted]	**Hire Date**	3/30/2022
OT1	H	R	32.280	**Department**	170	**Std Wrk Wk**	40.00	**Term Date**	
OT2	H	R	43.040	**Position**		**Birth Date**	[redacted]	**LOA Date**	

	Hours		*Earnings*			*Deductions*								
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
4/7/2022	5.50	0.00	109.84	0.00	0.00	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.84
4/2/2022	0.00	0.00	0.00	0.00	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.94
8	0.00	0.00	0.00	0.00	3.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	96.90
			0.00	0.00	1.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51538
5/5/2022	33.00	0.00	659.01	0.00	16.09	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	659.01
4/30/2022	0.00	0.00	0.00	0.00	50.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	93.73
10	0.00	0.00	0.00	0.00	20.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	565.28
			0.00	0.00	6.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1208
5/19/2022	31.00	0.00	619.07	0.00	12.10	0.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	619.07
5/14/2022	0.00	0.00	0.00	0.00	47.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	85.03
11	0.00	0.00	0.00	0.00	19.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	534.04
			0.00	0.00	6.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1216
6/2/2022	22.50	0.00	449.33	0.00	0.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	449.33
5/28/2022	0.00	0.00	0.00	0.00	34.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52.93
12	0.00	0.00	0.00	0.00	13.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	396.40
			0.00	0.00	4.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1230
6/16/2022	22.00	0.00	439.34	0.00	3.11	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	529.21
6/11/2022	3.00	0.00	89.87	0.00	40.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	65.45
13	0.00	0.00	0.00	0.00	16.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	463.76
			0.00	0.00	5.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1238
6/30/2022	19.50	0.00	389.42	0.00	0.00	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	389.42
6/25/2022	0.00	0.00	0.00	0.00	29.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.87
14	0.00	0.00	0.00	0.00	11.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	343.55
			0.00	0.00	3.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1247

7/14/2022	32.00	0.00	639.04	0.00	67.85	0.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	639.04
7/9/2022	0.00	0.00	0.00	0.00	48.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	143.13
15	0.00	0.00	0.00	0.00	19.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	495.91
			0.00	0.00	6.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1256
7/28/2022	38.50	0.00	768.85	0.00	85.33	0.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	784.75
7/23/2022	0.00	0.00	0.00	0.00	60.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	177.77
16	0.00	0.00	0.00	0.00	24.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	606.98
			15.90	0.00	7.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1265
8/11/2022	20.50	0.00	409.39	0.00	41.04	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	409.39
8/6/2022	0.00	0.00	0.00	0.00	31.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	89.27
17	0.00	0.00	0.00	0.00	12.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	320.12
			0.00	0.00	4.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1272
8/25/2022	33.00	0.00	659.01	0.00	75.04	0.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	698.96
8/20/2022	1.00	0.00	29.96	0.00	53.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	157.38
18	0.00	0.00	0.00	0.00	21.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	541.58
			9.99	0.00	6.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1280
9/8/2022	35.00	0.00	698.95	0.00	108.02	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	973.84
9/3/2022	2.50	0.00	74.89	0.00	74.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	222.74
20	0.00	0.00	0.00	0.00	29.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	751.10
			200.00	0.00	9.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1292
9/22/2022	15.00	0.00	299.55	0.00	33.05	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	329.51
9/17/2022	1.00	0.00	29.96	0.00	25.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	71.88
21	0.00	0.00	0.00	0.00	10.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	257.63
			0.00	0.00	3.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1299
10/6/2022	30.00	0.00	599.10	0.00	77.43	0.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	718.92
10/1/2022	4.00	0.00	119.82	0.00	54.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	162.11
22	0.00	0.00	0.00	0.00	22.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	556.81
			0.00	0.00	7.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1307
10/20/2022	35.00	0.00	698.95	0.00	95.45	0.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	869.11
10/15/2022	0.00	0.00	0.00	0.00	66.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	197.82
23	8.00	0.00	170.16	0.00	26.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	671.29
			0.00	0.00	8.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1315
11/3/2022	30.00	0.00	599.10	0.00	98.79	0.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	896.88
10/29/2022	0.00	0.00	0.00	0.00	68.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	204.44
24	14.00	0.00	297.78	0.00	27.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	692.44
			0.00	0.00	8.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1323
11/17/2022	10.00	0.00	199.70	0.00	50.86	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	497.48
11/12/2022	0.00	0.00	0.00	0.00	38.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.45
25	14.00	0.00	297.78	0.00	15.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	388.03
			0.00	0.00	4.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1332
12/1/2022	24.00	0.00	479.28	0.00	147.69	0.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,189.88
11/26/2022	1.00	0.00	29.96	0.00	91.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	287.85
26	32.00	0.00	680.64	0.00	36.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	902.03
			0.00	0.00	11.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1345

12/15/2022	31.50	0.00	653.86	0.00	179.51	0.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,334.50
12/10/2022	0.00	0.00	0.00	0.00	102.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	336.72
27	32.00	0.00	680.64	0.00	40.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	997.78
			0.00	0.00	13.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1353
12/29/2022	68.50	0.00	1,464.62	0.00	208.14	0.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,464.62
12/24/2022	0.00	0.00	0.00	0.00	112.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	380.68
28	0.00	0.00	0.00	0.00	44.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,083.94
			0.00	0.00	14.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1362
1/12/2023	48.00	0.00	1,026.96	0.00	112.04	0.72	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,026.96
1/7/2023	0.00	0.00	0.00	0.00	78.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	235.12
1	0.00	0.00	0.00	0.00	31.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	791.84
			0.00	0.00	10.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1370
1/26/2023	56.00	0.00	1,197.12	0.00	210.54	1.06	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,519.92
1/21/2023	0.00	0.00	0.00	0.00	116.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	391.74
2	7.50	0.00	322.80	0.00	46.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,128.18
			0.00	0.00	15.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1378
2/9/2023	43.50	0.00	930.50	0.00	106.21	0.68	2.00	0.00	0.00	0.00	0.00	0.00	0.00	978.36
2/4/2023	1.50	0.00	47.86	0.00	74.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	223.56
3	0.00	0.00	0.00	0.00	30.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	754.80
			0.00	0.00	9.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1386
2/23/2023	63.00	0.00	1,347.76	0.00	172.67	0.94	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,347.76
2/18/2023	0.00	0.00	0.00	0.00	103.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	333.57
4	0.00	0.00	0.00	0.00	41.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,014.19
			0.00	0.00	13.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1395
3/9/2023	46.50	0.00	992.68	0.00	170.30	0.94	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,337.00
3/4/2023	0.00	0.00	0.00	0.00	102.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	329.94
5	8.00	0.00	344.32	0.00	41.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,007.06
			0.00	0.00	13.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1408
3/23/2023	48.00	0.00	1,024.96	0.00	139.53	0.84	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,197.12
3/18/2023	0.00	8.00	0.00	172.16	91.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	282.67
6	0.00	0.00	0.00	0.00	36.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	914.45
			0.00	0.00	11.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1419
3/23/2023	0.00	0.00	0.00	0.00	71.44	0.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	688.64
3/18/2023	0.00	0.00	0.00	0.00	52.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	152.64
6	0.00	32.00	0.00	688.64	21.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	536.00
			0.00	0.00	6.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1420
4/6/2023	32.00	0.00	684.64	0.00	70.96	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	684.64
4/1/2023	0.00	0.00	0.00	0.00	52.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	153.69
7	0.00	0.00	0.00	0.00	21.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	530.95
			0.00	0.00	6.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1428
4/20/2023	33.00	0.00	706.29	0.00	73.56	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	706.29
4/15/2023	0.00	0.00	0.00	0.00	54.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	158.82
8	0.00	0.00	0.00	0.00	21.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	547.47
			0.00	0.00	7.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1436

Employee Total	906.50	0.00	18,746.32	0.00	2,426.75	14.77	16.00	0.00	0.00	0.00	0.00	0.00	0.00	23,049.45
	14.00	8.00	422.32	172.16	1,763.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,158.94
	115.50	32.00	2,794.12	688.64	707.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,890.51
			225.89	0.00	230.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	87318

Rcd # 82 MIRABITO, FIORELLA R
[redacted]

Reg	H	R	16.170	**Status**	Active	**Soc Sec No**	XXX-XX[redacted]	**Hire Date**	4/01/2022
OT1	H	M	1.500	**Department**	151	**Std Wrk Wk**	40.00	**Term Date**	
OT2				**Position**		**Birth Date**	[redacted]	**LOA Date**	

	Hours		*Earnings*						*Deductions*					
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
6/2/2022	185.00	0.00	2,775.00	0.00	197.65	1.67	2.00	0.00	0.00	0.00	0.00	0.00	0.00	2,775.00
5/28/2022	0.00	0.00	0.00	0.00	212.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	532.10
12	0.00	0.00	0.00	0.00	85.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,242.90
			0.00	0.00	33.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1229
6/16/2022	49.00	0.00	735.00	0.00	0.00	0.44	2.00	0.00	0.00	0.00	0.00	0.00	0.00	735.00
6/11/2022	0.00	0.00	0.00	0.00	56.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	90.05
13	0.00	0.00	0.00	0.00	22.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	644.95
			0.00	0.00	8.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1237
6/30/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
6/25/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
14	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1246
7/14/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
7/9/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
15	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1255
7/28/2022	54.00	0.00	810.00	0.00	0.00	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	810.00
7/23/2022	0.00	0.00	0.00	0.00	61.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	99.05
16	0.00	0.00	0.00	0.00	24.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	710.95
			0.00	0.00	9.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1264
8/11/2022	56.00	0.00	840.00	0.00	0.00	0.50	2.00	0.00	0.00	0.00	0.00	0.00	0.00	840.00
8/6/2022	0.00	0.00	0.00	0.00	64.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	102.63
17	0.00	0.00	0.00	0.00	25.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	737.37
			0.00	0.00	10.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1271
8/25/2022	41.00	0.00	615.00	0.00	0.00	0.37	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.00
8/20/2022	0.00	0.00	0.00	0.00	47.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.68
18	0.00	0.00	0.00	0.00	18.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	539.32
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1279
9/8/2022	40.00	0.00	600.00	0.00	0.00	0.36	2.00	0.00	0.00	0.00	0.00	0.00	0.00	600.00
9/3/2022	0.00	0.00	0.00	0.00	45.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.88
20	0.00	0.00	0.00	0.00	18.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	526.12
			0.00	0.00	7.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1291

9/22/2022	53.00	0.00	795.00	0.00	0.00	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	795.00
9/17/2022	0.00	0.00	0.00	0.00	60.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	97.25
21	0.00	0.00	0.00	0.00	24.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	697.75
			0.00	0.00	9.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1298
10/6/2022	22.00	0.00	330.00	0.00	0.00	0.20	2.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
10/1/2022	0.00	0.00	0.00	0.00	25.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41.54
22	0.00	0.00	0.00	0.00	10.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	288.46
			0.00	0.00	3.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1306
10/20/2022	44.00	0.00	660.00	0.00	0.00	0.40	2.00	0.00	0.00	0.00	0.00	0.00	0.00	660.00
10/15/2022	0.00	0.00	0.00	0.00	50.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	81.07
23	0.00	0.00	0.00	0.00	20.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	578.93
			0.00	0.00	7.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1314
11/3/2022	37.00	0.00	555.00	0.00	0.00	0.33	2.00	0.00	0.00	0.00	0.00	0.00	0.00	555.00
10/29/2022	0.00	0.00	0.00	0.00	42.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	68.49
24	0.00	0.00	0.00	0.00	17.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	486.51
			0.00	0.00	6.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1322
11/17/2022	50.00	0.00	750.00	0.00	0.00	0.45	2.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
11/12/2022	0.00	0.00	0.00	0.00	57.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	91.86
25	0.00	0.00	0.00	0.00	23.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	658.14
			0.00	0.00	9.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1331
12/1/2022	39.00	0.00	585.00	0.00	0.00	0.35	2.00	0.00	0.00	0.00	0.00	0.00	0.00	585.00
11/26/2022	0.00	0.00	0.00	0.00	44.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	72.08
26	0.00	0.00	0.00	0.00	17.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	512.92
			0.00	0.00	7.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1344
12/15/2022	44.00	0.00	690.42	0.00	0.00	0.41	2.00	0.00	0.00	0.00	0.00	0.00	0.00	690.42
12/10/2022	0.00	0.00	0.00	0.00	52.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	84.72
27	0.00	0.00	0.00	0.00	21.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	605.70
			0.00	0.00	8.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1352
12/29/2022	46.00	0.00	743.82	0.00	0.00	0.45	2.00	0.00	0.00	0.00	0.00	0.00	0.00	743.82
12/24/2022	0.00	0.00	0.00	0.00	56.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	91.13
28	0.00	0.00	0.00	0.00	22.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	652.69
			0.00	0.00	8.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1361
1/12/2023	42.00	0.00	679.14	0.00	0.00	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	679.14
1/7/2023	0.00	0.00	0.00	0.00	51.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	83.44
1	0.00	0.00	0.00	0.00	20.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	595.70
			0.00	0.00	8.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1369
1/26/2023	48.00	0.00	776.16	0.00	0.00	0.54	2.00	0.00	0.00	0.00	0.00	0.00	0.00	776.16
1/21/2023	0.00	0.00	0.00	0.00	59.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95.05
2	0.00	0.00	0.00	0.00	23.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	681.11
			0.00	0.00	9.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1377
2/9/2023	41.00	0.00	662.97	0.00	0.00	0.46	2.00	0.00	0.00	0.00	0.00	0.00	0.00	662.97
2/4/2023	0.00	0.00	0.00	0.00	50.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	81.48
3	0.00	0.00	0.00	0.00	20.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	581.49
			0.00	0.00	7.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1385

2/23/2023	60.00	0.00	970.20	0.00	0.00	0.68	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	970.20
2/18/2023	0.00	0.00	0.00	0.00	74.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	118.33
4	0.00	0.00	0.00	0.00	29.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	851.87
			0.00	0.00	11.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1394
3/9/2023	50.00	0.00	808.50	0.00	0.00	0.57	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	808.50
3/4/2023	0.00	0.00	0.00	0.00	61.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98.94
5	0.00	0.00	0.00	0.00	24.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	709.56
			0.00	0.00	9.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1407
3/23/2023	44.00	0.00	711.48	0.00	0.00	0.50	-10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	711.48
3/18/2023	0.00	0.00	0.00	0.00	54.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.31
6	0.00	0.00	0.00	0.00	21.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	636.17
			0.00	0.00	8.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1418
4/6/2023	56.00	0.00	905.52	0.00	0.00	0.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	905.52
4/1/2023	0.00	0.00	0.00	0.00	69.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	108.57
7	0.00	0.00	0.00	0.00	27.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	796.95
			0.00	0.00	10.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1427
4/20/2023	51.00	0.00	824.67	0.00	0.00	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	824.67
4/15/2023	0.00	0.00	0.00	0.00	63.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98.89
8	0.00	0.00	0.00	0.00	25.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	725.78
			0.00	0.00	9.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1435
Employee Total	1,222.	0.00	18,872.88	0.00	197.65	11.98	32.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18,872.88
	0.00	0.00	0.00	0.00	1,443.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,491.34
	0.00	0.00	0.00	0.00	579.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,381.54
			0.00	0.00	226.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31912

Rcd # 83 SMITH, DAVID
[redacted]

Reg	H	R	19.850	**Status**	Active	**Soc Sec No**	XXX-XX[redacted]	**Hire Date**	8/29/2022
OT1	H	R	29.775	**Department**	170	**Std Wrk Wk**	40.00	**Term Date**	
OT2	H	R	39.700	**Position**		**Birth Date**	[redacted]	**LOA Date**	

	Hours		*Earnings*		*Deductions*									
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
9/8/2022	5.50	0.00	101.31	0.00	0.00	0.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	142.76
9/3/2022	1.50	0.00	41.45	0.00	10.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.10
20	0.00	0.00	0.00	0.00	4.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	125.66
			0.00	0.00	1.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51549
9/22/2022	2.50	0.00	46.05	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.68
9/17/2022	1.00	0.00	27.63	0.00	5.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.82
21	0.00	0.00	0.00	0.00	2.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.86
			0.00	0.00	0.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1300
10/6/2022	14.00	0.00	257.88	0.00	0.00	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	313.14
10/1/2022	2.00	0.00	55.26	0.00	23.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37.51
22	0.00	0.00	0.00	0.00	9.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	275.63
			0.00	0.00	3.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1308

10/20/2022	10.00	0.00	184.20	0.00	0.00	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.50
10/15/2022	10.00	0.00	276.30	0.00	35.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	55.18
23	0.00	0.00	0.00	0.00	14.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	405.32
			0.00	0.00	5.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1316
11/3/2022	18.00	0.00	331.56	0.00	49.48	0.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	976.26
10/29/2022	18.00	0.00	497.34	0.00	74.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	166.45
24	4.00	0.00	147.36	0.00	29.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	809.81
			0.00	0.00	11.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1324
11/3/2022	11.00	0.00	202.62	0.00	0.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	451.29
10/29/2022	9.00	0.00	248.67	0.00	34.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	54.06
24	0.00	0.00	0.00	0.00	13.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	397.23
			0.00	0.00	5.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1325
11/17/2022	20.00	0.00	368.40	0.00	42.85	0.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	921.00
11/12/2022	20.00	0.00	552.60	0.00	70.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	153.17
25	0.00	0.00	0.00	0.00	28.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	767.83
			0.00	0.00	11.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1333
12/1/2022	12.00	0.00	221.04	0.00	69.93	0.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,146.65
11/26/2022	9.50	0.00	262.49	0.00	87.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	207.30
26	18.00	0.00	663.12	0.00	35.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	939.35
			0.00	0.00	13.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1346
12/15/2022	12.00	0.00	232.48	0.00	2.36	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	521.65
12/10/2022	10.00	0.00	289.17	0.00	39.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.84
27	0.00	0.00	0.00	0.00	16.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	456.81
			0.00	0.00	6.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1354
12/29/2022	16.00	0.00	317.60	0.00	33.56	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	833.70
12/24/2022	12.00	0.00	357.30	0.00	63.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	133.43
28	4.00	0.00	158.80	0.00	25.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.27
			0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1363
12/29/2022	0.00	0.00	0.00	0.00	21.65	0.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	714.60
12/24/2022	0.00	0.00	0.00	0.00	54.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	107.27
28	18.00	0.00	714.60	0.00	21.94	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	607.33
			0.00	0.00	8.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51559
1/12/2023	14.00	0.00	277.90	0.00	69.35	0.83	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,181.08
1/7/2023	13.00	0.00	387.08	0.00	90.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	212.97
1	13.00	0.00	516.10	0.00	36.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	968.11
			0.00	0.00	14.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1371
1/26/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
1/21/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
2	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1379
2/9/2023	6.00	0.00	119.10	0.00	8.27	0.43	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.35
2/4/2023	6.00	0.00	178.65	0.00	47.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	84.04
3	8.00	0.00	317.60	0.00	18.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	531.31
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1387

2/23/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
2/18/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
4	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1396
3/9/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
3/4/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
5	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1409
3/23/2023	12.00	0.00	238.20	0.00	75.30	0.86	-10.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
3/18/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	212.86
6	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,017.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1421
4/6/2023	12.00	0.00	238.20	0.00	75.30	0.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
4/1/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	222.86
7	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,007.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1429
4/20/2023	11.00	0.00	218.35	0.00	65.77	0.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,151.30
4/15/2023	10.00	0.00	297.75	0.00	88.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	203.81
8	16.00	0.00	635.20	0.00	35.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	947.49
			0.00	0.00	13.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1437
Employee Total	212.00	0.00	4,069.49	0.00	739.72	10.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,656.46
	182.00	0.00	5,258.19	0.00	1,197.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,616.25
	161.00	0.00	6,328.78	0.00	480.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,040.21
			0.00	0.00	187.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	126306

GRAND TOTALS:	**Hours**	**Earnings**		**Taxes**
Regular	2,340.50	41,688.69	**Fed W/H**	3,364.12
OT1	196.00	5,680.51	**FICA**	4,404.81
OT2	276.50	9,122.90	**State**	1,767.66
Sick	0.00	0.00	**City**	644.88
Vacation	8.00	172.16		
Holiday	32.00	688.64	**Total Deductions**	10,266.53
Other		225.89		
Tips		0.00		
Gross		57,578.79		
Net Pay		47,312.26		

Exhibit "C"

Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Friday, June 23, 2023

VIA EMAIL ONLY

Mr. Michael Long
220 Creek Road
Bath, PA 18014

RE: Right to Know Request #20.2023

Dear Mr. Long,

As you know, I am an Open Records Officer for the Borough of Bath (the "Borough"). As you also know, I am the Manager for the Borough. On May 17, 2023, the Borough received your Right-to-Know Requested dated May 17, 2023 ("RTK Request #20.2023).

As to the first part of RTK Request #20.2023 seeking:

> "All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> - The resignation of Mark Saginario
> - The vacated council seat following Mark Saginario's resignation
> - The appointment of Emmanuel Mirabito to the council seat
> - Borough policy on a vacated council seat
> - Any potential employment, position benefits, compensation for Fiorella Mirabito
> - Advertisement of any new position within the Borough
> - The resignation of Marena Rasmus
> - Clerk positions within the Borough
> - The hiring of any individual for a clerk position within the Borough
> - Borough policy on hiring for new positions
> - Any public announcement regarding the above topics [. . .]"

RTK Request #20.2023 further states:

> "Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

The first part of RTK Request #20.2023 is denied in part and granted in part. RTK Request #20.2023 relative to: "All communications, …, memos, notes, and text messages …" is denied per RTKL Section 705 because no such records exist. Also, as to your statement that you are not seeking attorney-client privileged communications, but you claim to define the scope of attorney-client privilege, your claim as to the scope of attorney-client privilege is erroneous. For your information, as to emails from Solicitor Kratz to me, the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council are privileged per attorney-client privilege and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record"). Thus, RTK Request #20.2023 is denied as to said emails for that reason. Further, based upon my review of the relevant time frame, Solicitor Kratz did not provide any privileged or non-privileged emails regarding any potential employment, position benefits, compensation for Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing. Thus, with respect to the foregoing, RTK Request #20.2023 is denied per RTKL Section 705 for said non-existent emails.

That said, RTK Request #20.2023 is granted to the following attached emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz from the timeframe specified between September 20, 2021, to May 15, 2022:

- **Attachment 'A'** – '12_6_21 Meeting of Council' email dated 12/02/2021. Additionally, Resolution #2021-012 is a responsive record contained within the Council packet associated with the email dated 12/02/2021 and it is enclosed marked as Attachment 'A' - 1
- **Attachment 'B'** – 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021. Additionally, councilman's Mark A. Saginario resignation letter, and a letter of interest to fill councilman's Saginario's seat was included with the Council packet associated with the email dated 12/29/2021. These documents are enclosed as Attachment 'B' - 1, and Attachment 'B'- 2.
- **Attachment 'C'** – 'March Meeting Minutes' email dated 04/04/2022.

As to the second part of RTK Request #20.2023 seeking:

> "A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:
>
> - Full name
> - Position title
> - Date of hire
> - Department
> - Full-time or part-time status
> - Salary or hourly wage
> - Any additional compensation or benefits
>
> Please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons.
>
> Please provide these records in electronic format. If any of these requests are denied, please cite each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available under the law."

The second part of RTK Request #20.2023 is denied in part and granted in part. RTK Request #20.2023 is denied per RTKL Section 705 because no such list or list containing the alleged public records exists. The Borough is not required to create such list or such list to contain the alleged public records that you seek. That said, RTK Request #20.2023 is granted to the Employee Earnings Reports for any hired Borough personnel from January 1, 2022, to April 30, 2023 (**see Attachment 'D'**). Redaction, pursuant to RTKL Section 706, was necessary to redact home addresses, dates of birth, and social security numbers of employees pursuant to Section 708(b)(6)(i)(A). The Employee Earnings Report is what the Borough has and is responsive to the second part of RTKL Request #20.2023.

Subject to the penalties of 18 Pa.C.S. Section 4904, I certify that the facts set forth above on behalf of the Borough are true and correct to the best of my knowledge, information, and belief.

You have a right to appeal the above denials in writing to: Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records, website, https://www.openrecords.pa.gov.

If you choose to file an appeal, you must do so within 15 business days of the mailing of this letter. See 65 P.S. § 67.1101. The mailing date of this letter is June 23, 2023. Please note that a copy of your original Right-to-Know requests, the Borough's extension notice, and this letter should be included when filing an appeal. The RTKL also requires that you state the reasons why the alleged record is a public record under the RTKL, and you must address each of the reasons the Borough denies your Requests. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, https://www.openrecords.pa.gov.

Sincerely,

Bradford T. Flynn, Borough Manager
Borough of Bath

encls
cc: James F. Kratz, Solicitor

ATTACHMENT 'A'

From:	Marena Rasmus
To:	Fiorella Reginelli-Mirabito; Michele Ehrgott; Barry Fenstermaker; Frank Hesch; Phyllis Andrews; Carol Bear-Heckman; Anthony Kovalovsky; Mark Saginario
Cc:	Bradford Flynn; James F. Kratz (jfk@stevenslee.com) ; Ron Madison; Tanya Lamparter
Subject:	12/6/21 Meeting of Council
Date:	Thursday, December 2, 2021 5:58:40 PM
Attachments:	Borough Council Agenda 12.06.2021.pdf image001.png December Council Packet.pdf

Good evening Mayor, Council and Professional Services,

Attached you will find the Meeting Agenda and Packet information for the December 6th meeting.

To summarize the packet information:

- There are four (4) Resolutions for adoption including one regarding conduct and decorum, two (2) for cable franchises (this should close this matter, if I'm not mistaken), and the 2022 Schedule of Fees.
- We also have four (4) Ordinances including one which sets an installment program for Real Estate Taxes, amending our Weeds ordinance, setting the tax collector salary for the upcoming term of 2022-2025, and one regarding the zoning law and 'garden apartments'.
- This leads us to actions needed for the two land development submissions that have been reviewed and discussed at the PC meetings (See Jamie's letters regarding PC's suggestions); Bath View/Huratiak requires a time extension while Bathwick Hills/Maula may be denied by Council.

There will be a few add-ons before Monday's meeting. Should anyone have questions, we're here to help!

See everyone on Sunday

Marena Rasmus, Office Administrator
Borough of Bath
121 S Walnut Street
Bath, PA 18014
Phone - 610.837.6525
Fax – 610.837.8989

E-MAIL CONFIDENTIALITY NOTICE: The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient of this message or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete

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ATTACHMENT 'A' - 1

BOROUGH OF BATH,
Northampton County, Pennsylvania

RESOLUTION NO. 2021-012

(Duly Adopted December 6, 2021)

A RESOLUTION OF BOROUGH COUNCIL OF THE BOROUGH OF BATH, NORTHAMPTON COUNTY, ADOPTING ARTICLES OF DECORUM AND RULES OF ORDER FOR PUBLIC MEETINGS

WHEREAS, the primary purpose of Borough Council meetings is to afford elected officials the opportunity to conduct Borough business; and

WHEREAS, the purpose of the following Decorum and Rules of Order is to assure an orderly framework within which the business at hand can be conducted by setting basic ground rules for public participation and the distribution of information, and by prohibiting inappropriate behavior; and

WHEREAS, the following Decorum and Rules of Order also establish a code of ethical behavior for elected officials of the Borough of Bath; and

WHEREAS, the authority for establishment of these rules is derived from the Borough Code, Act of June 17, 2014 (1965 P.L. 1965, No. 581) and all amendments thereto; the Sunshine Act, Act of June 30, 2011 (P.L. 388, No. 84, 65 P.S. 271 et seq., 65 Pa. C.S. §§ 701 et seq., No. 56) and all amendments thereto; and the Right-to-Know Law, Act of February 14, 2008 (P.L. 390, No. 212, 65 P.S. 66.1 et seq., 65 P.S. §§ 67.101, et seq.) and all amendments thereto; and

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED this 6th day of December 2021, by the Council of the Borough of Bath, in lawful session duly assembled the following Articles of Decorum and Rules of Order for Public Meetings:

Article 1 – Definitions

1.1 Regular Council Meeting: Council is required to meet on a regular basis at least once per month and must advertise its schedule of meetings at the beginning of each year. A schedule, including day, time, and location, will be established at the first meeting every year. The meetings are open to the public, and minutes must be kept.

1.2 Council Work Session (or Bi-Monthly Council Sessions): Council meets, if needed, on a monthly or bi-monthly basis to address issues brought before Borough Council in a work session environment. A schedule, including day, time, and location, will be established at the first meeting every year, in accordance with the Newspaper Advertising Act (45 Pa. C.S.A. Section 101). The meetings are advertised, open to the public, and minutes must be kept. Anyone attending the meeting (whether the public or a council member) who wants to tape the session should inform Council that he or she is taping the meeting.

1.3 Special Council Meeting: Any meeting not included in the advertised annual schedule of meetings. Public notice of the meeting, including advertisement, must be given at least 24 hours in advance, in accordance with Section 1006(2) of the Borough Code. These meetings are open to the public, and minutes must be kept. Anyone attending the meeting (whether the public or a council member) who wants to tape the session should inform Council that he or she is taping the meeting.

1.4 Council Executive Session: Either an entire meeting or a portion of a regular meeting, work session/bi-monthly session, or special meeting that is called to deliberate Borough business and attended by a quorum of members, but one from which Council may legally exclude the public, provided the business to be discussed falls within the specific categories as described under §708 of the Sunshine Act:

a) Personnel Matters

b) Collective Bargaining, Labor Relations, and Arbitration

c) Real Estate Transactions

d) Litigation

e) Public Safety

f) Legally Protected Information

Note: Since Executive Sessions are closed to the public, minutes need not be kept. Official actions taken based on discussions held in Executive Session must occur at an open public meeting. Executive Sessions shall not be recorded or taped by any councilmember in attendance.

1.5 Quorum: In accordance with Section 1006(4) of the Borough Code a quorum is "a majority of council eligible to vote at a meeting." Certain provisions of the Borough Code, such as Section 1005(7) requires a 2/3 vote to enact an ordinance to abolish the elected auditor positions. For council to override the mayor's veto, the council must vote as a majority plus one (1) in accordance with Section 3301.3(c) of the Borough Code. For council to establish or repeal the manager ordinance, this requires a vote of a majority of council elected to office, in accordance with Section 1141(a) of the Borough Code.

Article 2 – Officers of Council; Term Limits; Filling Vacancies

2.1 Electing Council Officers: Section 1001 of the Borough Code requires the council to elect both a president and a vice president of council at the mandatory reorganization meeting on the first Monday in January of the even-numbered year. These officers, and any additional (such as President Pro-Tem), serve at the pleasure of council. This means a council member at any public meeting can make a motion to remove the president, vice president, president pro-tem

or all three provided there is a second and a majority vote then the action is taken, however, the mayor does not preside at this meeting at these non-biennial re-organizations.

2.2 Officer Elections:

a) The mayor presents his/her affidavit of residency to a judge or notary public and then takes the oath of office at the biennial even-numbered reorganization meeting.

b) After the mayor has been sworn in during the biennial even-numbered year re-organization, he or she presides over the council meeting to conduct officer elections. The mayor may also defer the officer election process to the Borough Solicitor.

c) Newly elected and reelected members of Council shall present their completed affidavit of residency to a judge or notary public prior to the meeting or to the mayor at the reorganization meeting. At that point they can take the same oath of office.

d) Written copy of the oath and the affidavit must be filed with the borough secretary and maintained with the borough records for a period of six (6) years.

e) The mayor (or his/her legally authorized representative) will accept nominations for the position of Council President. Nominations do not require a second and are voted in the order that the nominations are made. Voting continues until one nominee attains a majority. The process is repeated for vice president. Once the officers are elected, the mayor turns the gavel over to the newly elected president.

f) Once the new Council is seated and officers are elected, it is able to conduct any other Council business that comes before it at the organization meeting.

2.3 The President:

a) Opens the meeting of council at the appointed time, by taking the chair and calling the meeting to order;

b) Manages the decorum in the meeting;

c) Has the agenda at hand, follows it, and announces what item of business is next to be considered;

d) Under Section 10A08 of the Borough Code, the President shall serve as acting mayor in the incapacity of the mayor and when doing so, votes as the mayor to break tie or split votes and not as a council member.

2.4 Vice President:

a) In the absence of the President, acts on behalf of the president with such powers conferred upon the president.

2.5 President Pro-Tem:

a) In the absence of the President and Vice President, acts on behalf of the president with such powers conferred upon the president.

2.6 Elected Council Officer Term Limits: Officers of Council are limited to two (2) consecutive even-numbered year reorganizations terms. Officers can serve for a maximum of four (4) years consecutively. Officers that have reached their consecutive term limit may run again in the following even-numbered year council re-organization.

2.7 Filling Council Vacancies: The following rules have been established to fill a council seat vacancy:

a) In accordance with Section 901(a.1.)(1) of the Borough Code, a vacancy is not created by a resignation until the date that the resignation is accepted by a majority vote of a quorum of council at a public meeting or the effective date of the tendered resignation, whichever is later.

b) Section 901(a.1.)(1) Council must accept a resignation no later than forty-five (45) days after it has been tendered in writing to Council, unless it is withdrawn in writing prior to acceptance.

c) Section 901(a.1)(2) states a resignation (whether written or oral) and recorded in the meeting minutes which is not accepted as provided under Section 901(a.1)(1) shall be deemed accepted after forty-five (45) days.

d) Section 901(a) requires Council to fill a vacancy in thirty (30) days, which is counted from the effective date of the resignation per Section 901(a)(a.1.).

e) If a vacancy is not filled within thirty (30) days, Section 901(c) requires the matter be resolved by the Borough of Bath Vacancy Board, which has an additional fifteen (15) days after the expiration of Council's thirty (30) days to fill the vacancy.

f) Council shall fill a vacancy created by the outgoing councilmember irrespective of his/her registered political party affiliation.

Article 3 – Public Information

3.1 Agenda: Paper copies or other appropriate media of the meeting agenda shall be made available for the public at the start of the meeting. Drafts of current agendas shall be posted on the Borough's website approximately twenty-four (24) hours prior to the meeting.

3.2 Meeting Minutes: Meeting minutes shall be made available to the public upon approval by Borough Council. The minutes are not official until approved by Borough Council. Once approved, minutes shall be posted on the Borough's website. If applicable, approved minutes from other Board and Commission meetings, such as the Planning Commission and Zoning Hearing Board, shall also be made available to the public on the Borough's website.

Article 4 – Public Participation

4.1 Every Borough Council meeting that is required by law to be open to the public shall include an opportunity for residents and taxpayers to be heard. The following rules shall apply:

a. Council President as Spokesperson: The Council President shall be the spokesperson for council, and he/she may ask questions to council members or may refer the question from the public to a committee to research. The Council President shall attempt to answer question(s) during the public comment period, however, if the president needs more information, then he/she should note the question and tell the citizen that he/she will refer it to a committee or the borough manager and respond to the speaker at a future date.

b. Sign In: Persons entering the meeting room should sign the attendance sheet indicating their full name and address. Individuals addressing

Council must state their full name and address for the purpose of accurately recording the meeting minutes.

c. Groups: For groups desiring to comment, a spokesperson shall be designated for the presentation and discussion. The spokesperson shall be responsible for maintaining order and decorum of the group.

d. Comments Limited to Appropriate Issues: Public comment is intended to give citizens an opportunity to address items on the agenda as well as to comment on other topics related to Borough services. It is not intended to be a question-and-answer period. Council response to public input at a meeting is at Council's discretion. It is Council President's prerogative to initiate a follow-up public comment at the end of a meeting to open discussion among the public with any other issues that may not have been addressed on the meeting agenda.

e. Time Limit: It is the intent to provide each participant a fair and equal opportunity to be heard. Borough Council applies its discretion to limit the time for an individual's public comment to a maximum of five (5) minutes and may end the participant's comment if the comment becomes repetitive or strays from the current issue and the participant has had a fair and equal opportunity to be heard. The Council President may extend time to an individual's public comment if warranted.

f. Deferment of Comment: If, in the judgement of Borough Council, the period of public comment is unusually long, the atmosphere has become unruly, or the comments become repetitive, Borough Council may move

to close public comment or defer all or portions of the public comment to a subsequent regular meeting or to a work session or an advertised special meeting to be held in advance of the next regular meeting.

g. Request to Appear on the Agenda: Residents or taxpayers who wish to address Borough Council may do so under the Public Comment section of the agenda. Community groups prepared to make a presentation on a particular topic may make a request to the Borough Manager to be included on the meeting agenda. The request must be made to the Borough Manager at least one (1) week in advance of the meeting.

h. Recording of Meetings: Members of the public may record or videotape all portions of Borough Council meetings that are open to the public, provided that their actions do not disturb or interrupt the proceedings. The recording or videotaping must be conducted from the participant's seat, or the area designated by the Borough for recording (located in the southwest corner of the meeting room) and must be publicly announced prior to commencing the recording.

i. Civility and Decorum: Borough officials and members of the public are expected to conduct themselves with civility and to accord each other a measure of dignity and respect. Shouting, personal insults, and attacks or any conduct that disrupts the follow of business is out of order. Avoid using foul language and derogatory remarks. Remember that your comments are part of the public record. At the discretion of Borough

Council, disruptive individuals shall be subject to remove from Council chambers unless they agree to maintain civility and decorum.

j. Speaker by Proxy: Speaking on behalf of another resident or taxpayer who is not present during the public meeting is prohibited, except for a speaker who has submitted written proof to Council that said speaker has the legal authority to speak for the resident or taxpayer to the satisfaction of Council, in its sole discretion.

k. Special Accommodations: If a resident needs a reasonable accommodation to attend the meeting, then he/she should contact the borough secretary no later than three (3) days' in advance so the borough can make the accommodation for he/she to attend the meeting.

Article 5 – Rules of Conduct

5.1 General Procedure: It is the policy of Borough Council not to become involved in the entanglements over "parliamentary procedure." It is the intent of Council to act consistently with the Pennsylvania Borough Code and any applicable Borough Ordinances or other legal requirement. This being said, in general, Roberts' Rules of Order shall apply to the conduct of public meetings subject to the authority of the President of Borough Council.

5.2 Authority of the Chair: The President shall act as a facilitator, assisting Council to focus on its agenda, discussions, and deliberations.

5.3 Limit Deliberations: Councilmembers will limit their comments to the subject matter, item, or motions being currently considered by Council.

5.4 Obtaining the Floor: Members of Council wishing to speak must first obtain the floor by being recognized by the President of Council.

5.5 Speaking: When a member has the floor, no one should interrupt unless the President must announce a call to order. Another councilmember may make a point of order if the member who is speaking provides erroneous information or to clarify information. Each councilmember is allowed seven (7) minutes to speak. If two members speak at the same time, the President selects who will speak first. No member shall interrupt the meeting unless it's a motion to adjourn, postpone a vote, make a motion to commit, or to offer any amendment.

5.6 Reconsideration: The motion to reconsider enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration of a motion which has already been voted on. The purpose of reconsidering a vote is to permit correction of a hasty, ill-advised, or erroneous action, or to consider added information or a changed situation that has developed since the taking of the vote. A motion and a second to reconsider shall be made by two members on the prevailing side on the same day the original motion was made.

5.7 Rescind: The motion to rescind means the assembly can change an action previously taken or amended. The effect of rescind is to strike out an entire motion, resolution, rule, bylaw, section, or paragraph that has been adopted at some previous time. The motion can be made if there are no other motions on the floor, are out of order when another has the floor, must be seconded, are debatable, and require a majority vote. Roberts' Rules of Order states that when a resignation has been acted upon, or a person has been appointed and he/she has been informed of the appointment (unless this person is not eligible to hold office), said action cannot be reconsidered or rescinded:

a) When it has been moved to reconsider the vote on the main motion, and the question can be reached by calling up the motion to reconsider.

b) When motion has passed, due to the vote on the main motion, that is impossible to undo, where the unexecuted part of an order, however, can be rescinded or amended.

c) When a resignation has been acted upon, or a person has been appointed and he has been informed of the appointment (unless this person is not eligible to hold office).

5.8 Petitions: The name of any councilmember, citizen, or taxpayer who presented a petition, or a letter shall be entered into the minutes.

5.9 Motion to Withdraw: A motion to withdraw must be made by the same member who moved it, with the approval of the member who seconded the motion, and with majority approval.

5.10 Suspension of the Rules: A two-thirds vote of council is required to suspend, amend, or to repeal the rules contained within this resolution.

Article 6 – Order of Business

6.1 Call to Order: The Council President shall convene the meeting at the advertised date and time. The President shall call the meeting to order, and the secretary or designee shall take roll call. In the absence of the President, the Vice President shall chair the meeting, and if the President isn't present, but there's still a quorum of Council, then the remaining council members elect a president pro tem (if not already elected) who shall chair the meeting. In the absence of the borough secretary or designee, a member of Council may be asked to either operate the recorder or take meeting minutes. If the roll call shows that there's no quorum in attendance and council has waited fifteen (15) minutes for others to arrive and there's still no quorum, then the President adjourns the meeting to a future date.

6.2 Agenda: The Borough Manager is responsible for preparing a written agenda for each Council meeting. The agenda provides a guide for the President to keep the meeting on track, assures all relevant points concerning the business at hand will be discussed, and lets all participants know exactly when they will be expected to make their contribution.

6.3 President of Council: The President or other presiding officer should maintain a neutral and impartial attitude throughout the proceedings. The Borough Council President cannot make a motion on an issue. Furthermore, the President should not enter into debate until such time that all other members of Council have expressed themselves on a given issue. Only then may the President state an opinion on the merits of the question under discussion.

6.4 Motions, Resolutions & Ordinances: A motion is the normal means by which a matter is brought before Council for consideration. Most routine matters are approved by a single motion. Resolutions need to be approved by a simple majority vote after a motion. Ordinances are approved by roll call vote after a proper motion. The following additional rules apply:

a) Motions and Resolutions regarding administrative matters need not be submitted to the mayor. Ordinances, such as legislative actions, shall be submitted to the mayor for signature.

b) A motion requires a second, or sponsorship, by a second member of Council before it can receive consideration at a meeting. If a motion is not seconded, it is lost, and no further action is taken on the matter. The President then proceeds with the next item on the agenda.

6.5 The first rule of parliamentary order is that only one matter of business can be considered at a time. That is, when one “main motion” has been properly introduced and seconded, no other main motion can be presented until the first has been disposed of. In the usual

course of business, the motion is disposed of when it is either passed or defeated. However, several other things can happen to the motion as discussed in other sections of this Resolution and additionally as follows:

a) The motion can be amended.

b) The motion can be referred to a committee for further consideration.

c) Action can be postponed until a definite date.

d) The motion can be tabled.

Note: The only motions on which debate, or discussion are permitted are the main motions to postpone, amend, or refer. On all others, members vote yes or no.

6.6 Unanimous Consent: Action is occasionally taken without the formality of a motion, a second, and putting the question to a vote. In cases of minor importance, or in routine business where there seems to be no opposition, the President might ask, for instance, "Is there any objection to pursuing bids for future consideration?" The President might also extend the time allotted to a speaker by simply asking if there is no objection. Such action taken is said to be by "general consensus" or "unanimous consent." It does not necessarily mean that everyone is in favor of the action, but it indicates that the matter is so routine that formal procedures are not required.

6.7 Debate: Debate is the discussion of the pros and cons of a motion that is on the floor. In reality, debate of a particular subject matter often occurs prior to a formal motion being offered. Debate is closed when it appears to the President that all who wish to debate the matter have done so. The President then puts the question to the vote of the members. Any member of Council may request that the Borough Manager or Assistant Borough Manager detail the pros and cons of an issue at any time during the discussion.

6.8 Voting: Voting is done in one of two ways—by expressing either favor or opposition or by roll call vote. In any instance where the result of expressing favor or opposition seems other than unanimous, or in the event of one or more abstentions, the President shall call for a roll call vote. Any member of Council may demand a roll call vote on any question before Council. Additionally:

a) Pursuant to Resolution 2016-008, Council members may participate in meetings and vote via telecommunication device using speaker phones or computer terminals only after a physical quorum has been established at the meeting place and provided both Council and the public are able to hear the comments and votes of the councilmember not in physical attendance. Participation via telecommunication device is only possible for one of the following reasons: illness or disability of the Councilmember, care for the ill or newborn in the member's immediate family, an emergency, and family or business travel.

b) Voting by ballot is never permissible in Council meetings because of the Constitutional requirement for voice vote pursuant to the Pa. Sunshine Act. Voting by proxy is also prohibited.

6.9 Conflict of Interest: In the case that a member believes that he/she has a conflict of interest in the matter being decided, he/she is required by law to abstain from voting and to so inform Council orally and in writing of the nature of the conflict. If Council would be unable to take any action on a matter because the number of members required to abstain from voting makes the majority or other legally required vote of approval unattainable, then such members shall be permitted to vote if said disclosures are made.

6.10 Abstention: All members of Council are required to vote in favor or in opposition unless they are required to abstain on grounds of personal interest. Members are not permitted to abstain from voting because of the following:

a) The desire to avoid embarrassment or alienation of one's constituents;

b) The desire to let action go through without committing oneself; or

c) The inability to make up one's mind because of a feeling that the Councilmember lacks full knowledge of the proposal and its effect on the Borough (the need for knowledge should be addressed in debate).

6.11 Mayor's Tie-Breaking Authority: The authority of the Mayor to cast the deciding vote applies whenever, as a result of a tie vote, Council is unable to:

a) Enact or pass an Ordinance, Resolution, or motion;

b) Declare or fill a vacancy on Council or in any other Borough office; or

c) Take any action on any matter lawfully brought before it.

Article 7 – Policy Decision-Making Process

7.1 Committees of Council: Most boroughs establish committees of council to handle various duties. They meet to study a topic and make recommendations to the whole of council at a duly advertised public meeting. The President may, from time-to-time, choose to appoint ad-hoc committees to address particular tasks. Each committee shall have a chairperson, typically held by a councilperson. The President has the authority to appoint council members to these committees without Council's approval. The President is an ex officio member of all committees and his/her presence at a committee meeting does count toward a quorum.

Article 8 – Representative of Borough Governance

8.1 Councilmember Participation in Community Activities: From time-to-time, Councilmembers may choose to participate in community activities, committees, events, and taskforces. When a Councilmember participates in these types of activities, the Councilmember is acting as an interested party rather than acting on behalf of Borough Council. Acting or participating on behalf of Borough Council, including oral and written correspondence such as speeches, letters to residents, and other groups or organizations, posts on social media websites, and statements to the press, is limited to those instances when Council has formally designated the Councilmember as its representative for the matter.

8.2 Mayor to Act as Ceremonial Representative: The Mayor is delegated the responsibility to act as Council's ceremonial representative at public events and functions. In the Mayor's absence, the President assumes the responsibility. The mayor may appoint another Councilmember to assume the responsibility in his/her absence.

Article 9 – General Guidelines for Ethical Conduct

9.1 Annual ethics forms shall be submitted to the Borough Office in a timely manner.

9.2 Elected officials shall not disclose confidential information to which they have access by virtue of their public office or position. Unless otherwise noted, all emails and working draft documents shared between staff and Borough Council are considered privileged and confidential and, as such, are not intended for public dissemination or discussion.

9.3 Personal gifts, favors, loans, services, payments, and other inducements, made either directly to the elected official or to a family member of the official where there is reason to believe such gifts, favors, or inducements are offered to influence official actions in favor of the donor should be refused. Any in-kind and/or cash gift, favor, tip, service, etc., with a value over twenty ($20.00) dollars shall be disclosed to the Borough Manager and/or Borough Council who

may require that such item be refused or returned. Nominal token gifts including holiday food baskets, calendars, lunches, and similar items may be accepted.

9.4 Elected officials shall not convey to any person any information or advice not generally available to the public in any transaction, negotiation, or litigation to which the Borough is a party.

Article 10 – Administrative Support

10.1 Letters Addressed to Mayor and/or Council: All letters addressed to the mayor and/or Council requiring a response from staff are copied to all Councilmembers and the Mayor along with a copy of the response.

10.2 Letters Addressed to Individual Councilmembers: All letters addressed to Councilmembers requiring a response from staff are copied to all Councilmembers and the Mayor along with a copy of the response. Letters addressed to individual Councilmembers that do not require a response from staff, but which provide information to Council matters are copied to the full Council and Mayor.

10.3 Council Correspondence: All Councilmember correspondence written with Borough resources (letterhead, logos, staff support, postage, etc.) will reflect the position of the full Council, not individual Councilmember positions. All councilmember correspondence using Borough resources will be copied to the full Council and the Mayor.

Article 11 – Mayor and Council Reimbursement

11.1 Travel Expenses: Councilmembers and the Mayor will be reimbursed for expenses incurred while traveling to, from, and during attendance at Borough-related events and conferences pre-approved by Council. Reimbursement shall include mileage, meals, tuition, and

lodging. Expenses for lodging may be paid in advance by the Borough. All other reasonable expenses are reimbursed after submission of an itemized account of expenses.

Article 12 – Mayor

12.1 General: Even though the mayor possesses few statutory powers, he/she is viewed as the ceremonial head of Borough government by the public and can exercise leadership

12.2 Oversight of the Police Department: The Mayor directs the day-to-day activities of the Police Department. Issues regarding Department ranks, including the duties of each rank; appointing, suspending, reducing in rank, or discharging officers; establishing the size of the Department; and controlling budget and finance are reserved to Borough Council.

12.3 Meetings: The Mayor presides over Council only twice during each term of office—at the re-organizational meeting of Council in even-numbered years. The mayor has the right to attend all Council meetings and is permitted to take part in discussions.

Article 13 – Non-Observance of Rules

13.1 These rules, wholly or in part, may be amended or repealed by majority vote in any regularly scheduled meeting of Borough Council. Rules adopted to expedite and facilitate the transition of the business of Council in an orderly fashion shall be deemed to be procedural only, and the failure to strictly observe any such rules shall not affect the jurisdiction of or invalidate any action taken by Council.

Article 14 – Acknowledgement

14.1 The Borough acknowledges the Pennsylvania State Association of Boroughs (PSAB), the Pennsylvania Mayors Association, the Borough of Ebensburg, the Borough of Carroll Valley, the Borough of Elizabethtown, and the Borough Solicitor, Jamie Kratz for assistance provided in the preparation of these Articles of Decorum and Rules of Order.

Attest:

BOROUGH COUNCIL OF

THE BOROUGH OF BATH

By: _____

Bradford T. Flynn, Secretary

By: _____

Michele S. Ehrgott, Council President

Duly approved this 6th day of December 2021

By: _____

Fiorella Reginelli-Mirabito, Mayor

CERTIFICATE

I, Bradford T. Flynn, the undersigned, Borough of Bath Secretary, Northampton County, Pennsylvania (the "Borough") certify that the foregoing is a true and correct copy of a Resolution of the Borough of Bath which was duly enacted by affirmative vote of the majority of the members of the Bath Borough Council at a meeting duly held on December 6, 2021, and that said Resolution remains in effect, unaltered and unamended, as of the date of this certificate.

I further certify that the Council of the Borough of Bath met the advance notice requirements of Act No. 93 of the General Assembly of the Commonwealth of Pennsylvania, approved October 15, 1998, by advertising the date of said meeting and posting a notice of said meeting on the bulletin board at the Municipal Building, 121 S. Walnut Street, Bath, Pennsylvania, the place of the meeting.

IN WITNESS WHEREOF, I set my hand and affix the official seal of the Borough this 6th day of December 2021.

_____

Bradford T. Flynn, Secretary

ATTACHMENT 'B'

From: Bradford Flynn
To: Barry Fenstermaker (bfenstermaker@boroughofbath.org); Fiorella Reginelli-Mirabito; Frank Hesch; Mayor Fiorella; Michele Ehrgott ; Phyllis Andrews; Jim Lisiecki; douglashamadyk@gmail.com
Cc: Kratz, James F.; Marena Rasmus; Tanya Lamparter
Subject: January 2022 Regular & Reorganization Meeting
Date: Wednesday, December 29, 2021 8:44:00 PM
Attachments: January Council Packet.pdf
image001.png
Borough Council Agenda 01.03.2022.pdf

Good evening, Mayor, Council, and Professional Services,

Please find attached the January 3rd Agenda and January Council Packet.

There are minor tweaks to the agenda explained herein, see below. Monday's session will also serve as the required biennial reorganization meeting. I would like to welcome our newest Councilmembers, Mr. Doug Hamadyk and Mr. Jim Lisiecki to Borough Council!

The current Covid protocol is to have limited public access to Council Chambers during the upcoming meeting. The public will be encouraged to attend Monday's meeting via Zoom. Otherwise, standard social distancing guidelines will apply until Council Chambers reaches capacity; roughly 14 total participants, including members of Council. Those Council members who wish to attend via Zoom may do so. Family members of those new Councilmembers to be sworn in are welcome to join us in Council Chambers. We will be checking forehead temperatures at the door, and everyone is asked to wear a face mask while attending the meeting due to the recent uptick in Covid-19 infections across the area.

Here are some agenda notes:

- The borough needs a Sewage Enforcement Officer. Hanover Engineering has offered to provide those services and their schedule of fees is enclosed.
- We do have Engineering listed as an appointment item; however, Council has already made that decision to appoint Colliers Engineering & Design, who replaced Keystone Consulting Engineering (KCE) in October.
- There are two (2) appointments necessary to the Zoning Hearing Board, please see enclosed Resolution #2022-001.
- The Personnel, Finance, Administration Committee has worked on amending a few internal borough employee policies. Those policies can be reviewed under the "Motions/Action Items".
- There is a Zoning Ordinance Amendment for review, which Solicitor Kratz can brief Council on during the meeting. The amendments cover zoning issues relative to billboards and other advertising signage. This was an important item the previous Council desired to have cleared up in the borough's zoning law. More to come on this issue during the meeting.
- Council must consider the resignation of Councilmember Mark Saginario, which becomes effective on the last day of this year. This will create an open seat on borough council. The borough did receive a letter of interest from a borough resident requesting to be appointed to Mark's seat. Solicitor Kratz will offer guidance on filling Mark's seat.
- Regretfully, Mr. Allen George, Vice Chair of the Bath Planning Commission, has also indicated he does not desire to renew his seat on the Planning Commission. Council will need to fill this seat in the coming months.

This is the overall gist of the January 3rd Council Meeting. Please, if there are any agenda or council packet question, I'm available to speak with you. Anything else I may have missed we can certainly cover during the meeting.

Doug and Jim, this is your first set of governmental documents. If you have any questions, please don't hesitate to ask. Keep in mind, this information is privileged and should not be shared with anyone. The office is working to establish your email accounts. I'm hoping to have these accounts up and running soon. In the meantime, relax and enjoy the light reading!

I wish everyone a very safe and happy New Year!

Best,

Bradford T. Flynn, MPA, CBO
Borough Manager
Borough of Bath
121 S. Walnut Street
Bath, PA 18014
Main Office: 610.837.6525 Fax: 610.837.8989
Manager's Office: 484.281.3451

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ATTACHMENT 'B'- 1

December 31, 2021

Bath Council
c/o Bradford T. Flynn, Bath Manager
121 S. Walnut Street
Bath, PA 18014

Dear Council,

I served many wonderful years on Council and enjoyed the privilege of working alongside you, my excellent colleagues. During my time on Council, I believe we made a difference and the quality of life in Bath improved and continues to improve.

Although Bath and my time on Council will always have a special place in my heart, I recently accepted a position as the Manager of the Borough of Tatamy and, in order to focus on my position with Tatamy, I am tendering my resignation from Council effective Friday, December 31, 2021.

I will never forget my time on Council with you and wish you further success.

All the best,

Mark Saginario

RECEIVED

DEC 14 2021

ATTACHMENT 'B' - 2

December 13, 2021

Borough of Bath
121 South Walnut Street
Bath, PA 18014

Attn: Bath Borough Council

Dear Members of Council:

I write this letter to indicate my interest in fulfilling the seat now vacated by Bath Borough Councilmember, Mark Saginario.

My involvement with the municipal government of the Borough of Bath expands decades. I was a member of Bath Borough Council for 12 years - of the years mentioned, I held the office of President of Council for 10 years; Vice-President of Council (my first year) for 1 year; and 10 years on the Bath Zoning Hearing Board. I was one of the founding members of Colonial Regional Police Department. I have worked extensively with State Congressmen, State Senators and State Representatives during my tenure on Bath Borough Council. Lastly, I was instrumental in the renovation of what is now, the new Bath Borough Municipal Building.

I have always taken pride in being a part of the decision making process for our municipality during my years on Borough Council. I will continue to focus on the betterment of all who reside or conduct business within our Borough.

I would like to be considered for the vacated seat and look forward to hearing from you.

Sincerely,

Emanuel T. Mirabito
270 East Northampton Street
Bath, PA 18014
610-417-1386
mirabito4@yahoo.com

ATTACHMENT 'C'

From: Bradford Flynn
To: Barry Fenstermaker (bfenstermaker@boroughofbath.org); Douglas Hamadyk; Fiorella Reginelli-Mirabito; Frank Hesch; Jim Lisiecki; Manny Mirabito; Mayor Fiorella; Michele Ehrgott ; Phyllis Andrews
Cc: Jamie Kratz; Ron Madison
Subject: March Meeting Minutes - Unfortunate News
Date: Monday, April 4, 2022 1:10:00 PM
Attachments: image001.png
3.7.2022.pdf

Good afternoon, Mayor & Council,

Please find attached the March meeting minutes for your review prior to tonight's meeting.

Unfortunate news: Marena Rasmus has resigned from her position with the borough, effective Sunday, April 3rd. Marena is facing personal issues that has led her to this decision. Sad situation. We wish her the best.

See you tonight!

Thanks,

Bradford T. Flynn, MPA, CBO
Borough Manager
Borough of Bath
121 S. Walnut Street
Bath, PA 18014
Main Office: 610.837.6525 Fax: 610.837.8989
Manager's Office: 484.281.3451

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To print this report, use a page orientation of landscape.

Employee Earnings

May 26 2023 4:16 PM

ATTACHMENT ' D'

Prepared By: fsilvestri

Status: All | Department Range: All | Check Date Range: 01/01/2022 to 04/30/2023 | Record Number Range: 81 to 83 | Wage Pay Type: All | Pay Frequency: All

Co #	Company Name	Pay Period End Date	Check Date	End Type
14146	BOROUGH OF BATH	5/27/2023	6/1/2023	W

Company 14146 BOROUGH OF BATH

Rcd # 81 KOVACH, MICHAEL
[redacted]

Reg	H	R	21.520	**Status**	Active	**Soc Sec No**	XXX-XX-[redacted]	**Hire Date**	3/30/2022
OT1	H	R	32.280	**Department**	170	**Std Wrk Wk**	40.00	**Term Date**	
OT2	H	R	43.040	**Position**		**Birth Date**	[redacted]	**LOA Date**	

	Hours		*Earnings*			*Deductions*								
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
4/7/2022	5.50	0.00	109.84	0.00	0.00	0.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.84
4/2/2022	0.00	0.00	0.00	0.00	8.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.94
8	0.00	0.00	0.00	0.00	3.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	96.90
			0.00	0.00	1.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51538
5/5/2022	33.00	0.00	659.01	0.00	16.09	0.40	0.00	0.00	0.00	0.00	0.00	0.00	0.00	659.01
4/30/2022	0.00	0.00	0.00	0.00	50.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	93.73
10	0.00	0.00	0.00	0.00	20.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	565.28
			0.00	0.00	6.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1208
5/19/2022	31.00	0.00	619.07	0.00	12.10	0.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	619.07
5/14/2022	0.00	0.00	0.00	0.00	47.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	85.03
11	0.00	0.00	0.00	0.00	19.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	534.04
			0.00	0.00	6.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1216
6/2/2022	22.50	0.00	449.33	0.00	0.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	449.33
5/28/2022	0.00	0.00	0.00	0.00	34.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	52.93
12	0.00	0.00	0.00	0.00	13.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	396.40
			0.00	0.00	4.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1230
6/16/2022	22.00	0.00	439.34	0.00	3.11	0.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	529.21
6/11/2022	3.00	0.00	89.87	0.00	40.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	65.45
13	0.00	0.00	0.00	0.00	16.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	463.76
			0.00	0.00	5.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1238
6/30/2022	19.50	0.00	389.42	0.00	0.00	0.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	389.42
6/25/2022	0.00	0.00	0.00	0.00	29.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	45.87
14	0.00	0.00	0.00	0.00	11.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	343.55
			0.00	0.00	3.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1247

7/14/2022	32.00	0.00	639.04	0.00	67.85	0.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	639.04
7/9/2022	0.00	0.00	0.00	0.00	48.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	143.13
15	0.00	0.00	0.00	0.00	19.62	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	495.91
			0.00	0.00	6.39	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1256
7/28/2022	38.50	0.00	768.85	0.00	85.33	0.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	784.75
7/23/2022	0.00	0.00	0.00	0.00	60.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	177.77
16	0.00	0.00	0.00	0.00	24.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	606.98
			15.90	0.00	7.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1265
8/11/2022	20.50	0.00	409.39	0.00	41.04	0.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	409.39
8/6/2022	0.00	0.00	0.00	0.00	31.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	89.27
17	0.00	0.00	0.00	0.00	12.57	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	320.12
			0.00	0.00	4.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1272
8/25/2022	33.00	0.00	659.01	0.00	75.04	0.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	698.96
8/20/2022	1.00	0.00	29.96	0.00	53.47	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	157.38
18	0.00	0.00	0.00	0.00	21.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	541.58
			9.99	0.00	6.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1280
9/8/2022	35.00	0.00	698.95	0.00	108.02	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	973.84
9/3/2022	2.50	0.00	74.89	0.00	74.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	222.74
20	0.00	0.00	0.00	0.00	29.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	751.10
			200.00	0.00	9.74	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1292
9/22/2022	15.00	0.00	299.55	0.00	33.05	0.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	329.51
9/17/2022	1.00	0.00	29.96	0.00	25.21	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	71.88
21	0.00	0.00	0.00	0.00	10.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	257.63
			0.00	0.00	3.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1299
10/6/2022	30.00	0.00	599.10	0.00	77.43	0.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	718.92
10/1/2022	4.00	0.00	119.82	0.00	54.99	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	162.11
22	0.00	0.00	0.00	0.00	22.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	556.81
			0.00	0.00	7.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1307
10/20/2022	35.00	0.00	698.95	0.00	95.45	0.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	869.11
10/15/2022	0.00	0.00	0.00	0.00	66.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	197.82
23	8.00	0.00	170.16	0.00	26.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	671.29
			0.00	0.00	8.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1315
11/3/2022	30.00	0.00	599.10	0.00	98.79	0.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	896.88
10/29/2022	0.00	0.00	0.00	0.00	68.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	204.44
24	14.00	0.00	297.78	0.00	27.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	692.44
			0.00	0.00	8.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1323
11/17/2022	10.00	0.00	199.70	0.00	50.86	0.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	497.48
11/12/2022	0.00	0.00	0.00	0.00	38.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	109.45
25	14.00	0.00	297.78	0.00	15.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	388.03
			0.00	0.00	4.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1332
12/1/2022	24.00	0.00	479.28	0.00	147.69	0.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,189.88
11/26/2022	1.00	0.00	29.96	0.00	91.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	287.85
26	32.00	0.00	680.64	0.00	36.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	902.03
			0.00	0.00	11.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1345

12/15/2022	31.50	0.00	653.86	0.00	179.51	0.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,334.50
12/10/2022	0.00	0.00	0.00	0.00	102.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	336.72
27	32.00	0.00	680.64	0.00	40.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	997.78
			0.00	0.00	13.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1353
12/29/2022	68.50	0.00	1,464.62	0.00	208.14	0.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,464.62
12/24/2022	0.00	0.00	0.00	0.00	112.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	380.68
28	0.00	0.00	0.00	0.00	44.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,083.94
			0.00	0.00	14.65	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1362
1/12/2023	48.00	0.00	1,026.96	0.00	112.04	0.72	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,026.96
1/7/2023	0.00	0.00	0.00	0.00	78.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	235.12
1	0.00	0.00	0.00	0.00	31.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	791.84
			0.00	0.00	10.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1370
1/26/2023	56.00	0.00	1,197.12	0.00	210.54	1.06	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,519.92
1/21/2023	0.00	0.00	0.00	0.00	116.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	391.74
2	7.50	0.00	322.80	0.00	46.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,128.18
			0.00	0.00	15.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1378
2/9/2023	43.50	0.00	930.50	0.00	106.21	0.68	2.00	0.00	0.00	0.00	0.00	0.00	0.00	978.36
2/4/2023	1.50	0.00	47.86	0.00	74.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	223.56
3	0.00	0.00	0.00	0.00	30.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	754.80
			0.00	0.00	9.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1386
2/23/2023	63.00	0.00	1,347.76	0.00	172.67	0.94	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,347.76
2/18/2023	0.00	0.00	0.00	0.00	103.10	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	333.57
4	0.00	0.00	0.00	0.00	41.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,014.19
			0.00	0.00	13.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1395
3/9/2023	46.50	0.00	992.68	0.00	170.30	0.94	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,337.00
3/4/2023	0.00	0.00	0.00	0.00	102.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	329.94
5	8.00	0.00	344.32	0.00	41.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,007.06
			0.00	0.00	13.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1408
3/23/2023	48.00	0.00	1,024.96	0.00	139.53	0.84	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,197.12
3/18/2023	0.00	8.00	0.00	172.16	91.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	282.67
6	0.00	0.00	0.00	0.00	36.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	914.45
			0.00	0.00	11.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1419
3/23/2023	0.00	0.00	0.00	0.00	71.44	0.48	0.00	0.00	0.00	0.00	0.00	0.00	0.00	688.64
3/18/2023	0.00	0.00	0.00	0.00	52.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	152.64
6	0.00	32.00	0.00	688.64	21.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	536.00
			0.00	0.00	6.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1420
4/6/2023	32.00	0.00	684.64	0.00	70.96	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	684.64
4/1/2023	0.00	0.00	0.00	0.00	52.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	153.69
7	0.00	0.00	0.00	0.00	21.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	530.95
			0.00	0.00	6.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1428
4/20/2023	33.00	0.00	706.29	0.00	73.56	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	706.29
4/15/2023	0.00	0.00	0.00	0.00	54.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	158.82
8	0.00	0.00	0.00	0.00	21.68	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	547.47
			0.00	0.00	7.06	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1436

Employee Total	906.50	0.00	18,746.32	0.00	2,426.75	14.77	16.00	0.00	0.00	0.00	0.00	0.00	0.00	23,049.45
	14.00	8.00	422.32	172.16	1,763.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,158.94
	115.50	32.00	2,794.12	688.64	707.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,890.51
			225.89	0.00	230.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	87318

Rcd # 82 MIRABITO, FIORELLA R
[redacted]

Reg	H	R	16.170	**Status**	Active	**Soc Sec No**	XXX-XX[redacted]	**Hire Date**	4/01/2022
OT1	H	M	1.500	**Department**	151	**Std Wrk Wk**	40.00	**Term Date**	
OT2				**Position**		**Birth Date**	[redacted]	**LOA Date**	

	Hours		*Earnings*			*Deductions*								
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
6/2/2022	185.00	0.00	2,775.00	0.00	197.65	1.67	2.00	0.00	0.00	0.00	0.00	0.00	0.00	2,775.00
5/28/2022	0.00	0.00	0.00	0.00	212.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	532.10
12	0.00	0.00	0.00	0.00	85.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,242.90
			0.00	0.00	33.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1229
6/16/2022	49.00	0.00	735.00	0.00	0.00	0.44	2.00	0.00	0.00	0.00	0.00	0.00	0.00	735.00
6/11/2022	0.00	0.00	0.00	0.00	56.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	90.05
13	0.00	0.00	0.00	0.00	22.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	644.95
			0.00	0.00	8.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1237
6/30/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
6/25/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
14	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1246
7/14/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
7/9/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
15	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1255
7/28/2022	54.00	0.00	810.00	0.00	0.00	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	810.00
7/23/2022	0.00	0.00	0.00	0.00	61.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	99.05
16	0.00	0.00	0.00	0.00	24.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	710.95
			0.00	0.00	9.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1264
8/11/2022	56.00	0.00	840.00	0.00	0.00	0.50	2.00	0.00	0.00	0.00	0.00	0.00	0.00	840.00
8/6/2022	0.00	0.00	0.00	0.00	64.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	102.63
17	0.00	0.00	0.00	0.00	25.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	737.37
			0.00	0.00	10.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1271
8/25/2022	41.00	0.00	615.00	0.00	0.00	0.37	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.00
8/20/2022	0.00	0.00	0.00	0.00	47.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.68
18	0.00	0.00	0.00	0.00	18.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	539.32
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1279
9/8/2022	40.00	0.00	600.00	0.00	0.00	0.36	2.00	0.00	0.00	0.00	0.00	0.00	0.00	600.00
9/3/2022	0.00	0.00	0.00	0.00	45.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.88
20	0.00	0.00	0.00	0.00	18.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	526.12
			0.00	0.00	7.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1291

9/22/2022	53.00	0.00	795.00	0.00	0.00	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	795.00
9/17/2022	0.00	0.00	0.00	0.00	60.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	97.25
21	0.00	0.00	0.00	0.00	24.41	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	697.75
			0.00	0.00	9.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1298
10/6/2022	22.00	0.00	330.00	0.00	0.00	0.20	2.00	0.00	0.00	0.00	0.00	0.00	0.00	330.00
10/1/2022	0.00	0.00	0.00	0.00	25.25	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	41.54
22	0.00	0.00	0.00	0.00	10.13	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	288.46
			0.00	0.00	3.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1306
10/20/2022	44.00	0.00	660.00	0.00	0.00	0.40	2.00	0.00	0.00	0.00	0.00	0.00	0.00	660.00
10/15/2022	0.00	0.00	0.00	0.00	50.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	81.07
23	0.00	0.00	0.00	0.00	20.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	578.93
			0.00	0.00	7.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1314
11/3/2022	37.00	0.00	555.00	0.00	0.00	0.33	2.00	0.00	0.00	0.00	0.00	0.00	0.00	555.00
10/29/2022	0.00	0.00	0.00	0.00	42.46	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	68.49
24	0.00	0.00	0.00	0.00	17.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	486.51
			0.00	0.00	6.66	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1322
11/17/2022	50.00	0.00	750.00	0.00	0.00	0.45	2.00	0.00	0.00	0.00	0.00	0.00	0.00	750.00
11/12/2022	0.00	0.00	0.00	0.00	57.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	91.86
25	0.00	0.00	0.00	0.00	23.03	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	658.14
			0.00	0.00	9.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1331
12/1/2022	39.00	0.00	585.00	0.00	0.00	0.35	2.00	0.00	0.00	0.00	0.00	0.00	0.00	585.00
11/26/2022	0.00	0.00	0.00	0.00	44.75	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	72.08
26	0.00	0.00	0.00	0.00	17.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	512.92
			0.00	0.00	7.02	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1344
12/15/2022	44.00	0.00	690.42	0.00	0.00	0.41	2.00	0.00	0.00	0.00	0.00	0.00	0.00	690.42
12/10/2022	0.00	0.00	0.00	0.00	52.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	84.72
27	0.00	0.00	0.00	0.00	21.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	605.70
			0.00	0.00	8.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1352
12/29/2022	46.00	0.00	743.82	0.00	0.00	0.45	2.00	0.00	0.00	0.00	0.00	0.00	0.00	743.82
12/24/2022	0.00	0.00	0.00	0.00	56.91	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	91.13
28	0.00	0.00	0.00	0.00	22.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	652.69
			0.00	0.00	8.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1361
1/12/2023	42.00	0.00	679.14	0.00	0.00	0.48	2.00	0.00	0.00	0.00	0.00	0.00	0.00	679.14
1/7/2023	0.00	0.00	0.00	0.00	51.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	83.44
1	0.00	0.00	0.00	0.00	20.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	595.70
			0.00	0.00	8.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1369
1/26/2023	48.00	0.00	776.16	0.00	0.00	0.54	2.00	0.00	0.00	0.00	0.00	0.00	0.00	776.16
1/21/2023	0.00	0.00	0.00	0.00	59.37	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	95.05
2	0.00	0.00	0.00	0.00	23.83	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	681.11
			0.00	0.00	9.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1377
2/9/2023	41.00	0.00	662.97	0.00	0.00	0.46	2.00	0.00	0.00	0.00	0.00	0.00	0.00	662.97
2/4/2023	0.00	0.00	0.00	0.00	50.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	81.48
3	0.00	0.00	0.00	0.00	20.35	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	581.49
			0.00	0.00	7.96	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1385

2/23/2023	60.00	0.00	970.20	0.00	0.00	0.68	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	970.20
2/18/2023	0.00	0.00	0.00	0.00	74.22	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	118.33
4	0.00	0.00	0.00	0.00	29.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	851.87
			0.00	0.00	11.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1394
3/9/2023	50.00	0.00	808.50	0.00	0.00	0.57	2.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	808.50
3/4/2023	0.00	0.00	0.00	0.00	61.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98.94
5	0.00	0.00	0.00	0.00	24.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	709.56
			0.00	0.00	9.70	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1407
3/23/2023	44.00	0.00	711.48	0.00	0.00	0.50	-10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	711.48
3/18/2023	0.00	0.00	0.00	0.00	54.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.31
6	0.00	0.00	0.00	0.00	21.84	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	636.17
			0.00	0.00	8.54	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1418
4/6/2023	56.00	0.00	905.52	0.00	0.00	0.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	905.52
4/1/2023	0.00	0.00	0.00	0.00	69.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	108.57
7	0.00	0.00	0.00	0.00	27.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	796.95
			0.00	0.00	10.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1427
4/20/2023	51.00	0.00	824.67	0.00	0.00	0.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	824.67
4/15/2023	0.00	0.00	0.00	0.00	63.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	98.89
8	0.00	0.00	0.00	0.00	25.32	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	725.78
			0.00	0.00	9.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1435
Employee Total	1,222.	0.00	18,872.88	0.00	197.65	11.98	32.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	18,872.88
	0.00	0.00	0.00	0.00	1,443.80	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,491.34
	0.00	0.00	0.00	0.00	579.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	16,381.54
			0.00	0.00	226.49	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	31912

Rcd # 83 SMITH, DAVID
[redacted]

Reg	H	R	19.850	**Status**	Active	**Soc Sec No**	XXX-XX[redacted]	**Hire Date**	8/29/2022
OT1	H	R	29.775	**Department**	170	**Std Wrk Wk**	40.00	**Term Date**	
OT2	H	R	39.700	**Position**		**Birth Date**	[redacted]	**LOA Date**	

	Hours		*Earnings*		*Deductions*									
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
9/8/2022	5.50	0.00	101.31	0.00	0.00	0.09	0.00	0.00	0.00	0.00	0.00	0.00	0.00	142.76
9/3/2022	1.50	0.00	41.45	0.00	10.92	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17.10
20	0.00	0.00	0.00	0.00	4.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	125.66
			0.00	0.00	1.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51549
9/22/2022	2.50	0.00	46.05	0.00	0.00	0.04	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.68
9/17/2022	1.00	0.00	27.63	0.00	5.64	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	8.82
21	0.00	0.00	0.00	0.00	2.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.86
			0.00	0.00	0.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1300
10/6/2022	14.00	0.00	257.88	0.00	0.00	0.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	313.14
10/1/2022	2.00	0.00	55.26	0.00	23.95	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	37.51
22	0.00	0.00	0.00	0.00	9.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	275.63
			0.00	0.00	3.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1308

10/20/2022	10.00	0.00	184.20	0.00	0.00	0.28	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.50
10/15/2022	10.00	0.00	276.30	0.00	35.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	55.18
23	0.00	0.00	0.00	0.00	14.14	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	405.32
			0.00	0.00	5.53	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1316
11/3/2022	18.00	0.00	331.56	0.00	49.48	0.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	976.26
10/29/2022	18.00	0.00	497.34	0.00	74.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	166.45
24	4.00	0.00	147.36	0.00	29.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	809.81
			0.00	0.00	11.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1324
11/3/2022	11.00	0.00	202.62	0.00	0.00	0.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	451.29
10/29/2022	9.00	0.00	248.67	0.00	34.52	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	54.06
24	0.00	0.00	0.00	0.00	13.85	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	397.23
			0.00	0.00	5.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1325
11/17/2022	20.00	0.00	368.40	0.00	42.85	0.55	0.00	0.00	0.00	0.00	0.00	0.00	0.00	921.00
11/12/2022	20.00	0.00	552.60	0.00	70.45	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	153.17
25	0.00	0.00	0.00	0.00	28.27	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	767.83
			0.00	0.00	11.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1333
12/1/2022	12.00	0.00	221.04	0.00	69.93	0.69	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,146.65
11/26/2022	9.50	0.00	262.49	0.00	87.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	207.30
26	18.00	0.00	663.12	0.00	35.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	939.35
			0.00	0.00	13.76	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1346
12/15/2022	12.00	0.00	232.48	0.00	2.36	0.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	521.65
12/10/2022	10.00	0.00	289.17	0.00	39.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.84
27	0.00	0.00	0.00	0.00	16.01	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	456.81
			0.00	0.00	6.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1354
12/29/2022	16.00	0.00	317.60	0.00	33.56	0.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	833.70
12/24/2022	12.00	0.00	357.30	0.00	63.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	133.43
28	4.00	0.00	158.80	0.00	25.59	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	700.27
			0.00	0.00	10.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1363
12/29/2022	0.00	0.00	0.00	0.00	21.65	0.43	0.00	0.00	0.00	0.00	0.00	0.00	0.00	714.60
12/24/2022	0.00	0.00	0.00	0.00	54.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	107.27
28	18.00	0.00	714.60	0.00	21.94	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	607.33
			0.00	0.00	8.58	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	51559
1/12/2023	14.00	0.00	277.90	0.00	69.35	0.83	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,181.08
1/7/2023	13.00	0.00	387.08	0.00	90.36	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	212.97
1	13.00	0.00	516.10	0.00	36.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	968.11
			0.00	0.00	14.17	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1371
1/26/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
1/21/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
2	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1379
2/9/2023	6.00	0.00	119.10	0.00	8.27	0.43	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.35
2/4/2023	6.00	0.00	178.65	0.00	47.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	84.04
3	8.00	0.00	317.60	0.00	18.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	531.31
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1387

2/23/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
2/18/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
4	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1396
3/9/2023	12.00	0.00	238.20	0.00	75.30	0.86	2.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
3/4/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	224.86
5	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,005.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1409
3/23/2023	12.00	0.00	238.20	0.00	75.30	0.86	-10.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
3/18/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	212.86
6	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,017.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1421
4/6/2023	12.00	0.00	238.20	0.00	75.30	0.86	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,230.70
4/1/2023	12.00	0.00	357.30	0.00	94.15	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	222.86
7	16.00	0.00	635.20	0.00	37.78	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,007.84
			0.00	0.00	14.77	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1429
4/20/2023	11.00	0.00	218.35	0.00	65.77	0.81	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1,151.30
4/15/2023	10.00	0.00	297.75	0.00	88.07	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	203.81
8	16.00	0.00	635.20	0.00	35.34	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	947.49
			0.00	0.00	13.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1437
Employee Total	212.00	0.00	4,069.49	0.00	739.72	10.31	0.00	0.00	0.00	0.00	0.00	0.00	0.00	15,656.46
	182.00	0.00	5,258.19	0.00	1,197.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,616.25
	161.00	0.00	6,328.78	0.00	480.61	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	13,040.21
			0.00	0.00	187.89	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	126306

GRAND TOTALS:	**Hours**	**Earnings**		**Taxes**
Regular	2,340.50	41,688.69	**Fed W/H**	3,364.12
OT1	196.00	5,680.51	**FICA**	4,404.81
OT2	276.50	9,122.90	**State**	1,767.66
Sick	0.00	0.00	**City**	644.88
Vacation	8.00	172.16		
Holiday	32.00	688.64	**Total Deductions**	10,266.53
Other		225.89		
Tips		0.00		
Gross		57,578.79		
Net Pay		47,312.26		

OOR Exhibit 16

From: Kratz, James F. <james.kratz@stevenslee.com>
Sent: Thursday, October 5, 2023 9:07 AM
To: Isenberg, Kelly
Cc: bradford.flynn; Michael Long; Bradford T. Flynn (manager@boroughofbath.org)
Subject: RE: [External] Re: AP 2023-1598 - Long v Bath Borough

Thank you for the confirmation of receipt.

James F. Kratz, Esq.
Stevens & Lee
840 W. Hamilton Street, Suite 521
Allentown, PA 18101
T: 610-997-5065
F: 610-371-1229
james.kratz@stevenslee.com

Please note my new email address -- james.kratz@stevenslee.com. While I prefer that you use my new email address, in case you forget, I will continue to receive email addressed to my former email address of jfk@stevenslee.com. Thank you!

From: Isenberg, Kelly <kisenberg@pa.gov>
Sent: Thursday, October 5, 2023 8:08 AM
To: Kratz, James F. <james.kratz@stevenslee.com>
Cc: bradford.flynn <bradford.flynn@boroughofbath.org>; Michael Long <michael.long479@gmail.com>; Bradford T. Flynn (manager@boroughofbath.org) <manager@boroughofbath.org>
Subject: RE: [External] Re: AP 2023-1598 - Long v Bath Borough

Attorney Kratz,

I am confirming receipt of the submission. I was able to download the documents.

Thank you,
Kelly Isenberg

Kelly C. Isenberg |Attorney
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903

Fax: (717) 425-5343
https://www.openrecords.pa.gov
@OpenRecordsPA

From: Kratz, James F. <james.kratz@stevenslee.com>
Sent: Wednesday, October 4, 2023 5:11 PM
To: Isenberg, Kelly <kisenberg@pa.gov>
Cc: bradford.flynn <bradford.flynn@boroughofbath.org>; Michael Long <michael.long479@gmail.com>; Bradford T. Flynn (manager@boroughofbath.org) <manager@boroughofbath.org>
Subject: RE: [External] Re: AP 2023-1598 - Long v Bath Borough

I'm using Mimecast to share large files with you. Please see the attached instructions.

Appeals Officer Isenberg:

Attached is my letter of today in response to your below email of September 26, 2023 10:12 AM. My letter encloses my Affidavit of today. Said Affidavit includes, among other things, the Borough's exemption log that I created.

I'm sending you, Mr. Long and Manager Flynn this email and its attachment via Mimecast Large File Send because the letter is approximately 35 megabytes because of the enclosed Affidavit and its attachments (Exhibits A thru C).

If you have any questions, please let me know.

Thanks.

James F. Kratz, Esq.
Stevens & Lee
840 W. Hamilton Street, Suite 521
Allentown, PA 18101
T: 610-997-5065
F: 610-371-1229
james.kratz@stevenslee.com

Please note my new email address -- james.kratz@stevenslee.com. While I prefer that you use my new email address, in case you forget, I will continue to receive email addressed to my former email address of jfk@stevenslee.com. Thank you!

From: Isenberg, Kelly <kisenberg@pa.gov>
Sent: Tuesday, September 26, 2023 10:12 AM
To: Michael Long <michael.long479@gmail.com>
Cc: Kratz, James F. <james.kratz@stevenslee.com>; bradford.flynn <bradford.flynn@boroughofbath.org>; Bradford T. Flynn (manager@boroughofbath.org) <manager@boroughofbath.org>
Subject: RE: [External] Re: AP 2023-1598 - Long v Bath Borough

Mr. Long:

OOR Exhibit 17

From: Michael Long <michael.long479@gmail.com>
Sent: Wednesday, October 18, 2023 11:11 AM
To: Isenberg, Kelly <kisenberg@pa.gov>
Cc: Bradford T. Flynn (manager@boroughofbath.org) <manager@boroughofbath.org>; Kratz, James F. <james.kratz@stevenslee.com>; bradford.flynn <bradford.flynn@boroughofbath.org>
Subject: Re: [External] Re: AP 2023-1598 - Long v Bath Borough

Yes I confirm that date of birth was intended to to include dates of birth in the category of personal identifying information.

Also did you receive my response I filed last week to Mr. Kratz Affidavit and Redaction Log?

Thank you for your time, patience and understanding.

Michael Long

On Tue, Oct 17, 2023 at 1:56 PM Isenberg, Kelly <kisenberg@pa.gov> wrote:

> Dear Mr. Long,
>
> Regarding the appeal referenced above, in Request Item #2, you stated, "please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons." Kindly confirm that you intended to include dates of birth in the category of "personal identifying information."
>
> A reply is requested as soon as practicable, or by the close of business tomorrow, Wed., Oct 17, 2023. Thank you for your attention to this matter. If you have a question, please advise.

Regards,

Kelly Isenberg



Kelly C. Isenberg |Attorney

Senior Appeals Officer

Office of Open Records

333 Market Street, 16th Floor

Harrisburg, PA 17101-2234

Phone: (717) 346-9903

Fax: (717) 425-5343

https://www.openrecords.pa.gov

@OpenRecordsPA

From: Michael Long <michael.long479@gmail.com>
Sent: Friday, October 13, 2023 12:43 PM
To: Kratz, James F. <james.kratz@stevenslee.com>
Cc: Bradford T. Flynn (manager@boroughofbath.org) <manager@boroughofbath.org>; Isenberg, Kelly <kisenberg@pa.gov>; bradford.flynn <bradford.flynn@boroughofbath.org>
Subject: Re: [External] Re: AP 2023-1598 - Long v Bath Borough

From: Michael Long
To: Kratz, James F.
Cc: Bradford T. Flynn (manager@boroughofbath.org); Isenberg, Kelly; bradford.flynn
Subject: Re: [External] Re: AP 2023-1598 - Long v Bath Borough
Date: Friday, October 13, 2023 12:45:56 PM
Attachments: image001.png
Response to redaction log.docx
5Attachment #5 - Dissertation email.pdf

Further more Drivelocker was part of my initial RtK request in September of 2022 but only concluded on February 24, 2023. They were actively fighting in line with the Borough to redact invoices which in final determination found they had been improperly redacted.

Seeing them involved in anyway with regards to RTK requests that required specific direction from both individuals involved raises many concerning questions. More so when it's understood that DriveLocker is an IT consultant whom previously provided extensively detailed invoices to the borough.

The time frame for which this covers overlaps wi the AP 2023-1083 and AP 2023-1598 both of which had requested responsive digital communications. AP 2023-1083 was filed with the Borough on 3/30/2023 and a response wasn't rendered by the borough till 5/5/23. This had prompted the current filing which was submitted on 5/17/23.

This also overlaps with the concerns regarding email scrubbing which Borough Manager Bradford Flynn made claim that it was associated with an Email system known as Barracuda. His claims seem to be unfounded in the sense that Barracuda is an email filtering system and no where in the companies literature is the term scrubbing even found, as this is not a function of the software. Which brings into question this very concerning invoice that has just been recently discovered.

My response to Mr. Kratz redaction log is attached
Any questions or need for clarification, please don't hesitate to reach out. Thank you for your patience and understanding

Please see attached.

Michael Long
Michael.Long479@gmail.com

October 13, 2023

Re: Response to Affidavit and Redaction Log

AP 2023-1598

Senior OOR Appeals Officer Isenberg,

Introduction

This document scrutinizes various issues in governance, primarily focusing on lack of compliance and transparency by key officials. It reveals inconsistencies in council appointments, inappropriate actions by the Mayor, and a cover-up concerning missed insurance payments. These actions have had a domino effect, leading to employee resignations, ethics violations, and breaches of the Sunshine Act, among others.

I. Concerns Regarding Timeline Misrepresentation and Affidavit Discrepancies:

Close examination reveals discrepancies between the timeline presented and the actual sequence of events. The solicitor provided guidance in October 2021 and December 2021. Yet the public announcement of the resignation and appointment was delayed for months. This allowed the Mayor to informally designate her chosen replacement in October before the seat was vacant, and ensure the vacancy would not open for election. The motivation appears to be retaining a voting majority to potentially block any investigation into missing money. While the solicitor's communications occurred at the stated times, the subsequent delays enabled the Mayor to engineer the appointment outcome – a clear misrepresentation of the process (See *Exhibit A*).

Additionally, the affidavit provides examples of misrepresenting key aspects of the original RTKL request to further privilege claims. The request sought "all communications" including "text messages" and noted privilege does not apply. Yet the affidavit omits text messages (¶16) and implies privilege covered all communications between parties named (¶27). Though the request stated privilege does not apply, the affidavit still claims it for communications on factual topics (¶19). See *Black's Law Dictionary 1152 (11th ed. 2019*) (defining misrepresentation

as "The act or an instance of making a false or misleading statement about something, usu. with the intent to deceive").

II. Concerns Regarding Omission of Responsive Records:

The omission of the Rasmus resignation letter and failure to provide requested text messages, especially from group chats, contravenes the transparency and disclosure obligations under the Right to Know Law (RTKL).

The RTKL places the burden of proof on the agency to justify any exemption claim and promotes public transparency. *65 Pa. Stat. and Cons. Stat. § 67.708(a) (2009*). The requested records illuminate the questionable actions outlined earlier. Their omission obstructs transparency and necessitates thorough disclosure.

III. Concerns Regarding Improper Privilege Assertions

Mislabeling conversations on factual matters as privileged appears to improperly deny access to information not protected under the RTKL. Differentiating between fact and advice is essential to assess privilege claims accurately. See *Commonwealth v. Harris, 32 A.3d 243, 252 (Pa. 2011)* (holding that attorney-client privilege does not cover client communications conveying purely factual information).

IV. Concerns Regarding Redaction Log Deficiencies

The redaction log lacks details like dates, authors, and recipients needed to sufficiently assess specific exemption claims. This vagueness contradicts the transparency objectives of the RTKL. See Office of the *Governor v. Scolforo, 65 A.3d 1095, 1103 (Pa. Cmwlth. 2013)* (reaffirming agencies' duties to substantiate redaction of records).

V. Concerns Regarding Unjustified Withholdings

Ignoring the request for text messages without explanation shows non-compliance with disclosure duties under the *RTKL Section 708(b)(10)*. Omitting the resignation letter also suggests improper record keeping, defying the original request.

VI. Concerns Regarding Third Party Involvement

The involvement of Drivelocker, an IT consultant firm, in tasks related to Right-to-Know (RTK) requests during the period of April 11, 2023 to May 31, 2023 raises significant concerns. This deviates from the borough's previous representations that

the Borough Manager or Solicitor handled RTK requests as the designated Open Records Officers per the RTKL requirements (See *Exhibit B*).

Drivelocker's invoice indicating 20 hours of RTK work, instructed by the Borough Manager and Solicitor, raises questions about the nature and legality of their involvement, especially given the overlap with specific RTK requests.

Additionally, the borough mentioned an "email scrubbing" process related to Barracuda software. However, Barracuda primarily provides email security features like spam filtering and archiving, not removal of content. This misleading reference raises concerns about what actions were actually performed given Drivelocker's unexplained involvement during this period.

Drivelocker's access to sensitive systems also grants potential access to privileged records not permitted under the RTKL. Their involvement requires thorough explanation to ensure compliance.

Conclusion

The actions detailed in this document cast serious doubts on the borough's claims of exemption under the Right to Know Law (RTKL). Therefore, it is imperative for the Office of Open Records to critically examine these compliance and transparency issues. The principles of accountability and openness enshrined in the RTKL must guide this timely and rigorous investigation.

From:	Fiorella Reginelli-Mirabito
To:	Bradford Flynn
Cc:	Michele Ehrgott; Barry Fenstermaker; Frank Hesch; Mark Saginario; Carol Bear-Heckman; Phyllis Andrews; Anthony Kovalovsky; Marena Rasmus; Tanya Lamparter
Subject:	Re: CONCERNS
Date:	Thursday, October 28, 2021 8:13:03 AM

Brad…

Believe me I understand "conception" and "law" - again, for some reason I cannot shake the fact that it concerns me…that is all.

Safe travels home!

Exhibit A

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
484-281-3628 - Mayors Office
visit us at: www.bathborough.org
"Bath…History Nestled With Friendship"

"*Believe you can, and you're half way there…" - Theodore Roosevelt*

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On Oct 28, 2021, at 8:00 AM, Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:

Understood. And as an objective fact, certain things must occur before the seat is filled.

Public knowledge of him resigning and the actual law on this is not aligned here. The Borough Code dictates what Council can do in this situation. Council accepts Marks resignation in public session. Which hasn't occurred yet. That sets the timetable for filling a seat, depending on the outgoing members tendered resignation date. A seat only opens when a member officially submits his/her resignation and Council accepts it.

We'll get it straightened out. Jamie has been guiding Michele and I. We can discuss further in executive session.

Brad

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Fiorella Reginelli-Mirabito <mayor@boroughofbath.org>
Sent: Thursday, October 28, 2021 3:54:12 AM
To: Michele Ehrgott <mehrgott@boroughofbath.org>
Cc: Barry Fenstermaker <bfenstermaker@boroughofbath.org>; Frank Hesch <fhesch@boroughofbath.org>; Mark Saginario <mark.saginario@boroughofbath.org>; Carol Bear-Heckman <checkman@boroughofbath.org>; Phyllis Andrews <pandrews@boroughofbath.org>; Anthony Kovalovsky <akovalovsky@boroughofbath.org>; Bradford Flynn <bradford.flynn@boroughofbath.org>; Marena Rasmus <marena.rasmus@boroughofbath.org>; Tanya Lamparter <tanya.lamparter@boroughofbath.org>
Subject: Re: CONCERNS

Thanks, Michele…

Although, I believe Brad has just made it clear on what the steps are and how Council is going to proceed. Again, in my humble opinion…it all concerns me.

Have a good day!

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
484-281-3628 - Mayors Office
visit us at: www.bathborough.org
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On Oct 27, 2021, at 6:56 PM, Michele Ehrgott <mehrgott@boroughofbath.org> wrote:

Next meeting November 8th council can discuss np

Sent from my iPhone

On Oct 27, 2021, at 5:15 PM, Fiorella Reginelli-Mirabito

<mayor@boroughofbath.org> wrote:

Good afternoon, everyone…

A quick message to you all, in reference to Mark's resignation on Council.

This weekend at the campfire I spoke to several people in reference to many things throughout our Borough. I listened closely, didn't really give any answers - just smiled and told them I would take their opinions under advisement. One of the items was Mark's resignation from Borough Council and how that is going to be handled. Also, Mr. Mike Long pulled me to the side and gave me his "dissertation" on how things should go; what we should do; what should've been done; available grants; etc. - and, lastly - and, most concerning his firm decision to run as a write-in on Council. Please know - ANYONE receiving the highest votes will get the seat. Those on the ballot really have no reason to worry - since voters usually don't take the time to "write-in". There are others who know of Mark's resignation since it's in the newspaper that he has taken the position in Tatamy, and others wanting to apply for that seat.

I want to go on record - I completely disagree with waiting for Mark's resignation to take effect in January 2022. I think the seat should be filled now. I realize, again, ultimately - the decision is Borough Councils and not mine. Although, I have a terrible feeling about the outcome if you wait to fill the seat. Manny has indicated interest in "applying" to fill the seat - to be honest, I'm not in agreement - but, not my decision either. He DOES NOT want ANY office on Council. He wants to just fulfill the two years and that's it. Michele - please do not be concerned that he wants to be President - or VP for the matter - NO interest at all.

Thank you for allowing me to express my concern… ultimately, as in all things I do - my concern is for the Borough…nothing more.

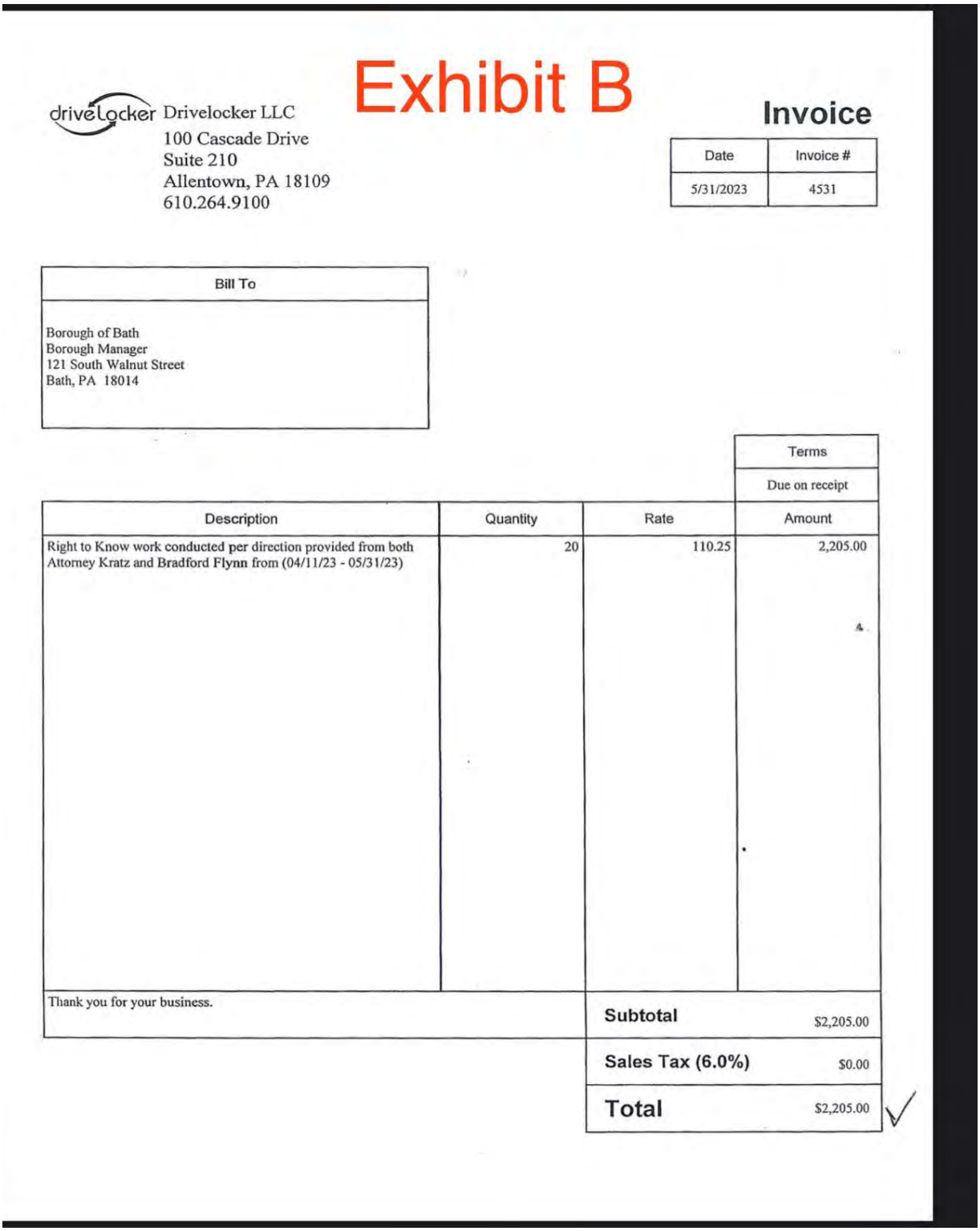
Best,
Fi

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
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Exhibit B



drivelocker Drivelocker LLC
100 Cascade Drive
Suite 210
Allentown, PA 18109
610.264.9100

Invoice

Date	Invoice #
5/31/2023	4531

Bill To

Borough of Bath
Borough Manager
121 South Walnut Street
Bath, PA 18014

Terms
Due on receipt

Description	Quantity	Rate	Amount
Right to Know work conducted per direction provided from both Attorney Kratz and Bradford Flynn from (04/11/23 - 05/31/23)	20	110.25	2,205.00

Thank you for your business.

Subtotal	$2,205.00
Sales Tax (6.0%)	$0.00
Total	$2,205.00

Michael Long

On Wed, Oct 4, 2023 at 5:12 PM Kratz, James F. <james.kratz@stevenslee.com> wrote:

> I'm using Mimecast to share large files with you. Please see the attached instructions.

Appeals Officer Isenberg:

Attached is my letter of today in response to your below email of September 26, 2023 10:12 AM. My letter encloses my Affidavit of today. Said Affidavit includes, among other things, the Borough's exemption log that I created.

I'm sending you, Mr. Long and Manager Flynn this email and its attachment via Mimecast Large File Send because the letter is approximately 35 megabytes because of the enclosed Affidavit and its attachments (Exhibits A thru C).

If you have any questions, please let me know.

Thanks.

James F. Kratz, Esq.

Stevens & Lee

840 W. Hamilton Street, Suite 521

Allentown, PA 18101

T: 610-997-5065

F: 610-371-1229

james.kratz@stevenslee.com

Please note my new email address -- james.kratz@stevenslee.com. While I prefer that you use my new email address, in case you forget, I will continue to receive email addressed to my former email address of jfk@stevenslee.com. Thank you!

From: Isenberg, Kelly <kisenberg@pa.gov>
Sent: Tuesday, September 26, 2023 10:12 AM
To: Michael Long <michael.long479@gmail.com>
Cc: Kratz, James F. <james.kratz@stevenslee.com>; bradford.flynn

<bradford.flynn@boroughofbath.org>; Bradford T. Flynn (manager@boroughofbath.org) <manager@boroughofbath.org>
Subject: RE: [External] Re: AP 2023-1598 - Long v Bath Borough

Mr. Long:

Thank you for your response. Please be mindful of including all parties on emails.

Attorney Kratz:

Please submit an exemption log generally describing all of the redacted and withheld emails. For each record, the exemption log must contain the following information:

(1) The date of the record;

(2) A description of the type of record (e.g., e-mail, letter, text message, etc.), including whether there are attachments to the record;

(3) The name and status of the author and each recipient of the record, including any parties copied on the correspondence or communication (e.g., attorney, agency official/employee, etc.);

(4) A general description of the subject matter of the record; and

(5) A citation to the legal basis upon which each record is withheld or information redacted from the record.

The exemption log must be attested to by a person with actual knowledge of the contents of the records. Additional guidance regarding exemption logs may be found on the OOR's website: https://www.openrecords.pa.gov/RTKL/Forms.cfm.

A copy of the Borough's submission must be provided to the Requester. The Borough's supplemental submission should be provided by October 5, 2023. If additional time is needed to complete the log, an extension request will be considered.

Thank you,

Kelly Isenberg

Kelly C. Isenberg |Attorney

Senior Appeals Officer

Office of Open Records

333 Market Street, 16th Floor

Harrisburg, PA 17101-2234

Phone: (717) 346-9903

Fax: (717) 425-5343

https://www.openrecords.pa.gov

@OpenRecordsPA

From: Michael Long <michael.long479@gmail.com>
Sent: Monday, September 25, 2023 10:22 AM
To: Isenberg, Kelly <kisenberg@pa.gov>
Subject: [External] Re: AP 2023-1598 - Long v Bath Borough

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the Report Phishing button in Outlook.*

Apologies for the delay due to swapping over to a new phone I missed this email until now and fully support and accept your request for an extension.

Thank you

Michael Long

On Thu, Sep 21, 2023 at 10:08 AM Isenberg, Kelly <kisenberg@pa.gov> wrote:

> Dear Mr. Long,
>
> Based on a review of the submissions in this matter, it is necessary to further develop the appeal record by seeking an exemption log from the Borough for the withheld emails. To this end, an extension of the Final Determination deadline will be required, in order to provide time for the Borough to submit an exemption log, as well as to ensure sufficient time to review the log and complete the drafting of the Final Determination. I am proposing the following supplemental submission schedule:
>
> - The Borough submits the exemption log and supporting evidence by October 5, 2023.
> - The Final Determination will be issued on or before October 26, 2023.
>
> Kindly provide a reply to the Request as soon as practicable, or by the close

of business Fri. Sep. 22, 2023. In the absence of an objection to the request, the docket will be amended to reflect the new deadline and a directive will be sent to the Borough with further information regarding the submission of an exemption log.

I thank you in advance for your anticipated understanding and cooperation in this request.

Regards,

Kelly Isenberg

Kelly C. Isenberg |Attorney

Senior Appeals Officer

Office of Open Records

333 Market Street, 16th Floor

Harrisburg, PA 17101-2234

Phone: (717) 346-9903

Fax: (717) 425-5343

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---------- Forwarded message ----------
From: james.kratz@stevenslee.com

To: michael.long479@gmail.com
Cc:
Bcc:
Date: Wed, 04 Oct 2023 17:11:18 -0400
Subject: You've been sent large files

Logo

You've been sent large files

Kratz, James F. sent you large files. Download them before Wed, 11 Oct 2023 23:59 -0400.

Files

10-4-23 JFK letter to Appe...senberg.pdf (34.8 MB)

Download Files

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OOR Exhibit 18

From: Isenberg, Kelly
Sent: Wednesday, October 18, 2023 1:56 PM
To: Michael Long
Cc: Bradford T. Flynn (manager@boroughofbath.org); Kratz, James F.; bradford.flynn
Subject: RE: [External] Re: AP 2023-1598 - Long v Bath Borough

Thank you for the quick response. The docket deadline will be amended.

Regards,

Kelly C. Isenberg |Attorney
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
https://www.openrecords.pa.gov
@OpenRecordsPA

From: Michael Long <michael.long479@gmail.com>
Sent: Wednesday, October 18, 2023 12:19 PM
To: Isenberg, Kelly <kisenberg@pa.gov>
Cc: Bradford T. Flynn (manager@boroughofbath.org) <manager@boroughofbath.org>; Kratz, James F. <james.kratz@stevenslee.com>; bradford.flynn <bradford.flynn@boroughofbath.org>
Subject: Re: [External] Re: AP 2023-1598 - Long v Bath Borough

Yes I agree to the extension request

Michael Long

On Wed, Oct 18, 2023 at 11:24 AM Isenberg, Kelly <kisenberg@pa.gov> wrote:

> Mr. Long,

Thank you for the clarification. I am confirming receipt your Oct. 13, 2023, reply to the Borough's exemption log and supplemental submission.

In addition, I am respectfully requesting a brief seven-business day extension of the Final Determination deadline until Nov. 6, 2023, in order to finalize the review of the exemption log, supplemental submissions and the drafting of the Final Determination. Kindly indicate whether you are in agreement with the extension request. In the absence of an objection by the close of business on Fri., Oct. 20, 2023, the docket will be updated with the amended dates.

Thank you in advance for your anticipated cooperation with the extension request. If you have any questions, please advise.

Regards,
Kelly Isenberg

Kelly C. Isenberg |Attorney

Senior Appeals Officer

Office of Open Records

333 Market Street, 16th Floor

Harrisburg, PA 17101-2234

Phone: (717) 346-9903

Fax: (717) 425-5343

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OOR Exhibit 19

pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
MICHAEL LONG,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2023-1598**
	:	
BATH BOROUGH,	:	
Respondent	:	
	:	

FACTUAL BACKGROUND

On May 17, 2023, Michael Long ("Requester") submitted a request ("Request") to Bath Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking:

> [1.] All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> [a.] The resignation of Mark Saginario
>
> [b.] The vacated council seat following Mark Saginario's resignation
>
> [c.] The appointment of Emmanuel Mirabito to the council seat
>
> [d.] Borough policy on a vacated council seat

[e.] Any potential employment, position benefits, compensation for Fiorella Mirabito

[f.] Advertisement of any new position within the Borough

[g.] The resignation of Marena Rasmus

[h.] Clerk positions within the Borough

[i.] The hiring of any individual for a clerk position within the Borough

[j.] Borough policy on hiring for new positions

[k.] Any public announcement regarding the above topics [. . .]"

Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

[2.] A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:

- Full name
- Position title
- Date of hire
- Department
- Full-time or part-time status
- Salary or hourly wage
- Any additional compensation or benefits

Please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons. Please provide these records in electronic format. If any of these requests are denied, please cite each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available under the law.

On June 23, 2023, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Borough partially denied Item 1 of the Request by providing emails and arguing that no responsive memos, notes or text messages exist. Regarding Item 1, the Borough also claimed that solicitor James Kratz, Esq., did not provide any emails containing legal advice

regarding the resignation of Mark Saginario, the vacated Council seat following the Saginario resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council seat are protected by the attorney-client privilege. In addition, the Borough claims that no emails between Bradford Flynn and Attorney Kratz exist regarding employment, position benefits, or compensation for Fiorella Mirabito; advertisement of any new position within the Borough; the resignation of Marena Rasmus; regarding clerk positions within the Borough; the hiring of any individual for a clerk position with the Borough; Borough policy on hiring for new positions; or any public announcements regarding the categories of records. The Borough partially denied Item 2, of the Request, arguing that a list containing the requested information does not exist. The Borough provided the Employee Earnings Reports for any personnel hired by the Borough for the relevant timeframe, with the home addresses, dates of birth, and social security numbers redacted pursuant to Section 708(b)(6)(i)(A) of the RTKL, 65 P.S. § 67.708(b)(6)(i)(A). The Borough's final response was attested to by the Borough Open Records Officer, Bradford Flynn, subject to the penalty of perjury pursuant to 18 Pa.C.S. § 4904.

On July 13, 2023, the Requester appealed to the Office of Open Records ("OOR"), challenging the partial denial and stating grounds for disclosure.[1] The OOR invited both parties to supplement the record and directed the Borough to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On July 24, 2023, the Borough submitted a position statement reiterating its grounds for partial denial. The Borough also claims that the Requester is improperly attempting to modify Request Item 1, on appeal. In support of its position, the Borough submitted the affidavit of James

[1] The Requester granted the OOR additional time to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).").

Kratz, Esq., the Borough solicitor ("Kratz Affidavit") and the Attestation Regarding Borough Possession of Records, made under penalty of perjury pursuant to 18 Pa.C.S. § 4904, from Bradford Flynn, the Borough Manager ("Flynn Attestation").

On July 24, 2023, the Requester submitted a statement in support of the appeal, arguing that additional responsive records exist and that the Borough failed to conduct a good faith search for records, disputing the Borough's claim of attorney-client privilege, and asserting that the Borough failed to certify the records provided as indicated in the Request form.

On July 25, 2023, Borough Manager Flynn submitted a supplemental statement in reply to the Requester's appeal statement, that was made subject to the penalties of perjury. Manager Flynn addresses the points raised by the Requester, arguing that emails related to the resignation of Office Administrator Marena Rasmus fall outside the timeframe stated in the Request and that the letter of resignation of Council President Mark Saginario, in which he resigned as Borough President, also falls outside the timeframe of the Request. Manager Flynn further states that the December 31, 2021, resignation letter of Mark Saginario, in which he resigned as a Councilmember, was included in the Borough's final response to the Request. Finally, Manager Flynn argues that the Requester failed to raise the issue of certification in the appeal, but, however, if the Requester wishes to have certified copies of the records attached to the Borough's final response, they would be provided at a cost of $5.00 per record, in accordance with the Borough's Fee Schedule (Resolution No. 2022-016), if the Requester notifies the Borough that any or all of the records should be certified.

On July 26, 2023, the Requester submitted a second supplemental appeal statement, asserting that the Borough did not conduct a thorough search for records and that discussions contained in Council meeting minutes suggest that additional records may exist. The Requester

questions the adequacy of the Borough's record keeping practices and, also requests that the Borough conduct a second search for records that "may have been overlooked in digital locations such as[,] emails, text messages, or group chats." The Requester also seeks an *in camera* review of the all relevant records, including those for which the Borough claims the attorney-client privilege.[2,3]

On July 27, 2023, the Requester submitted a third statement, alleging misconduct on the part of the Borough in the form of "scrubbing emails." The Requester included copies of April 3, 2023, Council meeting minutes and the June 5, 2023, Council meeting agenda, which he claims demonstrate discussions of email "scrubbing" and an agenda item of discussion regarding the possible filing of legal action seeking an injunction against the Requester related to RTKL requests. The Requester states, the following:

> Learning that the possibility of deleting or removing emails was raised post-request raises alarms bells and exacerbates my fears about the integrity of the Borough's records management practices and response efforts. Intentionally destroying requested records to avoid disclosure is unambiguously illegal under the RTKL. Even discussing "scrubbing" emails after receiving my access request implies a willful disregard for transparency obligations.
>
> Respectfully, this new revelation warrants serious investigation by the Office of Open Records as part of this appeal. Efforts by any agency to conceal public information from citizens through destruction of records betray the core principles of open government. I await your judicious examination of these deeply troubling allegations.

[2] The Requester's July 26, 2023 submission and the Borough's July 25, 2023, submission were provided after the records closing date; however, to develop the record, the submission was considered. *See* 65 P.S. § 67.1102(b)(3) (stating that "the appeals officer shall rule on procedural matters on the basis of justice, fairness and the expeditious resolution of the dispute").

[3] The Requester also states, "I have been informed about the existence of an ongoing group chat involving council members. This group chat could potentially constitute a continuous state of quorum, raising issues related to open meetings laws. Importantly, communications about borough business that occur on private devices, such as in this group chat, can still be considered public records under the [RTKL]." Allegations of possible Sunshine Act violations are beyond the purview of the OOR's jurisdiction. *See* 65 Pa.C.S. § 715 (providing for the jurisdiction and venue of judicial proceedings).

The Requester has already repeatedly raised the issue of the completeness and good faith nature of the Borough's search in all of his prior filings, thereby placing the issues before the OOR on appeal. Regarding any wrongdoing, illegal activity or allegations of inadequate management on the part of the Borough, the RTKL does not authorize the OOR to conduct an investigation of an agency, as part of the appeals process.

On August 2, 2023, the Borough submitted a supplemental sworn Flynn statement disputing the Requester's assertions of "email scrubbing" on the part of the Borough to evade transparency and evade compliance with the RTKL. In addition, the Borough again argues that the issue of record certification should be dismissed, as it was not raised in the initial appeal and the Requester first raised the issue in his July 24, 2023 submission.

On October 4, 2023, in response to the OOR's directive, the Borough submitted an exemption log, detailing the attorney-client privileged emails identified in response to the Request. The submission included a supplemental Kratz Affidavit, that expanded upon the July 24, 2023, initial Kratz Affidavit.

On October 13, 2023, the Requester submitted a statement in response to the Borough's exemption log. The Requester disputes the accuracy of facts stated in the Second Kratz Affidavit and asserts that the Affidavit "omits text messages and implies privilege covered all communications between the named parties" when it does not. The Requester also asserts that the Borough incorrectly applies the attorney-client privilege to factual matters and that log is missing details such as, dates, authors or recipients of the communications. The Requester further reiterates the argument that the Borough is not being adequately transparent and failing to properly maintain its records. Finally, the Requester seeks an explanation for the IT consultant DriveLocker's

involvement in the handling of RTKL requests and whether access was provided to privileged or sensitive records.

LEGAL ANALYSIS

The Borough is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Borough is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

In this matter, the Requester sought *in camera* review of relevant records. However, based upon the submissions, including the Borough's exemption log, the OOR has the necessary evidence before it to adjudicate the matter and, therefore, the request for an *in camera* review is denied.

1. The Request may not be modified or expanded on appeal

In the appeal form, the Requester states the following as "Records At Issue In This Appeal," "1. Emails between any combo of B. Flynn, F. Mirabito, M. Ehrgott, P. Andrews, B. Fenstermaker, J. Kratz from 9/20/21 to 5/15/22 regarding council membership changes, hiring, and policy. 2. List of employees hired outside of Public Works Department since 1/1/22, with details including name, position, date of hire, department, status, salary, and additional benefits. -

more detailed version attached[.]" In the referenced attachment to the appeal, the Requester states that he is appealing the denial of ...:

> • Email communications between specific individuals regarding the resignation of a council member, the vacated council seat, appointment of a new member, policies on vacated seats, and hiring, among other matters. The Borough claimed no such emails exist without proof.
>
> • A list of employees hired since January 2022 with name, position, salary, etc. The Borough claimed no such list exists but provided employee earnings reports.

The Borough argues that, with regard to Item 1 of the Request, the use of "any combo" is an impermissible modification of the Request. To the extent that the Requester intended to modify or expand the scope of emails sought in Item 1, the OOR's review is on appeal is confined to the Request as written, and any modification or explanation of the Request on appeal will not be considered. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010*); Michak v. Pa. Dep't of Pub. Welfare*, 56 A.3d 925 (Pa. Commw. Ct. 2012) (holding that "where a requester requests a specific type of record ... the requester may not, on appeal argue that an agency must instead disclose a different record in response to the request"). *McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal.") Nevertheless, the Borough states that Manager Flynn interpreted Item 1 as seeking emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz from the timeframe specified between September 20, 2021, to May 15, 2022," thereby implying that emails must have all named individuals on an email for it to qualify as responsive. (Emphasis in original). The OOR has consistently held that an agency may interpret the meaning of a request for records, but that interpretation must be reasonable. *See Spatz v. City of Reading*, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513; *Mezzacappa v. Northampton Cnty. Dist. Atty's*

Off., OOR Dkt. AP 2022-2584, 2023 PA O.O.R.D. LEXIS 80. The OOR determines the reasonableness of the agency's interpretation from the text and context of the request alone, as neither the OOR nor the Requester are permitted to alter the request on appeal. *See McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal."). Further, the RTKL is remedial legislation that must be interpreted to maximize access. See *Gingrich v. Pa. Game Comm'n*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 (Pa. Commw. Ct. 2012). Further, agencies should rely on the common meaning of words and phrases. *Gingrich*, 2012 Pa. Commw. Unpub. LEXIS 38 at *16.

Regarding the Borough's interpretation of Item 1, research shows that the word "between" is defined in the Merriam-Webster dictionary as "by the common action of: jointly engaging" (shared the work between the of them; talks between the three) and "in common to: shared by" (divided between his four grandchildren).[4] While OOR and court precedent makes clear that the Requester may not modify the Request on appeal, the Requester's assertion that the language of Item 1 encompasses "any combo" of emails comports with the use of the word "between" prior to the listing of relevant Borough employees and officials. A reasonable interpretation of the Request is that Item 1 seeks emails between or among any permutation of individuals that may be included on an email, whether it is 2 of them, all seven of them, or some other number of individuals. Therefore, we find that the Borough's interpretation of Item 1 was unreasonably narrow.

In addition, the Borough argues that, while the Requester included a letter with the appeal, which is referenced above as the attachment to the appeal, the appeal should be limited to the records the Requester stated are "Records At Issue In This Appeal" on the appeal form. However,

[4] *See* https://www.merriam-webster.com/dictionary/between (last accessed October 30, 2023).

the information included on the appeal form also stated, "more detailed version attached[.]" Therefore, the OOR's review will be of the partial denial issued by the Borough in response to the original Request language.

2. The Borough has not proven that all non-exempt records have been provided to the Requester

In response to Item 1, the Borough identified and provided emails from December 12, 2021, December 29, 2021 and April 4, 2022, and attachments consisting of Resolution #2021-012, Councilman Mark Saginario's resignation letter, and a letter of interest to fill the Council position from Borough citizen, Emmanuel Mirabito. The Borough claims that no responsive memos, notes, and text messages exist and that no emails from Attorney Kratz "regarding any potential employment, position benefits, compensation for Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing" exist. In addition, the Borough withheld emails sent by Attorney Kratz to Manager Flynn, the Borough Mayor and/or members of Borough Council containing legal advice, "regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council [seat]," arguing that the emails are protected by the attorney-client privilege and attorney work-product doctrine.

In response to a request for records, "an agency shall make a good faith effort to determine if … the agency has possession, custody or control of the record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort," in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court concluded that:

> As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession…. When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors…. After obtaining potentially responsive records, an agency has the duty to review the record and assess their public nature under … the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (*Uniontown Newspapers I*), *aff'd*, 243 A.3d 19 (Pa. 2020) (*Uniontown Newspapers II)*. Additionally, the Commonwealth Court has held that an open records officer's inquiry of agency members may constitute a "good faith effort" to locate records, stating that open records officers have:

> a duty to inquire of [agency personnel] as to whether he or she was in the possession, custody or control of any of the … requested emails that could be deemed public and, if so, whether the emails were, in fact, public and subject to disclosure or exemption from access by [r]equest[e]r.

Mollick v. Twp. of Worcester, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011); *see also In re Silberstein*, 11 A.3d 629, 634 (Pa. Commw. Ct. 2011) (holding that it is "the open-records officer's duty and responsibility" to both send an inquiry to agency personnel concerning a request and to determine whether to deny access).

In support of the Borough's argument that a good faith search was conducted and all non-exempt records were provided, the Flynn Attestation states, the following:

> 4). After receipt of [the Requester's] [RTKL] [R]equest, I reviewed the Borough's hard copy storage files to determine whether the Borough had a hard copy storage file for the following specific topics and found as follows:
>
> a. The resignation of Mark Saginario;
>
> > i. Based on my review, I found the Councilmember file that the Borough has for Mark Saginario for when he was a Councilperson. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

b. The vacated council seat following Mark Saginario's resignation;

i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

c. The appointment of Emmanuel Mirabito to the council seat;

i. Based on my review, I found the Councilmember file that the Borough has for Emmanuel Mirabito since he was appointed a Councilperson in early January 2022. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

d. Borough Policy on a vacated council seat;

i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

e. Any potential employment, position benefits, compensation of Fiorella Mirabito;

i. Based on my review, I found the hard copy personnel file for Fiorella Mirabito. However, the personnel file did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

f. Advertisement of any new position within the Borough;

i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to advertisements of any new position with the Borough.

g. The resignation of Marena Rasmus

i. Based on my review, I found the personnel file for Marena Rasmus. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

h. Clerk positions within the Borough

i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to the general category of clerk positions within the Borough.

i. The hiring of any individual for a clerk position within the Borough.

i. Fiorella Mirabito was the only clerk (part-time office clerk) hired at a certain point during the period from September 20, 2021, to May 15, 2022. And, since I already found the hard copy personnel file for Fiorella Mirabito and found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, I ended my search on this topic there.

j. Borough policy on hiring for new positions.

i. Based on my review, I found the Borough's hard file containing the Borough's policy on hiring new positions. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

5) Via my review described in #4 above, I denied [the Requester's] [R]equest for the alleged memos, I denied [the] [R]equest for the ... memos and notes as they do not exist.

6) After receipt of [the Requester's] ... [R]equest, I checked my cell phone for any text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive text messages. I didn't locate any because none exist. Hence, I denied [the Requester's] request for the alleged text messages because they do not exist.

7) After receipt of [the Requester's] ... [R]equest, I worked with the Borough's IT vendor to conduct a thorough examination of emails in the possession, custody and control of the Borough for records responsive to the request underlying this appeal by performing a search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive emails.

8) From my search described in #7 above, I then reviewed the potentially responsive emails for whether they were responsive to the subject matters identified

by [the Requester] in #3 above and to exclude any attorney-client privileged emails (if any existed) from the potentially responsive emails that I located.

9) Via my review described in #7 above, I located the following non-attorney-client privileged responsive emails:

a. '12_6_21 Meeting of Council' email dated 12/02/2021 from Marena Rasmus to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to me, Solicitor Kratz, Borough Engineer Madison and Borough office secretary Lamparter. This email is responsive because it references proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) which, at Article 2.7 (Filling Council Vacancies), is responsive to [the Requester's] request for Borough policy on a vacated council seat. I downloaded a copy of this email and marked it Attachment 'A'.

i. The above email (Attachment 'A') included an attachment (Council packet) that included Resolution #2021-012. I downloaded proposed Resolution #2021-012 and marked it Attachment 'A' - 1.

b. 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz, former employee Rasmus and Borough office secretary Lamparter. This email is responsive because it references Mark Saginario's resignation from Council and a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mr. Saginario's resignation. I downloaded a copy of this email and marked it Attachment 'B'.

i. The above email (Attachment 'B') included an attachment (Council packet) that included Mr. Saginario's resignation letter from Council. I downloaded Mr. Saginario's resignation letter from Council and marked it Attachment 'B' – 1.

ii. The above email (Attachment 'B') included an attachment (Council packet) that included a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mark Saginario's

resignation. I downloaded Mr. Mirabito's letter of interest and marked it Attachment 'B' – 2.

c. 'March Meeting Minutes' email dated 04/04/2022 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz and Borough Engineer Madison. This email is responsive because it is my reporting that former Borough employee Marena Rasmus resigned from her position effective Sunday, April 3, 2022. I downloaded this email and marked it Attachment 'C'.

10) Via my review described in #7 above, I located the following attorney-client privileged email:

a. 'RE: 12/6/21 Meeting of Council' email dated December 3, 2021, from Solicitor Kratz to former Borough employee Rasmus with copy to me, Borough Engineer Madison, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker). This email contains Solicitor Kratz's legal advice regarding proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) including, but not limited to, legal advice regarding Article 2.7(f) of proposed Resolution #2021-012.

i. When I discussed Solicitor Kratz's above email with him on or around June 23, 2023, Solicitor Kratz informed me that, as a precautionary measure, I should note in the Borough's denial letter to Mr. Long that emails from Solicitor Kratz to me, the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council seat are privileged per attorney-client and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record"). I believe Solicitor Kratz stated that because of the email referenced in #7)a. above and certain other attorney-client privileged emails that he possesses.

11) Via my review described in #7 above, I determined that the potentially responsive emails did not contain any privileged or non-privileged emails from

> Solicitor Kratz regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing.
>
> 12) Via my review described in #7 above, I also determined that the potentially responsive emails did not contain any privileged or non-privileged emails from any of the other persons identified by [the Requester's] request regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding same but I forgot to state that in my letter of June 23, 2023 to Mr. Long.
>
> 13) Via the Borough's final response to [the Requester's] ... Request, I granted him access to (and provided to him) the non-attorney-client privileged responsive records that I located and have identified in #9 above (Attachments 'A', 'A' – 1, 'B', 'B' – 1, 'B' – 2, and 'C' and identified in the Borough's final response of June 23, 2023, to Mr. Long.

Under the RTKL, an affidavit may serve as sufficient evidentiary support to withhold requested records. *See Sherry v. Radnor Twp. Sch. Dist*., 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

The Requester argues that more responsive records should exist. The Requester notes that Borough Council meeting minutes for July 14, 2021, and April 4, 2022 reference the resignation letters of Ms. Rasmus and Councilperson Saginario and such records fall within the scope of the Request. Regarding Ms. Rasmus' resignation, Manager Flynn stated in the July 25, 2023, sworn statement that "[o]n April 3, 2022, emailed her resignation of [B]orough employment, effective immediately" and "[t]he email served as the resignation letter." Manager Flynn states that the email was not captured in the Borough's search because the email recipients included himself, Ms. Ehrgott, Frank Hesch, and the message was copied to Mayor Mirabito and Tanya Lamparter, and "the email recipients fall outside the scope of [the Request]." Manager Flynn's statement demonstrates that the Borough's search was based on what we have determined was an

impermissibly narrow interpretation of Item 1. Accordingly, the Borough has failed to demonstrate that the search described in ¶¶ 4, 6-7, was a sufficient search to prove that no additional responsive records may exist within its possession, custody or control. *See Segelbaum and The York Daily Record v. York Cnty.*, OOR Dkt. AP 2021-1180, 2021 PA O.O.R.D. LEXIS 2098 (finding that County's search for emails using only suggested keywords was an unreasonably narrow interpretation of the request); *Vodzak v. South Park Twp.*, OOR Dkt. AP 2021-1784, 2021 PA O.O.R.D. LEXIS 1815 (concluding that, based on the request language seeking financial date, searching for only invoices an impermissibly narrow interpretation and the search was not conducted in good faith); *Kneller v. Luzerne Cnty.*, OOR Dkt. AP 2020-0864, 2020 PA O.O.R.D. LEXIS 1226 (concluding that the County's search for a only list of employee appointments and resignations was based on an unreasonably narrow interpretation of the request and did not amount to a good faith search). As a result, the Borough has not proven that no additional emails, memos, notes, or text messages related to the subjects outlined in 1(a) – 1(k), exchanged between or among any of the individuals identified in Item 1, exist within its possession, custody or control. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

However, regarding the Saginario resignation letter, Manager Flynn attests that Councilperson Saginario only resigned his position as Council President during the July 14, 2021 meeting, not from his position as a Councilmember. Manager Flynn further attests that Saginario "later resigned as a Councilmember via his letter dated December 31, 2021, which resignation was accepted by ... Council at its meeting on January 3, 2022" and that the December 31, 2021, resignation letter was provided to the Requester, with the Borough's final response. A review of the appeal shows that the December 31, 2021 resignation letter was attached to the Borough's June 23, 2023 final response letter as Attachment B-1. Therefore, the Borough has proven that the

Saginario resignation letter has been provided in response to Item 1(a). Nevertheless, as we have determined that the Borough did not conduct a sufficient search, we find that the Borough has not demonstrated that no responsive emails or other requested records exist. *Hodges*, 29 A.3d at 1192. In addition, the OOR is mindful that an agency cannot produce records that do not exist within its "possession, custody or control" and, accordingly, is not ordering the creation of any records sought in the Request. *See, e.g., Segelbaum and The York Daily Record v. York Cnty, supra*.; *Campbell v. Galeton Area Sch. Dist.*, OOR Dkt. AP 2018-2175, 2019 PA O.O.R.D. LEXIS 45; *Kowalchick v. Norwegian Twp.*, OOR Dkt. AP 2018-2217, 2019 PA O.O.R.D. LEXIS 48.

2. The Borough has demonstrated that certain emails responsive to Item 1 are privileged

The Borough withheld certain emails responsive to Item 1, arguing that the information is protected by the attorney-client privilege. More specifically, in the June 23, 2023 final response, the Borough stated, in pertinent part, "as to emails from Solicitor Kratz to me [Manager Flynn], the Mayor and/or members of Council regarding Solicitor Kratz's advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council [seat]" are protected by the attorney-client privilege.

In order for the attorney-client privilege to apply, an agency must demonstrate that: 1) the asserted holder of the privilege is or sought to become a client; 2) the person to whom the communication was made is a member of the bar of a court, or his subordinate; 3) the communication relates to a fact of which the attorney was informed by his client, without the presence of strangers, for the purpose of securing either an opinion of law, legal services or assistance in a legal matter, and not for the purpose of committing a crime or tort; and 4) the privilege has been claimed and is not waived by the client. *Bousamra v. Excela Health*, 210 A.3d

967, 982-83 (Pa. 2019) (citing *Nationwide Mut. Ins. Co. v. Fleming,* 924 A.2d 1259, 1263-64 (Pa. Super. Ct. 2007), *aff'd* 992 A.2d 65 (2010)). "[A]fter an agency establishes the privilege was properly invoked under the first three prongs, the party challenging invocation of the privilege must prove waiver under the fourth prong." *Office of the Governor v. Davis,* 122 A.3d 1185, 1192 (Pa. Commw. Ct. 2014). An agency may not, however, rely on a bald assertion that the attorney-client privilege applies. *See Clement v. Berks County,* OOR Dkt. AP 2011-0110, 2011 PA O.O.R.D. LEXIS 139 ("Simply invoking the phrase 'attorney-client privilege' or 'legal advice' does not excuse the agency from the burden it must meet to withhold records"). In support of the Borough's claim of privilege, the Borough presents the Supplemental Kratz Affidavit.[5] In addition, the Borough relies on *Gillard v. AIG Insurance Co.*, 15 A.3d 44 (Pa. 2011) and *Davis*, *supra*., as well as RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2), in further support of its argument. 65 P.S. §§ 67.102; 67.305(a)(2); 67.506(c)(2).

The Kratz Affidavits state that Attorney Kratz is an attorney licensed in Pennsylvania and employed by the law firm of Stevens & Lee. Supplemental Kratz Affidavit, ¶¶ 1-3. Attorney Kratz states that he served as the Assistant Borough Solicitor from January 2005 – August 2021, and, subsequently, he commenced serving as the Borough Solicitor. Supplemental Kratz Affidavit, ¶¶ 4-6. The Supplemental Kratz Affidavit also provides, the following:[6]

> 14. Here, the holder of the privilege is the Borough ... and the Borough has not waived the privilege.
>
> 15. Bradford T. Flynn ("Flynn") is an Open Records Officer for the Borough.
>
> 16. Flynn is also the Manager for the Borough.

[5] The Supplemental Kratz Affidavit incorporates that initial Kratz Affidavit that was provided by the Borough with its July 24, 2023, submission, expands on the initial Affidavit and corrects any errors found in the initial Affidavit, based on a subsequent review related to the production of an exemption log.

[6] Certain portions of the original Supplemental Kratz Affidavit have been bolded, in order to signal the OOR as to what material had been amended from the initial Kratz Affidavit. However, we have not included the emphasis in the text quoted in this Final Determination.

17. On or around June 23, 2023, Flynn, in his capacity as a Borough Open Records Officer, asked me to review several potentially responsive emails that he located via his search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022, regarding the subject matters identified in the RTKL Request.

18. Based on my review of the potentially responsive emails that Flynn located via his search on the Borough's server, I identified only my email of December 3, 2021, from me to former Borough employee Marena Rasmus with copy to Flynn, Borough Engineer Madison, Borough employee Lamparter, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) (the "JFK Email of 12-3-21") as containing my legal advice regarding several parts of proposed Resolution #2021-012 including, but not limited to, Article 2.7(f) of proposed Resolution #2021-012.

19. Article 2.7 of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, Article 2.7(f) of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, my legal advice in the JFK Email of 12-3-21 related to the process to appoint a person to a vacated Council seat. Also, while my Affidavit of July 24, 2023, states that "[b]ecause of that, my legal advice in the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012 ... , ... , ... related to the prospective appointment of Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario[]", after further review, that statement is not correct because it was not until the January 2022 Regular & Reorganization Meeting email dated 12/29/2021 (Attachment 'B' to Bath's final response letter dated June 23, 2023, addressed to Mr. [the Requester] which response letter is attached hereto as Exhibit "C" which response letter included (a) then Councilmember Mark Saginario's resignation letter dated December 31, 2021 (Attachment 'B-1' to Exhibit "C" attached hereto) and (b) the Emmanuel Mirabito letter of interest dated December 13, 2021 (Attachment 'B-2' to Exhibit "C" attached hereto)) that I became aware of the possibility of Council possibly appointing Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario and I was not asked to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat.

20. The JFK Email of 12-3-21 falls within the "between Bradford Flynn , Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022" stated in [the] RTKL Request....

21. The JFK Email of 12-3-21 was made to representatives of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to a communication from Borough employee Marena Rasmus, outside

the presence of strangers, for an opinion of law regarding any part of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.

22. The JFK Email of 12-3-21 is protected by the attorney-client privilege....

23. In response to Office of Open Records Appeal Officer Kelly Isenberg's request of September 26, 2023, for the Borough to provide an Exemption Log, attached hereto as Exhibit "A" is the Borough's Exemption Log.

24. I prepared the Borough's Exemption Log and I have actual knowledge of the records identified in the Borough's Exemption Log.

25. The JFK Email of 12-3-21 is identified as Record Number 1 on the Borough's Exemption Log. *See* Exhibit "A".

26. On or around June 23, 2023, I also stated to Flynn that, as a precautionary measure, he should note in the Borough's letter of June 23, 2023, to Mr. [the Requester] that emails from me to Flynn, Mayor Fiorella Mirabito and/or members of Council regarding my legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat[7] and the process to appoint a person to Council seat are attorney-client privileged and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record").

27. I stated "and/or" to Flynn (as referenced in paragraph 26 above) because (a) the JFK Email of 12-3-21 which falls within the "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz" but also (b) I had/have the following email exchange for legal advice that does not fall within "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz":

> (a) Email exchange in October 2021 (the "Email Exchange in October 2021") with Flynn and Council President Ehrgott regarding their request for legal advice regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person. The prospective appointment of Emmanuel Mirabito to the Council seat was not a part of this email exchange and it was not part of the JFK Email of 12-3-21 either. As stated in paragraph 19 above, I was not asked to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat.

[7] In a footnote to paragraph 26 of the Supplemental Affidavit, Attorney Kratz explained that "[o]n or around June 23, 2023, [he] mistakenly included the topic of the appointment of Emmanuel Mirabito to Council as I was not asked to provide a legal opinion regarding the appointment of Emmanuel Mirabito to Council and re-reviewing the content of the attorney-client privileged emails identified on the Borough Exemption Log made me realize that."

28. The Email Exchange in October 2021 is comprised of the emails identified as Record Numbers 2 thru 12 on the Borough's Exemption Log attached hereto as Exhibit "A".

29. The Email Exchange in October 2021 was made by and to representatives of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers , in response to emails from Flynn and Council President Ehrgott, outside the presence of strangers, for an opinion of law and legal assistance regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person and not for the purpose of committing a crime or tort.

30. The Email Exchange in October 2021 is protected by the attorney-client privilege....

31. I stated "and/or" to Flynn as stated in paragraph 26 above because I desired that Flynn inform Mr. [the Requester] that I did provide legal advice on the topics covered by the Email Exchange in October 2021 so [the Requester] is aware that Flynn and Council President Ehrgott were aware of my legal advice so [the Requester] may possibly find that he does not need to make another [RTKL] request on that topic/time period.

32. On or around June 23, 2023, I also searched my email records for the Borough and did not find any other email exchanges regarding Mr. [the Requester]'s other subject matters during the relevant time frame so I informed Flynn that I didn't have other attorney-client privileged emails to note for Mr. [the Requester].

33. In preparing my Affidavit of July 24, 2023, I performed another search to ensure my initial search was correct and I located the following email exchanges:

> (a) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #1"), between Flynn and me wherein Flynn sought legal opinions regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation and where I provided legal advice in response to same.
>
> (b) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #2"), between Council President Ehrgott and me wherein Council President Ehrgott sought legal opinion regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and where I provided legal advice in response to same.

34. The JFK 4-21-22 Email Exchange #1 was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to a communication from Flynn, outside the presence of strangers, for opinion of laws regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation, and not for the purpose of committing a crime or tort.

35. In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #1 was not made for the purpose of committing a crime or tort.

36. The JFK 4-21-22 Email Exchange #1 is protected by the attorney-client privilege....

37. The JFK 4-21-22 Email Exchange #1 is identified as Record Numbers 13 thru 15 on the Borough's Exemption Log attached hereto as. Exhibit "A".

38. The "JFK 4-21-22 Email Exchange #2" was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to a communication from Council President Ehrgott, outside the presence of strangers, for an opinion of law regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough, and not for the purpose of committing a crime or tort.

39. In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #2 was not made for the purpose of committing a crime or tort.

40. The JFK 4-21-22 Email Exchange #2 is identified as Record Numbers 16 thru 18 on the Borough's Exemption Log attached hereto as Exhibit "A".

41. The JFK 4-21-22 Email Exchange #2 is protected by the attorney-client privilege....

42. While the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 each fall outside of Mr. [the Requester]'s "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and [Solicitor Kratz]" designation via his RTKL Request and are attorney-client privileged, I informed Mr. [the Requester] of the existence of the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 via my Affidavit of July 24, 2023, so Mr. [the Requester] is aware that Flynn and Council President Ehrgott were aware of the legal advice that I provided so Mr. [the Requester] may possibly find that he does not need to make another right-to-know law request on those topics/time period.

> 43. In preparing this Affidavit, I gathered the emails identified as Record Numbers 1 thru 18 and, in doing so, I located the following attorney-client privileged email exchange that relates to the JFK Email of 12-3-21:
>
> > (a) Email exchange on December 6, 2021 (the "12-6-21 Email Exchange") between Flynn and me wherein Flynn sought follow up legal advice to the legal advice that I provided via the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012.
>
> 44. The 12-6-21 Email Exchange was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to [the Requester's] email of 12-6-21 ... for follow up legal advice regarding the JFK Email of 12-3-21 regarding Article 2. 7(f) of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.
>
> 45. The 12-6-21 Email Exchange is comprised of the emails identified as Record Numbers 19 and 20 on the Borough's Exemption Log attached hereto as Exhibit "A".
>
> 46. The 12-6-21 Email Exchange is protected by the attorney-client privilege....

A review of the exemption log shows that the emails the Borough claims are protected by the attorney-client privilege were exchanged between Attorney Kratz, Manager Flynn, Borough Council members and Borough employees, during the relevant timeframe noted in the Request. The subject matters of the emails is described as legal advice regarding a proposed Resolution related to the appointment process for a vacated Council seat, legal advice in response to a verbal inquiry regarding Councilman Saginario's resignation and the appointment process to fill the vacancy, and legal advice related to the prospective employment of Ms. Mirabito as a part-time office clerk for the Borough. The Requester argues that the Borough's claim of attorney-client privilege "may be an overreach or abuse of the ... privilege, in this case" and that the Borough has not supported the claim of privilege with sufficient evidence. However, when the log is reviewed in conjunction with Attorney Kratz's affidavit, especially considering the fact that Attorney Kratz was a party to the emails and would have personal knowledge of the content, as well as the fact

that Attorney Kratz personally reviewed all of the withheld emails, the Borough's evidence is sufficient to demonstrate that the withheld emails described in the Kratz Affidavits are protected by the attorney-client privilege.

The Requester also states that communications between an agency and counsel regarding the appointment of an individual to an elected position is "procedural in nature and laid out by the law [and] should not be shielded from public scrutiny." However, the Requester did not expand on this argument or provide a citation to a "law" or legal precedent for such an exception to the attorney-client privilege.

However, as the Requester asserts that factual material in an otherwise privileged document is not protected and, as neither the log nor attestations address whether the withheld emails contain purely factual or routine information, to the extent that any of the emails contain information that does not discuss the contents of the legal advice sought or provided, the portions of such emails are not protected by the privilege. Similarly, the attachments to the withheld emails, if any, are not protected if they are purely factual information. *See Pa. Dep't of Educ. v. Bagwell*, 114 A.3d 1113, 1124 (Pa. Commw. Ct. 2015) (citing *Commw. v. Vartan*, 733 A.2d 1258 (Pa. 1999)); *see also Upjohn Co. v. United States*, 449 U.S. 383 (1981) (privilege extends only to communications and not to fact).

3. The Borough has proven that a list responsive to Item 2 does not exist

Item 2 of the Request sought a "list of all employees hired by the Borough outside of the Public Works Department since January 1, 2022" that includes the name, position title, date of hire, department, full-time or part-time status, salary or hourly wage and any additional compensation benefits for each person hired. The Borough denied Item 2, claiming that a responsive list does not exist. However, the Borough did provide the Requester with copies of

"Employee Earnings Reports" for any personnel hired from January 1, 2022, to April 30, 2023, with the individuals' home addresses, social security numbers, and dates of birth, pursuant to Section 708(b)(6)(i)(A) of the RTKL, 65 P.S. § 67.708(b)(6)(i)(A). The Borough provided the Employee Earnings Reports for Michael Kovach, Fiorella Mirabito, and David Smith[8] to the Requester and the copies were included with the appeal. The Employee Earnings Reports include the employee start date, number of hours worked per weekly pay period, and gross pay for the respective period. *See* Flynn Attestation, ¶ 19.

Regarding Item 2 of the Request, the Flynn Attestation states that Manager Flynn is familiar with the names and positions of Borough employees by virtue of his employment obligations as Borough Manager and also, that he "conduct[s] the hiring process for any prospective Borough employee." Manager Flynn attests that the Borough does not maintain a list containing the information requested in Item 2. *See* ¶¶ 15-17. The Flynn Attestation also states that Manager Flynn participated in the hiring of Michael Kovach, Fiorella Mirabito and David Smith, during the relevant timeframe. The Flynn Attestation states that Michael Kovach and David Smith were hired as a part-time parking and code enforcement officer, and Fiorella Mirabito was hired as a part-time office clerk. *See* ¶¶ 18(a) – (c). The Flynn Attestation further provides the start date, hourly pay rate, full or part-time employment status and any pay increases that took place during the relevant timeframe for Kovach, Mirabito and Smith. *See, id.* Finally, the Flynn Attestation explains that, while the Employee Earnings Reports shows that the employees have a standard work week of 40 hours, each of the three employees are, in fact, part-time at-will

[8] We note that the copy of the Employee Earnings Report indicates that the employee's name is *Cavic* Smith. In addition, in all other words with the letter "d", the letter has been replaced with a "c", such as the word "date." In the Supplemental Katz Affidavit and the Borough's submission in support of the Exemption Log, it was explained that the misspelling of David Smith's name may have stemmed from an error related to the software the Requester used to upload the appeal and attachments. The Borough provided the correct and true copy of the Reports with the October 4, 2023, submission. *See* Supplemental Katz Affidavit, ¶¶ 49-50; Attachment D of Exhibit C.

employees, and that Manager Flynn, "did not create the format of the Employee Earnings report and [he doesn't] know how that field was created or populated. The report form is generated from the Borough's designated payroll servicing company, NCR payroll." *See* ¶ 20. As a result of Manager Flynn providing additional points of information not available on the Employee Earnings Report, during the course of the appeal, the appeal is moot as to the three employees' start date, hourly pay rate, full or part-time employment status, pay increases, and employment position.

Regarding the Borough's denial of a list, the RTKL provides, "[w]hen 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."). *See* 65 P.S. § 67.705. "An agency need only provide the information in the manner in which it currently exists." *Commonwealth v. Cole*, 52 A.3d 541, 547 (Pa. Commw. Ct. 2012). An agency is not required to create a list or spreadsheet containing the requested information; however, "the information … must simply be provided to requestors in the same format that it would be available to agency personnel." *Id*. at 549, n.12. Further, the OOR has consistently held that "where an agency does not maintain a list specified by a requester, the agency is not required to create such a list." *See Purcell and the Philadelphia Inquirer v. City of Phila., Dep't of Lic. & Insp.*, OOR Dkt. AP 2023-1818, 2023 PA O.O.R.D. LEXIS 2299 (agency is not required to search contractor violation files and extract certain requested datapoints to compile a list in response to a request); *Bush v. Carrol Twp*., OOR Dkt. AP 2019-1721, 2019 PA O.O.R.D. LEXIS 1783 (denying a request for a list of specific information where no such list exists).

In this matter, the Flynn Attestation demonstrates that a list containing the information sought in Item 2, does not exist within its possession, custody or control and would require the

creation of a record. *See Hodges*, 29 A.3d at 1192; *Hays v. Pa. State Police*, OOR Dkt. AP 2015-0193, 2015 PA O.O.R.D. LEXIS 294. Furthermore, none of the Requester's multiple submissions contain competent evidence to prove that such a list exists. In addition, Item 2 expressly states, "[p]lease note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons" and the Borough's sworn final response indicates that only personal information was reacted under Section 708(b)(6)(i)(A). While the Borough also redacted dates of birth, information not expressly exempt under Section 708(b)(6)(i)(A), on October 18, 2023, the Requester responded to the OOR's request for clarification by stating that he intended to include date of birth within the "personal identifying information" category of information that he expressly could be redacted. Accordingly, the Borough has proven that the employee information sought in Item 2, does not exist and that the Borough is not required to create a record. 65 P.S. § 67.708(a); 65 P.S. § 67.705.

4. The Borough failed to certify the records pursuant to Section 904 of the RTKL

The Requester argues that he requested certified copies of the responsive records and that the Borough failed to certify the records provided. Under the RTKL, "[i]f an agency's response grants a request for access, the agency shall, upon request, provide the requester with a certified copy of the record if the requester pays the applicable fees...." 65 P.S. § 67.904. The Requester indicated on the Request form that certified copies were being sought. While the Borough argues that the Requester has waived the issue of certification on appeal, the Request clearly indicated certification was sought on the face of the form. In addition, the Requester used the OOR standard appeal form and therefore, Section 1101 of the RTKL. *See Auerbach v City of Phila. Law Dept*., OOR AP Dkt. 2023-0404, 2023 PA O.O.R.D. LEXIS 763 (noting that the statement in the OOR's standard appeal form is sufficient to meet the requirements of Section 1101(a)). Furthermore,

Manager Flynn stated in the July 25, 2023, sworn statement that, "the Borough can accommodate that request at a cost of $5.00 per record (in accordance with the Borough's Schedule of Fees, Resolution No. 2022-016)" if the Requester notifies the Borough that he wishes to have the responsive records certified and pay the applicable charges. Section 1307(c) of the RTKL permits agencies to "impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record." 65 P.S. § 67.1307(c); *see also* Official Fee Structure (recommending no more than $5.00 per record for certification fees).[9] Therefore, the Borough is required to provide certified copies, upon payment of applicable fees.

5. The OOR declines to make a finding of bad faith

The Requester presents several claims concerning the Borough's actions in regard to the instant Request and appeal, as well as general concerns about transparency and records maintenance. The Requester alleges that the Borough's search for responsive records "seems lacking in thoroughness and timeliness." The Requester also asserts that the record keeping practices raises concerns because "[t]here is a recurring pattern where they provide only some records while stating that others do not exist or cannot be produced. Yet, when the existence of these records is later established, they produce manually created versions instead of official reports. These substitute records often raise more questions than they answer." In addition, the Requester raises concerns regarding the Borough's transparency and alleged violations of the Pennsylvania Sunshine Act. Finally, the Requester relies on the April 3, 2023, Council meeting minutes to allege that the Borough is engaging in "email scrubbing."

[9] *See* https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm (last accessed October 17, 2023).

While the OOR may make findings of bad faith, only the courts have the authority to impose sanctions on agencies. *See generally* 65 P.S. § 67.1304(a). Under the RTKL, a finding of bad faith is appropriate where an agency refuses to comply with its statutory duties under the RTKL. *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 243 A.3d 19, 28-29 (Pa. 2020); *California Univ. of Pa. v. Bradshaw*, 210 A.3d 1134 (Pa. Commw. Unpub. 2021) *appeal denied* 2019 PA LEXIS (Pa. 2019); *Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017).

In the instant matter, while we have determined that the Borough's search was not sufficient due to the narrow interpretation of the Request, the appeal record demonstrates that the Borough engaged in a timely search in response to the Request and provided a lengthy and detailed final response and fully participated on appeal. Regarding the adequacy of the Borough's record keeping or maintenance, such a claim is beyond the purview of the RTKL and the OOR's review. Regarding the claim of "email scrubbing," the Borough submitted a supplemental sworn statement from Manager Flynn, addressing the allegations. Manager Flynn asserts that, not only were the April 3, 2023, discussions not relevant to the timeframe of the Request and this appeal, but, also, the claims are erroneous. Manager Flynn attests that "the 'email scrubbing' refers to the Borough's newly installed Barracuda Network Email Gateway Defense Quarantine program (the "Barracuda Defense Program"). This is a security measure used by the Borough effective May 19, 2023, to control outside emails being sent to our government's email exchange server" as the Borough has been the subject of email phishing scams and the new system was installed as an added layer of cybersecurity. Manager Flynn further explained that a reference to emails to Borough employees and officials noted in the June 5, 2023, Borough Council meeting agenda, were reminders sent

because the Barracuda Defense System was going live on May 19, 2023, and emails would no longer be accessible other than by logging into Barracuda.

A finding of bad faith is typically reserved only for an egregious or blatant violation of the RTKL. The OOR has made a finding of bad faith where an agency failed to provide evidence that it conducted a good faith search and repeatedly ignored deadlines set by the OOR and the RTKL and declined to address the OOR's requests for clarification. *See Towne v. Pittsburgh Water and Sewer Auth.*, OOR Dkt. AP 2021-0292, 2021 PA O.O.R.D. LEXIS 307. The OOR has also found that an agency acted in bad faith where it demonstrated a pattern of invoking extensions but failing to respond to requests or participate in the appeals. *See Hayden v. City of Reading*, OOR Dkt. AP 2018-0244, 2018 PA O.O.R.D. LEXIS 402. Based on a review of the record in consideration of the Requester's bad faith claims, we find that the record does not support a finding that the Borough has acted in an egregious fashion or that there is a pattern of shirking RTKL obligations. Therefore, we decline to make a finding of bad faith.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part**, **denied in part** and **dismissed as moot in part**, and the Borough is directed to conduct a supplemental search for records responsive to Item 1, except for the records determined to be privileged, as set forth in this Final Determination. If no additional records are located as a result of its search, the Borough shall provide an attestation or sworn affidavit to the Requester confirming same. Such action must take place within thirty days of the mailing date of this Final Determination. In addition, the Borough is directed to certify all responsive records, upon the payment of fees in accordance with the OOR's fee schedule. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Delaware

County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.[10] All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 3, 2023

/s/ Kelly C. Isenberg

_____

SENIOR APPEALS OFFICER
KELLY C. ISENBERG, ESQ.

Sent via email to: Michael Long; James Kratz, Esq.; Bradford Flynn

[10] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

OOR Exhibit 20

ENTRY OF APPEARANCE

IN THE MATTER OF :
:
MICHAEL LONG , :
Requester :
:
v. : **OOR Dkt. AP** 2023-1598
:
BATH BOROUGH , :
Agency :

Please accept my appearance for the Borough of Bath (Agency) in the above captioned case.
(Requester/Agency)

PUBLIC RECORD NOTICE: ALL FILINGS WITH THE OOR WILL BE PUBLIC RECORDS AND SUBJECT TO PUBLIC ACCESS WITH LIMITED EXCEPTION. IF YOU DO NOT WANT TO INCLUDE PERSONAL CONTACT INFORMATION IN A PUBLICLY ACCESSIBLE RECORD, PLEASE PROVIDE ALTERNATE CONTACT INFORMATION IN ORDER TO RECEIVE FUTURE CORRESPONDENCE RELATED TO THIS APPEAL.

Attorney Name: J. Chadwick Schnee, Esq.

Firm: Schnee Legal Services, LLC

Address: 74 E. Main Street, #648

Lititz, PA 17543

Email: chadwick@schneelegal.com

Phone Number: 717-400-5955

Please submit this form to the Appeals Officer assigned to the appeal. Remember to copy all parties on this correspondence. The Office of Open Records will not consider direct interest filings submitted after a Final Determination has been issued in the appeal.

Schnee Legal Services, LLC
74 E Main Street #648
Lititz, PA 17543
(717) 400-5955
chadwick@schneelegal.com
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November 17, 2023

Kyle Applegate, Esq.
Chief Counsel
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

RE: **PETITION FOR RECONSIDERATION** –

Michael Long v. Bath Borough, OOR Dkt. AP 2023-1598

Dear Chief Counsel Applegate:

My client, the Borough of Bath ("Borough"), respectfully seeks reconsideration of the matter docketed at OOR Dkt. AP 2023-1598 (attached hereto as Exhibit A).

Specifically, the assigned Appeals Officer erred by (1) refashioning the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. request ("Request") submitted by Michael Long ("Requester") to seek additional records beyond the scope of the Request; (2) ordering the release of alleged non-email documents after the Requester narrowed the scope of his appeal to alleged emails; and (3) ordering the release of information that would reveal the content of legal advice rendered. For these reasons, the Borough respectfully asks that the Office of Open Records ("OOR") grant reconsideration in this matter.

1. The OOR impermissibly refashioned the Request.

The Commonwealth Court has long-since held that "[n]owhere in [the RTKL] has the General Assembly provided that the OOR can refashion the request." *Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. 2010). In the present case, the Request explicitly sought records "**between** Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz…" (Emphasis added.) The use of the words "between" and "and" indicate that the Request only intended to seek records among the entire group, rather than records between less than the entire group. To the extent that the Request intended to, instead, seek records between less than the entire group, the Request should have sought records between those individuals using the phrase "**and/or**" in order to indicate that the Request sought both (1) records among the entire group and (2) records among less than the entire group. In other words, it was reasonable for the Borough to interpret the Request as only seeking records among the entire group.

The Appeals Officer, however, held that it was *also* reasonable for the Request to seek records encompassing "any combo" of members of the group. In doing so, the Appeals Officer impermissibly refashioned the Request despite recognizing the case law preventing the OOR from doing so. Just because the Requester's interpretation of his Request was arguably also reasonable does not make the Borough's interpretation of the Request as written unreasonable, especially where an agency has a certain amount of discretion in interpreting RTKL requests. For these reasons, the OOR impermissibly expanded the scope of the Request to seek records beyond what was sought, and reconsideration should be granted.[1]

2. The OOR impermissibly granted access to records other than emails.

The OOR has previously held that requesters may choose to limit the scope of appeals. *See*, *e.g.*, *Youngblood v. Philadelphia Redevelopment Authority*, OOR Dkt. AP 2015-2902 (limiting an appeal solely to one exemption); *Sopko v. Central Bucks School District*, OOR Dkt. AP 2023-0820 (limiting an appeal solely to names); *Walz v. Washington County*, OOR Dkt. AP 2023-0375 (limiting an appeal to certain records); *Suttles v. Beaver Borough*, OOR Dkt. AP 2023-0487 (same).

While the Request sought records beyond emails, the Requester, on appeal, limited his request to seeking only "emails." Specifically, in his appeal form, the Requester wrote under "Records at Issue in this Appeal" that he was seeking "emails." Additionally, in his July 13, 2023 correspondence accompanying his appeal, the Requester wrote that he was "appealing the denial of [his] request for: Email communications…"

In the Final Determination, however, the Appeals Officer found that the Borough had not "proven that no additional … memos, notes, or text messages … exist…" *See* Final Determination at 17. As the appeal facially was limited to emails, the Appeals Officer erred in granting access to "memos, notes, or text messages."

3. The OOR impermissibly granted access to records that would reveal the subject matter of privileged communications.

The Appeals Officer also erred in ordering the release of "purely factual" information within privileged emails. While "purely factual" information is potentially discoverable, it is only accessible where such information can be divulged without revealing privileged communications. *Andritz Sprout-Bauer, Inc. v. Beazer E., Inc.*, 174 F.R.D. 609, 632-33 (M.D. Pa. 1997). If, for example, the Borough Solicitor were to send a communication to the Borough Manager concerning a labor issue and attached a copy of the applicable collective bargaining agreement, providing the collective bargaining agreement (an otherwise public document) in response to a request for the Solicitor's communications would reveal that the Solicitor provided advice on a labor issue. For

[1] Notably, the Appeals Officer's finding greatly expands the scope of the Request by requiring the Borough to search for and produce records it has not yet reviewed to determine whether any privileges or statutory exemptions apply, changing the request to one set of records for each of eleven topics to fifteen sets of records (e.g., Flynn to Mirabito; Flynn to Ehrgott, etc.) for each of the eleven topics. As a matter of due process, the Borough should be afforded an opportunity to review such records prior to any order requiring their release, and, to the extent that the OOR grants reconsideration, the Borough asks that it be afforded such additional time in accordance with *Pa. State Sys. of Higher Educ. v. Ass'n of State Coll. & Univ. Faculties*, 142 A.3d 1023 (Pa. Commw. 2016).

that reason, the Appeals Officer erred in requiring the disclosure of "purely factual" information that would reveal the subject matter of privileged communications.

Thank you.

Regards,



J. Chadwick Schnee, Esq.

EXHIBIT A

pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION

IN THE MATTER OF	:	
	:	
MICHAEL LONG,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2023-1598**
	:	
BATH BOROUGH,	:	
Respondent	:	
	:	

FACTUAL BACKGROUND

On May 17, 2023, Michael Long ("Requester") submitted a request ("Request") to Bath Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking:

> [1.] All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> [a.] The resignation of Mark Saginario
>
> [b.] The vacated council seat following Mark Saginario's resignation
>
> [c.] The appointment of Emmanuel Mirabito to the council seat
>
> [d.] Borough policy on a vacated council seat

[e.] Any potential employment, position benefits, compensation for Fiorella Mirabito

[f.] Advertisement of any new position within the Borough

[g.] The resignation of Marena Rasmus

[h.] Clerk positions within the Borough

[i.] The hiring of any individual for a clerk position within the Borough

[j.] Borough policy on hiring for new positions

[k.] Any public announcement regarding the above topics [. . .]"

Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

[2.] A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:

- Full name
- Position title
- Date of hire
- Department
- Full-time or part-time status
- Salary or hourly wage
- Any additional compensation or benefits

Please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons. Please provide these records in electronic format. If any of these requests are denied, please cite each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available under the law.

On June 23, 2023, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Borough partially denied Item 1 of the Request by providing emails and arguing that no responsive memos, notes or text messages exist. Regarding Item 1, the Borough also claimed that solicitor James Kratz, Esq., did not provide any emails containing legal advice

regarding the resignation of Mark Saginario, the vacated Council seat following the Saginario resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council seat are protected by the attorney-client privilege. In addition, the Borough claims that no emails between Bradford Flynn and Attorney Kratz exist regarding employment, position benefits, or compensation for Fiorella Mirabito; advertisement of any new position within the Borough; the resignation of Marena Rasmus; regarding clerk positions within the Borough; the hiring of any individual for a clerk position with the Borough; Borough policy on hiring for new positions; or any public announcements regarding the categories of records. The Borough partially denied Item 2, of the Request, arguing that a list containing the requested information does not exist. The Borough provided the Employee Earnings Reports for any personnel hired by the Borough for the relevant timeframe, with the home addresses, dates of birth, and social security numbers redacted pursuant to Section 708(b)(6)(i)(A) of the RTKL, 65 P.S. § 67.708(b)(6)(i)(A). The Borough's final response was attested to by the Borough Open Records Officer, Bradford Flynn, subject to the penalty of perjury pursuant to 18 Pa.C.S. § 4904.

On July 13, 2023, the Requester appealed to the Office of Open Records ("OOR"), challenging the partial denial and stating grounds for disclosure.[1] The OOR invited both parties to supplement the record and directed the Borough to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On July 24, 2023, the Borough submitted a position statement reiterating its grounds for partial denial. The Borough also claims that the Requester is improperly attempting to modify Request Item 1, on appeal. In support of its position, the Borough submitted the affidavit of James

[1] The Requester granted the OOR additional time to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).").

Kratz, Esq., the Borough solicitor ("Kratz Affidavit") and the Attestation Regarding Borough Possession of Records, made under penalty of perjury pursuant to 18 Pa.C.S. § 4904, from Bradford Flynn, the Borough Manager ("Flynn Attestation").

On July 24, 2023, the Requester submitted a statement in support of the appeal, arguing that additional responsive records exist and that the Borough failed to conduct a good faith search for records, disputing the Borough's claim of attorney-client privilege, and asserting that the Borough failed to certify the records provided as indicated in the Request form.

On July 25, 2023, Borough Manager Flynn submitted a supplemental statement in reply to the Requester's appeal statement, that was made subject to the penalties of perjury. Manager Flynn addresses the points raised by the Requester, arguing that emails related to the resignation of Office Administrator Marena Rasmus fall outside the timeframe stated in the Request and that the letter of resignation of Council President Mark Saginario, in which he resigned as Borough President, also falls outside the timeframe of the Request. Manager Flynn further states that the December 31, 2021, resignation letter of Mark Saginario, in which he resigned as a Councilmember, was included in the Borough's final response to the Request. Finally, Manager Flynn argues that the Requester failed to raise the issue of certification in the appeal, but, however, if the Requester wishes to have certified copies of the records attached to the Borough's final response, they would be provided at a cost of $5.00 per record, in accordance with the Borough's Fee Schedule (Resolution No. 2022-016), if the Requester notifies the Borough that any or all of the records should be certified.

On July 26, 2023, the Requester submitted a second supplemental appeal statement, asserting that the Borough did not conduct a thorough search for records and that discussions contained in Council meeting minutes suggest that additional records may exist. The Requester

questions the adequacy of the Borough's record keeping practices and, also requests that the Borough conduct a second search for records that "may have been overlooked in digital locations such as[,] emails, text messages, or group chats." The Requester also seeks an *in camera* review of the all relevant records, including those for which the Borough claims the attorney-client privilege.[2,3]

On July 27, 2023, the Requester submitted a third statement, alleging misconduct on the part of the Borough in the form of "scrubbing emails." The Requester included copies of April 3, 2023, Council meeting minutes and the June 5, 2023, Council meeting agenda, which he claims demonstrate discussions of email "scrubbing" and an agenda item of discussion regarding the possible filing of legal action seeking an injunction against the Requester related to RTKL requests. The Requester states, the following:

> Learning that the possibility of deleting or removing emails was raised post-request raises alarms bells and exacerbates my fears about the integrity of the Borough's records management practices and response efforts. Intentionally destroying requested records to avoid disclosure is unambiguously illegal under the RTKL. Even discussing "scrubbing" emails after receiving my access request implies a willful disregard for transparency obligations.
>
> Respectfully, this new revelation warrants serious investigation by the Office of Open Records as part of this appeal. Efforts by any agency to conceal public information from citizens through destruction of records betray the core principles of open government. I await your judicious examination of these deeply troubling allegations.

[2] The Requester's July 26, 2023 submission and the Borough's July 25, 2023, submission were provided after the records closing date; however, to develop the record, the submission was considered. *See* 65 P.S. § 67.1102(b)(3) (stating that "the appeals officer shall rule on procedural matters on the basis of justice, fairness and the expeditious resolution of the dispute").

[3] The Requester also states, "I have been informed about the existence of an ongoing group chat involving council members. This group chat could potentially constitute a continuous state of quorum, raising issues related to open meetings laws. Importantly, communications about borough business that occur on private devices, such as in this group chat, can still be considered public records under the [RTKL]." Allegations of possible Sunshine Act violations are beyond the purview of the OOR's jurisdiction. *See* 65 Pa.C.S. § 715 (providing for the jurisdiction and venue of judicial proceedings).

The Requester has already repeatedly raised the issue of the completeness and good faith nature of the Borough's search in all of his prior filings, thereby placing the issues before the OOR on appeal. Regarding any wrongdoing, illegal activity or allegations of inadequate management on the part of the Borough, the RTKL does not authorize the OOR to conduct an investigation of an agency, as part of the appeals process.

On August 2, 2023, the Borough submitted a supplemental sworn Flynn statement disputing the Requester's assertions of "email scrubbing" on the part of the Borough to evade transparency and evade compliance with the RTKL. In addition, the Borough again argues that the issue of record certification should be dismissed, as it was not raised in the initial appeal and the Requester first raised the issue in his July 24, 2023 submission.

On October 4, 2023, in response to the OOR's directive, the Borough submitted an exemption log, detailing the attorney-client privileged emails identified in response to the Request. The submission included a supplemental Kratz Affidavit, that expanded upon the July 24, 2023, initial Kratz Affidavit.

On October 13, 2023, the Requester submitted a statement in response to the Borough's exemption log. The Requester disputes the accuracy of facts stated in the Second Kratz Affidavit and asserts that the Affidavit "omits text messages and implies privilege covered all communications between the named parties" when it does not. The Requester also asserts that the Borough incorrectly applies the attorney-client privilege to factual matters and that log is missing details such as, dates, authors or recipients of the communications. The Requester further reiterates the argument that the Borough is not being adequately transparent and failing to properly maintain its records. Finally, the Requester seeks an explanation for the IT consultant DriveLocker's

involvement in the handling of RTKL requests and whether access was provided to privileged or sensitive records.

LEGAL ANALYSIS

The Borough is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Borough is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

In this matter, the Requester sought *in camera* review of relevant records. However, based upon the submissions, including the Borough's exemption log, the OOR has the necessary evidence before it to adjudicate the matter and, therefore, the request for an *in camera* review is denied.

1. The Request may not be modified or expanded on appeal

In the appeal form, the Requester states the following as "Records At Issue In This Appeal," "1. Emails between any combo of B. Flynn, F. Mirabito, M. Ehrgott, P. Andrews, B. Fenstermaker, J. Kratz from 9/20/21 to 5/15/22 regarding council membership changes, hiring, and policy. 2. List of employees hired outside of Public Works Department since 1/1/22, with details including name, position, date of hire, department, status, salary, and additional benefits. -

more detailed version attached[.]" In the referenced attachment to the appeal, the Requester states that he is appealing the denial of ...:

> • Email communications between specific individuals regarding the resignation of a council member, the vacated council seat, appointment of a new member, policies on vacated seats, and hiring, among other matters. The Borough claimed no such emails exist without proof.
>
> • A list of employees hired since January 2022 with name, position, salary, etc. The Borough claimed no such list exists but provided employee earnings reports.

The Borough argues that, with regard to Item 1 of the Request, the use of "any combo" is an impermissible modification of the Request. To the extent that the Requester intended to modify or expand the scope of emails sought in Item 1, the OOR's review is on appeal is confined to the Request as written, and any modification or explanation of the Request on appeal will not be considered. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010*); Michak v. Pa. Dep't of Pub. Welfare*, 56 A.3d 925 (Pa. Commw. Ct. 2012) (holding that "where a requester requests a specific type of record ... the requester may not, on appeal argue that an agency must instead disclose a different record in response to the request"). *McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal.") Nevertheless, the Borough states that Manager Flynn interpreted Item 1 as seeking emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz from the timeframe specified between September 20, 2021, to May 15, 2022," thereby implying that emails must have all named individuals on an email for it to qualify as responsive. (Emphasis in original). The OOR has consistently held that an agency may interpret the meaning of a request for records, but that interpretation must be reasonable. *See Spatz v. City of Reading*, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513; *Mezzacappa v. Northampton Cnty. Dist. Atty's*

Off., OOR Dkt. AP 2022-2584, 2023 PA O.O.R.D. LEXIS 80. The OOR determines the reasonableness of the agency's interpretation from the text and context of the request alone, as neither the OOR nor the Requester are permitted to alter the request on appeal. *See McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal."). Further, the RTKL is remedial legislation that must be interpreted to maximize access. See *Gingrich v. Pa. Game Comm'n*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 (Pa. Commw. Ct. 2012). Further, agencies should rely on the common meaning of words and phrases. *Gingrich*, 2012 Pa. Commw. Unpub. LEXIS 38 at *16.

Regarding the Borough's interpretation of Item 1, research shows that the word "between" is defined in the Merriam-Webster dictionary as "by the common action of: jointly engaging" (shared the work between the of them; talks between the three) and "in common to: shared by" (divided between his four grandchildren).[4] While OOR and court precedent makes clear that the Requester may not modify the Request on appeal, the Requester's assertion that the language of Item 1 encompasses "any combo" of emails comports with the use of the word "between" prior to the listing of relevant Borough employees and officials. A reasonable interpretation of the Request is that Item 1 seeks emails between or among any permutation of individuals that may be included on an email, whether it is 2 of them, all seven of them, or some other number of individuals. Therefore, we find that the Borough's interpretation of Item 1 was unreasonably narrow.

In addition, the Borough argues that, while the Requester included a letter with the appeal, which is referenced above as the attachment to the appeal, the appeal should be limited to the records the Requester stated are "Records At Issue In This Appeal" on the appeal form. However,

[4] *See* https://www.merriam-webster.com/dictionary/between (last accessed October 30, 2023).

the information included on the appeal form also stated, "more detailed version attached[.]" Therefore, the OOR's review will be of the partial denial issued by the Borough in response to the original Request language.

2. The Borough has not proven that all non-exempt records have been provided to the Requester

In response to Item 1, the Borough identified and provided emails from December 12, 2021, December 29, 2021 and April 4, 2022, and attachments consisting of Resolution #2021-012, Councilman Mark Saginario's resignation letter, and a letter of interest to fill the Council position from Borough citizen, Emmanuel Mirabito. The Borough claims that no responsive memos, notes, and text messages exist and that no emails from Attorney Kratz "regarding any potential employment, position benefits, compensation for Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing" exist. In addition, the Borough withheld emails sent by Attorney Kratz to Manager Flynn, the Borough Mayor and/or members of Borough Council containing legal advice, "regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council [seat]," arguing that the emails are protected by the attorney-client privilege and attorney work-product doctrine.

In response to a request for records, "an agency shall make a good faith effort to determine if … the agency has possession, custody or control of the record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort," in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court concluded that:

> As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession…. When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors…. After obtaining potentially responsive records, an agency has the duty to review the record and assess their public nature under … the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (*Uniontown Newspapers I*), *aff'd*, 243 A.3d 19 (Pa. 2020) (*Uniontown Newspapers II)*. Additionally, the Commonwealth Court has held that an open records officer's inquiry of agency members may constitute a "good faith effort" to locate records, stating that open records officers have:

> a duty to inquire of [agency personnel] as to whether he or she was in the possession, custody or control of any of the … requested emails that could be deemed public and, if so, whether the emails were, in fact, public and subject to disclosure or exemption from access by [r]equest[e]r.

Mollick v. Twp. of Worcester, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011); *see also In re Silberstein*, 11 A.3d 629, 634 (Pa. Commw. Ct. 2011) (holding that it is "the open-records officer's duty and responsibility" to both send an inquiry to agency personnel concerning a request and to determine whether to deny access).

In support of the Borough's argument that a good faith search was conducted and all non-exempt records were provided, the Flynn Attestation states, the following:

> 4). After receipt of [the Requester's] [RTKL] [R]equest, I reviewed the Borough's hard copy storage files to determine whether the Borough had a hard copy storage file for the following specific topics and found as follows:
>
> a. The resignation of Mark Saginario;
>
> > i. Based on my review, I found the Councilmember file that the Borough has for Mark Saginario for when he was a Councilperson. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

b. The vacated council seat following Mark Saginario's resignation;

i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

c. The appointment of Emmanuel Mirabito to the council seat;

i. Based on my review, I found the Councilmember file that the Borough has for Emmanuel Mirabito since he was appointed a Councilperson in early January 2022. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

d. Borough Policy on a vacated council seat;

i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

e. Any potential employment, position benefits, compensation of Fiorella Mirabito;

i. Based on my review, I found the hard copy personnel file for Fiorella Mirabito. However, the personnel file did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

f. Advertisement of any new position within the Borough;

i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to advertisements of any new position with the Borough.

g. The resignation of Marena Rasmus

i. Based on my review, I found the personnel file for Marena Rasmus. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

h. Clerk positions within the Borough

i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to the general category of clerk positions within the Borough.

i. The hiring of any individual for a clerk position within the Borough.

i. Fiorella Mirabito was the only clerk (part-time office clerk) hired at a certain point during the period from September 20, 2021, to May 15, 2022. And, since I already found the hard copy personnel file for Fiorella Mirabito and found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, I ended my search on this topic there.

j. Borough policy on hiring for new positions.

i. Based on my review, I found the Borough's hard file containing the Borough's policy on hiring new positions. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

5) Via my review described in #4 above, I denied [the Requester's] [R]equest for the alleged memos, I denied [the] [R]equest for the ... memos and notes as they do not exist.

6) After receipt of [the Requester's] ... [R]equest, I checked my cell phone for any text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive text messages. I didn't locate any because none exist. Hence, I denied [the Requester's] request for the alleged text messages because they do not exist.

7) After receipt of [the Requester's] ... [R]equest, I worked with the Borough's IT vendor to conduct a thorough examination of emails in the possession, custody and control of the Borough for records responsive to the request underlying this appeal by performing a search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive emails.

8) From my search described in #7 above, I then reviewed the potentially responsive emails for whether they were responsive to the subject matters identified

by [the Requester] in #3 above and to exclude any attorney-client privileged emails (if any existed) from the potentially responsive emails that I located.

9) Via my review described in #7 above, I located the following non-attorney-client privileged responsive emails:

a. '12_6_21 Meeting of Council' email dated 12/02/2021 from Marena Rasmus to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to me, Solicitor Kratz, Borough Engineer Madison and Borough office secretary Lamparter. This email is responsive because it references proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) which, at Article 2.7 (Filling Council Vacancies), is responsive to [the Requester's] request for Borough policy on a vacated council seat. I downloaded a copy of this email and marked it Attachment 'A'.

i. The above email (Attachment 'A') included an attachment (Council packet) that included Resolution #2021-012. I downloaded proposed Resolution #2021-012 and marked it Attachment 'A' - 1.

b. 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz, former employee Rasmus and Borough office secretary Lamparter. This email is responsive because it references Mark Saginario's resignation from Council and a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mr. Saginario's resignation. I downloaded a copy of this email and marked it Attachment 'B'.

i. The above email (Attachment 'B') included an attachment (Council packet) that included Mr. Saginario's resignation letter from Council. I downloaded Mr. Saginario's resignation letter from Council and marked it Attachment 'B' – 1.

ii. The above email (Attachment 'B') included an attachment (Council packet) that included a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mark Saginario's

resignation. I downloaded Mr. Mirabito's letter of interest and marked it Attachment 'B' – 2.

c. 'March Meeting Minutes' email dated 04/04/2022 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz and Borough Engineer Madison. This email is responsive because it is my reporting that former Borough employee Marena Rasmus resigned from her position effective Sunday, April 3, 2022. I downloaded this email and marked it Attachment 'C'.

10) Via my review described in #7 above, I located the following attorney-client privileged email:

a. 'RE: 12/6/21 Meeting of Council' email dated December 3, 2021, from Solicitor Kratz to former Borough employee Rasmus with copy to me, Borough Engineer Madison, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker). This email contains Solicitor Kratz's legal advice regarding proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) including, but not limited to, legal advice regarding Article 2.7(f) of proposed Resolution #2021-012.

i. When I discussed Solicitor Kratz's above email with him on or around June 23, 2023, Solicitor Kratz informed me that, as a precautionary measure, I should note in the Borough's denial letter to Mr. Long that emails from Solicitor Kratz to me, the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council seat are privileged per attorney-client and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record"). I believe Solicitor Kratz stated that because of the email referenced in #7)a. above and certain other attorney-client privileged emails that he possesses.

11) Via my review described in #7 above, I determined that the potentially responsive emails did not contain any privileged or non-privileged emails from

> Solicitor Kratz regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing.
>
> 12) Via my review described in #7 above, I also determined that the potentially responsive emails did not contain any privileged or non-privileged emails from any of the other persons identified by [the Requester's] request regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding same but I forgot to state that in my letter of June 23, 2023 to Mr. Long.
>
> 13) Via the Borough's final response to [the Requester's] ... Request, I granted him access to (and provided to him) the non-attorney-client privileged responsive records that I located and have identified in #9 above (Attachments 'A', 'A' – 1, 'B', 'B' – 1, 'B' – 2, and 'C' and identified in the Borough's final response of June 23, 2023, to Mr. Long.

Under the RTKL, an affidavit may serve as sufficient evidentiary support to withhold requested records. *See Sherry v. Radnor Twp. Sch. Dist*., 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

The Requester argues that more responsive records should exist. The Requester notes that Borough Council meeting minutes for July 14, 2021, and April 4, 2022 reference the resignation letters of Ms. Rasmus and Councilperson Saginario and such records fall within the scope of the Request. Regarding Ms. Rasmus' resignation, Manager Flynn stated in the July 25, 2023, sworn statement that "[o]n April 3, 2022, emailed her resignation of [B]orough employment, effective immediately" and "[t]he email served as the resignation letter." Manager Flynn states that the email was not captured in the Borough's search because the email recipients included himself, Ms. Ehrgott, Frank Hesch, and the message was copied to Mayor Mirabito and Tanya Lamparter, and "the email recipients fall outside the scope of [the Request]." Manager Flynn's statement demonstrates that the Borough's search was based on what we have determined was an

impermissibly narrow interpretation of Item 1. Accordingly, the Borough has failed to demonstrate that the search described in ¶¶ 4, 6-7, was a sufficient search to prove that no additional responsive records may exist within its possession, custody or control. *See Segelbaum and The York Daily Record v. York Cnty.*, OOR Dkt. AP 2021-1180, 2021 PA O.O.R.D. LEXIS 2098 (finding that County's search for emails using only suggested keywords was an unreasonably narrow interpretation of the request); *Vodzak v. South Park Twp.*, OOR Dkt. AP 2021-1784, 2021 PA O.O.R.D. LEXIS 1815 (concluding that, based on the request language seeking financial date, searching for only invoices an impermissibly narrow interpretation and the search was not conducted in good faith); *Kneller v. Luzerne Cnty.*, OOR Dkt. AP 2020-0864, 2020 PA O.O.R.D. LEXIS 1226 (concluding that the County's search for a only list of employee appointments and resignations was based on an unreasonably narrow interpretation of the request and did not amount to a good faith search). As a result, the Borough has not proven that no additional emails, memos, notes, or text messages related to the subjects outlined in 1(a) – 1(k), exchanged between or among any of the individuals identified in Item 1, exist within its possession, custody or control. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

However, regarding the Saginario resignation letter, Manager Flynn attests that Councilperson Saginario only resigned his position as Council President during the July 14, 2021 meeting, not from his position as a Councilmember. Manager Flynn further attests that Saginario "later resigned as a Councilmember via his letter dated December 31, 2021, which resignation was accepted by ... Council at its meeting on January 3, 2022" and that the December 31, 2021, resignation letter was provided to the Requester, with the Borough's final response. A review of the appeal shows that the December 31, 2021 resignation letter was attached to the Borough's June 23, 2023 final response letter as Attachment B-1. Therefore, the Borough has proven that the

Saginario resignation letter has been provided in response to Item 1(a). Nevertheless, as we have determined that the Borough did not conduct a sufficient search, we find that the Borough has not demonstrated that no responsive emails or other requested records exist. *Hodges*, 29 A.3d at 1192. In addition, the OOR is mindful that an agency cannot produce records that do not exist within its "possession, custody or control" and, accordingly, is not ordering the creation of any records sought in the Request. *See, e.g., Segelbaum and The York Daily Record v. York Cnty, supra*.; *Campbell v. Galeton Area Sch. Dist.*, OOR Dkt. AP 2018-2175, 2019 PA O.O.R.D. LEXIS 45; *Kowalchick v. Norwegian Twp.*, OOR Dkt. AP 2018-2217, 2019 PA O.O.R.D. LEXIS 48.

2. The Borough has demonstrated that certain emails responsive to Item 1 are privileged

The Borough withheld certain emails responsive to Item 1, arguing that the information is protected by the attorney-client privilege. More specifically, in the June 23, 2023 final response, the Borough stated, in pertinent part, "as to emails from Solicitor Kratz to me [Manager Flynn], the Mayor and/or members of Council regarding Solicitor Kratz's advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council [seat]" are protected by the attorney-client privilege.

In order for the attorney-client privilege to apply, an agency must demonstrate that: 1) the asserted holder of the privilege is or sought to become a client; 2) the person to whom the communication was made is a member of the bar of a court, or his subordinate; 3) the communication relates to a fact of which the attorney was informed by his client, without the presence of strangers, for the purpose of securing either an opinion of law, legal services or assistance in a legal matter, and not for the purpose of committing a crime or tort; and 4) the privilege has been claimed and is not waived by the client. *Bousamra v. Excela Health*, 210 A.3d

967, 982-83 (Pa. 2019) (citing *Nationwide Mut. Ins. Co. v. Fleming,* 924 A.2d 1259, 1263-64 (Pa. Super. Ct. 2007), *aff'd* 992 A.2d 65 (2010)). "[A]fter an agency establishes the privilege was properly invoked under the first three prongs, the party challenging invocation of the privilege must prove waiver under the fourth prong." *Office of the Governor v. Davis,* 122 A.3d 1185, 1192 (Pa. Commw. Ct. 2014). An agency may not, however, rely on a bald assertion that the attorney-client privilege applies. *See Clement v. Berks County,* OOR Dkt. AP 2011-0110, 2011 PA O.O.R.D. LEXIS 139 ("Simply invoking the phrase 'attorney-client privilege' or 'legal advice' does not excuse the agency from the burden it must meet to withhold records"). In support of the Borough's claim of privilege, the Borough presents the Supplemental Kratz Affidavit.[5] In addition, the Borough relies on *Gillard v. AIG Insurance Co.*, 15 A.3d 44 (Pa. 2011) and *Davis*, *supra*., as well as RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2), in further support of its argument. 65 P.S. §§ 67.102; 67.305(a)(2); 67.506(c)(2).

The Kratz Affidavits state that Attorney Kratz is an attorney licensed in Pennsylvania and employed by the law firm of Stevens & Lee. Supplemental Kratz Affidavit, ¶¶ 1-3. Attorney Kratz states that he served as the Assistant Borough Solicitor from January 2005 – August 2021, and, subsequently, he commenced serving as the Borough Solicitor. Supplemental Kratz Affidavit, ¶¶ 4-6. The Supplemental Kratz Affidavit also provides, the following:[6]

> 14. Here, the holder of the privilege is the Borough ... and the Borough has not waived the privilege.
>
> 15. Bradford T. Flynn ("Flynn") is an Open Records Officer for the Borough.
>
> 16. Flynn is also the Manager for the Borough.

[5] The Supplemental Kratz Affidavit incorporates that initial Kratz Affidavit that was provided by the Borough with its July 24, 2023, submission, expands on the initial Affidavit and corrects any errors found in the initial Affidavit, based on a subsequent review related to the production of an exemption log.

[6] Certain portions of the original Supplemental Kratz Affidavit have been bolded, in order to signal the OOR as to what material had been amended from the initial Kratz Affidavit. However, we have not included the emphasis in the text quoted in this Final Determination.

17. On or around June 23, 2023, Flynn, in his capacity as a Borough Open Records Officer, asked me to review several potentially responsive emails that he located via his search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022, regarding the subject matters identified in the RTKL Request.

18. Based on my review of the potentially responsive emails that Flynn located via his search on the Borough's server, I identified only my email of December 3, 2021, from me to former Borough employee Marena Rasmus with copy to Flynn, Borough Engineer Madison, Borough employee Lamparter, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) (the "JFK Email of 12-3-21") as containing my legal advice regarding several parts of proposed Resolution #2021-012 including, but not limited to, Article 2.7(f) of proposed Resolution #2021-012.

19. Article 2.7 of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, Article 2.7(f) of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, my legal advice in the JFK Email of 12-3-21 related to the process to appoint a person to a vacated Council seat. Also, while my Affidavit of July 24, 2023, states that "[b]ecause of that, my legal advice in the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012 ... , ... , ... related to the prospective appointment of Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario[]", after further review, that statement is not correct because it was not until the January 2022 Regular & Reorganization Meeting email dated 12/29/2021 (Attachment 'B' to Bath's final response letter dated June 23, 2023, addressed to Mr. [the Requester] which response letter is attached hereto as Exhibit "C" which response letter included (a) then Councilmember Mark Saginario's resignation letter dated December 31, 2021 (Attachment 'B-1' to Exhibit "C" attached hereto) and (b) the Emmanuel Mirabito letter of interest dated December 13, 2021 (Attachment 'B-2' to Exhibit "C" attached hereto)) that I became aware of the possibility of Council possibly appointing Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario and I was not asked to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat.

20. The JFK Email of 12-3-21 falls within the "between Bradford Flynn , Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022" stated in [the] RTKL Request....

21. The JFK Email of 12-3-21 was made to representatives of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to a communication from Borough employee Marena Rasmus, outside

the presence of strangers, for an opinion of law regarding any part of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.

22. The JFK Email of 12-3-21 is protected by the attorney-client privilege....

23. In response to Office of Open Records Appeal Officer Kelly Isenberg's request of September 26, 2023, for the Borough to provide an Exemption Log, attached hereto as Exhibit "A" is the Borough's Exemption Log.

24. I prepared the Borough's Exemption Log and I have actual knowledge of the records identified in the Borough's Exemption Log.

25. The JFK Email of 12-3-21 is identified as Record Number 1 on the Borough's Exemption Log. *See* Exhibit "A".

26. On or around June 23, 2023, I also stated to Flynn that, as a precautionary measure, he should note in the Borough's letter of June 23, 2023, to Mr. [the Requester] that emails from me to Flynn, Mayor Fiorella Mirabito and/or members of Council regarding my legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat[7] and the process to appoint a person to Council seat are attorney-client privileged and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record").

27. I stated "and/or" to Flynn (as referenced in paragraph 26 above) because (a) the JFK Email of 12-3-21 which falls within the "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz" but also (b) I had/have the following email exchange for legal advice that does not fall within "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz":

> (a) Email exchange in October 2021 (the "Email Exchange in October 2021") with Flynn and Council President Ehrgott regarding their request for legal advice regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person. The prospective appointment of Emmanuel Mirabito to the Council seat was not a part of this email exchange and it was not part of the JFK Email of 12-3-21 either. As stated in paragraph 19 above, I was not asked to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat.

[7] In a footnote to paragraph 26 of the Supplemental Affidavit, Attorney Kratz explained that "[o]n or around June 23, 2023, [he] mistakenly included the topic of the appointment of Emmanuel Mirabito to Council as I was not asked to provide a legal opinion regarding the appointment of Emmanuel Mirabito to Council and re-reviewing the content of the attorney-client privileged emails identified on the Borough Exemption Log made me realize that."

28. The Email Exchange in October 2021 is comprised of the emails identified as Record Numbers 2 thru 12 on the Borough's Exemption Log attached hereto as Exhibit "A".

29. The Email Exchange in October 2021 was made by and to representatives of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers , in response to emails from Flynn and Council President Ehrgott, outside the presence of strangers, for an opinion of law and legal assistance regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario's resignation and the general process to appoint a Council person and not for the purpose of committing a crime or tort.

30. The Email Exchange in October 2021 is protected by the attorney-client privilege....

31. I stated "and/or" to Flynn as stated in paragraph 26 above because I desired that Flynn inform Mr. [the Requester] that I did provide legal advice on the topics covered by the Email Exchange in October 2021 so [the Requester] is aware that Flynn and Council President Ehrgott were aware of my legal advice so [the Requester] may possibly find that he does not need to make another [RTKL] request on that topic/time period.

32. On or around June 23, 2023, I also searched my email records for the Borough and did not find any other email exchanges regarding Mr. [the Requester]'s other subject matters during the relevant time frame so I informed Flynn that I didn't have other attorney-client privileged emails to note for Mr. [the Requester].

33. In preparing my Affidavit of July 24, 2023, I performed another search to ensure my initial search was correct and I located the following email exchanges:

> (a) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #1"), between Flynn and me wherein Flynn sought legal opinions regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation and where I provided legal advice in response to same.
>
> (b) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #2"), between Council President Ehrgott and me wherein Council President Ehrgott sought legal opinion regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and where I provided legal advice in response to same.

34. The JFK 4-21-22 Email Exchange #1 was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to a communication from Flynn, outside the presence of strangers, for opinion of laws regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation, and not for the purpose of committing a crime or tort.

35. In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #1 was not made for the purpose of committing a crime or tort.

36. The JFK 4-21-22 Email Exchange #1 is protected by the attorney-client privilege....

37. The JFK 4-21-22 Email Exchange #1 is identified as Record Numbers 13 thru 15 on the Borough's Exemption Log attached hereto as. Exhibit "A".

38. The "JFK 4-21-22 Email Exchange #2" was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to a communication from Council President Ehrgott, outside the presence of strangers, for an opinion of law regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough, and not for the purpose of committing a crime or tort.

39. In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #2 was not made for the purpose of committing a crime or tort.

40. The JFK 4-21-22 Email Exchange #2 is identified as Record Numbers 16 thru 18 on the Borough's Exemption Log attached hereto as Exhibit "A".

41. The JFK 4-21-22 Email Exchange #2 is protected by the attorney-client privilege....

42. While the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 each fall outside of Mr. [the Requester]'s "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and [Solicitor Kratz]" designation via his RTKL Request and are attorney-client privileged, I informed Mr. [the Requester] of the existence of the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 via my Affidavit of July 24, 2023, so Mr. [the Requester] is aware that Flynn and Council President Ehrgott were aware of the legal advice that I provided so Mr. [the Requester] may possibly find that he does not need to make another right-to-know law request on those topics/time period.

> 43. In preparing this Affidavit, I gathered the emails identified as Record Numbers 1 thru 18 and, in doing so, I located the following attorney-client privileged email exchange that relates to the JFK Email of 12-3-21:
>
> > (a) Email exchange on December 6, 2021 (the "12-6-21 Email Exchange") between Flynn and me wherein Flynn sought follow up legal advice to the legal advice that I provided via the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012.
>
> 44. The 12-6-21 Email Exchange was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to [the Requester's] email of 12-6-21 ... for follow up legal advice regarding the JFK Email of 12-3-21 regarding Article 2. 7(f) of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.
>
> 45. The 12-6-21 Email Exchange is comprised of the emails identified as Record Numbers 19 and 20 on the Borough's Exemption Log attached hereto as Exhibit "A".
>
> 46. The 12-6-21 Email Exchange is protected by the attorney-client privilege....

A review of the exemption log shows that the emails the Borough claims are protected by the attorney-client privilege were exchanged between Attorney Kratz, Manager Flynn, Borough Council members and Borough employees, during the relevant timeframe noted in the Request. The subject matters of the emails is described as legal advice regarding a proposed Resolution related to the appointment process for a vacated Council seat, legal advice in response to a verbal inquiry regarding Councilman Saginario's resignation and the appointment process to fill the vacancy, and legal advice related to the prospective employment of Ms. Mirabito as a part-time office clerk for the Borough. The Requester argues that the Borough's claim of attorney-client privilege "may be an overreach or abuse of the ... privilege, in this case" and that the Borough has not supported the claim of privilege with sufficient evidence. However, when the log is reviewed in conjunction with Attorney Kratz's affidavit, especially considering the fact that Attorney Kratz was a party to the emails and would have personal knowledge of the content, as well as the fact

that Attorney Kratz personally reviewed all of the withheld emails, the Borough's evidence is sufficient to demonstrate that the withheld emails described in the Kratz Affidavits are protected by the attorney-client privilege.

The Requester also states that communications between an agency and counsel regarding the appointment of an individual to an elected position is "procedural in nature and laid out by the law [and] should not be shielded from public scrutiny." However, the Requester did not expand on this argument or provide a citation to a "law" or legal precedent for such an exception to the attorney-client privilege.

However, as the Requester asserts that factual material in an otherwise privileged document is not protected and, as neither the log nor attestations address whether the withheld emails contain purely factual or routine information, to the extent that any of the emails contain information that does not discuss the contents of the legal advice sought or provided, the portions of such emails are not protected by the privilege. Similarly, the attachments to the withheld emails, if any, are not protected if they are purely factual information. *See Pa. Dep't of Educ. v. Bagwell*, 114 A.3d 1113, 1124 (Pa. Commw. Ct. 2015) (citing *Commw. v. Vartan*, 733 A.2d 1258 (Pa. 1999)); *see also Upjohn Co. v. United States*, 449 U.S. 383 (1981) (privilege extends only to communications and not to fact).

3. The Borough has proven that a list responsive to Item 2 does not exist

Item 2 of the Request sought a "list of all employees hired by the Borough outside of the Public Works Department since January 1, 2022" that includes the name, position title, date of hire, department, full-time or part-time status, salary or hourly wage and any additional compensation benefits for each person hired. The Borough denied Item 2, claiming that a responsive list does not exist. However, the Borough did provide the Requester with copies of

"Employee Earnings Reports" for any personnel hired from January 1, 2022, to April 30, 2023, with the individuals' home addresses, social security numbers, and dates of birth, pursuant to Section 708(b)(6)(i)(A) of the RTKL, 65 P.S. § 67.708(b)(6)(i)(A). The Borough provided the Employee Earnings Reports for Michael Kovach, Fiorella Mirabito, and David Smith[8] to the Requester and the copies were included with the appeal. The Employee Earnings Reports include the employee start date, number of hours worked per weekly pay period, and gross pay for the respective period. *See* Flynn Attestation, ¶ 19.

Regarding Item 2 of the Request, the Flynn Attestation states that Manager Flynn is familiar with the names and positions of Borough employees by virtue of his employment obligations as Borough Manager and also, that he "conduct[s] the hiring process for any prospective Borough employee." Manager Flynn attests that the Borough does not maintain a list containing the information requested in Item 2. *See* ¶¶ 15-17. The Flynn Attestation also states that Manager Flynn participated in the hiring of Michael Kovach, Fiorella Mirabito and David Smith, during the relevant timeframe. The Flynn Attestation states that Michael Kovach and David Smith were hired as a part-time parking and code enforcement officer, and Fiorella Mirabito was hired as a part-time office clerk. *See* ¶¶ 18(a) – (c). The Flynn Attestation further provides the start date, hourly pay rate, full or part-time employment status and any pay increases that took place during the relevant timeframe for Kovach, Mirabito and Smith. *See, id.* Finally, the Flynn Attestation explains that, while the Employee Earnings Reports shows that the employees have a standard work week of 40 hours, each of the three employees are, in fact, part-time at-will

[8] We note that the copy of the Employee Earnings Report indicates that the employee's name is *Cavic* Smith. In addition, in all other words with the letter "d", the letter has been replaced with a "c", such as the word "date." In the Supplemental Katz Affidavit and the Borough's submission in support of the Exemption Log, it was explained that the misspelling of David Smith's name may have stemmed from an error related to the software the Requester used to upload the appeal and attachments. The Borough provided the correct and true copy of the Reports with the October 4, 2023, submission. *See* Supplemental Katz Affidavit, ¶¶ 49-50; Attachment D of Exhibit C.

employees, and that Manager Flynn, "did not create the format of the Employee Earnings report and [he doesn't] know how that field was created or populated. The report form is generated from the Borough's designated payroll servicing company, NCR payroll." *See* ¶ 20. As a result of Manager Flynn providing additional points of information not available on the Employee Earnings Report, during the course of the appeal, the appeal is moot as to the three employees' start date, hourly pay rate, full or part-time employment status, pay increases, and employment position.

Regarding the Borough's denial of a list, the RTKL provides, "[w]hen 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."). *See* 65 P.S. § 67.705. "An agency need only provide the information in the manner in which it currently exists." *Commonwealth v. Cole*, 52 A.3d 541, 547 (Pa. Commw. Ct. 2012). An agency is not required to create a list or spreadsheet containing the requested information; however, "the information … must simply be provided to requestors in the same format that it would be available to agency personnel." *Id*. at 549, n.12. Further, the OOR has consistently held that "where an agency does not maintain a list specified by a requester, the agency is not required to create such a list." *See Purcell and the Philadelphia Inquirer v. City of Phila., Dep't of Lic. & Insp.*, OOR Dkt. AP 2023-1818, 2023 PA O.O.R.D. LEXIS 2299 (agency is not required to search contractor violation files and extract certain requested datapoints to compile a list in response to a request); *Bush v. Carrol Twp*., OOR Dkt. AP 2019-1721, 2019 PA O.O.R.D. LEXIS 1783 (denying a request for a list of specific information where no such list exists).

In this matter, the Flynn Attestation demonstrates that a list containing the information sought in Item 2, does not exist within its possession, custody or control and would require the

creation of a record. *See Hodges*, 29 A.3d at 1192; *Hays v. Pa. State Police*, OOR Dkt. AP 2015-0193, 2015 PA O.O.R.D. LEXIS 294. Furthermore, none of the Requester's multiple submissions contain competent evidence to prove that such a list exists. In addition, Item 2 expressly states, "[p]lease note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons" and the Borough's sworn final response indicates that only personal information was reacted under Section 708(b)(6)(i)(A). While the Borough also redacted dates of birth, information not expressly exempt under Section 708(b)(6)(i)(A), on October 18, 2023, the Requester responded to the OOR's request for clarification by stating that he intended to include date of birth within the "personal identifying information" category of information that he expressly could be redacted. Accordingly, the Borough has proven that the employee information sought in Item 2, does not exist and that the Borough is not required to create a record. 65 P.S. § 67.708(a); 65 P.S. § 67.705.

4. The Borough failed to certify the records pursuant to Section 904 of the RTKL

The Requester argues that he requested certified copies of the responsive records and that the Borough failed to certify the records provided. Under the RTKL, "[i]f an agency's response grants a request for access, the agency shall, upon request, provide the requester with a certified copy of the record if the requester pays the applicable fees...." 65 P.S. § 67.904. The Requester indicated on the Request form that certified copies were being sought. While the Borough argues that the Requester has waived the issue of certification on appeal, the Request clearly indicated certification was sought on the face of the form. In addition, the Requester used the OOR standard appeal form and therefore, Section 1101 of the RTKL. *See Auerbach v City of Phila. Law Dept*., OOR AP Dkt. 2023-0404, 2023 PA O.O.R.D. LEXIS 763 (noting that the statement in the OOR's standard appeal form is sufficient to meet the requirements of Section 1101(a)). Furthermore,

Manager Flynn stated in the July 25, 2023, sworn statement that, "the Borough can accommodate that request at a cost of $5.00 per record (in accordance with the Borough's Schedule of Fees, Resolution No. 2022-016)" if the Requester notifies the Borough that he wishes to have the responsive records certified and pay the applicable charges. Section 1307(c) of the RTKL permits agencies to "impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record." 65 P.S. § 67.1307(c); *see also* Official Fee Structure (recommending no more than $5.00 per record for certification fees).[9] Therefore, the Borough is required to provide certified copies, upon payment of applicable fees.

5. The OOR declines to make a finding of bad faith

The Requester presents several claims concerning the Borough's actions in regard to the instant Request and appeal, as well as general concerns about transparency and records maintenance. The Requester alleges that the Borough's search for responsive records "seems lacking in thoroughness and timeliness." The Requester also asserts that the record keeping practices raises concerns because "[t]here is a recurring pattern where they provide only some records while stating that others do not exist or cannot be produced. Yet, when the existence of these records is later established, they produce manually created versions instead of official reports. These substitute records often raise more questions than they answer." In addition, the Requester raises concerns regarding the Borough's transparency and alleged violations of the Pennsylvania Sunshine Act. Finally, the Requester relies on the April 3, 2023, Council meeting minutes to allege that the Borough is engaging in "email scrubbing."

[9] *See* https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm (last accessed October 17, 2023).

While the OOR may make findings of bad faith, only the courts have the authority to impose sanctions on agencies. *See generally* 65 P.S. § 67.1304(a). Under the RTKL, a finding of bad faith is appropriate where an agency refuses to comply with its statutory duties under the RTKL. *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 243 A.3d 19, 28-29 (Pa. 2020); *California Univ. of Pa. v. Bradshaw*, 210 A.3d 1134 (Pa. Commw. Unpub. 2021) *appeal denied* 2019 PA LEXIS (Pa. 2019); *Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017).

In the instant matter, while we have determined that the Borough's search was not sufficient due to the narrow interpretation of the Request, the appeal record demonstrates that the Borough engaged in a timely search in response to the Request and provided a lengthy and detailed final response and fully participated on appeal. Regarding the adequacy of the Borough's record keeping or maintenance, such a claim is beyond the purview of the RTKL and the OOR's review. Regarding the claim of "email scrubbing," the Borough submitted a supplemental sworn statement from Manager Flynn, addressing the allegations. Manager Flynn asserts that, not only were the April 3, 2023, discussions not relevant to the timeframe of the Request and this appeal, but, also, the claims are erroneous. Manager Flynn attests that "the 'email scrubbing' refers to the Borough's newly installed Barracuda Network Email Gateway Defense Quarantine program (the "Barracuda Defense Program"). This is a security measure used by the Borough effective May 19, 2023, to control outside emails being sent to our government's email exchange server" as the Borough has been the subject of email phishing scams and the new system was installed as an added layer of cybersecurity. Manager Flynn further explained that a reference to emails to Borough employees and officials noted in the June 5, 2023, Borough Council meeting agenda, were reminders sent

because the Barracuda Defense System was going live on May 19, 2023, and emails would no longer be accessible other than by logging into Barracuda.

A finding of bad faith is typically reserved only for an egregious or blatant violation of the RTKL. The OOR has made a finding of bad faith where an agency failed to provide evidence that it conducted a good faith search and repeatedly ignored deadlines set by the OOR and the RTKL and declined to address the OOR's requests for clarification. *See Towne v. Pittsburgh Water and Sewer Auth.*, OOR Dkt. AP 2021-0292, 2021 PA O.O.R.D. LEXIS 307. The OOR has also found that an agency acted in bad faith where it demonstrated a pattern of invoking extensions but failing to respond to requests or participate in the appeals. *See Hayden v. City of Reading*, OOR Dkt. AP 2018-0244, 2018 PA O.O.R.D. LEXIS 402. Based on a review of the record in consideration of the Requester's bad faith claims, we find that the record does not support a finding that the Borough has acted in an egregious fashion or that there is a pattern of shirking RTKL obligations. Therefore, we decline to make a finding of bad faith.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part**, **denied in part** and **dismissed as moot in part**, and the Borough is directed to conduct a supplemental search for records responsive to Item 1, except for the records determined to be privileged, as set forth in this Final Determination. If no additional records are located as a result of its search, the Borough shall provide an attestation or sworn affidavit to the Requester confirming same. Such action must take place within thirty days of the mailing date of this Final Determination. In addition, the Borough is directed to certify all responsive records, upon the payment of fees in accordance with the OOR's fee schedule. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Delaware

County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.[10] All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: November 3, 2023

/s/ Kelly C. Isenberg

_____

SENIOR APPEALS OFFICER
KELLY C. ISENBERG, ESQ.

Sent via email to: Michael Long; James Kratz, Esq.; Bradford Flynn

[10] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

OOR Exhibit 21

pennsylvania
OFFICE OF OPEN RECORDS

OOR RESPONSE TO PETITION FOR RECONSIDERATION

DATE ISSUED AND MAILED: December 1, 2023

IN RE: *Michael Long v. Bath Borough*, OOR Dkt. AP 2023-1598

Upon review of the petition for reconsideration ("Petition") filed by Bath Borough ("Borough") with the Office of Open Records ("OOR") to the above-referenced docket number, it is determined that the Petition is **PARTIALLY GRANTED** as follows.

The Petition sets forth three (3) numbered reasons for reconsideration. Upon review of the record before me, the Petition is **GRANTED** with respect to Items 1 and 2 of the Petition. However, the Petition is **DENIED** with respect to Item 3 ("The OOR impermissibly granted access to records that would reveal the subject matter of privileged communications").

In the absence of applicable OOR regulations regarding petitions for reconsideration, this office will follow the procedures set forth in Pennsylvania General Rules of Administrative Practice and Procedure, 1 Pa. Code § 35.241. The parties may file a response in the nature of an answer within 15 days of the issuance of this response, or by December 18, 2023. The Appeals Officer will issue a new Final Determination upon Reconsideration within 30 days of that date.

Issued by:

/s/ Kyle Applegate

_____

CHIEF COUNSEL
Kyle Applegate

Sent to: J. Chadwick Schnee, Esq.; Michael Long

OOR Exhibit 22

pennsylvania
OFFICE OF OPEN RECORDS

IN THE MATTER OF	:	
	:	
MICHAEL LONG,	:	
Requester	:	
	:	
v.	:	**Docket No.: AP 2023-1598**
	:	
BATH BOROUGH,	:	
Respondent	:	

Please accept my appearance for the Agency in the above captioned case.

Attorney:	J. Chadwick Schnee
Firm:	Schnee Legal Services, LLC
Address:	74 E. Main Street, #648 Lititz, PA 17543
Email:	chadwick@schneelegal.com
Phone #:	717-400-5955

OOR Exhibit 23

From: Isenberg, Kelly
To: J. Chadwick Schnee; michael.long479@gmail.com
Subject: RE: [External] Question
Date: Wednesday, December 6, 2023 10:09:00 AM
Attachments: image001.png

Good morning, Attorney Schnee.

Please provide a response by the close of business on Mon., Dec. 11th.

Regards,
Kelly Isenberg



Kelly C. Isenberg |Attorney
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
https://www.openrecords.pa.gov
@OpenRecordsPA

From: J. Chadwick Schnee <chadwick@schneelegal.com>
Sent: Tuesday, December 5, 2023 4:20 PM
To: Isenberg, Kelly <kisenberg@pa.gov>; michael.long479@gmail.com
Subject: RE: [External] Question

Dear Senior Appeals Officer Isenberg,

Thank you for your email.

Would you please kindly clarify as to whether you request a response from the Borough as to the possible application of 1 Pa. Code 35.241(f) on or before December 18, 2023 or a different date?

Thank you.

J. Chadwick Schnee, Esq.
Schnee Legal Services, LLC
74 E Main Street #648
Lititz, PA 17543
(717) 400-5955
chadwick@schneelegal.com
http://www.schneelegal.com

From: Isenberg, Kelly <kisenberg@pa.gov>
Sent: Tuesday, December 5, 2023 3:50 PM
To: michael.long479@gmail.com; J. Chadwick Schnee <chadwick@schneelegal.com>
Subject: FW: [External] Question

Mr. Long and Attorney Schnee,

Mr. Long: Please be reminded that *ex parte* communications will not be permitted. The Borough's counsel must be copied on all communication with the OOR. In addition, your submission related to the reconsideration must be uploaded to the OOR E-File Portal.

Regarding your inquiries found below, a review of the record in this matter, along with the copy of the Petition for Review filed with the Court of Common Pleas of Northampton County, shows that the PFR was filed on the same date that the OOR granted a partial reconsideration in response to the Borough's Nov. 17, 2023, Petition for Reconsideration.

Attorney Schnee: As it appears that 1 Pa. Code § 35.214(f) is applicable to the instant situation, given the concurrent Petitions stemming from the same OOR Final Determination, we request that you submit your position on the application of the administrative rule in response to Question No. 1.

Mr. Long: Regarding Question No. 2, it is not clear what is being asked or what "this matter" is referring to, so I am unable to provide a response. Regarding Question No. 3, the OOR never "collaborates" with parties to prior appeals for any reason.

Thank you for your attention to these matters. If you have any questions, please advise.

Kelly Isenberg

Kelly C. Isenberg |Attorney
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
Phone: (717) 346-9903
Fax: (717) 425-5343
https://www.openrecords.pa.gov
@OpenRecordsPA

From: Michael Long <michael.long479@gmail.com>
Sent: Tuesday, December 5, 2023 2:53 PM
To: Isenberg, Kelly <kisenberg@pa.gov>
Subject: [External] Question

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown senders. To report suspicious email, use the Report Phishing button in Outlook.*

Regarding the reconsideration the borough filed in response to 2023-1598, apparently in a panic they apparently filed a an appeal through the local courts. They hand served me at council meeting last night. So now my question is 3 fold.

1. Does this put an end to the reconsideration

2. As neither I nor do I suspect the oor received any notification regarding this matter, does the 30 day limit apply to notifying all parties as that timeline expired Sunday or just the fact they filed prior

to the 30 day limit is sufficient?

3. If the reconsideration is vacated and the court case is in effect, since I currently have no other appeal in front of your office, are we able to collaborate or how is involvement handled?

As I'm pretty sure I had developed a viable response and considering I've done all this myself after watching a 2 min YouTube video. I'm pretty sure Attorney Schnee, as accomplished and well regarded as he is, might earn me my own chapter in the next edition.

Michael Long

OOR Exhibit 24

From: Michael Long <michael.long479@gmail.com>
Sent: Friday, December 8, 2023 1:07 PM
To: Isenberg, Kelly
Cc: J. Chadwick Schnee
Subject: Re: [External] Question
Attachments: Recon Response 2023-1598.pdf

Dear Attorney Schnee,

I understand from recent information that you now serve as private counsel contracted by the Borough in this matter before the OOR. However, I still believe further consideration around the finding of bad faith remains critical.

As outlined extensively in multiple appeals for this agency, there persists an extensive documented history of transparency deficiencies misaligning with core open records principles under the RTKL. This includes but is not limited to ongoing patterns of discrepancy, questionable claims around record existence, invocation of exemptions without proper proof, and facial deficiencies in search validation.

While I respect a lawyer's duty to zealously advance a client's interests, I cannot ignore in good conscience such a cumulative record of sustained barriers fostering opacity allergic to civic accountability. As an officer of the court, I know you appreciate why entrenched institutional resistance to disclosure obligations should trouble any steward of justice.

As such, I still urge closely examining the agency's repeat transparency shortcomings enumerated across appeals including 2022-2675, 2023-1083 and 2023-1598. Doing so reveals why reconsideration of a bad faith finding remains warranted based on factors presented in multiple proceedings.

I welcome continued constructive dialogue on these matters which impact public trust and confidence in governance. Please advise on any clarification or materials that could aid your review.

Regards,

Michael Long

P.S. Expressly my opinion, but these are not good people whom you choose to represent.

They claim expenses of almost $25,000 per request.
A number that will go nowhere but up at this point. While I've spent $15 buying flash drives from the borough.

On Wed, Dec 6, 2023 at 10:09 AM Isenberg, Kelly <kisenberg@pa.gov> wrote:

> Good morning, Attorney Schnee.
>
> Please provide a response by the close of business on Mon., Dec. 11th.

December 8, 2023

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101

RE: Response to Reconsideration Request in Long v. Bath Borough, OOR Dkt. AP 2023-1598

To Whom It May Concern:

I am writing in response to the Borough of Bath's ("Borough") petition for reconsideration of the Final Determination ordering release of additional records responsive to my Right-to-Know Law ("RTKL) request issued on May 17, 2023. Specifically, I reply here to Points 1 and 2 of the Borough's petition, arguing it presents no compelling grounds for alteration of the Final Determination. Thereafter, I furnish multiply grounds necessitating an explicit finding of bad faith on the part of the Borough regarding its conduct throughout this matter while also showing a continued pattern of behavior that demonstrates an impunity to right to know law.

Reply to Point 1

The Borough first argues that the Office of Open Records ("OOR") improperly ordered release of communications between less than the full group of listed personnel per my original request, contrary to decisions like Pa. State Police v. Office of Open Records, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010) holding agencies need not produce records where retrieved documents do not match the individuals explicitly referenced within a given request.

However, this extreme interpretation flows from the Borough's own unduly narrow reading of "between" as referring only to emails with each and every named party included. As I explained when initially assessing the language and intent of my original RTKL request:

"Including but not limited to" for communication types - This implies that emails, memos, notes, and text messages are some examples given, but the request would cover any other written communications records as well. Things like letters, meeting minutes, etc. would also be encompassed. See Spatz v. Reading, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513 upholding requests should be interpreted in spirit of maximal disclosure.

"Between" the listed names - This specifies the primary parties involved, but does not mean communications exclusively between only those exact people. Related communications that incorporate additional parties could still be responsive, as long as they connect back to exchanges between the listed officials. See Pennsylvania Human Relations Commission v. Ammon K. Graybill 2002 PA D. & C. Dec. LEXIS 29 favoring ambiguity interpretation promoting greater access.

Given the clearly open-ended "including but not limited to" phrasing defining scope in my original request, I contend the Borough's highly literal reading of "between" fails to reasonably construe the request in the spirit of maximal transparency reflected in applicable OOR precedents.

Nothing in my original language necessitated "between" to mean solely communications directly bracketing all referenced individuals. Hence I argue the OOR properly found my broader interpretation of "between" as encompassing any combination of listed parties was logically sound.

Therefore, I argue that the OOR's decision to interpret "between" as including communications involving any combination of the listed parties is both logically sound and consistent with the spirit of the RTKL. The Borough's narrow interpretation fails to consider these broader principles of openness and transparency, which are fundamental to the RTKL.

In light of these considerations, I maintain that the OOR's Final Determination to release the records in question was appropriate and in line with the objectives of the RTKL. The Borough's petition for reconsideration does not present valid grounds for altering this decision, as it is based on a limited and overly literal interpretation that is inconsistent with the principles of transparency and public access that underlie the RTKL.

Reply to Point 2

The Borough alleges I improperly excluded non-email communications from the scope of my appeal. However, my original RTKL request clearly encompassed multiple forms of records, as stated here:

"All communications, including but not limited to emails, memos, notes, and text messages..."

The "including but not limited to" language signals an open-ended, non-exhaustive illustrative list. See Easton Area School District v. Baxter, 35 A.3d 1259 (Pa. Cmwlth. 2012) (finding "including but not limited to" implies a non-exhaustive set with intent to encapsulate more items under scope).

While my appeal letter provided emails as one example issue under contention, at no point did I intend to affirmatively accept, acquiesce to, or limit my dispute to solely the email portion of the request. The Borough cannot reasonably construe mention of emails as the only records appealed when inclusive scope language of the original request remains standing. See Office of the Governor v. Bari, 20 A.3d 634 (Pa. Cmwlth. 2011) (agencies cannot exploit imprecise appeal characterizations to avoid substantive evaluation).

Moreover, the Borough initially insisted responsive memos, notes, and texts did not exist at all in its possession. It cannot now claim exemption of non-provided materials outside email parameters improperly narrows scope. Logically, one cannot dispute nor compel release of records allegedly not existing. This inherent contradiction undermines the Borough's position in Point 2.

I continue to dispute the Borough's wholesale denial of responsive records across multiple requested media formats. As such formats were clearly enumerated in my initial request, they all remain central subjects of this appeal seeking transparency.

In conclusion, the broad and inclusive language of the original RTKL request, as well as the context and substance of the appeal, make it clear that all forms of communication within the scope of the request remain relevant and disputed. The Borough's claim that the appeal inappropriately narrowed the scope to only email communications is unsupported and disregards the initial intent and language of the RTKL request.

Therefore, I maintain that the scope of both my original request and subsequent appeal remains broad, encompassing all forms of communication as originally specified, and that the OOR's decision should reflect this comprehensive scope in line with the principles of transparency and public access inherent in the RTKL.

Evidence Necessitating Finding of Bad Faith by Borough

I next aim to methodically review multiple grounds that I believe mandate upon reconsideration an explicit OOR finding that the Borough acted in bad faith during its search for, review, and disclosure of responsive records.

Beyond deficiencies already outlined, I must highlight the Borough's abject failure upholding its duty to substantiate claims around record possession and exemptions with concrete validating evidence versus mere assertions.

Failure to Uphold Search Obligations in Good Faith

The RTKL places an affirmative duty on agencies to discharge requests in good faith per standards in Uniontown Newspapers, Inc. v. Pa. Dep't of Corr., 185 A.3d 1161 (Pa. Commw. Ct. 2018). The Borough failed upholding its search obligations under that binding precedent. First, Office Administrator Rasmus' resignation email contained additional ancillary recipients. Yet any reasonable review mindful of Uniontown Newspaper's standards to construe production in the spirit of maximal access would have identified this record as responding to the resigned employee topic enumerated in my request notwithstanding additional names.

Moreover, upon claiming in its initial response that no non-email records existed, the Borough inexplicably objects to furnishing such media in its reconsideration request. This contradiction suggests responsive memos, notes and texts likely do reside in the Borough's possession contrary to its prior categorical denial. No explanation reconciles this discrepancy, which structurally mirrors the circumstances in Kneller v. Luzerne County necessitating a finding of bad faith in that OOR matter.

Lack of Proof Corroborating Adequacy of Search

The affidavit furnished by the Borough simply narrates a purported search process. But narration does not equate to demonstration. The Borough provided no accompanying supplemental validation like written search protocols, screenshots illustrating search executions, forensic activity reports from email/document systems queried, certified copies of automated discovery logs from the systems searched, or similar irrefutable documentation establishing their stated search methodology was rigorously carried out.

The burden of proof mandating more than mere claims of adequate searches is long established, as in Hodges v. Pa. Department of Health, 29 A.3d 1190 (Pa. Cmwlth 2011) noting "an affidavit that merely mimics the language of the RTKL, without additional detail, is insufficient to demonstrate a good faith effort in responding to a RTKL request." The Borough's submission fails meeting that evidentiary standard.

Invocation of Attorney-Client Privilege Without Individualized, Evidence-Based Justification

In its petition, the Borough reiterates claims that certain legal communications must remain confidential under attorney-client privilege. However, both Office of the Governor v. Scolforo and McGowan v. Pa. Dep't of Envtl. Prot. affirm agencies cannot invoke privilege through generalized, conclusory statements but must furnish record-specific evidence supporting applicability.

The Borough has not met that evidentiary burden here. As reviewed in my 10/31/2022 statement, the privilege log included with the Borough's supplemental submission contained essentially duplicated boilerplate privilege justifications across all records lacking any particularized facts. Such repetitive invocation fails compliance with the fundamental Open Records principles necessitating detailed evidence.

Moreover, Office of the Governor v. Scolforo also established privilege extends only to discussions seeking or delivering legal advice, not factual contents. Yet despite this clearly bounding legal precedent, the Borough petition argues exchange of any legal viewpoints constitutes privileged communications. Factual topics like resignations or candidate appointments represent "application of record law to fact", rendering contents discussing such matters eligible for access under 65 P.S. § 67.102 even if conveyed between agency officials and legal counsel.

The Borough petition altogether fails substantiating why advice on navigating procedural statutes warrants confidentiality. I argue this amplifies demonstrated failure upholding its burden of evidentiary support for extending claimed privileges against transparency principles favoring disclosure.

Pervasive Repetition Undermining Individualized Privilege Designations

Additionally, upon review it is evident that descriptions within the Borough's privilege log simply replicate generic, boilerplate justification language across multiple unrelated communications without contextual specificity. For example, some 72% (13 of 18) log entries share verbatim recycled phrasing stating "Email is... attorney-client communication regarding legal matters and advice from Solicitor Kratz to Client".

Such regurgitated repetition without unique, particular evidence demonstrating tailored applicability of the attorney-client exemption for each discrete record fundamentally conflicts with the core presumption of openness enshrined by the RTKL per Pennsylvania State Police v. McGill as it indicates a lack of good faith agency effort providing meaningful, individualized assessments on whether specific communications qualify for protecting privileged legal discussions.

Incomplete and Deficient Exemption Log

Upon review of the Borough's exemption log submitted per the OOR's directive, multiple facial deficiencies conflict with governing Open Records rules necessitating robust exemption substantiation. As demonstrated in my 10/13/2022 log rebuttal statement, attributes like precise dates, senders, recipients and individualized legal citations were absent, contrary to exemption logging guidance furnished by the OOR.

Most glaringly, the log contained no entries or explanations for withholding responsive text messages. Such omission rendered the log facially deficient under the records sought. That absence encapsulates demonstration of either ignorance or deliberate disregard of governing transparency procedures. Neither inference promotes public confidence in rigorously upholding access obligations.

Failure Apply Governing Precedent on Routine Process/Procedure Communications

Furthermore, the Borough inappropriately invokes attorney-client privilege for numerous communications related primarily to discussions regarding procedural minutia like resignations and candidate vetting dictates explicitly laid out in state Borough codes versus exchanges eliciting abstract legal advice.

But clear precedent has established records revealing "application of law to facts and absent any requests for legal advice or analysis" cannot qualify as privileged under McGowan v. Pa. Department of Environmental Protection. As such procedural dictates reside squarely within factual realms appropriate for public scrutiny, I contend the Borough falters applying governing OOR rulings on differentiating advising officials on concrete resignation/appointment protocols they are bound to adhere to anyway versus dispensing confidential legal counsel specific to a situation.

Invocation of Exemptions Without Due Consideration of Segregability

The Borough further appears to have neglected proper evaluation of whether responsive records eligible for access in full or part on segregability grounds existed among the materials sought. Under applicable OOR rulings, "An agency cannot withhold an entire record from a requester on the basis that some information in the record is exempt from disclosure; the agency must produce the record with the exempt information redacted."

As outlined in my earlier rebuttal statement, Borough responses failed undertaking itemized review to discharge this due diligence responsibility. Certain communications

concerning procedural application “law to fact” reasonably may contain interspersed content not subject to attorney-client privilege that feasibly could be disclosed upon appropriate redaction. However, the Borough declined segregability considerations. I argue such structural approach intrinsically manifests failure constructively approaching transparency aims pervading legislative intent.

Lack of Candor Before Tribunals

Pennsylvania Rule of Professional Conduct 3.3 governing attorney conduct calls for fair and truthful representations in front of courts and adjudicative entities such as administrative tribunals. However, as illustrated by factual timeline misrepresentations regarding a Council member’s resignation in two separate affidavits, the Borough’s legal counsel demonstrably failed exhibiting necessary candor expected from an officer of the court. Such conduct manifests failure to uphold the duty of integrity binding upon the legal profession under its own codes.

Ongoing History of Deficient Transparency and Accountability

Finally, and most critically, the pattern of discrepancies, shifting claims around record existence, questionable secrecy assertions, and facially inadequate search validation continues an extensive documented history of repeated transparency failures uniformly aiming to deny rather than disclose potentially revealing information on elected officials’ handling of key governance duties – echoing barriers erected in numerous examples:

Withheld DriveLocker Invoices Despite Grant Funds Proof (RTKL Request 2022-2675) [Exhibit A]

- Borough was required to release unredacted DriveLocker invoices

- Later discovered gaps in invoice dates requested again with new invoices provided.

- Recent discovery of a State Grant for $50,000 issued for IT

- This invoice has to this day never been provided although it was responsive to the record and ordered by OOR final determination

Required Electric Billing Disclosures Absent Legal Grounds for Denial (RTKL Request 2023-1083) [Exhibit B]

- Final Determination orders release within 30 days

- Borough did not appeal decision, making order binding

- Over 90+ days since ruling, records still undisclosed

- Explicit legal obligation to furnish records upon order

Bad Faith Handling of Audit Report Data Capacities (RTKL Request 2023-1083) [Exhibit C]

- Borough previously insisted under sworn claims that QuickBooks audit trails could not be generated to block financial transparency

- Data provided in partially fulfilling Appeal 2023-1083 relies on extracting reports from that same system supposedly lacking capacity

- This directly contradicts signed affidavit citing failed auditing attempts owing to past system errors

- Upon final determination I promptly filed a reconsideration request with the OOR as is outlined, regarding the error of agreeing with the Boroughs claims regarding the issuance of an audit log, a reconsideration request that was fully ignored

- Offence compounded by sworn statements lacking factual accuracy on database capabilities

Inconsistent Legal Privilege Log Date vs. Payroll Records (RTKL Request 2023-1598) [Exhibit D]

- Borough legal counsel privilege log asserts confidential communications regarding Mayor Fiorella Mirabito hiring deliberations occurred on April 21st, 2022

- However, official borough payroll records present irrefutable evidence Mayor Mirabito assumed salaried duties April 1st, 2022

- This unnecessary contradiction between dates of purported legal discussions and real-world employment verification logs strains credibility

- Such a glaring factual mismatch remains impossible to reconcile against chronological reality

- At best evidences gross negligence; at worst overt obfuscation

- Either undercuts legitimacy of blanket privilege claims through incurable discrepancy

Flynn Policy Guidance Email (RTKL Request 2023-1083 & 2023-1598) [Exhibit E]

- Email from October 2021 shows key policy actions under consideration

- Specifically references prior Flynn statements on critical vacancy decisions

- But no preceding Flynn message furnished in disclosure as clearly indicated

- Same email released under separate request, Borough aware was public record

- Withholding known responsive communications violates transparency duties

This long-run trend paints an unambiguous portrait of entrenched institutional rot fundamentally allergic to civic openness and accountability – the very attributes meant to anchor public service in a democracy accountable to the people. I implore the Office of Open Records to memorialize the sustained demonstrations of bad faith outlined herein and deliver both remedy and deterrence.

Cumulative Impact Undermining Public Trust

Collectively, the pattern of conduct, misrepresentations, material discrepancies, inability or unwillingness to provide key details on critical decisions impacting Borough governance, structural non-compliance with multiple transparency procedures, and consistent rejections of reasonable disclosure requests on specious grounds fosters opacity fundamentally misaligning with open information principles enshrined in binding OOR rulings like Uniontown Newspapers. This cumulatively results in the variety of demonstrated bad faith outlined herein.

Conclusion

I thank the Office of Open Records for its objective review while respectfully urging upon reconsideration the Final Determination be properly amended to memorialize a finding that bad faith characterized the Borough's deficiencies upholding applicable transparency standards based on the factors described herein. Let no public servant remain immune from accountability.

Sincerely,

Michael Long

Borough of Bath

121 South Walnut Street, Bath, PA 18014
Phone: 610-837-6525 Fax: 610-837-8989

Exhibit B

Friday, October 20, 2023

VIA EMAIL ONLY

Mr. Michael Long
220 Creek Road
Bath, PA 18014

RE: OOR Final Determination mailed September 22, 2023
OOR Docket No. AP 2023-1083
Solid Waste Fund Records

Dear Mr. Long:

Page 46 of the above referenced Final Determination, in relevant part, states subpart (i) as follows:

> "i. Subject:…Borough…Solid Waste and Recycling Fund…since its inception in 2020, as well as the Borough's policy regarding charge-offs of delinquent accounts in this fund.
>
> Please provide the following information:
>
> 1. A complete financial breakdown of the Solid Waste and Recycling Fund since its inception in 2020 till Current, including[:]
>
>   a. Revenue and expense details for each fiscal year.
>   b. The audit trail associated with excess revenue generated from the amount of funds generated versus expenses related to sanitation between 2017-2019.
>   c. The amount of any charge-offs since 2020 to the current date.
>   d. The length of time these accounts were delinquent prior to write-off.
>
> 2. The Borough[']…policy regarding charge-offs of delinquent accounts in the Solid Waste and Recycling Fund, including:
>   a. The criteria for writing off these accounts.
>   b. The process for residents to have their accounts written off.
>   c. Whether residences with written-off accounts are still provided with sanitation services and, if so, under what conditions."

Page 46 of the Final Determination, in relevant part, reiterated that the Borough provided copies of the "Budget versus Actual and Profit & Loss reports" for the Municipal Solid Waste Fund for fiscal year[] 2022 and the first quarter of 2023." Page 51 of the Final Determination, in relevant part, states "…, and to all records responsive to subpart i., …" and "[i]f no additional records are located as a result of its search, the Borough shall provide an attestation or sworn affidavit to the Requester confirming same."

As it pertains to subpart (i)1(a) of the Final Determination, as you know, you were previously given copies of the Solid Waste Fund Profit & Loss reports for fiscal years 2022 and 2023. As you'll remember, prior to 2022, I caused the Borough to create a separate Solid Waste Fund Company in Quickbooks for 2022 and to be used on a go forward basis so the Solid Waste Fund was its own Company in Quickbooks and was not within the General Fund Company as it was prior to 2022.

After carefully reviewing the Borough's General Fund Company in Quickbooks for 2020 and 2021, the Borough's Bookkeeper and I identified the general ledger numbers for solid waste and recycling revenue and expenses within the General Fund Company and Attachment A is the Solid Waste Fund Profit and Loss reports for 2020 and 2021 that the Borough's Bookkeeper generated from Quickbooks and provided to me. Please note that these reports are on 'cash basis' and not on 'accrual basis' as the Borough operates and reports on a 'cash basis'.

The 2020 Solid Waste Fund Profit and Loss report indicates a net income of $209.37. However, as the 2020 Profit and Loss report shows, the stated net income of $209.37 includes revenue from general ledger number 364.33 which is $18,794.94 in 2020 received from the Borough's collection attorney, Portnoff Law Associates ("PLA"), for its collection of delinquent solid waste and recycling bills that were owed by certain unit owners from a year or years prior to 2020. If you deduct the $18,794.94 for general ledger number 364.33 for 2020 from the $209.37 stated as net income for 2020, the result is that the 2020 Solid Waste Fund had a deficit of $18,585.57 ($18,794.94 - $209.37).

The 2021 Solid Waste Fund Profit and Loss report indicates a net income of $21,019.64. However, this is only because the Borough's waste hauler bill of $22,552.00 for December 2021 was paid in January 2022 instead of in fiscal year 2021. In addition, the Borough's 2021 4th Quarter First Regional Compost Authority ("FRCA") bill of $2,539 was not paid until fiscal year 2022. Further, the 2021 Profit and Loss report shows that the stated net income of $21,019.64 includes $10,408.41 of revenue from general ledger number 364.33 which is collections by PLA of delinquent solid waste and recycling bills that were owed by certain unit's owners from a year or years prior to 2021. If you adjust the stated net income of $21,019.64 by deducting (a) the December 2021 waste hauler bill of $22,552.00 (paid in January 2022), (b) the FRCA 2021 4th Quarter FRCA bill of $2,539 (paid in fiscal year 2022) and (c) the PLA collections of $10,408.41 from delinquent bills that were owed by certain owners from a year or years prior to 2021, the Solid Waste Fund had a deficit of $14,479.77 for 2021.

As it pertains to subpart (i)1(b) of the Final Determination, the Borough does not have an "audit trail associated with excess revenue generated from the amount of funds generated versus expenses related to sanitation between 2017-2019". Also, the Borough is not able to create an 'audit trail' report because QuickBooks does not have a function that provides an 'audit trail' report generated from a net income stated by a QuickBooks Profit and Loss Report. For example, the 2021 Solid Waste Fund Profit & Loss report indicates a net income of $21,019.64. It is not possible to run an 'audit trail' relative to the stated net income of $21,019.64 for the 2021 Solid Waste Fund Profit & Loss report. That said, **Attachment B** is the Audit Trail for fiscal years 2017, 2018 and 2019 showing all of the solid waste and recycling revenue and expenses in the General Fund Company. This captures all QuickBooks activity related to all solid waste and recycling revenue and expenses for fiscal years 2017, 2018, and 2019 within the General Fund Company. Also, **Attachment C** is the 2017, 2018 and 2019 Solid Waste Fund Profit & Loss reports that I had the Borough Bookkeeper generate from QuickBooks and provide to me so I could provide you with the Solid Waste Fund Profit & Loss reports for 2017, 2018 and 2019 in addition to the 2020 and 2021 reports being **Attachment A**. Like the 2020 and 2021 reports, the 2017 thru 2019 reports show the general ledger numbers for solid waste and recycling revenue and expenses within the General Fund Company for those years.

With respect to the 2017 Solid Wast Fund Profit & Loss report, that report states a net income of $106,773.49. However, please note that includes $81,148.28 for general ledger number 364.33 (PLA collections from year(s) prior to 2017) and $1,166.61 for general ledger number 364.34 (payoffs for liens from year(s) prior to 2017). If you deduct the collection of $82,314.89 ($81,148.28 + $1,166.61) for prior year(s) from the stated net income of $106,773.49, that mathematical result is $24,458.60.

With respect to the 2018 Solid Waste Fund Profit & Loss report, that report states a net income of $71,028.94. However, please note that includes $34,655.45 for general ledger number 364.33 (PLA collections from year(s) prior to 2018). If you deduct the collection of $34,655.45 for prior year(s) from the stated net income of $71,028.94, that mathematical result is $36,373.49.

With respect to the 2019 Solid Waste Fund Profit & Loss report, that report states a net income of $64,231.54. However, please note that includes $38,279.18 for general ledger number 364.33 (PLA collections from year(s) prior to 2019). If you deduct the collection of $38,279.18 for prior year(s) from the stated net income of $64,231.54, that mathematical result is $25,952.36.

As it pertains to subpart (i)1(c), (d), 2(a), (b), and (c) of the Final Determination, the Borough does not have a "policy regarding charge-offs of delinquent [solid waste and recycling] accounts" because the Borough does not charge-off any delinquent solid waste/recycling accounts. That is why the records you seek do not exist. For your edification, typically in November and December of each fiscal year, any solid waste and recycling account ("sanitation account") that has not paid his/her/their bill are placed on a delinquency list. The delinquency list is transmitted to PLA for it to collect the monies owed to the Borough from the delinquent sanitation accounts. PLA collects those monies by either collecting payment in full via lump

sum payment or payment via installment plan. Prior to a delinquent sanitation account being paid, as and when permitted by Pennsylvania's Municipal Claims and Tax Lien Act, PLA places a lien on the real estate owned by the respective delinquent sanitation account for the benefit of the Borough so payment of the respective delinquency is secured by the respective lien. To prove the Borough does not have a charge-off policy, see the following:

2020 Delinquent Sanitation Accounts - Attachment D

The sanitation bill amount for 2020 was $291.31 per unit. Property owners covered by the Borough's sanitation contract were billed based on the number of units located at the respective property. Attachment D is the 2020 delinquent sanitation account list sent to PLA for PLA to collect the 2020 delinquent sanitation monies owed to the Borough. Attachment D shows, among other things, the property address for each delinquent sanitation account for 2020 sanitation service by the Borough's contracted hauler and the amount of the total balance that was owed for 2020 sanitation service by the owners of the respective property.

2021 Delinquent Sanitation Accounts - Attachment E

The sanitation bill amount for 2021 was $291.31 per unit. Attachment E is the 2021 delinquent sanitation account list sent to PLA for PLA to collect the 2021 delinquent sanitation monies owed to the Borough. Attachment E shows, among other things, the property address for each delinquent sanitation account for 2021 sanitation service by the Borough's contracted hauler and the amount of the total balance that was owed for 2021 sanitation service by the owners of the respective property.

2022 Delinquent Sanitation Accounts - Attachment F

The sanitation bill amount for 2022 was $270.44 per unit because of a $50 per unit rebate provided by the Borough for each sanitation account. Attachment F is the 2022 delinquent sanitation account list sent to PLA for PLA to collect the 2022 delinquent sanitation monies owed to the Borough. Attachment F shows, among other things, the property address for each delinquent sanitation account for 2022 sanitation service by the Borough's contracted hauler and the amount of the total balance that was owed for 2022 sanitation service by the owners of the respective property.

As you can see, the Borough does not charge off delinquent sanitation accounts. Each year, the Borough sends PLA the delinquent sanitation account list for the prior year and PLA pursues collection from the owners of the real estate for the respective delinquent sanitation account. The delinquent sanitation account list for 2023 will be prepared in November or December of this year and then sent to PLA. After the 2023 delinquent sanitation account list is prepared and remitted to PLA, I'll email you a copy, so you have a copy of that list as well.

Subject to the penalties of 18 Pa.C.S. Section 4904, I certify that the facts set forth above on behalf of the Borough are true and correct to the best of my knowledge, information, and belief.

Sincerely,

Bradford T. Flynn, Borough Manager
Borough of Bath

Encls (Attachments A thru F)

cc: James F. Kratz, Borough Solicitor (via email)

Exhibit A

RECEIVED
MAY 11 2017
FINANCIAL MNGMT. CTR.

Contract No: **C000065222**

COMMONWEALTH OF PENNSYLVANIA
COMMONWEALTH FINANCING AUTHORITY

LOCAL SHARE ACCOUNT GRANT CONTRACT

This Contract, is entered into by and between the Commonwealth of Pennsylvania (the "Commonwealth"), acting through the Commonwealth Financing Authority (the "Grantor"), and

BATH BOROUGH
215 E Main St
Suite 1
Bath PA 18014

(the "Grantee").

BACKGROUND:

Section 1403 of the Act of July 5, 2004 (P.L. 572, No. 71), known as the PA Race Horse Development and Gaming Act (the "Act"), as amended by the Act of November 1, 2006 (P.L. 1243, No. 135) and the Act of January 7, 2010 (P.L. ___, No. 1), authorizes the Commonwealth Financing Authority to make direct grants to the municipalities, counties, economic development authorities, redevelopment authorities and other eligible entities located within counties of the third class and counties of the fifth through eighth class for eligible activities based upon the category of licensed facility, the type of racetrack at the licensed facility, and the county classification; and

The General Assembly of the Commonwealth has appropriated funds to the Grantor to carry out the provisions of the Act.

NOW, THEREFORE, in consideration of the foregoing, and subject to the conditions contained herein, the parties hereto intending to be legally bound hereby, do covenant and agree for themselves, their respective successors and assignees as follows:

ARTICLE I
AMOUNT OF THE CONTRACT

Subject to the terms of this Grant, the Grantor hereby makes available to the Grantee out of funds appropriated a grant in the sum of **FIFTY THOUSAND DOLLARS ($50,000.00) AND NO CENTS------** or such portion thereof as may be required by the Grantee and authorized by the Grantor, subject to the condition that it shall be used by the Grantee to carry out the activities described in the application submitted by the Grantee and as approved by the Grantor, and which is incorporated herein by reference. In addition, this Grant shall be subject to Appendix A, Project Description and Special

Conditions, and Appendix B, Budget Summary, which are attached hereto and incorporated herein.

ARTICLE II
EFFECTIVE DATES

The term of this Grant shall commence on the Effective Date (as defined below) and shall end on **JUNE 30, 2020**, subject to the other provisions of this Grant.

The Effective Date shall be the date the fully executed Grant is sent to the Grantee. A fully executed contract is one that has been signed by the Grantee and by the Grantor and contains all approvals required by Commonwealth contracting procedures.

This Grant is not binding in any way, nor will the Commonwealth be bound, until this document has been fully executed and sent to the Grantee. Any cost incurred by the Grantee prior thereto are incurred at the Grantee's risk.

ARTICLE III
PAYMENT PROVISIONS AND FISCAL RESPONSIBILITIES

(a) The Grantor agrees to pay the Grantee for eligible project costs incurred under this Grant between **MARCH 29, 2017** and **JUNE 30, 2020** (the "Grant Activity Period") as follows:

(1) Subject to the availability of state funds and other terms and conditions of this Grant, the Grantor will reimburse the Grantee based upon the Grantor's determination of the Grantee's needs and in accordance with the proposed budget as set forth in Appendix B.

The Grantor may pay the Grantee for eligible project costs at intervals to be determined by the Grantor. Under no circumstances shall the Commonwealth or the Grantor be liable for any expenditure exceeding the amount stated in this Grant or amendments hereto.

The Grantor shall have the right to disapprove any expenditure made by the Grantee which is not in accordance with the terms of this Grant and the Grantor may adjust payment to the Grantee accordingly.

(2) Initial payments to the Grantee to perform the activities under this Grant and all other payments shall be made on invoice forms and in accordance with instructions provided by the Grantor.

To receive payments under this Grant, the Grantee shall submit requests for payment based on the Grantee's estimate of expenditures, at intervals as determined by the Grantee to meet disbursement needs. Unless otherwise instructed by the Grantor, this estimate may not exceed the current disbursement needs of the Grantee in order that the amount of cash on hand and available to the Grantee is as close to daily needs as administratively feasible. The Grantor may, however, set a minimum payment level or amount for each request for payment.

(b) Conditions for Payment:

(1) Grant payments under this Grant shall be conditioned upon the completion of any Special Conditions set forth in Appendix A or otherwise incorporated into this Grant.

(2) Costs allocated to program administration shall be limited to those set forth in the project budget or as otherwise revised in accordance with the amendment provisions of this Grant set forth in the Article entitled Amendments and Modifications.

(3) Payment by the Commonwealth and all other terms of this Grant are subject to the effect of any federal deficit reduction legislation upon the availability of funds awarded by this Grant.

(c) The Grantee shall charge to the project account all approved costs of the project. All such costs, including activities contributed by the Grantee or others and charged to the project account, shall be supported by properly executed vouchers or other records indicating in proper detail the nature and propriety of the charge.

(d) Conditions for Repayment of Grant Funds:

(1) Misuse or Failure to Use Funds.

(A) The Grantee agrees that it will use the funds granted hereunder, or as much as may be necessary, to carry out the aforesaid project in accordance with the terms of this Grant. If after all or any part of the funds has been paid to the Grantee and the Grantee shall fail to carry out the activities, the Grantee shall repay the Grantor the funds theretofore paid.

(B) If the Grantee does not use all or a portion of the funds paid under the terms of this Grant for purposes of and in accordance with this Grant, the Grantee shall be liable to the Grantor for the amount of funds unused or improperly used and shall return said funds to the Grantor.

(C) In the event the Grantor shall be entitled to repayment of all or a portion of the funds granted herein, the repayment shall include all interest, income, accumulations and the monetary equivalent of

any appreciation in value of any property (real, personal or mixed) purchased with the funds granted them. A check shall be written, payable to the Commonwealth of Pennsylvania, and forwarded to the Grantor for: (1) the principal and (2) the total of any such interest, income, accumulations or appreciation in value.

(2) Violation of the Prohibition of Illegal Alien Labor on Assisted Projects Act.

In the event that the Grantee

(i) knowingly employs, or knowingly permits any of its subcontractors to knowingly employ, the labor services of an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania; and

(ii) the Grantee or any of its subcontractors are sentenced under Federal law for an offense involving knowing use of labor by an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania,

the Grantee shall repay to the Grantor all grant funds received by the Grantee from the Grantor pursuant to this Grant. A check shall be written, payable to the Commonwealth of Pennsylvania, and forwarded to the Grantor.

ARTICLE IV
BONDING, INSURANCE AND TAX LIABILITY REQUIREMENTS

(a) Hold Harmless:

The Grantee shall hold the Commonwealth harmless from and indemnify the Commonwealth against any and all claims, demands and actions based or arising out of any activities performed by the Grantee and its employees and agents under this Grant; and shall defend any and all actions brought against the Commonwealth based upon any such claims or demands. It is understood and agreed that the Grantee's standard liability insurance policies shall protect, or shall be endorsed to protect, the Commonwealth from claims of bodily injury and/or property damage arising out of any activities performed by the Grantee or its employees or agents under this Grant, including business and non-business invitees, and their property and all other property sustaining damage as a direct or indirect result of the execution of this project when validly present on Grantee's premises whether or not actually engaged in the project at the time the claim inures. Such policies shall not include any provision limiting then existing sovereign immunity of the Commonwealth or of its agents or employees. Upon request, the Grantee shall furnish to the Grantor proof of insurance as required by this paragraph.

(b) Other Liability Requirements:

The Grantee shall provide workmen's compensation insurance where the same is required and shall accept full responsibility for the payment of premiums for workmen's compensation and social security and any other taxes or payroll deductions required by law for its employees who are performing activities specified by this Grant.

ARTICLE V
COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS

All activities authorized by this Grant shall be performed in accordance with applicable statutes, regulations, conditions, directives, guidelines and such additional requirements as may be attached hereto as Appendix C or are otherwise provided by the Grantor. The Grantee acknowledges that this Grant is subject to all requirements set forth herein and further agrees that it will comply with future requirements determined by the Grantor as necessary.

(a) Compliance with State Statutes and Regulations:

The Grantee also agrees to comply with all applicable state statutes and regulations.

(b) Nondiscrimination/Sexual Harassment Provisions:

The Grantee agrees:

(1) In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

(2) The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate in violation of the PHRA and applicable federal laws against or intimidate any of its employees.

(3) The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places

customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement.

(4) The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate in violation of the PHRA and applicable federal laws against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.

(5) The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers subject to *Title VII* of the *Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the Grantor and the Bureau of Small Business Opportunities (BSBO), for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause. Enclosure 2 to Management Directive 215.16 Amended Page 2 of 2.

(6) The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

(7) The Grantee's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

(8) The Commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this

Nondiscrimination/Sexual Harassment Clause. In addition, the Grantor may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

(c) Compliance with the State Contractor Responsibility Program:

For the purpose of these provisions, the term Contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, grantee, or subgrantee, who has furnished or seeks to furnish goods, supplies, services, or leased space, or who has performed or seeks to perform construction activity under contract, subcontract, grant, or subgrant with the Commonwealth, or with a person under contract, subcontract, grant, or subgrant with the Commonwealth or its state-affiliated entities, and state-related institutions. The term Contractor may include a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other entity of the Commonwealth.

(1) The Contractor must certify, in writing, for itself and all its subcontractors, that as of the date of its execution of any Commonwealth contract, that neither the Contractor, nor any subcontractors, nor any suppliers are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with the bid/proposal, a written explanation of why such certification cannot be made.

(2) The Contractor must also certify, in writing, that as of the date of its execution, of any Commonwealth contract it has no tax liabilities or other Commonwealth obligations.

(3) The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Grantor if, at any time during the term of the Grant, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

(4) The failure of the Contractor to notify the Grantor of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Grant with the Commonwealth.

(5) The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between

the Contractor and the Commonwealth, which results in the suspension or debarment of the Contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

(6) The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the internet at http://www.dgsweb.state.pa.us/DebarmentList_portlet/ or contacting the:

Department of General Services
Office of Chief Counsel
603 North Office Building
Harrisburg, PA 17125
Telephone No: (717) 783-6472
FAX No: (717) 787-9138

(d) Compliance with the Offset Provision for Commonwealth Grants:

The Grantee agrees that the Commonwealth may set off the amount of any state tax liability or other debt of the Grantee or its subsidiaries that is owed to the Commonwealth and is not being contested on appeal, against any payments due the Grantee under this or any other contract with the Commonwealth.

(e) Compliance with The Americans with Disabilities Act:

Pursuant to federal regulations promulgated under the authority of The Americans With Disabilities Act, 28 C.F.R. §35.101 et seq., the Grantee understands and agrees that no individual with a disability shall, on the basis of the disability, be excluded from participation in this Grant or from activities provided for under this Grant. As a condition of accepting and executing this Grant, the Grantee agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. §35.130, and all other regulations promulgated under Title II of The Americans With Disabilities Act which are applicable to the benefits, services, programs and activities provided by the Commonwealth through contracts with outside contractors.

The Grantee shall be responsible for and agrees to indemnify and hold harmless the Commonwealth from all losses, damages, expenses, claims, demands, suits and actions brought by any party against the Commonwealth as a result of the Grantee's failure to comply with the provisions of the above paragraph.

(f) Compliance with Anti-Pollution Regulations:

The Grantee and its subcontractors agree that in the performance of their obligations under this Grant they shall minimize pollution and shall strictly comply with all applicable environmental laws and regulations.

(g) Contractor Integrity Provisions:

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

(1) Definitions. For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

(A) "Affiliate" means two or more entities where:

(i) a parent entity owns more than fifty percent of the voting stock of each of the entities; or

(ii) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or

(iii) the entities have a common proprietor or general partner.

(B) "Consent" means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

(C) "Contractor" means the individual or entity that has entered into this contract with the Commonwealth.

(D) "Contractor Related Parties" means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

(E) "Financial Interest" means either:

(i) Ownership of more than a five percent interest in any business; or

(ii) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

(F) "Gratuity" means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code §7.153(b), shall apply.

(G) "Non-bid Basis" means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

(2) In furtherance of this policy, Contractor agrees to the following:

(A) Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

(B) Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

(C) Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

(D) Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

(E) Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(i) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(ii) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(iii) had any business license or professional license suspended or revoked;

(iv) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(v) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the

Commonwealth in writing if at any time during the term of the contract if becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

(F) Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. §13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. §3260a).

(G) When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

(H) Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

(I) Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third party beneficiaries shall be created thereby.

(J) For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

(h) Compliance with the Prohibition of Illegal Alien Labor on Assisted Projects Act.

Pursuant to the Act of May 11, 2006 (P.L. 173, No. 43), known as the Prohibition of Illegal Alien Labor on Assisted Projects Act, the Grantee shall not knowingly employ, or knowingly permit any of its subcontractors to knowingly employ, the labor services of an illegal alien on activities funded in whole or in part by a grant or loan issued by an executive agency of the Commonwealth of Pennsylvania.

In the event that the Grantee

(a) knowingly employs, or knowingly permits any of its subcontractors to knowingly employ, the labor services of an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania; and

(b) the Grantee or any of its subcontractors are sentenced under Federal law for an offense involving knowing use of labor by an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania,

the Grantee shall:

(a) repay to the Grantor all grant funds received by the Grantee from the Grantor pursuant to this Grant, and

(b) be ineligible to apply for any Commonwealth grant or loan for a period of two years.

(i) Right to Know Law Provisions

(1) The Grantee or Subgrantee understands that the Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the Commonwealth Financing Authority.

(2) If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

(3) Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

(A) Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agreement that the Commonwealth reasonably believes is

Requested Information and may be a public record under the RTKL; and

(B) Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

(4) If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

(5) The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth's determination.

(6) If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

(7) The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

(8) Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

(9) The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

ARTICLE VI
ASSIGNMENT, TRANSFER, COLLATERAL USE

This Grant shall be binding upon and inure to the benefit of the Grantor, the Grantee, and their respective successors and assigns, except that the Grantee may not assign or transfer its rights hereunder without the prior written consent of the Grantor. Approval of an assignment does not establish any legal relationship between the Commonwealth or the Grantor and any other third party, and under no circumstances shall the Commonwealth be held liable for any act or omission committed pursuant to such an assignment.

ARTICLE VII
INDEPENDENT CONTRACTOR

Notwithstanding anything contained herein to the contrary, the rights and duties hereby granted to and assumed by the Grantee are those of an independent contractor only. Nothing contained herein shall be so construed as to create an employment, agency or partnership relationship between the Grantor and the Grantee.

ARTICLE VIII
INTEREST OF PARTIES AND OTHERS

No officer, member, employee, independent contractor or elected official of the Authority and no member of its governing body who exercises any functions or responsibilities in the review or approval of activities being performed under this Grant shall participate in any decision relating to this Grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested. Nor shall any such officer, member, elected official or employee of the Commonwealth or any member of its governing body have any interest direct or indirect in this Grant or the proceeds thereof.

The Grantee covenants that the Grantee (including directors, officers, members and employees of the Grantee) presently has no interest and shall not acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of activities required to be performed under this Grant. The Grantee further covenants that no person having any such interest shall be employed in the performance of activities for this Grant.

The Grantee represents and warrants that no elected state official or any employee of the Grantor or a member of such elected state official's or the Grantor's employee's immediate family (parent, spouse, domestic partner, child, brother or sister, daughter-in-law or son-in-law, or grandchild), or any entity in which any such person shall have an ownership interest of 5% or greater, or in which entity such person shall have a controlling interest, has received or will receive a direct or indirect pecuniary

benefit from or as a result of the full execution of this Grant. Further, the Grantee represents and warrants that it has not and will not enter into any contract for goods or services with the persons enumerated above using any funds made available to Grantee under this Grant.

ARTICLE IX
SUBCONTRACTS

The Grantee shall not execute or concur in any subcontract with any person or entity in any respect concerning the activities herein without prior written approval of the Grantor. Such prior written approval shall not be required for the purchase by the Grantee of articles, supplies, equipment and activities which are both necessary for and merely incidental to the performance of the work required under this Grant. The Grantee shall not execute or concur in any subcontract declared disapproved by the Grantor. A subcontractor shall be automatically disapproved, without a declaration from the Grantor, if the subcontractor is currently or becomes suspended or debarred by the Commonwealth or the federal government. In any event, the Grantee shall be responsible for the quantity and quality of the performance of any of its subcontracts.

All subcontracts must contain provisions of nondiscrimination/sexual harassment as specified in the Article entitled Compliance with Applicable Statutes and Regulations, subsection (b). In addition, all subcontracts involving the pass through of Grant funds to subrecipients must include the contract closeout requirements contained in the Article entitled Contract Closeout Requirements. The Grantee is responsible for ensuring that copies of cancelled checks are received from subcontractors verifying the payment of eligible project costs incurred in accordance with the terms of this Contract, and, in the event that the Commonwealth audits this Contract, for resolving any findings contained in any audit reports. All costs deemed unallowable in any audit report involving the pass through of Grant funds to subrecipients are required to be returned to the Grantor through the Grantee.

ARTICLE X
BIDDING REQUIREMENTS

If the Grantee is a political subdivision or other entity for which open and competitive bidding procedures have been established by law, the Grantee shall comply with those procedures if they are applicable to the project being funded with the grant funds. Otherwise, the Grantee shall comply with open and competitive bidding procedures in awarding any and all grants, subgrants, contracts, subcontracts or other agreements in excess of $10,000.00 for construction, reconstruction, demolition, alteration and/or repair, for acquisition of machinery and equipment, or for engagement of the services of a professional consultant, when said grants, subgrants, contracts, subcontracts or other agreements are funded in whole or at least 50% in part with funds made available under this Grant. The Grantor may require the Grantee to submit proof of compliance with said procedures, and failure to provide such proof to the satisfaction of the Grantor may result in termination of the Grant and repayment of all or a portion of the funds available under this Grant. Upon written request and for good cause shown, the Grantor may, at the Grantor's sole discretion, permit the Grantee to use an alternative procedure for solicitation of bids not inconsistent with law.

ARTICLE XI
RECORDS

The Grantee, using accepted procedures, shall maintain at its principal office or place of business complete and accurate records and accounts including documents, correspondence and other evidence pertaining to costs and expenses of this Grant, and reflecting all matters and activities covered by this Grant.

At any time during normal business hours and as often as the Grantor deems necessary, the Grantee shall make available for inspection by the Grantor, the Commonwealth Auditor General, the Commonwealth Attorney General, or the Comptroller General of the United States, or their duly authorized representative, all of its records with respect to all matters covered by this Grant and will permit the Grantor to audit, examine and make copies of such records.

All required records shall be maintained by the Grantee for a period of five (5) years from the date of final audit or close out of this Grant by the Grantor, except in those cases where unresolved audit questions may require maintaining some or all records for a longer period. In such event, records shall be maintained until all pending matters are resolved.

ARTICLE XII
PROGRESS REPORTS

The Grantee and its subcontractors shall furnish to the Grantor such progress reports in such form and quantity as the Grantor may from time to time require, including, but not limited to, status reports of the project, project account statements, certificates, approvals, proposed budgets, invoices, copies of all contracts executed and proposed, employment placements, follow-up reports and any and all other information relative to the Grant as may be requested. The Grantor or its representative shall have the right to make reasonable inspections to monitor the Grantee's performance under this Grant.

In the event that the Grantor determines that the Grantee or its subcontractor(s) has not furnished such reports as required by the Grantor, the Grantor, by giving written notice to the Grantee, may suspend payments under this Grant until such time as the required reports are submitted.

ARTICLE XIII
ACKNOWLEDGMENT OF COMMONWEALTH ASSISTANCE

Any publication concerning a project financed by the Grantor will acknowledge Commonwealth financial assistance as follows:

"This Project was financed *[in part]* by a grant
from the Commonwealth of Pennsylvania, Commonwealth Financing Authority."

Signs acknowledging said Commonwealth financial assistance or administrative participation will be erected in the project area as soon as possible after the effective date of this Grant. Acknowledgment of Commonwealth financial assistance may be

combined with acknowledgment of other funding sources on project signs or in project publications.

ARTICLE XIV
CONTRACT CLOSEOUT REQUIREMENTS

Unless otherwise directed in writing by the Grantor, the Grantee shall, within 45 days of the Grantee's receipt of the final payment of grant funds under this Contract, submit copies of cancelled checks verifying the payment of eligible project costs incurred in accordance with the terms of this Contract and copies of cancelled checks verifying the expenditure of any required matching funds.

All terms and conditions of this Contract will remain in effect and be binding upon the parties thereto until all cancelled checks, totaling the entire amount of grant funds received by the Grantee under this Contract and the entire amount of required matching funds, are submitted and accepted by the Grantor.

The Commonwealth reserves the right for state agencies or their authorized representative to perform audits of a financial or performance nature if deemed necessary. The costs for any such work performed by the state or federal agencies will be borne by those agencies at no additional expense to the Grantee. In the event that the Commonwealth audits this Contract, all costs deemed unallowable in any audit report are required to be returned by the Grantee to the Grantor.

ARTICLE XV
TEMPORARY SUSPENSION OF THE CONTRACT

Upon written notice and at any time during the period covered under this Grant, the Grantor may suspend payments and/or request suspension of all or any part of the Grant activities. The Grantor may give such notice to suspend for the following reasons:

(a) Violations of laws and regulations, audit exceptions, misuse of funds, failure to submit required reports or when responsible public officials or private citizens make allegations of mismanagement, malfeasance or criminal activity.

(b) When, in the opinion of the Grantor, the activities cannot be continued in such manner as to adequately fulfill the intent of statute or regulations due to act of God, strike or disaster.

During the term of suspension, the Grantor and Grantee shall retain and hold available any and all funds previously approved for application to the activities. During this period all such funds held by the Grantee shall be placed in an interest bearing program expenditures account. The Grantee may not expend any such funds during the period that the Grant is suspended except pursuant to order of a court of competent jurisdiction. The Grantee shall have the right to cure any default or other circumstance that is the basis for suspension of this Grant within a reasonable period of time.

This Grant is also conditioned upon complete performance by the Grantee of past agreements or contracts between the Grantor and the Grantee. Complete performance includes the Grantee's timely submission of the required final audit of past agreements or contracts to the Grantor. In the event that the Grantor determines that there has been incomplete performance of past agreements or contracts by the Grantee, the Grantor, by giving written notice to the Grantee, will suspend payments under this Grant until such time as the Grantee has fulfilled its obligations under past agreements or contracts to the satisfaction of the Grantor. When the Grantee has fulfilled its obligation under past agreements or contracts to the Grantor's satisfaction, the Grantor will resume payments under this Grant.

ARTICLE XVI
TERMINATION OF THE CONTRACT

The Grantor may terminate this Grant at any time for its convenience or for any other reason if it determines that termination is in its best interests, or is otherwise appropriate, by giving written notice to the Grantee of such termination and specifying the effective date thereof.. Termination pursuant to this section shall not be applicable to funds that the Grantee is legally or contractually obligated to pay as a result of project activities entered into prior to the date that it receives written notice of termination. All grant monies not legally or contractually obligated, plus accrued interest, shall be returned to the Grantor on or before the effective date of termination and all project records shall be made available to the Grantor.

ARTICLE XVII
ENTIRE AGREEMENT

This Grant, when signed by all the parties hereto, constitutes the full and complete understanding and agreement of the parties of its express terms as provided above.

No provision of this Grant shall be construed in any manner so as to create any rights in third parties not party to this Grant. It shall be interpreted solely to define specific duties and responsibilities between the Grantor and the Grantee and shall not provide any basis for claims of any other individual, partnership, corporation, organization or municipal entity.

ARTICLE XVIII
AMENDMENTS AND MODIFICATIONS

A properly executed Grant amendment is required to change the termination date of this Grant, to change the Grant Activity Period, to amend the grant amount or to make major changes in the approved program scope, objectives or methods. Such an amendment must be executed if there is a significant change in the activities to be conducted under this Grant. Other revisions to the Project Description or Budget may be made upon written approval from the Grantor after prior written request of the Grantee; provided, the request is made by the Grantee and approved by the Grantor prior to the termination or expiration of the Grant.

ARTICLE XIX
SEVERABILITY

Should any section or any part of any section of this Grant be rendered void, invalid or unenforceable by any court of law, for any reason, such a determination shall not render void, invalid, or unenforceable any other section or part of any section of this Grant.

ARTICLE XX
CONSTRUCTION

This Grant shall be interpreted and construed in accordance with federal law, where applicable, and with the laws of the Commonwealth. All of the terms and conditions of this Grant are expressly intended to be construed as covenants as well as conditions. The titles of the sections and subsections herein have been inserted as a matter of convenience and reference only and shall not control or affect the meaning or construction of any of the terms or provisions herein.

ARTICLE XXI
NONWAIVER OF REMEDIES

No delay or failure on the part of the Grantor in exercising any right, power or privilege hereunder shall affect such right, power or privilege; nor shall any single or partial exercise thereof or any abandonment, waiver, or discontinuance of steps to enforce such a right, power or privilege preclude any other or further exercise thereof, or the exercise of any other right, power or privilege. The rights and remedies of the Grantor hereunder are cumulative and concurrent and not exclusive of any rights or remedies which it might otherwise have. The Grantor shall have the right at all times to enforce the provisions of this Grant in accordance with the terms hereof notwithstanding any conduct or custom on the part of the Grantor in refraining from so doing at any time or times. The failure of the Grantor at any time or times to enforce its rights under such provisions, in accordance with the same, shall not be construed as having created a custom in any way or manner contrary to specific provisions of this Grant or as having in any way or manner modified or waived the same.

IN WITNESS WHEREOF the parties hereunto have set their hands and seals on:

WITNESS:

BATH BOROUGH

For Authority signatures only

↓

Federal Identification Numb[redacted]

Commonwealth Financing Authority

GRANTEE: Please sign & con

↓

Executive Director Date 4/26/17

X By _____ (Seal)

X Title Council President

X Date 20 April '17

X By _____

X Title Borough Manager

X Date April 20, 2017

For Commonwealth signatures only

↓

Approved as to Legality and Form

Authority Counsel Date 4/26/17

Office of Attorney General Date 5/5/17

RECEIVED

APR 24 2017

BUSINESS FINANCING

COMMONWEALTH OF PENNSYLVANIA
COMMONWEALTH FINANCING AUTHORITY

April 17, 2017

Bradford T. Flynn, Borough Manager
Bath Borough
215 E. Main Street, Suite 1
Bath, PA 18014

RE: Local Share Account Program
Grant $50,000
Municipal Building IT Upgrades Project

Dear Mr. Flynn:

I am pleased to inform Bath Borough *(the "Applicant")* that the Commonwealth Financing Authority *(the "CFA")*, at its meeting held March 29, 2017, approved your application *(the "Application")* for a grant in the amount of FIFTY THOUSAND DOLLARS ($50,000) *(the "Grant")*. The Application has been approved based upon and in accordance with the terms and the representations made therein.

The grant will be used for the purchase and installation of IT equipment at the Borough's municipal building (*the "Project")* located in Bath Borough, Northampton County, Pennsylvania.

This Grant offer is subject to the following conditions:

1. The Applicant must provide the CFA with copies of all executed contracts for all Project-related work to be performed. All contracts must contain the nondiscrimination/sexual harassment provision enclosed as Exhibit A, a certificate of insurance, and performance and payment bonds.

2. Prevailing wage requirements are generally applicable to projects using grant funds toward construction, demolition, reconstruction, alteration, repair work, renovations, build-out, and installation of machinery and equipment in excess of $25,000. Any questions as to prevailing wage obligations and whether they apply to your project should be directed to the Bureau of Labor Law Compliance at (717) 787-3681. Exhibit B provides additional information regarding the Pennsylvania Prevailing Wage Act.

APPENDIX A & B
Contract # C0006522
Page 1 of 8

3. The Applicant must provide the CFA with satisfactory evidence that all taxes and other monies due and owing to the Commonwealth of Pennsylvania are paid current, unless any of said taxes or other payments are being contested, in which case, the CFA may require that funds be escrowed to pay said taxes or other payments in the event of any adverse decision.

4. Once the Applicant has agreed to the terms of this commitment letter and the grant agreement, the Applicant may begin incurring costs associated with the Project as of the date of CFA approval, which is March 29, 2017.

5. The Applicant must comply with Local Share Account Program Guidelines, which may be viewed at www.newpa.com.

6. The Applicant is responsible for seeking competitive bids for all work conducted with the Grant funds. In addition, the Applicant must comply with all applicable federal, state and local laws and regulations dealing with bidding and procurement, if applicable.

7. The CFA reserves the right to approve or reject contracts between the Applicant and consultants or contractors for work that will be paid for with Grant funds.

8. The Applicant may not make or authorize any substantial change in an approved Project without first obtaining the consent of the CFA in writing.

9. The Applicant must maintain full and accurate records with respect to the Project. The CFA shall have free access to such records and to inspect all Project work, and other relative data and records. Upon request of the CFA, the Applicant must furnish all data, reports, contracts, documents, and other information relevant to the project as may be requested.

10. The Applicant will comply with the reporting requirements detailed in Exhibit C, if applicable.

Exhibit D further describes the procedure to access the Local Share Account Program Grant funds after all of the necessary conditions are met.

This commitment will expire forty-five (45) days from the date of this letter unless we have received your written acceptance by returning this original commitment letter along with the included grant agreement. Thereafter, this commitment shall be null and void. Our receipt of the signed commitment letter and grant agreement will constitute your authorization to incur costs for reimbursement back to the date of CFA approval as noted herewith.

If you should have any questions regarding this grant, please contact Mandy Book, Director, Center for Community Enhancement, at (717)787-6245.

Sincerely,

Scott D. Dunkelberger
Executive Director
Commonwealth Financing Authority

The terms and conditions set forth in this letter and its attachments are hereby agreed to and accepted this 20th day of April, 2017.

ATTEST:

Secretary

(SEAL)

BATH BOROUGH

By

FEDERAL TAX IDENTIFICATION NUMBER

[redacted]

APPENDIX A & B
Contract # C0000 65222
Page 3 of 8

EXHIBIT A:

NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

During the term of the Contract, the Applicant (known herein as "Grantee") agrees as follows:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate in violation of the PHRA and applicable federal laws against or intimidate any of its employees.
3. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement.
4. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate in violation of the PHRA and applicable federal laws against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.
5. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers subject to *Title VII* of the *Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Small Business Opportunities (BSBO), for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.
6. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

7. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

8. The Commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

EXHIBIT B:

PENNSYLVANIA PREVAILING WAGE ACT

In the event that grant funds will be used for a public work project, the Prevailing Wage Act (PWA) may apply. The PWA requires that not less than the prevailing minimum wages be paid to all workmen employed on "public work" as defined in the PWA. Information on the PWA and the definition of "public work" may be found at www.dli.state.pa.us/laborlaw by clicking on the link to Prevailing Wage Act.

The Act's definition of "public work" has been applied to projects undertaken by private entities, but receiving government assistance.

The PWA does not apply to the installation of equipment or machinery that is not a fixture, although any building construction/renovations to accommodate the equipment/machinery could be covered.

The PWA also does not apply to work performed by the project-owner's in-house employees, as opposed to work done by contractors or subcontractors.

The full PWA can be found at 43 P.S. sections 165-1 through 165-17.

Please contact L&I's Bureau of Labor Law Compliance (717-787-3681) with questions about the PWA and/or if you would like L&I's assistance in determining if the PWA applies to this project.

Information on applying for prevailing wage rates can be found at www.dli.state.pa.us/laborlaw. From that webpage, click the links to Prevailing Wage or Prevailing Wage Act. You will see a link for "Online Prevailing Wage Application & Rate Search." Follow that link to Prevailing Wage Rates Determination Request Form to submit the request electronically or print Prevailing Wage Rates Determination Request Form to submit by mail or fax.

EXHIBIT C:

ACT 1 OF 2010 LOCAL SHARE ASSESSMENT REPORTING REQUIREMENTS

Pennsylvania counties and municipalities are required by Act 1 of 2010 to report to the Department of Community and Economic Development all distributions of local share assessments, such as funds received under the LSA Program, on an annual basis. The report must include:

- Amount and use of funds received by the municipality or county in the prior calendar year. This applies each year funds are disbursed from the grant.

- A description of how the funds were used; either deposited in a general fund or committed to a specific use or project. If specific use or project, a narrative is required.

To access the online reporting form and additional instructions, please visit: www.newpa.com/lsr

Only one report will be submitted per municipality or county. All governmental authorities of a particular municipality or county (e.g. Redevelopment Authority, Industrial Development Authority, Water Authority, etc.) are required to coordinate and submit a singular report.

EXHIBIT D:

LOCAL SHARE ACCOUNT PROGRAM - INSTRUCTIONS FOR RECEIVING GRANT FUNDS

As indicated in your Local Share Account Program Grant Commitment Letter, the grant award is contingent upon receipt and execution of documents as stated in your letter. Failure to accomplish this may result in the rescission of your Grant, as required by applicable law. Listed below are the steps you must follow.

GRANT AGREEMENT

Upon receipt, sign the grant agreement and commitment letter and return both as instructed in the cover letter. Once returned, the signature process requires approximately 45 days. One fully executed copy of the grant agreement will be returned to you with a copy of a payment request form for requesting payment.

PAYMENT REQUESTS

The CFA requires the Applicant to provide completed payment request forms to request reimbursement of any eligible costs after the full execution of the grant agreement. The payment request forms must indicate whether the costs have been "paid" or "incurred" at the time of request and be accompanied by invoices verifying the costs incurred for the Project. Submit to the CFA all executed construction contracts, which must include the nondiscrimination/sexual harassment provision as set forth in the Grant Agreement and any other documents required in the Grant Award Letter. Please note:

- Where applicable, comply with the Pennsylvania Prevailing Wage Act which requires that the specifications for every contract for public work to which a public body is a party contain a provision that the prevailing wage rate be paid to workmen employed in the performance of the contract.

- The Applicant agrees to provide public liability, property damage and workmen's compensation insurance, against any and all claims arising out of the activities undertaken pursuant to the grant which are to any extent financed by the funds from this Grant. The Applicant agrees to maintain such insurance and to name the CFA as a named insured on such policies of insurance. Further, the Applicant agrees to notify the CFA of any change or cancellation of such insurance policies.

- The Applicant may only request reimbursement for eligible, as outlined in the approved LSA Program Guidelines, *and* approved, as indicated by the approved Application budget and Appendix A, project costs.

Final invoices must be submitted following the completion of the Project for **costs incurred prior to the end of the contract activity period. Costs incurred after the activity period ends are not eligible for reimbursement.**

All payment requests and invoices must be submitted no later than 60 days after completion of all Project activities or the grant termination date, whichever comes first.

APPENDIX A & B
Contract # C0000652ZZ
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ATTACHMENT 'B'
Exhibit C

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Transactions entered or modified by Admin									
Bill 4137									
4137	01/20/2017 10:45:02	Admin	Latest	03/17/2016	Express Business C...		200.00 · ACCOUNT...	-SPLIT-	-2,110.00
					Express Business C...	(809) Year 20...	***427.34 · Printing &...***	200.00 · ACC...	970.60
					Express Business C...	(959) Year 20...	***403.34 · Printing &...***	200.00 · ACC...	1,139.40
4137	03/23/2016 17:42:49	Admin	Prior	03/17/2016	Express Business C...		200.00 · ACCOUNT...	-SPLIT-	-2,110.00
					Express Business C...	(809) Year 20...	400 · EXPENDITUR...	200.00 · ACC...	970.60
					Express Business C...	(959) Year 20...	400 · EXPENDITUR...	200.00 · ACC...	1,139.40
Bill 0000131449									
00001...	04/19/2017 17:00:32	Admin	Latest	08/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	08/01/2016 17:40:07	Admin	Prior	08/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000134235									
00001...	04/19/2017 17:00:43	Admin	Latest	09/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	08/31/2016 10:31:42	Admin	Prior	09/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
00001...	08/29/2016 11:08:04	Admin	Prior	09/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000134723									
00001...	04/19/2017 17:00:52	Admin	Latest	10/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	09/29/2016 12:20:59	Admin	Prior	10/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 2016-280 (4TH QTR)									
2016-...	04/12/2017 13:00:47	Admin	Latest	10/04/2016	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	***427.30 · Recy...***	-2,356.38
					First Regional Com...	Yard Waste R...	***427.30 · Recycling...***	200.00 · ACC...	2,356.38
2016-...	01/17/2017 15:10:43	Admin	Prior	10/04/2016	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	400 · EXPEND...	-2,356.38
					First Regional Com...	Yard Waste R...	400 · EXPENDITUR...	200.00 · ACC...	2,356.38
Bill 0000137478									
00001...	04/19/2017 17:01:01	Admin	Latest	11/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
00001...	10/26/2016 16:09:03	Admin	Prior	11/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000137984									
00001...	04/19/2017 17:01:12	Admin	Latest	12/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	11/28/2016 11:08:53	Admin	Prior	12/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000138465									
00001...	01/31/2017 10:40:32	Admin	Latest	01/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***-SPLIT-***	-18,639.00
					J.P. Mascaro & Sons	***Sanitation S...***	***427.10 · Contracte...***	200.00 · ACC...	18,639.00
					J.P. Mascaro & So...	***Sanitation S...***	***427.10 · Contracte...***	***200.00 · ACC...***	
00001...	12/28/2016 15:02:25	Admin	Prior	01/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	400 · EXPEND...	-18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	18,639.00
Bill 2017-033 (1ST QTR)									
2017-...	01/17/2017 15:10:24	Admin	Latest	01/13/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill 1105									
1105	01/20/2017 16:13:04	Admin	Latest	01/20/2017	Portnoff Law Associ...	Invoice fwd'd ...	200.00 · ACCOUNT...	427.20 · Colle...	-3,338.88
					Portnoff Law Associ...	Sanitation Ye...	427.20 · Collection ...	200.00 · ACC...	3,338.88
Bill 0000141232									
00001...	01/31/2017 10:38:19	Admin	Latest	01/30/2017	J.P. Mascaro & Sons	"Catch-up" bil...	200.00 · ACCOUNT...	-SPLIT-	-400.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000141238									
00001...	01/31/2017 10:40:16	Admin	Latest	02/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 10929									
10929	02/22/2017 12:20:00	Admin	Latest	02/14/2017	Express Business C...		200.00 · ACCOUNT...	-SPLIT-	-2,495.00
					Express Business C...	(960) Year 20...	403.34 · Printing & ...	200.00 · ACC...	1,357.28
					Express Business C...	(805) Year 20...	427.34 · Printing & ...	200.00 · ACC...	1,137.72

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Bill 0000141716									
00001...	02/27/2017 10:37:32	Admin	Latest	03/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000142204									
00001...	03/27/2017 10:45:41	Admin	Latest	04/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2017-069 (2ND QTR)									
2017-...	04/12/2017 13:00:14	Admin	Latest	04/06/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill 0000144961									
00001...	04/26/2017 14:25:19	Admin	Latest	05/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2014 Recyclg Grant									
2014 ...	05/26/2017 13:04:29	Admin	Latest	05/22/2017	Hough Associates		200.00 · ACCOUNT...	427.31 · Sanit....	-506.00
					Hough Associates	Incentive Bon...	427.31 · Sanit. Cont...	200.00 · ACC...	506.00
Bill 0000145466									
00001...	05/30/2017 09:56:26	Admin	Latest	06/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000146001									
00001...	06/26/2017 13:15:57	Admin	Latest	07/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2017-185 (3RD QTR)									
2017-...	07/05/2017 15:54:59	Admin	Latest	07/03/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill									
	07/31/2017 12:23:44	Admin	Latest	07/27/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	***-19,139.00***
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	***500.00***
					J.P. Mascaro & Sons	***Bath P.O.@...***	***427.10 · Contracte...***	200.00 · ACC...	

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	07/31/2017 12:16:39	Admin	Prior	07/27/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000148811									
00001...	08/11/2017 15:35:50	Admin	Latest	08/31/2017	J.P. Mascaro & Sons	Dumpster for ...	200.00 · ACCOUNT...	-SPLIT-	-868.15
					J.P. Mascaro & Sons	Dumpster	409.72 · Capital Imp...	200.00 · ACC...	868.15
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
Bill									
	08/28/2017 10:33:46	Admin	Latest	08/28/2017	J.P. Mascaro & Sons	For Sept. Ser...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000149873									
00001...	09/21/2017 14:44:05	Admin	Latest	09/15/2017	J.P. Mascaro & Sons	Dumpster for ...	200.00 · ACCOUNT...	-SPLIT-	-814.55
					J.P. Mascaro & Sons	Dumpster - 7....	409.72 · Capital Imp...	200.00 · ACC...	814.55
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
Bill									
	09/25/2017 15:35:42	Admin	Latest	09/19/2017	J.P. Mascaro & Sons	For Oct. Servi...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2017-299 (4TH QTR)									
2017-...	10/02/2017 15:40:22	Admin	Latest	09/29/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill									
	10/25/2017 15:02:45	Admin	Latest	11/01/2017	J.P. Mascaro & Sons	For Nov. Serv...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill October 2017 Svcs									
Octob...	11/20/2017 15:31:33	Admin	Latest	10/27/2017	Cynthia Williams Oa...		200.00 · ACCOUNT...	-SPLIT-	-518.45
					Cynthia Williams Oa...	3/1/17: Compi...	427.31 · Sanit. Cont...	200.00 · ACC...	146.25
					Cynthia Williams Oa...	9/18/17: Trav...	427.31 · Sanit. Cont...	200.00 · ACC...	144.70
					Cynthia Williams Oa...	9/27/17: Revi...	427.31 · Sanit. Cont...	200.00 · ACC...	227.50
					Cynthia Williams Oa...		427.31 · Sanit. Cont...	200.00 · ACC...	
					Cynthia Williams Oa...		427.31 · Sanit. Cont...	200.00 · ACC...	

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Bill									
	11/28/2017 14:55:27	Admin	Latest	12/01/2017	J.P. Mascaro & Sons	For Dec. Serv...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000153317									
00001...	12/14/2017 09:37:53	Admin	Latest	11/30/2017	J.P. Mascaro & Sons	Dumpster for ...	200.00 · ACCOUNT...	-SPLIT-	-585.05
					J.P. Mascaro & Sons	Dumpster - 4....	409.72 · Capital Imp...	200.00 · ACC...	585.05
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
Check 15072									
15072	01/20/2017 10:45:29	Admin	Latest	03/07/2016	US Postmaster (US ...	As per 3/02p...	***100.00 · CASH-UN...***	-SPLIT-	-697.39
					US Postmaster (US ...	2016 Sanitati...	***427.34 · Printing &...***	***100.00 · CAS...***	319.15
					US Postmaster (US ...	2016 Local R...	***403.34 · Printing &...***	***100.00 · CAS...***	378.24
15072	03/07/2016 11:35:04	Admin	Prior	03/07/2016	US Postmaster (US ...	As per 3/02p...	100.00 · CASH-UN...	-SPLIT-	-697.39
					US Postmaster (US ...	2016 Sanitati...	400 · EXPENDITUR...	100.00 · CAS...	319.15
					US Postmaster (US ...	2016 Local R...	400 · EXPENDITUR...	100.00 · CAS...	378.24
Check 288									
288	03/08/2017 11:00:43	Admin	Latest	11/14/2016	***First Bank Mercha...***	VOID-for acc...	***100.10 · TAX ACC...***	***364.00 · SANI...***	0.00
					First Bank Mercha...	VOID check d...	***364.00 · SANITATI...***	***100.10 · TAX ...***	0.00
288	11/14/2016 10:32:07	Admin	Prior	11/14/2016	First Data Merchant...	***VOID-for ac...***	100.10 · TAX ACC...	300 · REVEN...	***0.00***
					First Data Merchant...	VOID check d...	300 · REVENUES:3...	100.10 · TAX ...	***0.00***
288	11/14/2016 10:31:27	Admin	Prior	11/14/2016	First Data Merchant...	Merchant# 37...	100.10 · TAX ACC...	300 · REVEN...	-1.00
					First Data Merchant...	VOID check d...	300 · REVENUES:3...	100.10 · TAX ...	1.00
Check 15515									
15515	01/30/2017 12:15:43	Admin	Latest	***01/30/2017***	US Postmaster (US ...	As per 1/24a...	***100.00 · CASH-UN...***	-SPLIT-	-664.10
					US Postmaster (US ...	2017 Local R...	***403.34 · Printing &...***	***100.00 · CAS...***	361.77
					US Postmaster (US ...	2017 Sanitati...	***427.34 · Printing &...***	***100.00 · CAS...***	302.33
	01/24/2017 14:08:46	Admin	Prior	01/27/2017	US Postmaster (US ...	As per 1/24a...	100.00 · CASH-UN...	-SPLIT-	-664.10
					US Postmaster (US ...	2017 Local R...	400 · EXPENDITUR...	100.00 · CAS...	361.77
					US Postmaster (US ...	2017 Sanitati...	400 · EXPENDITUR...	100.00 · CAS...	302.33
Check									
	10/12/2017 13:36:49	Admin	Latest	03/13/2017	National Link, LP (N...	***VOID: Year ...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					National Link, LP (N...	YEAR 2017 r...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
292	03/20/2017 10:08:24	Admin	Prior	03/13/2017	National Link, LP (N...	Year 2017 Sa...	100.10 · TAX ACC...	300 · REVEN...	-297.16
					National Link, LP (N...	YEAR 2017 r...	300 · REVENUES:3...	100.10 · TAX ...	297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Check 15603									
15603	04/05/2017 16:40:14	Admin	Latest	04/07/2017	East Allen Township	Year 2014 A...	100.00 · CASH-UN...	354.15 · Recy...	-4,969.00
					East Allen Township	Distribute thei...	354.15 · Recycling/...	100.00 · CAS...	4,969.00
Check Refnd149784									
Refnd...	06/20/2017 14:57:10	Admin	Latest	03/31/2017	Portnoff Law Associ...		100.10 · TAX ACC...	-SPLIT-	-2,148.67
					Portnoff Law Associ...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	415.12
					Portnoff Law Associ...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	125.00
					Portnoff Law Associ...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	759.48
					Portnoff Law Associ...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	50.00
					Portnoff Law Associ...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	150.00
					Portnoff Law Associ...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	486.80
					Portnoff Law Associ...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	162.27
Check Refund0034									
Refun...	05/04/2017 12:32:27	Admin	Latest	03/31/2017	Jenna L. Ruch (Jen...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Jenna L. Ruch (Jen...	Acct# 0034 [T...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0104									
Refun...	05/04/2017 12:33:06	Admin	Latest	03/31/2017	Melissa R. Dale (Me...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Melissa R. Dale (Me...	Acct# 0104 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Re0142&0525									
Re014...	05/04/2017 12:35:16	Admin	Latest	03/31/2017	Eric M. Mueller (Eric...		100.10 · TAX ACC...	364.30 · Sanit...	-594.32
					Eric M. Mueller (Eric...	Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	594.32
Check Refund0150									
Refun...	05/04/2017 12:36:18	Admin	Latest	03/31/2017	Realty Abstract, Inc....		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Realty Abstract, Inc....	Acct# 0150 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0156									
Refun...	05/04/2017 12:37:03	Admin	Latest	03/31/2017	Anna C. Diehl (Ann...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Anna C. Diehl (Ann...	Acct# 0156 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0245									
Refun...	05/04/2017 12:37:29	Admin	Latest	03/31/2017	Ryan T. Nesfeder (...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Ryan T. Nesfeder (...	Acct# 0245 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0248									
Refun...	05/04/2017 12:58:34	Admin	Latest	03/31/2017	Margarette H. Fritz (...	***VOID: Stop ...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					Margarette H. Fritz (...	Acct# 0248 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
Refun...	05/04/2017 12:38:49	Admin	Prior	03/31/2017	Margarette H. Fritz (...		100.10 · TAX ACC...	300 · REVEN...	-297.16
					Margarette H. Fritz (...	Acct# 0248 [...	300 · REVENUES:3...	100.10 · TAX ...	297.16

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Check Re0279&0703									
Re027...	05/04/2017 12:39:59	Admin	Latest	03/31/2017	Mary Ann Marx (Ma...		100.10 · TAX ACC...	-SPLIT-	-594.32
					Mary Ann Marx (Ma...	Acct# 0279 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
					Mary Ann Marx (Ma...	Acct# 0703 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0313									
Refun...	05/04/2017 12:58:46	Admin	Latest	03/31/2017	Jaime L. Francisco (...	***VOID: Stop ...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					Jaime L. Francisco (...	Acct# 0313 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
Refun...	05/04/2017 12:43:09	Admin	Prior	03/31/2017	Jaime L. Francisco (...		100.10 · TAX ACC...	300 · REVEN...	-297.16
					Jaime L. Francisco (...	Acct# 0313 [...	300 · REVENUES:3...	100.10 · TAX ...	297.16
Check Refund0369									
Refun...	07/10/2017 15:15:30	Admin	Latest	03/31/2017	James V. Werkheis...	***VOIDED 6/2...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					James V. Werkheis...	***Acct# 0369 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
Refun...	06/30/2017 12:40:23	Admin	Prior	03/31/2017	James V. Werkheis...	Counter ck da...	100.10 · TAX ACC...	300 · REVEN...	-297.16
					James V. Werkheis...	Acct# 0369 [J...	300 · REVENUES:3...	100.10 · TAX ...	297.16
Check Refund0400									
Refun...	05/04/2017 12:45:21	Admin	Latest	03/31/2017	Kurpiewski Properti...		***100.10 · TAX ACC...***	***364.30 · Sanit...***	***-297.16***
					Kurpiewski Properti...	Acct# 0400 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***297.16***
Refun...	05/04/2017 12:44:24	Admin	Prior	03/31/2017	Kurpiewski Properti...		100.10 · TAX ACC...	300 · REVEN...	-297.61
					Kurpiewski Properti...	Acct# 0400 [...	300 · REVENUES:3...	100.10 · TAX ...	297.61
Check Refund0452									
Refun...	05/04/2017 12:45:56	Admin	Latest	03/31/2017	Laureen S. Cook (L...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Laureen S. Cook (L...	Acct# 0452 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0507									
Refun...	05/04/2017 12:46:30	Admin	Latest	03/31/2017	Dennis Capanna (D...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Dennis Capanna (D...	Acct# 0507 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0588									
Refun...	05/04/2017 12:46:55	Admin	Latest	03/31/2017	Donghui Sun (Dong...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Donghui Sun (Dong...	Acct# 0588 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0599									
Refun...	05/04/2017 12:47:23	Admin	Latest	03/31/2017	Tegi Ann Oplinger (...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Tegi Ann Oplinger (...	Acct# 0599 [T...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Re0710&0711									
Re071...	05/04/2017 12:47:56	Admin	Latest	03/31/2017	T & S Development ...		100.10 · TAX ACC...	364.30 · Sanit...	-594.32
					T & S Development ...	Accounts #07...	364.30 · Sanitation ...	100.10 · TAX ...	594.32

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Check Refund0728									
Refun...	05/04/2017 12:48:27	Admin	Latest	03/31/2017	Judy D. Sharer (Jud...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Judy D. Sharer (Jud...	Acct# 0728 [T...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0855									
Refun...	05/04/2017 12:48:57	Admin	Latest	03/31/2017	Gary Yerger dba B...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Gary Yerger dba B...	Acct# 0855 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0940									
Refun...	05/04/2017 12:49:25	Admin	Latest	03/31/2017	John W. Pennington...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					John W. Pennington...	Acct# 0940 [J...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund1097									
Refun...	05/04/2017 12:49:50	Admin	Latest	03/31/2017	Richard Fischl, Jr., ...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Richard Fischl, Jr., ...	Acct# 1097 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check 15692									
15692	06/13/2017 11:07:21	Admin	Latest	06/15/2017	US Postal Service (...	Account# E9...	***100.00 · CASH-UN...***	-SPLIT-	-581.50
					US Postal Service (...	***(1) box of 50...***	***401.35 · Postage***	***100.00 · CAS...***	282.88
					US Postal Service (...	***(1) box of 50...***	***401.35 · Postage***	***100.00 · CAS...***	298.62
					US Postal Service (...	***$_____ = (_...***	***427.20 · Collection...***	***100.00 · CAS...***	
15692	06/13/2017 11:05:29	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
					US Postal Service (...	$3.99 = (7) B...	400 · EXPENDITUR...	100.00 · CAS...	
					US Postal Service ...	***$68.82 = (12...***	***400 · EXPENDITU...***	***100.00 · CAS...***	
15692	06/13/2017 11:04:49	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
					US Postal Service ...	***$3.99 = (7) B...***	***400 · EXPENDITU...***	***100.00 · CAS...***	
15692	06/13/2017 11:04:20	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
15692	06/13/2017 11:02:42	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
					US Postal Service (...	$3.42 = (6) B...	400 · EXPENDITUR...	100.00 · CAS...	
					US Postal Service (...	$68.82 = (121...	400 · EXPENDITUR...	100.00 · CAS...	
Check 297									
297	06/30/2017 12:47:33	Admin	Latest	06/29/2017	James V. Werkheis...	Replacement ...	100.10 · TAX ACC...	-SPLIT-	-262.16
					James V. Werkheis...	Acct# 0369 [J...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
					James V. Werkheis...	Acct# 0369 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-35.00

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Check 298									
298	06/30/2017 13:06:01	Admin	Latest	06/29/2017	Kristen K. Flick (Kris...	Partial refund ...	100.10 · TAX ACC...	364.30 · Sanit...	-29.72
					Kristen K. Flick (Kris...	Acct# 1099 [...	364.30 · Sanitation ...	100.10 · TAX ...	29.72
Check 301									
301	09/05/2017 11:01:07	Admin	Latest	09/01/2017	County of Northamp...	Refund of Du...	100.10 · TAX ACC...	364.34 · Sanit...	-754.20
					County of Northamp...	Judicial Sale ...	364.34 · Sanitation ...	100.10 · TAX ...	754.20
Check 302									
302	10/12/2017 13:38:43	Admin	Latest	***10/13/2017***	National Link, LP (N...	REPLACES ...	***100.10 · TAX ACC...***	***364.30 · Sanit...***	-297.16
					National Link, LP (N...	Replacement ...	***364.30 · Sanitation...***	***100.10 · TAX ...***	297.16
302	10/12/2017 13:38:36	Admin	Prior	10/12/2017	National Link, LP (N...	REPLACES ...	100.10 · TAX ACC...	300 · REVEN...	-297.16
					National Link, LP (N...	Replacement ...	300 · REVENUES:3...	100.10 · TAX ...	297.16
Deposit									
	02/28/2017 15:39:21	Admin	Latest	***10/20/2014***		***Deposit of P...***	***100.10 · TAX ACC...***	-SPLIT-	1,174.85
132955					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-325.29
132955					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-424.78
132955					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-424.78
	03/23/2015 15:33:54	Admin	Prior	03/23/2015		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,174.85
132955					PORTNOFF LAW A...	YEAR 2009 f...	300 · REVENUES:3...	100.10 · TAX ...	-325.29
132955					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-424.78
132955					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-424.78
Deposit									
	03/01/2017 16:14:58	Admin	Latest	10/20/2014		Deposit of PO...	100.10 · TAX ACC...	364.33 · Sanit...	419.65
133072					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-419.65
Deposit									
	03/01/2017 11:48:01	Admin	Latest	10/20/2014		Deposit of PO...	100.10 · TAX ACC...	-SPLIT-	287.94
133322					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-140.00
133322					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-147.94
Deposit									
	03/01/2017 11:48:19	Admin	Latest	10/20/2014		Deposit of PO...	100.10 · TAX ACC...	-SPLIT-	800.31
133563					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-79.64
133563					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-140.00
133563					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-136.88
133563					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-295.86
133563					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-147.93
Deposit									
	02/28/2017 15:27:52	Admin	Latest	01/28/2015		***Deposit ent'...***	***100.10 · TAX ACC...***	***-SPLIT-***	175.67
135114					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
135114					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-125.67***

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	10/14/2015 12:40:32	Admin	Prior	01/28/2015		Deposit ent'd ...	100.10 · TAX ACC...	300 · REVEN...	175.67
135114					PORTNOFF LAW A...	Original depo...	300 · REVENUES:3...	100.10 · TAX ...	-175.67
Deposit									
	02/28/2017 15:27:35	Admin	Latest	03/31/2015		***Deposit UP...***	***100.10 · TAX ACC...***	-SPLIT-	606.04
136142					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
136142					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-123.03***
136142					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-31.70***
136142					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-2.64***
136142					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-398.67***
	03/21/2016 11:36:59	Admin	Prior	03/31/2015		Deposit	100.10 · TAX ACC...	-SPLIT-	606.04
136142					PORTNOFF LAW A...	YEAR 2009 f...	300 · REVENUES:3...	100.10 · TAX ...	-173.03
136142					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-34.34
136142					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-398.67
	02/24/2016 09:57:39	***Admin***	Prior	03/31/2015		Deposit	100.10 · TAX ACC...	-SPLIT-	606.04
36142					***PORTNOFF LAW ...***	***YEAR 2009 f...***	300 · REVENUES:3...	100.10 · TAX ...	-173.03
36142					***PORTNOFF LAW ...***	***YEAR 2012 f...***	300 · REVENUES:3...	100.10 · TAX ...	-34.34
36142					***PORTNOFF LAW ...***	***YEAR 2013 f...***	300 · REVENUES:3...	100.10 · TAX ...	-398.67
	10/19/2015 09:45:32	boroughmgr	Prior	03/31/2015		Deposit	100.10 · TAX ACC...	-SPLIT-	606.04
misc						2009	300 · REVENUES:3...	100.10 · TAX ...	-173.03
misc						2012	300 · REVENUES:3...	100.10 · TAX ...	-34.34
misc						2013	300 · REVENUES:3...	100.10 · TAX ...	-398.67
Deposit									
	02/28/2017 15:28:21	***Admin***	Latest	***04/27/2015***		***Deposit take...***	***100.10 · TAX ACC...***	***-SPLIT-***	469.35
136717					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
136717					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-125.67***
136717					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-43.68***
136717					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-200.00***
136717					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
	10/19/2015 17:00:00	boroughmgr	Prior	04/23/2015		Deposit	100.10 · TAX ACC...	300 · REVEN...	469.35
136717						Multiple Prior ...	300 · REVENUES:3...	100.10 · TAX ...	-469.35
Deposit									
	02/28/2017 15:28:53	***Admin***	Latest	09/14/2015		***Deposit take...***	***100.10 · TAX ACC...***	***-SPLIT-***	205.67
137482					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
137482					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-104.09***
137482					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-30.00***
137482					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-21.58***
	10/20/2015 11:22:58	boroughmgr	Prior	09/14/2015		Deposit	100.10 · TAX ACC...	300 · REVEN...	***205.67***
137482						***Prior Year C...***	300 · REVENUES:3...	100.10 · TAX ...	***-205.67***

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	10/20/2015 11:13:18	boroughmgr	Prior	09/14/2015		Deposit	100.10 · TAX ACC...	300 · REVEN...	205.64
137482						Prior Year Co...	300 · REVENUES:3...	100.10 · TAX ...	-205.64
Deposit									
	05/17/2017 12:39:06	Admin	Latest	03/09/2016		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	830.42
142180					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-38.00
142180					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
142180					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-456.10
142180					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-286.32
Deposit									
	04/19/2017 14:09:50	Admin	Latest	06/02/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
10400...						Acct# 0470 [...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	04/19/2017 14:10:06	Admin	Latest	06/03/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
17551						Acct# 0810 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	04/19/2017 14:12:06	Admin	Latest	06/17/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
144						Acct# 0272 [...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	04/19/2017 14:11:50	Admin	Latest	07/06/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
7071						Acct# 0666 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	02/28/2017 15:18:15	Admin	Latest	08/16/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	468.62
146016					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-468.62
Deposit									
	04/19/2017 14:11:12	Admin	Latest	08/16/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	373.60
1144						YEAR 2014 f...	364.30 · Sanitation ...	100.10 · TAX ...	-373.60
Deposit									
	07/19/2017 13:43:34	Admin	Latest	09/09/2016		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	167.25
2773						John Wasco-...	363.23 · Parking Lot...	100.00 · CAS...	-112.50
22921...						6/10 PRTK - ...	361.71 · Photocopyi...	100.00 · CAS...	-1.75
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
						PRTK - Kenn...	361.71 · Photocopyi...	100.00 · CAS...	-1.50
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-20.00
						PRTK - NO N...	361.71 · Photocopyi...	100.00 · CAS...	-1.50

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	02/28/2017 15:39:39	Admin	Latest	09/09/2016		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	2,924.09
146439					PORTNOFF LAW A...	***YEAR 2010 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-387.88***
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-274.48***
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-424.77***
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-456.08***
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-45.12***
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-156.20***
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-464.50***
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-468.62***
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-156.20***
	09/14/2016 16:10:58	Admin	Prior	09/09/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,924.09
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
146439					PORTNOFF LAW A...	***YEAR 2010 f...***	***300 · REVENUES:...***	100.10 · TAX ...	-387.88
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	300 · REVENUES:3...	100.10 · TAX ...	-274.48
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	300 · REVENUES:3...	100.10 · TAX ...	-424.77
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	300 · REVENUES:3...	100.10 · TAX ...	-456.08
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	300 · REVENUES:3...	100.10 · TAX ...	-156.20
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-464.50
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-468.62
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
	09/14/2016 15:26:55	Admin	Prior	09/09/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,924.09
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
146439					PORTNOFF LAW A...	YEAR 2010 f...	***300 · REVENUES:...***	100.10 · TAX ...	-387.88
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-274.48
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-424.77
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-456.08
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-464.50
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-468.62
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20

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	09/14/2016 15:26:30	Admin	Prior	09/09/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,924.09
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
146439					PORTNOFF LAW A...	YEAR 2010 f...	300 · REVENUES:3...	100.10 · TAX ...	-387.88
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-274.48
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-424.77
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-456.08
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-464.50
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-468.62
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
Deposit									
	07/19/2017 13:43:45	Admin	Latest	09/15/2016		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	28.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-20.00
						259 East Mai...	322.20 · Yard/Gara...	100.00 · CAS...	-5.00
						PRTK - Joe G...	361.71 · Photocopyi...	100.00 · CAS...	-1.00
22900...						8/10 PRTK - ...	361.71 · Photocopyi...	100.00 · CAS...	-2.00
Deposit									
	05/17/2017 11:36:47	Admin	Latest	09/22/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,110.78
146680					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
146680					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-456.08
146680					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-423.50
146680					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
Deposit									
	05/17/2017 11:53:04	Admin	Latest	10/03/2016		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	131.11
146949					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-31.11
146949					***PORTNOFF LAW ...***	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-100.00
	10/27/2016 12:57:18	Admin	Prior	10/03/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	131.11
146949						YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-31.11
146949						YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-100.00
Deposit									
	05/25/2017 10:31:04	Admin	Latest	10/06/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,689.14
147104					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.29
147104					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
147104					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-124.19
147104					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-152.02
147104					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-191.00
147104					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-456.08
147104					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
147104					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
147104					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-253.16

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Deposit									
	04/19/2017 14:16:33	Admin	Latest	11/07/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	6,183.54
(3)						(3) Accounts [...	364.32 · Sanitation ...	100.10 · TAX ...	-1,766.73
(5)						(5) Accounts [...	364.32 · Sanitation ...	100.10 · TAX ...	-2,650.09
7667						Acct# 0445 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
599						Acct# 0080 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
167						Acct# 0489 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
15016...						Acct# 0860 [...	364.32 · Sanitation ...	100.10 · TAX ...	-350.00
15016...						Acct# 0860 [...	364.30 · Sanitation ...	100.10 · TAX ...	-91.68
Deposit									
	05/25/2017 10:31:15	Admin	Latest	11/14/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	399.75
147854					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
147854					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-253.16
Deposit									
	04/19/2017 14:19:07	Admin	Latest	11/15/2016		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	441.68
123						Acct# 0323 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
Deposit									
	05/17/2017 11:53:33	Admin	Latest	11/18/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	767.16
147961					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
147961					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-410.96
147961					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
147961					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
Deposit									
	07/19/2017 13:43:56	Admin	Latest	11/23/2016		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	16.25
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
22901...						11/03 PRTK -...	361.71 · Photocopyi...	100.00 · CAS...	-1.25
Deposit									
	02/01/2017 13:28:06	Admin	Latest	11/22/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	595.12
148086					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-300.00
148086					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
148086					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
148086					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
148086					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-45.12
Deposit									
	04/19/2017 14:12:59	Admin	Latest	12/07/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	803.06
1642						Acct# 0804 [...	364.30 · Sanitation ...	100.10 · TAX ...	-803.06
Deposit									
	01/06/2017 15:48:22	Admin	Latest	12/19/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	747.20
150						Acct# 0804 [...	364.33 · Sanitation ...	100.10 · TAX ...	-747.20

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Deposit									
	01/06/2017 15:48:06	Admin	Latest	12/19/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	770.00
151						Acct# 0804 [...	364.33 · Sanitation ...	100.10 · TAX ...	-770.00
Deposit									
	01/06/2017 16:05:23	Admin	Latest	12/19/2016		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	60.00
40007...						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
12164						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
12164						UNPAID certif...	361.652 · Sanitation...	100.10 · TAX ...	0.00
22901...						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
22901...						Certification o...	361.652 · Sanitation...	100.10 · TAX ...	-15.00
Deposit									
	01/06/2017 16:11:56	Admin	Latest	12/22/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	146.59
148477					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
Deposit									
	05/25/2017 10:31:42	Admin	Latest	12/22/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	784.82
148602					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-3.50
148602					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
148602					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
148602					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-506.32
Deposit									
	01/06/2017 16:29:27	Admin	Latest	12/29/2016		Deposit of Fir...	100.10 · TAX ACC...	364.33 · Sanit...	441.68
No Ck#						YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-441.68
Deposit									
	02/01/2017 13:32:48	Admin	Latest	01/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	75.00
148711					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
Deposit									
	02/28/2017 15:14:58	Admin	Latest	01/04/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	196.03
148917					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.03
148917					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
Deposit									
	05/17/2017 11:58:24	Admin	Latest	01/17/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	1,485.95
149046					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-140.00***
149046					PORTNOFF LAW A...	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-49.35***
149046					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-75.65***
149046					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-16.31***
149046					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-130.28***
149046					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-191.00***
149046					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-441.68***
149046					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-441.68

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	01/18/2017 16:58:50	Admin	Prior	01/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.95
					PORTNOFF LAW A...	- ck dated 1/...	300 · REVENUES:3...	100.10 · TAX ...	
149046					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-140.00
149046					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-49.35
149046					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.65
149046					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-16.31
149046					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-130.28
149046					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-191.00
149046					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-441.68
149046					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-441.68
Deposit									
	01/19/2017 11:26:28	Admin	Latest	01/09/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	75.00
1953						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
1953						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
5287						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
3473						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
3473						Certification f...	361.652 · Sanitation...	100.10 · TAX ...	-15.00
Deposit									
	01/23/2017 12:21:31	Admin	Latest	01/19/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	75.00
00615...						Certification f...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
1719						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22901...						Certification f...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	05/17/2017 11:53:48	Admin	Latest	01/23/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	3,750.40
149170					PORTNOFF LAW A...	YEAR 2012 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-165.48
149170					PORTNOFF LAW A...	YEAR 2012 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-69.98
149170					PORTNOFF LAW A...	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-477.89
149170					PORTNOFF LAW A...	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-100.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-456.08
149170					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-6.08
149170					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-423.50
149170					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-75.00
149170					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-143.92
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-317.05
149170					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-5.02
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80

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	02/01/2017 13:34:39	Admin	Prior	01/23/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,750.40
149170					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-165.48
149170					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-69.98
149170					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-477.89
149170					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-100.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-456.08
149170					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-6.08
149170					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-423.50
149170					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.00
149170					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-143.92
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-317.05
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-5.02
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
								100.10 · TAX ...	
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
Deposit									
	02/02/2017 11:25:06	Admin	***Deleted***						0.00
	02/01/2017 17:13:29	Admin	Prior	01/20/2017		Deposit	100.00 · CASH-UN...	-SPLIT-	172.50
						TEMPORAR...	300 · REVENUES:3...	100.00 · CAS...	-30.00
						TEMPORAR...	300 · REVENUES:3...	100.00 · CAS...	-117.50
						TEMPORAR...	300 · REVENUES:3...	100.00 · CAS...	-15.00
							300 · REVENUES:3...	100.00 · CAS...	-10.00
Deposit									
	07/07/2017 16:39:06	Admin	Latest	01/20/2017		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	172.50
2812						John Wasco-...	363.23 · Parking Lot...	100.00 · CAS...	-117.50
781						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
001716						[NEW] SeaC...	321.90 · Business R...	100.00 · CAS...	-30.00
Deposit									
	02/17/2017 11:48:06	Admin	Latest	02/16/2017		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	10.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
Deposit									
	02/28/2017 17:01:37	Admin	***Deleted***						0.00
	02/24/2017 12:47:51	Admin	Prior	02/07/2017		Deposit	100.10 · TAX ACC...	-SPLIT-	5,375.49
							300 · REVENUES:3...	100.10 · TAX ...	-297.16
							300 · REVENUES:3...	100.10 · TAX ...	-5,078.33

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/01/2017 11:49:59	Admin	***Deleted***						0.00
	02/24/2017 12:48:24	Admin	Prior	02/10/2017		Deposit	100.10 · TAX ACC...	-SPLIT-	3,353.17
							300 · REVENUES:3...	100.10 · TAX ...	-297.16
							300 · REVENUES:3...	100.10 · TAX ...	-3,056.01
Deposit									
	03/08/2017 10:00:54	Admin	***Deleted***						0.00
	02/24/2017 12:48:50	Admin	Prior	02/15/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	891.48
						(3) deposits	300 · REVENUES:3...	100.10 · TAX ...	-891.48
Deposit									
	03/08/2017 10:04:54	Admin	***Deleted***						0.00
	02/24/2017 12:49:36	Admin	Prior	02/16/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	1,188.64
						(3) deposits	300 · REVENUES:3...	100.10 · TAX ...	-1,188.64
Deposit									
	03/08/2017 10:07:44	Admin	***Deleted***						0.00
	02/24/2017 12:50:09	Admin	Prior	02/17/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	2,971.60
						(2) deposits	300 · REVENUES:3...	100.10 · TAX ...	-2,971.60
Deposit									
	03/08/2017 10:10:26	Admin	***Deleted***						0.00
	02/24/2017 12:50:38	Admin	Prior	02/20/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	297.16
						(1) deposit	300 · REVENUES:3...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 10:15:31	Admin	***Deleted***						0.00
	02/24/2017 12:51:50	Admin	Prior	02/21/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	***11,061.28***
						(3) deposits	300 · REVENUES:3...	100.10 · TAX ...	***-11,061.28***
	02/24/2017 12:51:02	Admin	Prior	02/21/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	594.32
						(2) deposits	300 · REVENUES:3...	100.10 · TAX ...	-594.32
Deposit									
	03/08/2017 10:18:27	Admin	***Deleted***						0.00
	02/24/2017 12:52:21	Admin	Prior	02/22/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	1,188.64
						(4) deposits	300 · REVENUES:3...	100.10 · TAX ...	-1,188.64

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	02/28/2017 17:03:10	Admin	***Deleted***						0.00
	02/27/2017 11:42:50	Admin	Prior	02/17/2017		Deposits of R...	100.10 · TAX ACC...	***300 · REVEN...***	***3,298.38***
						(5) FNB telle...	***300 · REVENUES:...***	100.10 · TAX ...	***-3,298.38***
	02/24/2017 12:56:26	Admin	Prior	02/17/2017		Deposits of R...	100.10 · TAX ACC...	-SPLIT-	7,115.38
						(1) DM depos...	300 · REVENUES:3...	100.10 · TAX ...	-3,817.00
						(5) FNB teller ...	300 · REVENUES:3...	100.10 · TAX ...	-3,298.38
Deposit									
	02/28/2017 17:04:06	Admin	***Deleted***						0.00
	02/24/2017 13:00:01	Admin	Prior	02/21/2017		Deposit of RE...	100.10 · TAX ACC...	-SPLIT-	***5,913.03***
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-679.37
						Dep by DM	300 · REVENUES:3...	100.10 · TAX ...	-3,071.91
						(2) FNB telle...	***300 · REVENUES:...***	***100.10 · TAX ...***	***-1,864.59***
	02/24/2017 12:58:01	Admin	Prior	02/21/2017		Deposit of RE...	100.10 · TAX ACC...	-SPLIT-	4,883.68
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-679.37
						Dep by DM	300 · REVENUES:3...	100.10 · TAX ...	-3,071.91
						FNB teller dep	300 · REVENUES:3...	100.10 · TAX ...	-835.24
Deposit									
	02/27/2017 11:58:03	Admin	Latest	02/13/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	3,817.00
22901...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00390...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22901...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
1623						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00032...						(77) Duplicate...	361.65 · Tax & Sani...	100.10 · TAX ...	-462.00
40007...						(217) Duplicat...	361.65 · Tax & Sani...	100.10 · TAX ...	-3,255.00
Deposit									
	05/17/2017 11:58:41	Admin	Latest	***02/07/2017***		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	5,375.49
50800...						Acct# 0254 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
149327					PORTNOFF LAW A...	YEAR 2012 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-140.00
149327					PORTNOFF LAW A...	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-83.86
149327					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-109.65
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-594.00
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149514					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-473.96
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-468.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-75.00

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
149514					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-162.26
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
	02/28/2017 15:46:13	Admin	Prior	02/28/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,375.49
50800...						Acct# 0254 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
149327					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-140.00
149327					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-83.86
149327					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-109.65
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-594.00
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149514					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-473.96
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-468.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.00
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-162.26
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
Deposit									
	02/28/2017 16:10:23	Admin	Latest	02/21/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	976.53
50800...						Bill# 0678 [P...	301.10 · Real Estat...	100.10 · TAX ...	-667.82
50800...						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-11.55
50800...						Acct# 0254 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 16:31:19	Admin	Latest	02/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,353.17
27766						Acct# 0181 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
149648					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-497.42
149648					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-475.68
149648					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-460.43
149648					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
149648					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-425.71
149648					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-121.70
149648					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-441.68
149648					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
Deposit									
	03/01/2017 15:18:18	Admin	Latest	02/15/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0797 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:20:10	Admin	Latest	02/15/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0424 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	03/01/2017 15:21:00	Admin	Latest	02/15/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1725						Acct# 0274 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:21:51	Admin	Latest	02/16/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0861 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:23:13	Admin	Latest	02/16/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
	Deposit								
	03/01/2017 15:23:59	Admin	Latest	02/16/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
7998						Acct# 0019 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:24:37	Admin	Latest	02/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0222 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:32:27	Admin	Latest	02/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,674.44
2783						Accts #0107 ...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
119						Acct# 0126 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
142						Acct# 0238 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
5064						Acct# 0259 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
4839						Acct# 0459 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1072						Acct# 0655 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
2028						Acct# 0984 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/08/2017 10:11:46	Admin	Latest	***02/21/2017***		Deposit of Fir...	***100.10 · TAX ACC...***	***364.30 · Sanit...***	297.16
						Acct# 0670 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
	03/01/2017 15:35:37	Admin	Prior	02/20/2017		Deposit of Fir...	100.10 · TAX ACC...	300 · REVEN...	297.16
						Acct# 0670 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
	03/01/2017 15:33:51	Admin	Prior	02/20/2017		Deposit of Fir...	100.10 · TAX ACC...	300 · REVEN...	297.16
NO Ck#						Acct# 0670 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:37:00	Admin	Latest	02/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0636 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:37:36	Admin	Latest	02/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0754 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/01/2017 15:49:04	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	10,466.96
(21)						(21) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,537.52
7261						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-3,335.12
2019						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	03/01/2017 15:51:02	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0850 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:51:53	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0389 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:52:43	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0613 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:53:38	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0023 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:54:26	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0965 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:55:23	Admin	Latest	02/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0206 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:58:04	Admin	Latest	02/24/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	891.48
NO Ck#						Acct# 0268 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
NO Ck#						Acct# 0822 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/17/2017 11:35:56	Admin	Latest	02/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,177.78
150151					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-144.77
150151					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-5.13
150151					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-61.79
150151					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150151					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-63.73
150151					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-13.21
150151					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-129.58
150151					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-193.51
150151					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-357.22
150151					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-158.84

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/23/2017 16:09:02	Admin	Latest	02/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	6,240.36
(10)						(10) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,565.92
(8)						(8) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
00077...						Acct# 0187 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/03/2017 16:24:54	Admin	Latest	02/28/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	485.00
73059...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
23209						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22901...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
1747						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
401359						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00657...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
16517						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
401695						(22) Duplicate...	361.65 · Tax & Sani...	100.10 · TAX ...	-330.00
Deposit									
	03/08/2017 12:08:07	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0971 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:12:21	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0196 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:17:07	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	594.32
					First Bank Merchant...	Acct# 0409 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
					First Bank Merchant...	Acct# 0872 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:38:04	Admin	Latest	02/22/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	594.32
					Telecheck [Sanit Py...	Acct# 0419 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
					Telecheck [Sanit Py...	Acct# 0080 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:50:44	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
128						Acct# 0882 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:51:50	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0626 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 13:01:39	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0723 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	03/08/2017 13:02:45	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
864						Acct# 0802 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/08/2017 13:03:47	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0578 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/08/2017 13:04:50	Admin	Latest	02/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0376 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/08/2017 13:05:53	Admin	Latest	02/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0328 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/08/2017 13:07:00	Admin	Latest	02/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0808 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/08/2017 13:08:32	Admin	Latest	03/01/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0090 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/09/2017 16:22:51	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	891.48
NO Ck#						Acct# 0415 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Accounts #07...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
	Deposit								
	03/09/2017 16:26:27	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0122 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/09/2017 16:31:15	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,971.60
(10)						(10) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-2,971.60
	Deposit								
	03/09/2017 16:38:10	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,632.28
(8)						(8) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
7914						Acct# 0059 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,255.00
	Deposit								
	03/09/2017 16:41:37	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,674.44
(10)						(9) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,674.44

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/09/2017 16:43:58	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	1,188.64
NO Ck#						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
NO Ck#						Acct# 0319 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Acct# 0748 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:44:55	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0217 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:45:43	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0225 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:46:38	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Acct# 0800 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	03/09/2017 16:52:11	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,971.60
(9)						(9) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,971.60
Deposit									
	03/09/2017 16:54:01	Admin	Latest	03/06/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0529 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:54:58	Admin	Latest	03/06/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0634 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:56:03	Admin	Latest	03/06/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	891.48
NO Ck#						Acct# 0018 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Acct# 0539 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	03/09/2017 16:58:40	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	3,863.08
(12)						(12) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,863.08
Deposit									
	03/09/2017 17:01:18	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.80
3748						Acct# 0138 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1583						Acct# 0220 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1728						Acct# 0739 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1327						Acct# 0798 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
4187						Acct# 0818 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/09/2017 17:04:26	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,674.44
1091						Acct# 0679 [...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
2091						Acct# 0680 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,485.80
1755						Acct# 0774 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/17/2017 11:41:44	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,838.14
150314					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-355.10
150314					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-355.10
150314					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-371.62
150314					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-371.62
150314					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-91.30
150314					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150314					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-243.40
Deposit									
	03/23/2017 16:09:52	Admin	Latest	03/10/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	1,475.04
9523						Bill# 0479 [JJ...	301.10 · Real Estat...	100.10 · TAX ...	-1,157.85
9523						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-20.03
9523						Acct# 0426 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/23/2017 16:20:45	Admin	Latest	03/13/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	1,236.93
4724						Bills #0037 & ...	301.10 · Real Estat...	100.10 · TAX ...	-631.68
4724						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-10.93
4724						Acct# 0026 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/05/2017 10:50:54	Admin	Latest	03/13/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	832.42
5080						Bill# 0039 [Ba...	301.10 · Real Estat...	100.10 · TAX ...	-526.16
5080						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-9.10
5080						Acct# 0032 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/23/2017 16:31:57	Admin	Latest	03/13/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	65.00
29089						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
14268						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
403436						(1) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
Deposit									
	03/23/2017 16:47:11	Admin	Latest	03/17/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	969.19
6064						Bill# 0422 [H...	301.10 · Real Estat...	100.10 · TAX ...	-660.60
6064						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-11.43
6064						Acct# 0361 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/29/2017 16:51:23	Admin	Latest	03/22/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	155.00
103257						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
103255						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
40008...						(7) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-105.00
Deposit									
	04/05/2017 14:18:14	Admin	Latest	04/07/2017		Deposit taken...	100.00 · CASH-UN...	354.15 · Recy...	8,482.00
30016...					Commonwealth of P...	Award for Ye...	354.15 · Recycling/...	100.00 · CAS...	-8,482.00
Deposit									
	04/18/2017 15:38:18	Admin	Latest	03/08/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0435 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:39:53	Admin	Latest	03/08/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	594.32
NO Ck#						Acct# 0006 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Acct# 0593 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:40:55	Admin	Latest	03/08/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Acct# 0146 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	04/18/2017 15:41:35	Admin	Latest	03/09/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
1621						Acct# 0832 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit									
	04/18/2017 15:42:17	Admin	Latest	03/09/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0293 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:43:05	Admin	Latest	03/09/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0133 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:45:07	Admin	Latest	03/10/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	04/18/2017 15:48:03	Admin	Latest	03/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,457.40
(14)						(14) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,457.40
Deposit									
	04/18/2017 15:50:30	Admin	Latest	03/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,754.56
(16)						(16) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,754.56

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/03/2017 16:08:02	Admin	Latest	***03/10/2017***		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	1,485.80
2239						***Acct# 0150 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
985						Acct# 0245 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
185						***Acct# 0588 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
3227						***Acct# 0599 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1406						***Acct# 1097 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
	04/18/2017 15:57:04	Admin	Prior	04/18/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.80
2239						Acct# 0150 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
985						Acct# 0245 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
185						Acct# 0588 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3227						Acct# 0599 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1406						Acct# 1097 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
Deposit									
	05/17/2017 11:52:34	Admin	Latest	03/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	4,578.76
150446					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-267.63
150446					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-360.72
150446					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-360.72
150446					PORTNOFF LAW A...	YEAR 2008 f...	364.33 · Sanitation ...	100.10 · TAX ...	-331.11
150446					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-3.37
150446					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-100.00
150446					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-467.78
150446					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
150446					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-423.50
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-121.70
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-129.58
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-243.40
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.26
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
Deposit									
	04/19/2017 09:06:26	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0101 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 10:25:00	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					Telecheck [Sanit Py...	Acct# 0034 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:11:04	Admin	Latest	03/07/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					Telecheck [Sanit Py...	Acct# 0526 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/19/2017 09:20:43	Admin	Latest	03/13/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0062 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:23:09	Admin	Latest	03/13/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	594.32
NO Ck#						Acct# 0271 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
						Acct# 0720 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:25:51	Admin	Latest	03/13/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,377.28
(8)						(8) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
Deposit									
	04/21/2017 16:00:15	Admin	Latest	03/13/2017		Deposit of Sa...	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***3,565.92***
(9)						(9) Accounts [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-3,565.92***
	04/19/2017 09:28:23	Admin	Prior	03/13/2017		Deposit of Sa...	100.10 · TAX ACC...	300 · REVEN...	2,565.92
(9)						(9) Accounts [...	300 · REVENUES:3...	100.10 · TAX ...	-2,565.92
Deposit									
	04/19/2017 09:29:42	Admin	Latest	03/13/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
NO Ck#						Acct# 0472 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit									
	04/19/2017 09:34:09	Admin	Latest	03/16/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,863.08
						Acct# 0331 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
(11)						(11) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,565.92
Deposit									
	04/19/2017 09:35:55	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0153 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:41:43	Admin	Latest	03/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,268.76
7544						Acct# 0940 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
(9)						(10) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-2,971.60
Deposit									
	04/19/2017 09:42:48	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0370 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:43:36	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0089 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/19/2017 09:44:23	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2314						Acct# 0981 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:45:12	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
294						Acct# 0273 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:45:59	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0266 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:46:58	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0152 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:47:39	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1408						Acct# 0227 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:48:37	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
613						Acct# 0414 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:51:49	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	10,994.92
4154						Accounts #00...	364.30 · Sanitation ...	100.10 · TAX ...	-10,994.92
Deposit									
	05/03/2017 09:30:52	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
2085						Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/05/2017 11:01:42	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	8,023.32
(22)						(22) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-8,023.32
Deposit									
	04/19/2017 09:58:29	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	594.32
400						Acct# 0313 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1088						Acct# 0452 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 10:02:56	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,674.44
(9)						(9) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,674.44
Deposit									
	04/19/2017 10:08:49	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0887 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/19/2017 10:38:45	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0755 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/21/2017 11:39:12	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0267 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/21/2017 11:40:11	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1054						Acct# 0714 [I ...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 12:30:23	Admin	Latest	04/27/2017		Deposit into n...	100.00 · CASH-UN...	-SPLIT-	94.00
					S R Recycling Inc.	Misc. items fr...	364.45 · Scrap Met...	100.00 · CAS...	-55.00
					S R Recycling Inc.	Misc. items fr...	364.45 · Scrap Met...	100.00 · CAS...	-39.00
Deposit									
	04/28/2017 12:51:22	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0807 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 12:55:14	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0695 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 12:56:44	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
531						Acct# 0830 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:06:27	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	1,782.96
NO Ck#						Accounts (4) ...	364.30 · Sanitation ...	100.10 · TAX ...	-1,485.80
NO Ck#						Acct# 0767 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:07:28	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0030 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:10:31	Admin	Latest	03/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
3402						Acct# 0507 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:14:32	Admin	Latest	03/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	3,565.92
(12)						(12) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,565.92

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/28/2017 13:34:39	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0120 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:35:25	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
5201						Acct# 0312 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:36:12	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1424						Acct# 0783 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:38:02	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1970						Acct# 0837 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:38:42	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0065 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:39:32	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2464						Acct# 0195 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:44:30	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0066 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:46:01	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0264 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:47:28	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0590 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:50:58	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0290 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:51:56	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0403 [F...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:09:57	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0300 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/28/2017 15:10:36	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0528 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:12:58	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0677 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:13:55	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2922						Acct# 0493 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:14:29	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0847 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:16:40	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2662						Acct# 0728 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:19:07	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	594.32
137						Acct# 0279 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
138						Acct# 0703 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:21:24	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	23,178.48
11398						Accounts #00...	364.30 · Sanitation ...	100.10 · TAX ...	-23,178.48
Deposit									
	04/28/2017 15:45:10	Admin	Latest	03/24/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	264.16
605						Acct# 0008 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
605						***MCR ent'd a...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	33.00
	04/28/2017 15:25:56	Admin	Prior	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	264.16
605						Acct# 0008 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
605						PNC Bank St...	400 · EXPENDITUR...	100.10 · TAX ...	33.00
Deposit									
	04/28/2017 15:30:21	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.80
579						Acct# 0001 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1268						Acct# 0515 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1928						Acct# 0749 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
2526						Acct# 0862 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
235						Acct# 0952 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/28/2017 15:43:06	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	890.99
184						Acct# 0248 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
184						Acct# 0248 [...	364.30 · Sanitation ...	100.10 · TAX ...	0.49
3970						Accounts #07...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	04/28/2017 15:47:06	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1844						Acct# 0156 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:55:35	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	5,051.72
(16)						(16) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-5,051.72
Deposit									
	04/28/2017 16:00:21	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,051.72
(16)						(16) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,754.56
						Acct# 0653 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:01:05	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0242 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:53:54	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0491 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:55:07	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0192 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:56:07	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0513 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:57:21	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0378 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:58:15	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0782 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:59:02	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0189 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	04/28/2017 16:59:48	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0347 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:00:30	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
579						Acct# 0102 [F...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:01:16	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
108						Acct# 0934 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:02:04	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0296 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:02:38	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
4226						Acct# 0144 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:03:52	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
						Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
	Deposit								
	06/20/2017 14:54:57	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,753.18
150608					PORTNOFF LAW A...	YEAR 2009 f...	364.33 · Sanitation ...	100.10 · TAX ...	-357.16
150608					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
150608					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-359.70
150608					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-379.27
150608					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
150608					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150608					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-411.64
150608					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-208.50
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-527.60
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-45.12
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
	Deposit								
	05/03/2017 09:33:11	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	891.48
4562						Acct# 0369 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
0121						Acct# 0400 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
2756						Acct# 0855 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/01/2017 15:04:25	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,160.24
(14)						(14) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,160.24
Deposit									
	05/01/2017 15:15:08	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	4,457.40
(13)						(13) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,863.08
5335						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/01/2017 15:16:54	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
3409						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
Deposit									
	05/01/2017 16:15:59	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0117 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/01/2017 16:17:15	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0092 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/01/2017 16:18:40	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0938 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/01/2017 16:19:26	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0083 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/01/2017 16:22:20	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0697 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:38:18	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
NO Ck#						Acct# 0805 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit									
	05/01/2017 16:24:17	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0857 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/01/2017 16:25:03	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0443 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 15:15:56	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	6,240.36
(14)						(14) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,240.36

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/02/2017 10:23:48	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0537 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:25:00	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Acct# 0712 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/02/2017 10:25:41	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0768 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:27:34	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	2,377.28
6793						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
Deposit									
	05/02/2017 10:28:07	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0114 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:28:52	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0867 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:30:15	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Accounts #04...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/02/2017 10:33:14	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
6159						Acct# 0423 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:37:17	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	3,863.08
(11)						(11) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,863.08
Deposit									
	05/02/2017 10:41:24	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
180						Acct# 0104 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	06/20/2017 14:56:17	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,148.67
150826					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
150826					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
150826					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-759.48
150826					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150826					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
150826					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150826					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
Deposit									
	06/20/2017 14:56:54	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,148.67
149784					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
149784					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
149784					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-759.48
149784					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
149784					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
149784					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
149784					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
Deposit									
	05/04/2017 12:34:56	Admin	Latest	03/29/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	5,646.04
3205						Acct# 0013 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
2073					Eric M. & Brian M. ...	***Accounts #0...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-594.32***
00657...					Realty Abstract, Inc....	Acct# 0150 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1638						Acct# 0157 [T...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
174					Margarette H. Fritz -...	Acct# 0248 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
8904						Acct# 0301 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
4546					James & Carrie Ann...	Acct# 0369 [J...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
0116					Kurpiewski Properti...	Acct# 0400 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1010						Acct# 0449 [F...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
48986...						Acct# 0483 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
3391					Dennis & Linda Cap...	Acct# 0507 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
181					Donghui Sun & Xin ...	Acct# 0588 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
00000...						Acct# 0678 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
14247					T & S Development ...	Accounts #07...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-594.32
2745					Gary Yerger dba Ba...	Acct# 0855 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
00000...						Acct# 0890 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
7527					J(ohn) W. Penningt...	Acct# 0940 [J...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	05/04/2017 10:25:39	Admin	Prior	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,646.04
3205						Acct# 0013 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073					***Eric M. & Brian M. ...***	Acct# 0142 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00657...					***Realty Abstract, In...***	Acct# 0150 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1638						Acct# 0157 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
174					***Margarette H. Fritz...***	Acct# 0248 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
8904						Acct# 0301 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
4546					***James & Carrie A...***	Acct# 0369 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
0116					***Kurpiewski Prope...***	Acct# 0400 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1010						Acct# 0449 [F...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
48986...						Acct# 0483 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3391					***Dennis & Linda C...***	Acct# 0507 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073					***Eric M. & Brian M. ...***	Acct# 0525 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
181					***Donghui Sun & Xi...***	Acct# 0588 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0678 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
14247					***T & S Developmen...***	Accounts #07...	300 · REVENUES:3...	100.10 · TAX ...	-594.32
2745					***Gary Yerger dba B...***	Acct# 0855 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0890 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
7527					***J(ohn) W. Penning...***	Acct# 0940 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
	05/04/2017 10:19:16	Admin	Prior	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,646.04
3205						Acct# 0013 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073						Acct# 0142 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00657...						Acct# 0150 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1638						Acct# 0157 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
174						Acct# 0248 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
8904						Acct# 0301 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
4546						Acct# 0369 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
0116						Acct# 0400 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1010						Acct# 0449 [F...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
48986...						Acct# 0483 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3391						Acct# 0507 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073						Acct# 0525 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
181						Acct# 0588 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0678 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
14247						Accounts #07...	300 · REVENUES:3...	100.10 · TAX ...	-594.32
2745						Acct# 0855 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0890 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
7527						Acct# 0940 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/04/2017 10:41:44	Admin	Latest	03/29/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	3,863.08
591						Acct# 0008 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1328					***Jenna L. Ruch - S...***	***Acct# 0034 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
177					***Melissa R. Dale - ...***	Acct# 0104 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1830					***Anna C. Diehl - SA...***	Acct# 0156 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
983					***Ryan T. Nesfeder -...***	Acct# 0245 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
132					***Mary Ann Marx - S...***	Acct# 0279 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
395					***Jaime L. Francisc...***	Acct# 0313 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1076					***Laureen S. & Bria...***	Acct# 0452 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
177						Acct# 0489 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
3224					***Tegi Ann Oplinger...***	Acct# 0599 [T...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
131					***Mary Ann Marx - S...***	Acct# 0703 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
2647					***Judy D. Sharer - S...***	Acct# 0728 [T...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1402					***Richard Jr &Mark ...***	Acct# 1097 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
	05/04/2017 10:20:30	Admin	Prior	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,863.08
591						Acct# 0008 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1328						Acct# 0034 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
177						Acct# 0104 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1830						Acct# 0156 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
983						Acct# 0245 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
132						Acct# 0279 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
395						Acct# 0313 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1076						Acct# 0452 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
177						Acct# 0489 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3224						Acct# 0599 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
131						Acct# 0703 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2647						Acct# 0728 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1402						Acct# 1097 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:27:19	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
3386						Acct# 0036 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:28:16	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
NO Ck#						Acct# 0497 [...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
Deposit									
	05/03/2017 11:29:48	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
2154						Accounts #04...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit									
	05/03/2017 11:30:42	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2305						Acct# 0886 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/03/2017 11:31:25	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
NO Ck#						Acct# 0831 [...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
Deposit									
	05/03/2017 11:32:15	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0517 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:33:13	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0729 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:34:18	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1331						Acct# 0033 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:36:06	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0638 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:58:37	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,255.00
						Acct# 0337 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,255.00
Deposit									
	05/03/2017 11:59:27	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2218						Acct# 0188 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:00:25	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
8488						Acct# 0747 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:01:14	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
6163						Acct# 0577 [F...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:01:57	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1039						Acct# 0945 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:03:10	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0321 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:03:44	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0803 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/03/2017 13:03:16	Admin	Latest	03/31/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	7,131.84
(23)						(23) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,834.68
						Acct# 0211 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 13:06:33	Admin	Latest	03/31/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	6,537.51
(20)						(21) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,537.51
Deposit									
	05/03/2017 14:03:07	Admin	Latest	03/31/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,457.40
(15)						(15) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,457.40
Deposit									
	05/15/2017 15:21:20	Admin	Latest	04/03/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	145.00
41134...						(2) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-30.00
50000...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
40008...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
40008...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
40008...						(3) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-45.00
139905						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	05/15/2017 15:33:48	Admin	Latest	04/03/2017		Deposit Depo...	100.10 · TAX ACC...	-SPLIT-	1,044.17
3898						Bill# 0471 [D...	301.10 · Real Estat...	100.10 · TAX ...	-734.31
3898						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-12.70
3898						Acct# 0954 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/16/2017 11:08:15	Admin	Latest	04/10/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	130.00
41134...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
41134...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
39207						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
13205						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
406694						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	05/16/2017 12:46:40	Admin	Latest	04/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					Telecheck [Sanit Py...	Acct# 0504 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/16/2017 12:48:26	Admin	Latest	04/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0778 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/16/2017 16:43:16	Admin	Latest	04/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,754.56
(13)						(13) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,754.56

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	07/10/2017 11:15:53	Admin	Latest	04/05/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,715.64
150923					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-47.97
150923					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-222.03
150923					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-91.30
150923					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-1,140.37
150923					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150923					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.97
Deposit									
	05/16/2017 17:02:44	Admin	Latest	04/05/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,634.39
760						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-980.63
7381						Acct# 0631 [...	364.30 · Sanitation ...	100.10 · TAX ...	-326.88
110421						Acct# 0999 [...	364.30 · Sanitation ...	100.10 · TAX ...	-326.88
Deposit									
	05/17/2017 11:50:28	Admin	Latest	04/10/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	3,133.92
151115					PORTNOFF LAW A...	YEAR 2007 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-315.60
151115					PORTNOFF LAW A...	YEAR 2008 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-355.17
151115					PORTNOFF LAW A...	***YEAR 2010 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-355.10
151115					PORTNOFF LAW A...	***YEAR 2011 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-371.62
151115					PORTNOFF LAW A...	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
151115					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-471.38
151115					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-423.50
151115					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-162.26
151115					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
151115					***PORTNOFF LAW ...***	***YEAR 2008 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-142.49***
	05/17/2017 10:15:16	Admin	Prior	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,133.92
151115					PORTNOFF LAW A...	YEAR 2007 f...	300 · REVENUES:3...	100.10 · TAX ...	-315.60
151115					PORTNOFF LAW A...	YEAR 2008 f...	300 · REVENUES:3...	100.10 · TAX ...	-355.17
151115					PORTNOFF LAW A...	YEAR 2008 f...	300 · REVENUES:3...	100.10 · TAX ...	-142.49
151115					PORTNOFF LAW A...	YEAR 2010 f...	300 · REVENUES:3...	100.10 · TAX ...	-355.10
151115					PORTNOFF LAW A...	YEAR 2011 f...	300 · REVENUES:3...	100.10 · TAX ...	-371.62
151115					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
151115					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-471.38
151115					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-423.50
151115					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-162.26
151115					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
Deposit									
	05/17/2017 10:24:32	Admin	Latest	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
38041					County of Northamp...	Acct# 0228 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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	Deposit								
	05/17/2017 10:33:35	Admin	Latest	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	980.64
202						Acct# 0203 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
6912						Acct# 0881 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
4252						Acct# 0966 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 10:42:37	Admin	Latest	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
					First Bank Merchant...	Acct# 0502 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 11:31:37	Admin	Latest	04/13/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	4,431.53
ACH					PORTNOFF LAW A...	YEAR 2008 f...	364.33 · Sanitation ...	100.10 · TAX ...	-192.00
ACH					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
ACH					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-500.49
ACH					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-478.26
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-458.78
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-8.62
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-427.79
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.96
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-488.38
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.26
	Deposit								
	05/17/2017 12:05:29	Admin	Latest	04/13/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
268						Acct# 0582 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	05/17/2017 12:06:54	Admin	Latest	04/17/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
					First Bank Merchant...	Acct# 0572 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 12:09:47	Admin	Latest	04/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,307.51
5836						Acct# 0131 [...	364.32 · Sanitation ...	100.10 · TAX ...	-653.75
985027						Acct# 0191 [L...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
8572						Acct# 0854 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	06/20/2017 13:59:55	Admin	Latest	04/20/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	125.00
ACH					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
ACH					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-75.00

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	05/17/2017 12:11:57	Admin	Prior	04/20/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	125.00
ACH					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.00
ACH					PORTNOFF LAW A...		300 · REVENUES:3...	100.10 · TAX ...	
	Deposit								
	05/17/2017 12:17:52	Admin	Latest	04/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
1546						Acct# 0357 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 12:19:44	Admin	Latest	04/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
						Acct# 0233 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 12:26:22	Admin	Latest	04/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	871.68
1084						Acct# 0637 [I...	364.30 · Sanitation ...	100.10 · TAX ...	-544.80
248						Acct# 0373 [I ...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	07/10/2017 11:16:06	Admin	Latest	04/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,583.11
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-469.34
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-138.73
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-731.00
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-423.50
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-69.77
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.97
	Deposit								
	05/17/2017 12:55:30	Admin	Latest	04/28/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	653.76
4471						Acct# 0116 [...	364.32 · Sanitation ...	100.10 · TAX ...	-297.16
4474						Acct# 0116 [...	364.32 · Sanitation ...	100.10 · TAX ...	-29.72
734						Acct# 0434 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	06/28/2017 13:55:06	Admin	Latest	04/28/2017		Deposit of Fir...	***100.10 · TAX ACC...***	***-SPLIT-***	326.88
NO Ck#						***Acct# 1099 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-297.16***
NO Ck#						***Acct# 1099 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-29.72***
	05/17/2017 12:56:44	Admin	Prior	04/28/2017		Deposit of Fir...	100.10 · TAX ACC...	300 · REVEN...	326.88
NO Ck#						Acct# 1099 [...	300 · REVENUES:3...	100.10 · TAX ...	-326.88

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Deposit									
	05/18/2017 12:29:48	Admin	Latest	05/08/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	255.00
20000...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
103585						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
3680						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
3680						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
9251						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
14896						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
29335						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00006...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	06/09/2017 16:46:31	Admin	Latest	***05/10/2017***		Deposit taken...	***100.00 · CASH-UN...***	-SPLIT-	65.00
124						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-15.00
						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-15.00
1452						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-20.00
						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-15.00
	06/09/2017 16:45:03	Admin	Prior	***05/15/2017***		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	65.00
124						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
1452						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-20.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
	05/18/2017 13:54:44	Admin	Prior	05/01/2017		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	65.00
124						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
1452						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-20.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
Deposit									
	05/24/2017 13:38:26	Admin	Latest	05/04/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
807						Acct# 0037 [T...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
Deposit									
	05/24/2017 13:55:47	Admin	Latest	05/08/2017		Deposit of Fir...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
						Acct# 0974 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
Deposit									
	05/24/2017 14:02:41	Admin	Latest	05/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	653.76
794						Acct# 0197 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
00189...						Acct# 0213 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	05/24/2017 14:53:41	Admin	Latest	05/12/2017		Deposit of Fir...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
9889						Acct# 0587 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 14:55:42	Admin	Latest	05/12/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	653.76
						Acct# 0503 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
2701						Acct# 0957 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 14:57:31	Admin	Latest	05/16/2017		Deposit of Sa...	***100.10 · TAX ACC...***	***364.32 · Sanit...***	326.88
					Telecheck [Sanit Py...	Acct# 0812 [T...	***364.32 · Sanitation...***	***100.10 · TAX ...***	-326.88
	05/24/2017 14:57:10	Admin	Prior	05/16/2017		Deposit of Sa...	100.10 · TAX ACC...	300 · REVEN...	326.88
					Telecheck [Sanit Py...	Acct# 0812 [T...	300 · REVENUES:3...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 14:59:20	Admin	Latest	05/23/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
137						Acct# 0309 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 16:57:34	Admin	Latest	05/04/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	723.93
ACH					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-133.07
ACH					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-134.56
ACH					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-91.30
ACH					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-22.97
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-27.03
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-1.50
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.50
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
	Deposit								
	07/10/2017 11:19:47	Admin	Latest	05/11/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	950.13
ACH					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-260.83
ACH					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-100.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-117.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-263.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-208.50
	Deposit								
	06/20/2017 14:57:26	Admin	Latest	05/18/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	480.00
ACH					PORTNOFF LAW A...	YEAR 2008 f...	364.33 · Sanitation ...	100.10 · TAX ...	-139.11
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-52.89
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.00

ATTACHMENT #5
(5 PAGES)

From:	Fiorella Reginelli-Mirabito
To:	Bradford Flynn
Cc:	Michele Ehrgott; Barry Fenstermaker; Frank Hesch; Mark Saginario; Carol Bear-Heckman; Phyllis Andrews; Anthony Kovalovsky; Marena Rasmus; Tanya Lamparter
Subject:	Re: CONCERNS
Date:	Thursday, October 28, 2021 8:13:03 AM

Brad…

Believe me I understand "conception" and "law" - again, for some reason I cannot shake the fact that it concerns me…that is all.

Safe travels home!

Exhibit E

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
484-281-3628 - Mayors Office
visit us at: www.bathborough.org
"Bath…History Nestled With Friendship"

"*Believe you can, and you're half way there…" - Theodore Roosevelt*

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On Oct 28, 2021, at 8:00 AM, Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:

Understood. And as an objective fact, certain things must occur before the seat is filled.

Public knowledge of him resigning and the actual law on this is not aligned here. The Borough Code dictates what Council can do in this situation. Council accepts Marks resignation in public session. Which hasn't occurred yet. That sets the timetable for filling a seat, depending on the outgoing members tendered resignation date. A seat only opens when a member officially submits his/her resignation and Council accepts it.

We'll get it straightened out. Jamie has been guiding Michele and I. We can discuss further in executive session.

Brad

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Fiorella Reginelli-Mirabito <mayor@boroughofbath.org>
Sent: Thursday, October 28, 2021 3:54:12 AM
To: Michele Ehrgott <mehrgott@boroughofbath.org>
Cc: Barry Fenstermaker <bfenstermaker@boroughofbath.org>; Frank Hesch <fhesch@boroughofbath.org>; Mark Saginario <mark.saginario@boroughofbath.org>; Carol Bear-Heckman <checkman@boroughofbath.org>; Phyllis Andrews <pandrews@boroughofbath.org>; Anthony Kovalovsky <akovalovsky@boroughofbath.org>; Bradford Flynn <bradford.flynn@boroughofbath.org>; Marena Rasmus <marena.rasmus@boroughofbath.org>; Tanya Lamparter <tanya.lamparter@boroughofbath.org>
Subject: Re: CONCERNS

?

Thanks, Michele…

Although, I believe Brad has just made it clear on what the steps are and how Council is going to proceed. Again, in my humble opinion…it all concerns me.

Have a good day!

#3 ?

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
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#2

On Oct 27, 2021, at 6:56 PM, Michele Ehrgott <mehrgott@boroughofbath.org> wrote:

Next meeting November 8th council can discuss np

Sent from my iPhone

On Oct 27, 2021, at 5:15 PM, Fiorella Reginelli-Mirabito

#1

<mayor@boroughofbath.org> wrote:

Good afternoon, everyone…

A quick message to you all, in reference to Mark's resignation on Council.

This weekend at the campfire I spoke to several people in reference to many things throughout our Borough. I listened closely, didn't really give any answers - just smiled and told them I would take their opinions under advisement. One of the items was Mark's resignation from Borough Council and how that is going to be handled. Also, Mr. Mike Long pulled me to the side and gave me his "dissertation" on how things should go; what we should do; what should've been done; available grants; etc. - and, lastly - and, most concerning his firm decision to run as a write-in on Council. Please know - ANYONE receiving the highest votes will get the seat. Those on the ballot really have no reason to worry - since voters usually don't take the time to "write-in". There are others who know of Mark's resignation since it's in the newspaper that he has taken the position in Tatamy, and others wanting to apply for that seat.

I want to go on record - I completely disagree with waiting for Mark's resignation to take effect in January 2022. I think the seat should be filled now. I realize, again, ultimately - the decision is Borough Councils and not mine. Although, I have a terrible feeling about the outcome if you wait to fill the seat. Manny has indicated interest in "applying" to fill the seat - to be honest, I'm not in agreement - but, not my decision either. He DOES NOT want ANY office on Council. He wants to just fulfill the two years and that's it. Michele - please do not be concerned that he wants to be President - or VP for the matter - NO interest at all.

Thank you for allowing me to express my concern… ultimately, as in all things I do - my concern is for the Borough…nothing more.

Best,
Fi

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
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"*Believe you can, and you're half way there…*" - *Theodore Roosevelt*

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Exhibit D

Employee Total	906.50	0.00	18,746.32	0.00	2,426.75	14.77	16.00	0.00	0.00	0.00	0.00	0.00	0.00	23,049.45
	14.00	8.00	422.32	172.16	1,763.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,158.94
	115.50	32.00	2,794.12	688.64	707.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,890.51
			225.89	0.00	230.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	87318

Rcd # 82 MIRABITO, FIORELLA R
[redacted]

Reg	H	R	16.170	**Status**	Active	**Soc Sec No**	XXX-XX[redacted]
OT1	H	M	1.500	**Department**	151	**Std Wrk Wk**	40.00
OT2				**Position**		**Birth Date**	[redacted]

Hire Date 4/01/22
Term Date
LOA Date

	Hours		*Earnings*						*Deductions*					
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
6/2/2022	185.00	0.00	2,775.00	0.00	197.65	1.67	2.00	0.00	0.00	0.00	0.00	0.00	0.00	2,775.00
5/28/2022	0.00	0.00	0.00	0.00	212.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	532.10
12	0.00	0.00	0.00	0.00	85.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,242.90
			0.00	0.00	33.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1229
6/16/2022	49.00	0.00	735.00	0.00	0.00	0.44	2.00	0.00	0.00	0.00	0.00	0.00	0.00	735.00
6/11/2022	0.00	0.00	0.00	0.00	56.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	90.05
13	0.00	0.00	0.00	0.00	22.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	644.95
			0.00	0.00	8.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1237
6/30/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
6/25/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
14	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1246
7/14/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
7/9/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
15	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1255
7/28/2022	54.00	0.00	810.00	0.00	0.00	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	810.00
7/23/2022	0.00	0.00	0.00	0.00	61.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	99.05
16	0.00	0.00	0.00	0.00	24.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	710.95
			0.00	0.00	9.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1264
8/11/2022	56.00	0.00	840.00	0.00	0.00	0.50	2.00	0.00	0.00	0.00	0.00	0.00	0.00	840.00
8/6/2022	0.00	0.00	0.00	0.00	64.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	102.63
17	0.00	0.00	0.00	0.00	25.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	737.37
			0.00	0.00	10.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1271
8/25/2022	41.00	0.00	615.00	0.00	0.00	0.37	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.00
8/20/2022	0.00	0.00	0.00	0.00	47.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.68
18	0.00	0.00	0.00	0.00	18.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	539.32
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1279
9/8/2022	40.00	0.00	600.00	0.00	0.00	0.36	2.00	0.00	0.00	0.00	0.00	0.00	0.00	600.00
9/3/2022	0.00	0.00	0.00	0.00	45.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.88
20	0.00	0.00	0.00	0.00	18.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	526.12
			0.00	0.00	7.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1291

OOR Exhibit 25

Subject: Updated Submission for Case no: AP 2023-1598

Dear Sir/Madam,

I am writing to submit an updated version of my response to the Bath Borough's reconsideration request (Case no: AP 2023-1598). This updated version includes essential revisions and additional details that were not present in the initial submission.

Please disregard the previous version of this response that was submitted earlier. This updated document should be considered the official and final response for this case.

I appreciate your understanding and cooperation. Please do not hesitate to contact me if you have any questions or need further clarification.

Thank you for your attention to this matter.

Sincerely,

Michael Long

December 11, 2023

Open Records Office
333 Market Street, 16th Floor
Harrisburg, PA 17101

Subject: Rebuttal to Bath Borough's Reconsideration Request – Case no: AP 2023-1598

Dear Sir/Madam,

This letter serves as a comprehensive response to the Bath Borough's ("the Borough") plea for reconsideration of the final decision demanding the disclosure of additional records in line with my Right-to-Know Law (RTKL) request, dated May 17, 2023. I am specifically addressing points 1 and 2 raised in the Borough's petition, asserting that they fail to provide substantial reasons for modifying the final verdict. Concurrently, I present multiple instances indicating the Borough's ill-intentioned conduct throughout this case, which display a continued pattern of disregard for the right-to-know law.

Response to Point 1

The Borough contends that the Office of Open Records (OOR) incorrectly authorized the disclosure of communications involving less than the full group of personnel specified in my original request. It cites the precedent set by Pa. State Police v. Office of Open Records, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010), which posits that agencies are not obligated to provide records if the retrieved documents do not coincide with the individuals explicitly mentioned in the request.

However, this stringent interpretation arises from the Borough's overly restrictive understanding of the term "between," perceiving it as applicable only to emails that encompass all the named parties. This overly narrow interpretation brings to mind the words of Samuel Adams: "How strangely will the tools of a tyrant pervert the plain meaning of words."

In my initial evaluation of the language and purpose of my original RTKL request, I clarified that the term "between" indicates the main parties involved, but it doesn't imply that communications must be kept strictly between those specified individuals. This perspective aligns with Pennsylvania Human Relations Commission v. Ammon K. Graybill 2002 PA D. & C. Dec. LEXIS 29, which advocates for an interpretation that promotes greater accessibility in instances of ambiguity.

"The phrase 'including but not limited to' with regards to types of communication implies that while emails, memos, notes, and text messages are given as examples, the request also applies to any other forms of written communication records. This would encompass items like letters, meeting minutes, and more. This is consistent with Spatz v. Reading, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513, which supports the interpretation of requests in a manner that maximizes disclosure."

"The term 'between' the listed names indicates the main parties involved, but it doesn't imply that communications must be kept strictly between those specified individuals. Relevant communications that include additional parties could still be deemed responsive, provided they relate back to discussions between the named officials. This perspective aligns with Pennsylvania Human Relations Commission v.

Ammon K. Graybill 2002 PA D. & C. Dec. LEXIS 29, which advocates for an interpretation that promotes greater accessibility in instances of ambiguity."

Considering the unequivocally inclusive phrase "including but not limited to" that establishes the scope in my original request, I argue that the Borough's overly literal interpretation of "between" does not align with the spirit of maximum transparency reflected in pertinent OOR precedents.

My original request did not dictate that "between" should exclusively denote communications that directly involve all referenced parties. Consequently, I assert that the OOR correctly determined that my wider understanding of "between"—which includes any combination of listed parties—was logically valid.

Therefore, I maintain that the OOR's interpretation of "between" as encompassing communications involving any combination of the listed parties is both logically sound and aligns with the spirit of the RTKL. The Borough's appeal for reconsideration does not present legitimate reasons for revising this decision, as it is rooted in a limited and highly literal interpretation that conflicts with the principles of transparency and public access that the RTKL upholds.

In view of these factors, I assert that the OOR's Final Determination to disclose the records in question was fitting and consistent with the RTKL's objectives. The Borough's appeal for reconsideration does not present legitimate reasons for revising this decision, as it is rooted in a limited and highly literal interpretation that conflicts with the principles of transparency and public access that the RTKL upholds.

Response to Point 2

The Borough insists that I wrongly omitted non-email dialogue from my appeal's ambit. Nonetheless, my initial RTKL application unequivocally enveloped a variety of record types, as indicated here:

"All types of communication, which includes but not limited to emails, memos, notes, and text messages..."

The phrase "including but not limited to" denotes a comprehensive, non-exhaustive illustrative enumeration. Refer to Easton Area School District v. Baxter, 35 A.3d 1259 (Pa. Cmwlth. 2012), which interprets "including but not limited to" as implying an all-encompassing set, intending to cover more items under its scope.

Although my appeal letter cited emails as a contentious issue, I never meant to explicitly affirm, concede, or confine my dispute solely to the email component of the request. It is unreasonable for the Borough to interpret the mention of emails as the only records in dispute when the inclusive language of the original request remains intact. Refer to Office of the Governor v. Bari, 20 A.3d 634 (Pa. Cmwlth. 2011), which states that agencies cannot take advantage of vague appeal descriptions to evade substantive examination.

Furthermore, the Borough initially professed that responsive memos, notes, and texts were nonexistent in its holdings. It cannot now assert that the exemption of non-provided materials beyond email boundaries improperly restricts the scope. One cannot logically dispute or demand the release of

records purportedly non-existent. This intrinsic inconsistency weakens the Borough's standpoint in Argument 2.

I persist in disputing the Borough's blanket denial of responsive records across various requested media formats. As these formats were explicitly detailed in my first request, they all remain central topics of this appeal advocating transparency.

In summary, the extensive and inclusive wording of the initial RTKL request, along with the context and substance of the appeal, confirms that all modalities of communication within the request's scope are still pertinent and disputed. The Borough's assertion that the appeal wrongly narrowed the focus to only email communications is unfounded and neglects the original intent and language of the RTKL request.

Consequently, I uphold that the range of both my primary application and ensuing appeal remains extensive, covering all communication forms as initially outlined. The OOR's decision should echo this comprehensive scope, aligning with the principles of transparency and public access inherent in the RTKL.

Evidence Demanding a Determination of Bad Faith by the Borough

My next objective is to systematically examine several arguments that, in my opinion, necessitate an unequivocal OOR ruling upon reassessment, indicating that the Borough demonstrated bad faith in its search for, review, and disclosure of relevant records.

I feel compelled to underscore the Borough's absolute failure in fulfilling its obligation to substantiate claims regarding record ownership and exemptions with solid evidence rather than mere declarations, in addition to the inadequacies previously mentioned.

Failure to Maintain Good Faith in Fulfilling Search Obligations

The Right-to-Know Law (RTKL) imposes a proactive responsibility on agencies under 65 P.S. §67.701 to process requests in good faith with the goal of maximum disclosure, as articulated in Uniontown Newspapers, Inc. v. Pa. Dep’t of Corr., 185 A.3d 1161 (Pa. Commw. Ct. 2018). However, the Borough failed to meet these good faith search obligations under 65 P.S. §67.702 and the standards set in Uniontown Newspapers.

A prime example of this failure involves the resignation email of Office Administrator Rasmus. This email included additional incidental recipients. Nonetheless, any reasonable review conducted in accordance with 65 P.S. §67.701(b) and the Uniontown Newspapers maxim of the “broadest access” would have recognized this record as directly responsive to the request. This is regardless of the extra recipients, as it documented the resignation of a key official. The Borough's failure to disclose this email reflects a lack of adherence to the search and review responsibilities codified in 65 P.S. §67.702(a)(2).

Furthermore, after asserting in its initial response that no non-email records were in existence, the Borough inexplicably opposes providing such material in its reconsideration request. This inconsistency implies that responsive memos, notes, and texts probably do exist in the Borough's possession,

contradicting its previous absolute denial. There is no justification that resolves this inconsistency, which bears a structural resemblance to the situation in Kneller v. Luzerne County, No. 193 MDA 2018, Superior Court of Pennsylvania (2019), necessitating a determination of bad faith in that OOR case.

However, narration does not equal evidence. The Borough did not supply any additional corroborating material, such as written search protocols, screenshots showcasing search implementation, forensic activity reports from accessed email/document systems, certified copies of automatic discovery logs from the systems examined, or similar indisputable documentation proving their claimed search methodology was diligently executed as required under 65 P.S. §67.702(b)(1).

The onus of providing more than simple assertions of adequate searches is a long-established principle, as noted in Hodges v. Pa. Department of Health, 29 A.3d 1190 (Pa. Cmwlth 2011), stating "an affidavit that merely mimics the language of the RTKL, without additional detail, is insufficient to demonstrate a good faith effort in responding to a RTKL request under 65 P.S. §67.701."

Absence of Evidence Supporting the Adequacy of the Search

The affidavit provided by the Borough merely describes a supposed search procedure. However, narration does not equal evidence. The Borough did not supply any additional corroborating material, such as written search protocols, screenshots showcasing search implementation, forensic activity reports from accessed email/document systems, certified copies of automatic discovery logs from the systems examined, or similar indisputable documentation proving their claimed search methodology was diligently executed.

The onus of providing more than simple assertions of adequate searches is a long-established principle, as noted in Hodges v. Pa. Department of Health, 29 A.3d 1190 (Pa. Cmwlth 2011), stating "an affidavit that merely mimics the language of the RTKL, without additional detail, is insufficient to demonstrate a good faith effort in responding to a RTKL request." The Borough's submission falls short of meeting this evidentiary standard.

Requiring Concrete Evidence for Asserting Attorney-Client Privilege

In its request, the Borough underscores the necessity for certain legal discussions to be confidential under attorney-client privilege. However, according to both Office of the Governor v. Scolforo, 65 A.3d 1095, 1103 (Pa. Commw. Ct. 2013) and McGowan v. Pa. Department of Environmental Protection, 103 A.3d 374, 381 (Pa. Commw. Ct. 2014), agencies cannot claim privilege with broad, vague statements; they must present specific evidence for each record to prove applicability.

In this case, the Borough has failed to present sufficient evidence as mandated in 65 P.S. §67.708(a)(1) that the attorney-client privilege applies to the records in question. As I elaborated in my statement on 10/31/2022, the privilege log attached to the Borough's additional submission merely repeated generic justifications for privilege across all records without providing any distinct facts. This repetition does not comply with the essential Open Records principles, which demand detailed evidence.

Furthermore, Office of the Governor v. Scolforo (65 P.S. §67.708(b)(17)) clarified that the attorney-client privilege exemption under 65 P.S. §67.708(b)(17)(vi) only covers discussions seeking or providing legal advice directly related to litigation or administrative proceedings, not the exchange of factual content. However, the Borough's petition argues that any general exchange of non-litigation legal perspectives is privileged communication. This argument ignores 65 P.S. §67.708(b)(17)(iv), which states the attorney-client privilege does not apply to documents explaining agency decisions, policies, and procedures - topics that were requested in my original RTKL application.

Therefore, the Borough's broad assertion that all legal discussions are exempt misapplies the limited scope of this privilege. Topics such as resignations or appointments of candidates are considered "application of record law to fact," which makes discussions on these topics accessible under 65 P.S. § 67.102, even if they occur between agency officials and legal counsel.

The Borough's petition fails to explain why advice on navigating procedural laws should be confidential. This only accentuates the Borough's inability to provide the necessary evidence to justify its claim of privilege against principles of transparency that favor disclosure.

Generic Repetition Undermines Claimed Privilege

Furthermore, it is clear upon review that the Borough's log of privileged communications simply duplicates generic justification language across multiple unrelated discussions without any context-specific details. For instance, approximately 72% (13 out of 18) of log entries contain the exact phrase: “Email is... attorney-client communication regarding legal matters and advice from Solicitor Kratz to Client”.

Such repeated language, without unique evidence demonstrating the specific applicability of attorney-client exemption for each separate record per 65 P.S. §67.708(b)(17)(viii), fundamentally contradicts the basic presumption of openness upheld by the RTKL in Pennsylvania State Police v. McGill under 65 P.S. §67.305(a). It indicates a lack of genuine effort by the agency to provide meaningful, individualized assessments on whether specific communications qualify for the protection of privileged legal discussions.

Insufficient and Lacking Records Exemption Log

The Borough's exemption log, submitted according to the OOR's directive, was examined and found to have multiple notable deficiencies. These inconsistencies conflict with the standard Open Records rules requiring thorough substantiation of exemptions. As highlighted in my rebuttal statement on October 13, 2022, key details such as accurate dates, senders, recipients, and specific legal citations were missing, which is inconsistent with the exemption logging recommendations provided by the OOR.

Strikingly, the log lacked any entries or reasons for withholding responsive text messages. This oversight made the log noticeably deficient in terms of the records sought. The absence suggests either a lack of knowledge or an intentional disregard for the established transparency procedures. Neither of these possibilities foster public trust in the strict maintenance of access obligations.

Neglect to Adhere to Governing Precedent on Regular Process/Procedure Communications

Moreover, the Borough inappropriately claimed attorney-client privilege for numerous communications, which primarily involved discussions about procedural details such as resignations and candidate vetting. These details are explicitly stated in state Borough codes and do not reflect exchanges seeking abstract legal advice.

Yet, it is well-established by precedent that records showing the "application of law to facts and absent any requests for legal advice or analysis" cannot be classified as privileged under McGowan v. Pa. Department of Environmental Protection. Given that procedural rules fall within factual realms suitable for public examination, I argue that the Borough fails to correctly apply the OOR's rulings, which distinguish between advising officials on concrete resignation/appointment protocols they must follow and providing confidential legal advice specific to a situation.

Misuse of Exemptions Without Proper Consideration of Segregability

The Borough also seems to have overlooked the need to assess whether records eligible for full or partial access based on segregability were among the requested materials. According to relevant OOR rulings, "An agency cannot withhold an entire record from a requester on the basis that some information in the record is exempt from disclosure; the agency must produce the record with the exempt information redacted."

As I mentioned in my previous rebuttal statement, the Borough's responses fell short in performing an itemized review to fulfill this due diligence obligation. Some communications regarding the application of "law to fact" may indeed contain interspersed content that isn't subject to attorney-client privilege and could potentially be disclosed after suitable redaction. Yet, the Borough dismissed the concept of segregability. I contend that this approach fundamentally represents a failure to proactively strive towards the transparency objectives inherent in legislative intent.

Failure to Maintain Honesty in Legal Proceedings

The Pennsylvania Rule of Professional Conduct 3.3, which governs the conduct of attorneys, mandates the necessity for sincere and truthful representations in courts and adjudicative bodies, such as administrative tribunals. However, as evidenced by the misrepresentation of factual timelines concerning a Council member's resignation in two different affidavits, the Borough's legal counsel has shown a notable lapse in exhibiting the required honesty expected from a court officer. This behavior underscores a disregard for the duty of integrity that the legal profession is bound to uphold according to its own codes.

Continued Pattern of Insufficient Transparency and Accountability

Most importantly, the recurring discrepancies, shifting assertions about the existence of records, the inability or unwillingness to provide crucial details on decisions affecting Borough governance, consistent non-compliance with multiple transparency procedures, and consistent denial of reasonable disclosure requests on dubious grounds all contribute to a lack of transparency. This goes against the principles of open information upheld in binding OOR rulings like Uniontown Newspapers. This collectively manifests in the various demonstrations of bad faith outlined here.

Evidence Demanding a Determination of Bad Faith by the Borough

Several arguments necessitate an unequivocal OOR ruling indicating that the Borough demonstrated bad faith in its search for, review, and disclosure of relevant records. The Borough has consistently failed to substantiate claims regarding record ownership and exemptions with concrete evidence rather than mere declarations.

Examples of this behavior include:

> ***Exhibit A***: Undisclosed DriveLocker Invoices Despite Evidence of Grant Funds Proof (RTKL Request 2022-2675): The Borough was required to release unredacted DriveLocker invoices. Later discovered gaps in invoice dates requested again with new invoices provided. Recent discovery of a State Grant for $50,000 issued for IT. This invoice has to this day never been provided although it was responsive to the record and ordered by OOR final determination.
>
> ***Exhibit C***: Bad Faith Handling of Audit Report Data Capacities (RTKL Request 2023-1083): Borough previously insisted under sworn claims that QuickBooks audit trails could not be generated to block financial transparency. Data provided in partially fulfilling Appeal 2023-1083 relies on extracting reports from that same system supposedly lacking capacity. This directly contradicts signed affidavit citing failed auditing attempts owing to past system errors.
>
> ***Exhibit D***: Inconsistent Legal Privilege Log Date vs. Payroll Records (RTKL Request 2023-1598): Borough legal counsel privilege log asserts confidential communications regarding Mayor Fiorella Mirabito hiring deliberations occurred on April 21st, 2022. However, official borough payroll records present irrefutable evidence Mayor Mirabito assumed salaried duties April 1st, 2022. This unnecessary contradiction between dates of purported legal discussions and real-world employment verification logs strains credibility.
>
> ***Exhibit E***: Flynn Policy Guidance Email (RTKL Request 2023-1083 & 2023-1598): Email from October 2021 shows key policy actions under consideration. Specifically references prior Flynn statements on critical vacancy decisions. But no preceding Flynn message furnished in disclosure as clearly indicated. Same email released under separate request, Borough aware was public record. Withholding known responsive communications violates transparency duties.

The Borough's inconsistencies, shifting assertions about the existence of records, dubious claims of secrecy, and overly inadequate validations of search underscore a history of consistent failures in transparency. These failures predominantly aim to withhold potentially enlightening information on how elected officials manage crucial governance duties.

Significant alterations to Kratz's affidavit, considered potential perjury, along with the revelation of a borough's group chat involving key individuals, further raise concerns, especially with the declaration of additional responsive media. Timeline inconsistencies in several emails and dubious discussions about the mayor's hiring and Mark's resignation violate state laws, prompting a reevaluation of the Borough's actions.

The mayor's initiation and subsequent response to the email chain, along with her revelation about her husband's interest in the position, raise ethical and potential legal issues. Mark's immediate resignation, in light of his new job as a borough manager in a neighboring borough, should have prompted the borough to appoint a replacement within 45 days and notify the county election board of the vacant seat. The Borough's failure to acknowledge these legal requirements and its modifications to its own sworn affidavits, under threat of perjury, challenge well-established areas of RTK law.

Considering the borough's actions and the communications they are attempting to withhold, I believe the law supports my position. The borough's questionable behavior during this appeal and the very nature of the discussions necessitate public disclosure to ensure the legality of their actions. These points solidify my request for a reconsideration of a finding of bad faith.

Cumulative Impact Eroding Public Trust

The pattern of behavior, misrepresentations, significant discrepancies, the inability or unwillingness to provide crucial details on decisions affecting Borough governance, consistent non-compliance with multiple transparency procedures, and consistent denial of reasonable disclosure requests on dubious grounds all contribute to a lack of transparency. This goes against the principles of open information upheld in binding OOR rulings like Uniontown Newspapers. This long-run trend paints an unambiguous portrait of entrenched institutional rot fundamentally allergic to civic openness and accountability – the very attributes meant to anchor public service in a democracy accountable to the people.

Conclusion

I extend my gratitude to the Office of Open Records for its unbiased review, and I respectfully urge that, upon reconsideration, the Final Determination be amended appropriately to document a finding that the Borough's deficiencies in upholding applicable transparency standards were characterized by bad faith, based on the factors discussed here. Let it be known that no public servant should be exempt from accountability.

Sincerely,

Michael Long

Exhibit A

RECEIVED
MAY 11 2017
FINANCIAL MNGMT. CTR.

Contract No: **C000065222**

COMMONWEALTH OF PENNSYLVANIA
COMMONWEALTH FINANCING AUTHORITY

LOCAL SHARE ACCOUNT GRANT CONTRACT

This Contract, is entered into by and between the Commonwealth of Pennsylvania (the "Commonwealth"), acting through the Commonwealth Financing Authority (the "Grantor"), and

BATH BOROUGH
215 E Main St
Suite 1
Bath PA 18014

(the "Grantee").

BACKGROUND:

Section 1403 of the Act of July 5, 2004 (P.L. 572, No. 71), known as the PA Race Horse Development and Gaming Act (the "Act"), as amended by the Act of November 1, 2006 (P.L. 1243, No. 135) and the Act of January 7, 2010 (P.L. ___, No. 1), authorizes the Commonwealth Financing Authority to make direct grants to the municipalities, counties, economic development authorities, redevelopment authorities and other eligible entities located within counties of the third class and counties of the fifth through eighth class for eligible activities based upon the category of licensed facility, the type of racetrack at the licensed facility, and the county classification; and

The General Assembly of the Commonwealth has appropriated funds to the Grantor to carry out the provisions of the Act.

NOW, THEREFORE, in consideration of the foregoing, and subject to the conditions contained herein, the parties hereto intending to be legally bound hereby, do covenant and agree for themselves, their respective successors and assignees as follows:

ARTICLE I
AMOUNT OF THE CONTRACT

Subject to the terms of this Grant, the Grantor hereby makes available to the Grantee out of funds appropriated a grant in the sum of **FIFTY THOUSAND DOLLARS ($50,000.00) AND NO CENTS------** or such portion thereof as may be required by the Grantee and authorized by the Grantor, subject to the condition that it shall be used by the Grantee to carry out the activities described in the application submitted by the Grantee and as approved by the Grantor, and which is incorporated herein by reference. In addition, this Grant shall be subject to Appendix A, Project Description and Special

Conditions, and Appendix B, Budget Summary, which are attached hereto and incorporated herein.

ARTICLE II
EFFECTIVE DATES

The term of this Grant shall commence on the Effective Date (as defined below) and shall end on **JUNE 30, 2020**, subject to the other provisions of this Grant.

The Effective Date shall be the date the fully executed Grant is sent to the Grantee. A fully executed contract is one that has been signed by the Grantee and by the Grantor and contains all approvals required by Commonwealth contracting procedures.

This Grant is not binding in any way, nor will the Commonwealth be bound, until this document has been fully executed and sent to the Grantee. Any cost incurred by the Grantee prior thereto are incurred at the Grantee's risk.

ARTICLE III
PAYMENT PROVISIONS AND FISCAL RESPONSIBILITIES

(a) The Grantor agrees to pay the Grantee for eligible project costs incurred under this Grant between **MARCH 29, 2017** and **JUNE 30, 2020** (the "Grant Activity Period") as follows:

(1) Subject to the availability of state funds and other terms and conditions of this Grant, the Grantor will reimburse the Grantee based upon the Grantor's determination of the Grantee's needs and in accordance with the proposed budget as set forth in Appendix B.

The Grantor may pay the Grantee for eligible project costs at intervals to be determined by the Grantor. Under no circumstances shall the Commonwealth or the Grantor be liable for any expenditure exceeding the amount stated in this Grant or amendments hereto.

The Grantor shall have the right to disapprove any expenditure made by the Grantee which is not in accordance with the terms of this Grant and the Grantor may adjust payment to the Grantee accordingly.

(2) Initial payments to the Grantee to perform the activities under this Grant and all other payments shall be made on invoice forms and in accordance with instructions provided by the Grantor.

To receive payments under this Grant, the Grantee shall submit requests for payment based on the Grantee's estimate of expenditures, at intervals as determined by the Grantee to meet disbursement needs. Unless otherwise instructed by the Grantor, this estimate may not exceed the current disbursement needs of the Grantee in order that the amount of cash on hand and available to the Grantee is as close to daily needs as administratively feasible. The Grantor may, however, set a minimum payment level or amount for each request for payment.

(b) Conditions for Payment:

(1) Grant payments under this Grant shall be conditioned upon the completion of any Special Conditions set forth in Appendix A or otherwise incorporated into this Grant.

(2) Costs allocated to program administration shall be limited to those set forth in the project budget or as otherwise revised in accordance with the amendment provisions of this Grant set forth in the Article entitled Amendments and Modifications.

(3) Payment by the Commonwealth and all other terms of this Grant are subject to the effect of any federal deficit reduction legislation upon the availability of funds awarded by this Grant.

(c) The Grantee shall charge to the project account all approved costs of the project. All such costs, including activities contributed by the Grantee or others and charged to the project account, shall be supported by properly executed vouchers or other records indicating in proper detail the nature and propriety of the charge.

(d) Conditions for Repayment of Grant Funds:

(1) Misuse or Failure to Use Funds.

(A) The Grantee agrees that it will use the funds granted hereunder, or as much as may be necessary, to carry out the aforesaid project in accordance with the terms of this Grant. If after all or any part of the funds has been paid to the Grantee and the Grantee shall fail to carry out the activities, the Grantee shall repay the Grantor the funds theretofore paid.

(B) If the Grantee does not use all or a portion of the funds paid under the terms of this Grant for purposes of and in accordance with this Grant, the Grantee shall be liable to the Grantor for the amount of funds unused or improperly used and shall return said funds to the Grantor.

(C) In the event the Grantor shall be entitled to repayment of all or a portion of the funds granted herein, the repayment shall include all interest, income, accumulations and the monetary equivalent of

any appreciation in value of any property (real, personal or mixed) purchased with the funds granted them. A check shall be written, payable to the Commonwealth of Pennsylvania, and forwarded to the Grantor for: (1) the principal and (2) the total of any such interest, income, accumulations or appreciation in value.

(2) Violation of the Prohibition of Illegal Alien Labor on Assisted Projects Act.

In the event that the Grantee

(i) knowingly employs, or knowingly permits any of its subcontractors to knowingly employ, the labor services of an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania; and

(ii) the Grantee or any of its subcontractors are sentenced under Federal law for an offense involving knowing use of labor by an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania,

the Grantee shall repay to the Grantor all grant funds received by the Grantee from the Grantor pursuant to this Grant. A check shall be written, payable to the Commonwealth of Pennsylvania, and forwarded to the Grantor.

ARTICLE IV
BONDING, INSURANCE AND TAX LIABILITY REQUIREMENTS

(a) Hold Harmless:

The Grantee shall hold the Commonwealth harmless from and indemnify the Commonwealth against any and all claims, demands and actions based or arising out of any activities performed by the Grantee and its employees and agents under this Grant; and shall defend any and all actions brought against the Commonwealth based upon any such claims or demands. It is understood and agreed that the Grantee's standard liability insurance policies shall protect, or shall be endorsed to protect, the Commonwealth from claims of bodily injury and/or property damage arising out of any activities performed by the Grantee or its employees or agents under this Grant, including business and non-business invitees, and their property and all other property sustaining damage as a direct or indirect result of the execution of this project when validly present on Grantee's premises whether or not actually engaged in the project at the time the claim inures. Such policies shall not include any provision limiting then existing sovereign immunity of the Commonwealth or of its agents or employees. Upon request, the Grantee shall furnish to the Grantor proof of insurance as required by this paragraph.

(b) Other Liability Requirements:

The Grantee shall provide workmen's compensation insurance where the same is required and shall accept full responsibility for the payment of premiums for workmen's compensation and social security and any other taxes or payroll deductions required by law for its employees who are performing activities specified by this Grant.

ARTICLE V
COMPLIANCE WITH APPLICABLE STATUTES AND REGULATIONS

All activities authorized by this Grant shall be performed in accordance with applicable statutes, regulations, conditions, directives, guidelines and such additional requirements as may be attached hereto as Appendix C or are otherwise provided by the Grantor. The Grantee acknowledges that this Grant is subject to all requirements set forth herein and further agrees that it will comply with future requirements determined by the Grantor as necessary.

(a) Compliance with State Statutes and Regulations:

The Grantee also agrees to comply with all applicable state statutes and regulations.

(b) Nondiscrimination/Sexual Harassment Provisions:

The Grantee agrees:

(1) In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.

(2) The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate in violation of the PHRA and applicable federal laws against or intimidate any of its employees.

(3) The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places

customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement.

(4) The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate in violation of the PHRA and applicable federal laws against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.

(5) The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers subject to *Title VII* of the *Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the Grantor and the Bureau of Small Business Opportunities (BSBO), for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause. Enclosure 2 to Management Directive 215.16 Amended Page 2 of 2.

(6) The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

(7) The Grantee's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

(8) The Commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this

Nondiscrimination/Sexual Harassment Clause. In addition, the Grantor may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

(c) Compliance with the State Contractor Responsibility Program:

For the purpose of these provisions, the term Contractor is defined as any person, including, but not limited to, a bidder, offeror, loan recipient, grantee, or subgrantee, who has furnished or seeks to furnish goods, supplies, services, or leased space, or who has performed or seeks to perform construction activity under contract, subcontract, grant, or subgrant with the Commonwealth, or with a person under contract, subcontract, grant, or subgrant with the Commonwealth or its state-affiliated entities, and state-related institutions. The term Contractor may include a permittee, licensee, or any agency, political subdivision, instrumentality, public authority, or other entity of the Commonwealth.

(1) The Contractor must certify, in writing, for itself and all its subcontractors, that as of the date of its execution of any Commonwealth contract, that neither the Contractor, nor any subcontractors, nor any suppliers are under suspension or debarment by the Commonwealth or any governmental entity, instrumentality, or authority and, if the Contractor cannot so certify, then it agrees to submit, along with the bid/proposal, a written explanation of why such certification cannot be made.

(2) The Contractor must also certify, in writing, that as of the date of its execution, of any Commonwealth contract it has no tax liabilities or other Commonwealth obligations.

(3) The Contractor's obligations pursuant to these provisions are ongoing from and after the effective date of the Grant through the termination date thereof. Accordingly, the Contractor shall have an obligation to inform the Grantor if, at any time during the term of the Grant, it becomes delinquent in the payment of taxes, or other Commonwealth obligations, or if it or any of its subcontractors are suspended or debarred by the Commonwealth, the federal government, or any other state or governmental entity. Such notification shall be made within 15 days of the date of suspension or debarment.

(4) The failure of the Contractor to notify the Grantor of its suspension or debarment by the Commonwealth, any other state, or the federal government shall constitute an event of default of the Grant with the Commonwealth.

(5) The Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between

the Contractor and the Commonwealth, which results in the suspension or debarment of the Contractor. Such costs shall include, but shall not be limited to, salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees. The Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

(6) The Contractor may obtain a current list of suspended and debarred Commonwealth contractors by either searching the internet at http://www.dgsweb.state.pa.us/DebarmentList_portlet/ or contacting the:

Department of General Services
Office of Chief Counsel
603 North Office Building
Harrisburg, PA 17125
Telephone No: (717) 783-6472
FAX No: (717) 787-9138

(d) Compliance with the Offset Provision for Commonwealth Grants:

The Grantee agrees that the Commonwealth may set off the amount of any state tax liability or other debt of the Grantee or its subsidiaries that is owed to the Commonwealth and is not being contested on appeal, against any payments due the Grantee under this or any other contract with the Commonwealth.

(e) Compliance with The Americans with Disabilities Act:

Pursuant to federal regulations promulgated under the authority of The Americans With Disabilities Act, 28 C.F.R. §35.101 et seq., the Grantee understands and agrees that no individual with a disability shall, on the basis of the disability, be excluded from participation in this Grant or from activities provided for under this Grant. As a condition of accepting and executing this Grant, the Grantee agrees to comply with the "General Prohibitions Against Discrimination," 28 C.F.R. §35.130, and all other regulations promulgated under Title II of The Americans With Disabilities Act which are applicable to the benefits, services, programs and activities provided by the Commonwealth through contracts with outside contractors.

The Grantee shall be responsible for and agrees to indemnify and hold harmless the Commonwealth from all losses, damages, expenses, claims, demands, suits and actions brought by any party against the Commonwealth as a result of the Grantee's failure to comply with the provisions of the above paragraph.

(f) Compliance with Anti-Pollution Regulations:

The Grantee and its subcontractors agree that in the performance of their obligations under this Grant they shall minimize pollution and shall strictly comply with all applicable environmental laws and regulations.

(g) Contractor Integrity Provisions:

It is essential that those who seek to contract with the Commonwealth of Pennsylvania ("Commonwealth") observe high standards of honesty and integrity. They must conduct themselves in a manner that fosters public confidence in the integrity of the Commonwealth contracting and procurement process.

(1) Definitions. For purposes of these Contractor Integrity Provisions, the following terms shall have the meanings found in this Section:

(A) "Affiliate" means two or more entities where:

(i) a parent entity owns more than fifty percent of the voting stock of each of the entities; or

(ii) a common shareholder or group of shareholders owns more than fifty percent of the voting stock of each of the entities; or

(iii) the entities have a common proprietor or general partner.

(B) "Consent" means written permission signed by a duly authorized officer or employee of the Commonwealth, provided that where the material facts have been disclosed, in writing, by prequalification, bid, proposal, or contractual terms, the Commonwealth shall be deemed to have consented by virtue of the execution of this contract.

(C) "Contractor" means the individual or entity that has entered into this contract with the Commonwealth.

(D) "Contractor Related Parties" means any affiliates of the Contractor and the Contractor's executive officers, Pennsylvania officers and directors, or owners of 5 percent or more interest in the Contractor.

(E) "Financial Interest" means either:

(i) Ownership of more than a five percent interest in any business; or

(ii) Holding a position as an officer, director, trustee, partner, employee, or holding any position of management.

(F) "Gratuity" means tendering, giving, or providing anything of more than nominal monetary value including, but not limited to, cash, travel, entertainment, gifts, meals, lodging, loans, subscriptions, advances, deposits of money, services, employment, or contracts of any kind. The exceptions set forth in the Governor's Code of Conduct, Executive Order 1980-18, the 4 Pa. Code §7.153(b), shall apply.

(G) "Non-bid Basis" means a contract awarded or executed by the Commonwealth with Contractor without seeking bids or proposals from any other potential bidder or offeror.

(2) In furtherance of this policy, Contractor agrees to the following:

(A) Contractor shall maintain the highest standards of honesty and integrity during the performance of this contract and shall take no action in violation of state or federal laws or regulations or any other applicable laws or regulations, or other requirements applicable to Contractor or that govern contracting or procurement with the Commonwealth.

(B) Contractor shall establish and implement a written business integrity policy, which includes, at a minimum, the requirements of these provisions as they relate to the Contractor activity with the Commonwealth and Commonwealth employees and which is made known to all Contractor employees. Posting these Contractor Integrity Provisions conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the contract services are performed shall satisfy this requirement.

(C) Contractor, its affiliates, agents, employees and anyone in privity with Contractor shall not accept, agree to give, offer, confer, or agree to confer or promise to confer, directly or indirectly, any gratuity or pecuniary benefit to any person, or to influence or attempt to influence any person in violation of any federal or state law, regulation, executive order of the Governor of Pennsylvania, statement of policy, management directive or any other published standard of the Commonwealth in connection with performance of work under this contract, except as provided in this contract.

(D) Contractor shall not have a financial interest in any other contractor, subcontractor, or supplier providing services, labor, or material under this contract, unless the financial interest is disclosed to the Commonwealth in writing and the Commonwealth consents to Contractor's financial interest prior to Commonwealth execution of the contract. Contractor shall disclose the financial interest to the Commonwealth at the time of bid or proposal submission, or if no bids or proposals are solicited, no later than Contractor's submission of the contract signed by Contractor.

(E) Contractor certifies to the best of its knowledge and belief that within the last five (5) years Contractor or Contractor Related Parties have not:

(i) been indicted or convicted of a crime involving moral turpitude or business honesty or integrity in any jurisdiction;

(ii) been suspended, debarred or otherwise disqualified from entering into any contract with any governmental agency;

(iii) had any business license or professional license suspended or revoked;

(iv) had any sanction or finding of fact imposed as a result of a judicial or administrative proceeding related to fraud, extortion, bribery, bid rigging, embezzlement, misrepresentation or anti-trust; and

(v) been, and is not currently, the subject of a criminal investigation by any federal, state or local prosecuting or investigative agency and/or civil anti-trust investigation by any federal, state or local prosecuting or investigative agency.

If Contractor cannot so certify to the above, then it must submit along with its bid, proposal or contract a written explanation of why such certification cannot be made and the Commonwealth will determine whether a contract may be entered into with the Contractor. The Contractor's obligation pursuant to this certification is ongoing from and after the effective date of the contract through the termination date thereof. Accordingly, the Contractor shall have an obligation to immediately notify the

Commonwealth in writing if at any time during the term of the contract if becomes aware of any event which would cause the Contractor's certification or explanation to change. Contractor acknowledges that the Commonwealth may, in its sole discretion, terminate the contract for cause if it learns that any of the certifications made herein are currently false due to intervening factual circumstances or were false or should have been known to be false when entering into the contract.

(F) Contractor shall comply with the requirements of the Lobbying Disclosure Act (65 Pa.C.S. §13A01 et seq.) regardless of the method of award. If this contract was awarded on a Non-bid Basis, Contractor must also comply with the requirements of the Section 1641 of the Pennsylvania Election Code (25 P.S. §3260a).

(G) When Contractor has reason to believe that any breach of ethical standards as set forth in law, the Governor's Code of Conduct, or these Contractor Integrity Provisions has occurred or may occur, including but not limited to contact by a Commonwealth officer or employee which, if acted upon, would violate such ethical standards, Contractor shall immediately notify the Commonwealth contracting officer or the Office of the State Inspector General in writing.

(H) Contractor, by submission of its bid or proposal and/or execution of this contract and by the submission of any bills, invoices or requests for payment pursuant to the contract, certifies and represents that it has not violated any of these Contractor Integrity Provisions in connection with the submission of the bid or proposal, during any contract negotiations or during the term of the contract, to include any extensions thereof. Contractor shall immediately notify the Commonwealth in writing of any actions for occurrences that would result in a violation of these Contractor Integrity Provisions. Contractor agrees to reimburse the Commonwealth for the reasonable costs of investigation incurred by the Office of the State Inspector General for investigations of the Contractor's compliance with the terms of this or any other agreement between the Contractor and the Commonwealth that results in the suspension or debarment of the Contractor. Contractor shall not be responsible for investigative costs for investigations that do not result in the Contractor's suspension or debarment.

(I) Contractor shall cooperate with the Office of the State Inspector General in its investigation of any alleged Commonwealth agency or employee breach of ethical standards and any alleged Contractor non-compliance with these Contractor Integrity Provisions. Contractor agrees to make identified Contractor employees available for interviews at reasonable times and places. Contractor, upon the inquiry or request of an Inspector General, shall provide, or if appropriate, make promptly available for inspection or copying, any information of any type or form deemed relevant by the Office of the State Inspector General to Contractor's integrity and compliance with these provisions. Such information may include, but shall not be limited to, Contractor's business or financial records, documents or files of any type or form that refer to or concern this contract. Contractor shall incorporate this paragraph in any agreement, contract or subcontract it enters into in the course of the performance of this contract/agreement solely for the purpose of obtaining subcontractor compliance with this provision. The incorporation of this provision in a subcontract shall not create privity of contract between the Commonwealth and any such subcontractor, and no third party beneficiaries shall be created thereby.

(J) For violation of any of these Contractor Integrity Provisions, the Commonwealth may terminate this and any other contract with Contractor, claim liquidated damages in an amount equal to the value of anything received in breach of these Provisions, claim damages for all additional costs and expenses incurred in obtaining another contractor to complete performance under this contract, and debar and suspend Contractor from doing business with the Commonwealth. These rights and remedies are cumulative, and the use or non-use of any one shall not preclude the use of all or any other. These rights and remedies are in addition to those the Commonwealth may have under law, statute, regulation, or otherwise.

(h) Compliance with the Prohibition of Illegal Alien Labor on Assisted Projects Act.

Pursuant to the Act of May 11, 2006 (P.L. 173, No. 43), known as the Prohibition of Illegal Alien Labor on Assisted Projects Act, the Grantee shall not knowingly employ, or knowingly permit any of its subcontractors to knowingly employ, the labor services of an illegal alien on activities funded in whole or in part by a grant or loan issued by an executive agency of the Commonwealth of Pennsylvania.

In the event that the Grantee

(a) knowingly employs, or knowingly permits any of its subcontractors to knowingly employ, the labor services of an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania; and

(b) the Grantee or any of its subcontractors are sentenced under Federal law for an offense involving knowing use of labor by an illegal alien on activities funded in whole or in part by grants or loans issued by an executive agency of the Commonwealth of Pennsylvania,

the Grantee shall:

(a) repay to the Grantor all grant funds received by the Grantee from the Grantor pursuant to this Grant, and

(b) be ineligible to apply for any Commonwealth grant or loan for a period of two years.

(i) Right to Know Law Provisions

(1) The Grantee or Subgrantee understands that the Grant Agreement and records related to or arising out of the Grant Agreement are subject to requests made pursuant to the Pennsylvania Right-to-Know Law, 65 P.S. §§ 67.101-3104, ("RTKL"). For the purpose of these provisions, the term "the Commonwealth" shall refer to the Commonwealth Financing Authority.

(2) If the Commonwealth needs the Grantee's or Subgrantee's assistance in any matter arising out of the RTKL related to this Grant Agreement, it shall notify the Grantee or Subgrantee using the legal contact information provided in the Grant Agreement. The Grantee or Subgrantee, at any time, may designate a different contact for such purpose upon reasonable prior written notice to the Commonwealth.

(3) Upon written notification from the Commonwealth that it requires Grantee's or Subgrantee's assistance in responding to a request under the RTKL for information related to this Grant Agreement that may be in Grantee's or Subgrantee's possession, constituting, or alleged to constitute, a public record in accordance with the RTKL ("Requested Information"), Grantee or Subgrantee shall:

(A) Provide the Commonwealth, within ten (10) calendar days after receipt of written notification, access to, and copies of, any document or information in Grantee's or Subgrantee's possession arising out of this Grant Agreement that the Commonwealth reasonably believes is

Requested Information and may be a public record under the RTKL; and

(B) Provide such other assistance as the Commonwealth may reasonably request, in order to comply with the RTKL with respect to this Grant Agreement.

(4) If Grantee or Subgrantee considers the Requested Information to include a request for a Trade Secret or Confidential Proprietary Information, as those terms are defined by the RTKL, or other information that Grantee or Subgrantee considers exempt from production under the RTKL, Grantee or Subgrantee must notify the Commonwealth and provide, within seven (7) calendar days of receiving the written notification, a written statement signed by a representative of Grantee or Subgrantee explaining why the requested material is exempt from public disclosure under the RTKL.

(5) The Commonwealth will rely upon the written statement from Grantee or Subgrantee in denying a RTKL request for the Requested Information unless the Commonwealth determines that the Requested Information is clearly not protected from disclosure under the RTKL. Should the Commonwealth determine that the Requested Information is clearly not exempt from disclosure, Grantee or Subgrantee shall provide the Requested Information within five (5) business days of receipt of written notification of the Commonwealth's determination.

(6) If Grantee or Subgrantee fails to provide the Requested Information within the time period required by these provisions, Grantee or Subgrantee shall indemnify and hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth.

(7) The Commonwealth will reimburse Grantee or Subgrantee for any costs associated with complying with these provisions only to the extent allowed under the fee schedule established by the office of Open Records or as otherwise provided by the RTKL if the fee schedule is inapplicable.

(8) Grantee or Subgrantee may file a legal challenge to any Commonwealth decision to release a record to the public with the Office of Open Records, or in the Pennsylvania Courts, however, Grantee or Subgrantee shall indemnify the Commonwealth for any legal expenses incurred by the Commonwealth as a result of such a challenge and shall hold the Commonwealth harmless for any damages, penalties, costs, detriment or harm that the Commonwealth may incur as a result of Grantee's or Subgrantee's failure, including any statutory damages assessed against the Commonwealth, regardless of the outcome of such legal challenge. As between the parties, Grantee or Subgrantee agrees to waive all rights or remedies that may be available to it as a result of the Commonwealth's disclosure of Requested Information pursuant to the RTKL.

(9) The Grantee's or Subgrantee's duties relating to the RTKL are continuing duties that survive the expiration of this Grant Agreement and shall continue as long as the Grantee or Subgrantee has Requested Information in its possession.

ARTICLE VI
ASSIGNMENT, TRANSFER, COLLATERAL USE

This Grant shall be binding upon and inure to the benefit of the Grantor, the Grantee, and their respective successors and assigns, except that the Grantee may not assign or transfer its rights hereunder without the prior written consent of the Grantor. Approval of an assignment does not establish any legal relationship between the Commonwealth or the Grantor and any other third party, and under no circumstances shall the Commonwealth be held liable for any act or omission committed pursuant to such an assignment.

ARTICLE VII
INDEPENDENT CONTRACTOR

Notwithstanding anything contained herein to the contrary, the rights and duties hereby granted to and assumed by the Grantee are those of an independent contractor only. Nothing contained herein shall be so construed as to create an employment, agency or partnership relationship between the Grantor and the Grantee.

ARTICLE VIII
INTEREST OF PARTIES AND OTHERS

No officer, member, employee, independent contractor or elected official of the Authority and no member of its governing body who exercises any functions or responsibilities in the review or approval of activities being performed under this Grant shall participate in any decision relating to this Grant which affects his/her personal interest or the interest of any corporation, partnership or association in which he/she is directly or indirectly interested. Nor shall any such officer, member, elected official or employee of the Commonwealth or any member of its governing body have any interest direct or indirect in this Grant or the proceeds thereof.

The Grantee covenants that the Grantee (including directors, officers, members and employees of the Grantee) presently has no interest and shall not acquire any interest, directly or indirectly, which would conflict in any manner or degree with the performance of activities required to be performed under this Grant. The Grantee further covenants that no person having any such interest shall be employed in the performance of activities for this Grant.

The Grantee represents and warrants that no elected state official or any employee of the Grantor or a member of such elected state official's or the Grantor's employee's immediate family (parent, spouse, domestic partner, child, brother or sister, daughter-in-law or son-in-law, or grandchild), or any entity in which any such person shall have an ownership interest of 5% or greater, or in which entity such person shall have a controlling interest, has received or will receive a direct or indirect pecuniary

benefit from or as a result of the full execution of this Grant. Further, the Grantee represents and warrants that it has not and will not enter into any contract for goods or services with the persons enumerated above using any funds made available to Grantee under this Grant.

ARTICLE IX
SUBCONTRACTS

The Grantee shall not execute or concur in any subcontract with any person or entity in any respect concerning the activities herein without prior written approval of the Grantor. Such prior written approval shall not be required for the purchase by the Grantee of articles, supplies, equipment and activities which are both necessary for and merely incidental to the performance of the work required under this Grant. The Grantee shall not execute or concur in any subcontract declared disapproved by the Grantor. A subcontractor shall be automatically disapproved, without a declaration from the Grantor, if the subcontractor is currently or becomes suspended or debarred by the Commonwealth or the federal government. In any event, the Grantee shall be responsible for the quantity and quality of the performance of any of its subcontracts.

All subcontracts must contain provisions of nondiscrimination/sexual harassment as specified in the Article entitled Compliance with Applicable Statutes and Regulations, subsection (b). In addition, all subcontracts involving the pass through of Grant funds to subrecipients must include the contract closeout requirements contained in the Article entitled Contract Closeout Requirements. The Grantee is responsible for ensuring that copies of cancelled checks are received from subcontractors verifying the payment of eligible project costs incurred in accordance with the terms of this Contract, and, in the event that the Commonwealth audits this Contract, for resolving any findings contained in any audit reports. All costs deemed unallowable in any audit report involving the pass through of Grant funds to subrecipients are required to be returned to the Grantor through the Grantee.

ARTICLE X
BIDDING REQUIREMENTS

If the Grantee is a political subdivision or other entity for which open and competitive bidding procedures have been established by law, the Grantee shall comply with those procedures if they are applicable to the project being funded with the grant funds. Otherwise, the Grantee shall comply with open and competitive bidding procedures in awarding any and all grants, subgrants, contracts, subcontracts or other agreements in excess of $10,000.00 for construction, reconstruction, demolition, alteration and/or repair, for acquisition of machinery and equipment, or for engagement of the services of a professional consultant, when said grants, subgrants, contracts, subcontracts or other agreements are funded in whole or at least 50% in part with funds made available under this Grant. The Grantor may require the Grantee to submit proof of compliance with said procedures, and failure to provide such proof to the satisfaction of the Grantor may result in termination of the Grant and repayment of all or a portion of the funds available under this Grant. Upon written request and for good cause shown, the Grantor may, at the Grantor's sole discretion, permit the Grantee to use an alternative procedure for solicitation of bids not inconsistent with law.

ARTICLE XI
RECORDS

The Grantee, using accepted procedures, shall maintain at its principal office or place of business complete and accurate records and accounts including documents, correspondence and other evidence pertaining to costs and expenses of this Grant, and reflecting all matters and activities covered by this Grant.

At any time during normal business hours and as often as the Grantor deems necessary, the Grantee shall make available for inspection by the Grantor, the Commonwealth Auditor General, the Commonwealth Attorney General, or the Comptroller General of the United States, or their duly authorized representative, all of its records with respect to all matters covered by this Grant and will permit the Grantor to audit, examine and make copies of such records.

All required records shall be maintained by the Grantee for a period of five (5) years from the date of final audit or close out of this Grant by the Grantor, except in those cases where unresolved audit questions may require maintaining some or all records for a longer period. In such event, records shall be maintained until all pending matters are resolved.

ARTICLE XII
PROGRESS REPORTS

The Grantee and its subcontractors shall furnish to the Grantor such progress reports in such form and quantity as the Grantor may from time to time require, including, but not limited to, status reports of the project, project account statements, certificates, approvals, proposed budgets, invoices, copies of all contracts executed and proposed, employment placements, follow-up reports and any and all other information relative to the Grant as may be requested. The Grantor or its representative shall have the right to make reasonable inspections to monitor the Grantee's performance under this Grant.

In the event that the Grantor determines that the Grantee or its subcontractor(s) has not furnished such reports as required by the Grantor, the Grantor, by giving written notice to the Grantee, may suspend payments under this Grant until such time as the required reports are submitted.

ARTICLE XIII
ACKNOWLEDGMENT OF COMMONWEALTH ASSISTANCE

Any publication concerning a project financed by the Grantor will acknowledge Commonwealth financial assistance as follows:

"This Project was financed *[in part]* by a grant
from the Commonwealth of Pennsylvania, Commonwealth Financing Authority."

Signs acknowledging said Commonwealth financial assistance or administrative participation will be erected in the project area as soon as possible after the effective date of this Grant. Acknowledgment of Commonwealth financial assistance may be

combined with acknowledgment of other funding sources on project signs or in project publications.

ARTICLE XIV
CONTRACT CLOSEOUT REQUIREMENTS

Unless otherwise directed in writing by the Grantor, the Grantee shall, within 45 days of the Grantee's receipt of the final payment of grant funds under this Contract, submit copies of cancelled checks verifying the payment of eligible project costs incurred in accordance with the terms of this Contract and copies of cancelled checks verifying the expenditure of any required matching funds.

All terms and conditions of this Contract will remain in effect and be binding upon the parties thereto until all cancelled checks, totaling the entire amount of grant funds received by the Grantee under this Contract and the entire amount of required matching funds, are submitted and accepted by the Grantor.

The Commonwealth reserves the right for state agencies or their authorized representative to perform audits of a financial or performance nature if deemed necessary. The costs for any such work performed by the state or federal agencies will be borne by those agencies at no additional expense to the Grantee. In the event that the Commonwealth audits this Contract, all costs deemed unallowable in any audit report are required to be returned by the Grantee to the Grantor.

ARTICLE XV
TEMPORARY SUSPENSION OF THE CONTRACT

Upon written notice and at any time during the period covered under this Grant, the Grantor may suspend payments and/or request suspension of all or any part of the Grant activities. The Grantor may give such notice to suspend for the following reasons:

(a) Violations of laws and regulations, audit exceptions, misuse of funds, failure to submit required reports or when responsible public officials or private citizens make allegations of mismanagement, malfeasance or criminal activity.

(b) When, in the opinion of the Grantor, the activities cannot be continued in such manner as to adequately fulfill the intent of statute or regulations due to act of God, strike or disaster.

During the term of suspension, the Grantor and Grantee shall retain and hold available any and all funds previously approved for application to the activities. During this period all such funds held by the Grantee shall be placed in an interest bearing program expenditures account. The Grantee may not expend any such funds during the period that the Grant is suspended except pursuant to order of a court of competent jurisdiction. The Grantee shall have the right to cure any default or other circumstance that is the basis for suspension of this Grant within a reasonable period of time.

This Grant is also conditioned upon complete performance by the Grantee of past agreements or contracts between the Grantor and the Grantee. Complete performance includes the Grantee's timely submission of the required final audit of past agreements or contracts to the Grantor. In the event that the Grantor determines that there has been incomplete performance of past agreements or contracts by the Grantee, the Grantor, by giving written notice to the Grantee, will suspend payments under this Grant until such time as the Grantee has fulfilled its obligations under past agreements or contracts to the satisfaction of the Grantor. When the Grantee has fulfilled its obligation under past agreements or contracts to the Grantor's satisfaction, the Grantor will resume payments under this Grant.

ARTICLE XVI
TERMINATION OF THE CONTRACT

The Grantor may terminate this Grant at any time for its convenience or for any other reason if it determines that termination is in its best interests, or is otherwise appropriate, by giving written notice to the Grantee of such termination and specifying the effective date thereof.. Termination pursuant to this section shall not be applicable to funds that the Grantee is legally or contractually obligated to pay as a result of project activities entered into prior to the date that it receives written notice of termination. All grant monies not legally or contractually obligated, plus accrued interest, shall be returned to the Grantor on or before the effective date of termination and all project records shall be made available to the Grantor.

ARTICLE XVII
ENTIRE AGREEMENT

This Grant, when signed by all the parties hereto, constitutes the full and complete understanding and agreement of the parties of its express terms as provided above.

No provision of this Grant shall be construed in any manner so as to create any rights in third parties not party to this Grant. It shall be interpreted solely to define specific duties and responsibilities between the Grantor and the Grantee and shall not provide any basis for claims of any other individual, partnership, corporation, organization or municipal entity.

ARTICLE XVIII
AMENDMENTS AND MODIFICATIONS

A properly executed Grant amendment is required to change the termination date of this Grant, to change the Grant Activity Period, to amend the grant amount or to make major changes in the approved program scope, objectives or methods. Such an amendment must be executed if there is a significant change in the activities to be conducted under this Grant. Other revisions to the Project Description or Budget may be made upon written approval from the Grantor after prior written request of the Grantee; provided, the request is made by the Grantee and approved by the Grantor prior to the termination or expiration of the Grant.

ARTICLE XIX
SEVERABILITY

Should any section or any part of any section of this Grant be rendered void, invalid or unenforceable by any court of law, for any reason, such a determination shall not render void, invalid, or unenforceable any other section or part of any section of this Grant.

ARTICLE XX
CONSTRUCTION

This Grant shall be interpreted and construed in accordance with federal law, where applicable, and with the laws of the Commonwealth. All of the terms and conditions of this Grant are expressly intended to be construed as covenants as well as conditions. The titles of the sections and subsections herein have been inserted as a matter of convenience and reference only and shall not control or affect the meaning or construction of any of the terms or provisions herein.

ARTICLE XXI
NONWAIVER OF REMEDIES

No delay or failure on the part of the Grantor in exercising any right, power or privilege hereunder shall affect such right, power or privilege; nor shall any single or partial exercise thereof or any abandonment, waiver, or discontinuance of steps to enforce such a right, power or privilege preclude any other or further exercise thereof, or the exercise of any other right, power or privilege. The rights and remedies of the Grantor hereunder are cumulative and concurrent and not exclusive of any rights or remedies which it might otherwise have. The Grantor shall have the right at all times to enforce the provisions of this Grant in accordance with the terms hereof notwithstanding any conduct or custom on the part of the Grantor in refraining from so doing at any time or times. The failure of the Grantor at any time or times to enforce its rights under such provisions, in accordance with the same, shall not be construed as having created a custom in any way or manner contrary to specific provisions of this Grant or as having in any way or manner modified or waived the same.

IN WITNESS WHEREOF the parties hereunto have set their hands and seals on:

WITNESS:

BATH BOROUGH

For Authority signatures only

↓

Federal Identification Numb[redacted]

Commonwealth Financing Authority

GRANTEE: Please sign & con

↓

Executive Director Date 4/26/17

X By _____ (Seal)

X Title Council President

X Date 20 April '17

X By _____

X Title Borough Manager

X Date April 20, 2017

For Commonwealth signatures only

↓

Approved as to Legality and Form

Authority Counsel Date 4/26/17

Office of Attorney General Date 5/5/17

RECEIVED

APR 24 2017

BUSINESS FINANCING

COMMONWEALTH OF PENNSYLVANIA
COMMONWEALTH FINANCING AUTHORITY

April 17, 2017

Bradford T. Flynn, Borough Manager
Bath Borough
215 E. Main Street, Suite 1
Bath, PA 18014

RE: Local Share Account Program
Grant $50,000
Municipal Building IT Upgrades Project

Dear Mr. Flynn:

I am pleased to inform Bath Borough *(the "Applicant")* that the Commonwealth Financing Authority *(the "CFA")*, at its meeting held March 29, 2017, approved your application *(the "Application")* for a grant in the amount of FIFTY THOUSAND DOLLARS ($50,000) *(the "Grant")*. The Application has been approved based upon and in accordance with the terms and the representations made therein.

The grant will be used for the purchase and installation of IT equipment at the Borough's municipal building (*the "Project")* located in Bath Borough, Northampton County, Pennsylvania.

This Grant offer is subject to the following conditions:

1. The Applicant must provide the CFA with copies of all executed contracts for all Project-related work to be performed. All contracts must contain the nondiscrimination/sexual harassment provision enclosed as Exhibit A, a certificate of insurance, and performance and payment bonds.

2. Prevailing wage requirements are generally applicable to projects using grant funds toward construction, demolition, reconstruction, alteration, repair work, renovations, build-out, and installation of machinery and equipment in excess of $25,000. Any questions as to prevailing wage obligations and whether they apply to your project should be directed to the Bureau of Labor Law Compliance at (717) 787-3681. Exhibit B provides additional information regarding the Pennsylvania Prevailing Wage Act.

APPENDIX A & B
Contract # C0006522
Page 1 of 8

3. The Applicant must provide the CFA with satisfactory evidence that all taxes and other monies due and owing to the Commonwealth of Pennsylvania are paid current, unless any of said taxes or other payments are being contested, in which case, the CFA may require that funds be escrowed to pay said taxes or other payments in the event of any adverse decision.

4. Once the Applicant has agreed to the terms of this commitment letter and the grant agreement, the Applicant may begin incurring costs associated with the Project as of the date of CFA approval, which is March 29, 2017.

5. The Applicant must comply with Local Share Account Program Guidelines, which may be viewed at www.newpa.com.

6. The Applicant is responsible for seeking competitive bids for all work conducted with the Grant funds. In addition, the Applicant must comply with all applicable federal, state and local laws and regulations dealing with bidding and procurement, if applicable.

7. The CFA reserves the right to approve or reject contracts between the Applicant and consultants or contractors for work that will be paid for with Grant funds.

8. The Applicant may not make or authorize any substantial change in an approved Project without first obtaining the consent of the CFA in writing.

9. The Applicant must maintain full and accurate records with respect to the Project. The CFA shall have free access to such records and to inspect all Project work, and other relative data and records. Upon request of the CFA, the Applicant must furnish all data, reports, contracts, documents, and other information relevant to the project as may be requested.

10. The Applicant will comply with the reporting requirements detailed in Exhibit C, if applicable.

Exhibit D further describes the procedure to access the Local Share Account Program Grant funds after all of the necessary conditions are met.

This commitment will expire forty-five (45) days from the date of this letter unless we have received your written acceptance by returning this original commitment letter along with the included grant agreement. Thereafter, this commitment shall be null and void. Our receipt of the signed commitment letter and grant agreement will constitute your authorization to incur costs for reimbursement back to the date of CFA approval as noted herewith.

If you should have any questions regarding this grant, please contact Mandy Book, Director, Center for Community Enhancement, at (717)787-6245.

Sincerely,

Scott D. Dunkelberger
Executive Director
Commonwealth Financing Authority

The terms and conditions set forth in this letter and its attachments are hereby agreed to and accepted this 20th day of April, 2017.

ATTEST:

Secretary

(SEAL)

BATH BOROUGH

By

FEDERAL TAX IDENTIFICATION NUMBER

[redacted]

APPENDIX A & B
Contract # C0000 65222
Page 3 of 8

EXHIBIT A:

NONDISCRIMINATION/SEXUAL HARASSMENT CLAUSE

During the term of the Contract, the Applicant (known herein as "Grantee") agrees as follows:

1. In the hiring of any employee(s) for the manufacture of supplies, performance of work, or any other activity required under the grant agreement or any subgrant agreement, contract, or subcontract, the Grantee, a subgrantee, a contractor, a subcontractor, or any person acting on behalf of the Grantee shall not discriminate in violation of the *Pennsylvania Human Relations Act* (PHRA) and applicable federal laws against any citizen of this Commonwealth who is qualified and available to perform the work to which the employment relates.
2. The Grantee, any subgrantee, contractor or any subcontractor or any person on their behalf shall not in any manner discriminate in violation of the PHRA and applicable federal laws against or intimidate any of its employees.
3. The Grantee, any subgrantee, contractor or any subcontractor shall establish and maintain a written nondiscrimination and sexual harassment policy and shall inform their employees of the policy. The policy must contain a provision that sexual harassment will not be tolerated and employees who practice it will be disciplined. Posting this Nondiscrimination/Sexual Harassment Clause conspicuously in easily-accessible and well-lighted places customarily frequented by employees and at or near where the grant services are performed shall satisfy this requirement.
4. The Grantee, any subgrantee, contractor or any subcontractor shall not discriminate in violation of the PHRA and applicable federal laws against any subgrantee, contractor, subcontractor or supplier who is qualified to perform the work to which the grant relates.
5. The Grantee and each subgrantee, contractor and subcontractor represents that it is presently in compliance with and will maintain compliance with all applicable federal, state, and local laws and regulations relating to nondiscrimination and sexual harassment. The Grantee and each subgrantee, contractor and subcontractor further represents that it has filed a Standard Form 100 Employer Information Report ("EEO-1") with the U.S. Equal Employment Opportunity Commission ("EEOC") and shall file an annual EEO-1 report with the EEOC as required for employers subject to *Title VII* of the *Civil Rights Act of 1964*, as amended, that have 100 or more employees and employers that have federal government contracts or first-tier subcontracts and have 50 or more employees. The Grantee, any subgrantee, any contractor or any subcontractor shall, upon request and within the time periods requested by the Commonwealth, furnish all necessary employment documents and records, including EEO-1 reports, and permit access to their books, records, and accounts by the granting agency and the Bureau of Small Business Opportunities (BSBO), for the purpose of ascertaining compliance with the provisions of this Nondiscrimination/Sexual Harassment Clause.
6. The Grantee, any subgrantee, contractor or any subcontractor shall include the provisions of this Nondiscrimination/Sexual Harassment Clause in every subgrant agreement, contract or subcontract so that those provisions applicable to subgrantees, contractors or subcontractors will be binding upon each subgrantee, contractor or subcontractor.

7. The Granter's and each subgrantee's, contractor's and subcontractor's obligations pursuant to these provisions are ongoing from and after the effective date of the grant agreement through the termination date thereof. Accordingly, the Grantee and each subgrantee, contractor and subcontractor shall have an obligation to inform the Commonwealth if, at any time during the term of the grant agreement, it becomes aware of any actions or occurrences that would result in violation of these provisions.

8. The Commonwealth may cancel or terminate the grant agreement and all money due or to become due under the grant agreement may be forfeited for a violation of the terms and conditions of this Nondiscrimination/Sexual Harassment Clause. In addition, the granting agency may proceed with debarment or suspension and may place the Grantee, subgrantee, contractor, or subcontractor in the Contractor Responsibility File.

EXHIBIT B:

PENNSYLVANIA PREVAILING WAGE ACT

In the event that grant funds will be used for a public work project, the Prevailing Wage Act (PWA) may apply. The PWA requires that not less than the prevailing minimum wages be paid to all workmen employed on "public work" as defined in the PWA. Information on the PWA and the definition of "public work" may be found at www.dli.state.pa.us/laborlaw by clicking on the link to Prevailing Wage Act.

The Act's definition of "public work" has been applied to projects undertaken by private entities, but receiving government assistance.

The PWA does not apply to the installation of equipment or machinery that is not a fixture, although any building construction/renovations to accommodate the equipment/machinery could be covered.

The PWA also does not apply to work performed by the project-owner's in-house employees, as opposed to work done by contractors or subcontractors.

The full PWA can be found at 43 P.S. sections 165-1 through 165-17.

Please contact L&I's Bureau of Labor Law Compliance (717-787-3681) with questions about the PWA and/or if you would like L&I's assistance in determining if the PWA applies to this project.

Information on applying for prevailing wage rates can be found at www.dli.state.pa.us/laborlaw. From that webpage, click the links to Prevailing Wage or Prevailing Wage Act. You will see a link for "Online Prevailing Wage Application & Rate Search." Follow that link to Prevailing Wage Rates Determination Request Form to submit the request electronically or print Prevailing Wage Rates Determination Request Form to submit by mail or fax.

EXHIBIT C:

ACT 1 OF 2010 LOCAL SHARE ASSESSMENT REPORTING REQUIREMENTS

Pennsylvania counties and municipalities are required by Act 1 of 2010 to report to the Department of Community and Economic Development all distributions of local share assessments, such as funds received under the LSA Program, on an annual basis. The report must include:

- Amount and use of funds received by the municipality or county in the prior calendar year. This applies each year funds are disbursed from the grant.

- A description of how the funds were used; either deposited in a general fund or committed to a specific use or project. If specific use or project, a narrative is required.

To access the online reporting form and additional instructions, please visit: www.newpa.com/lsr

Only one report will be submitted per municipality or county. All governmental authorities of a particular municipality or county (e.g. Redevelopment Authority, Industrial Development Authority, Water Authority, etc.) are required to coordinate and submit a singular report.

EXHIBIT D:

LOCAL SHARE ACCOUNT PROGRAM - INSTRUCTIONS FOR RECEIVING GRANT FUNDS

As indicated in your Local Share Account Program Grant Commitment Letter, the grant award is contingent upon receipt and execution of documents as stated in your letter. Failure to accomplish this may result in the rescission of your Grant, as required by applicable law. Listed below are the steps you must follow.

GRANT AGREEMENT

Upon receipt, sign the grant agreement and commitment letter and return both as instructed in the cover letter. Once returned, the signature process requires approximately 45 days. One fully executed copy of the grant agreement will be returned to you with a copy of a payment request form for requesting payment.

PAYMENT REQUESTS

The CFA requires the Applicant to provide completed payment request forms to request reimbursement of any eligible costs after the full execution of the grant agreement. The payment request forms must indicate whether the costs have been "paid" or "incurred" at the time of request and be accompanied by invoices verifying the costs incurred for the Project. Submit to the CFA all executed construction contracts, which must include the nondiscrimination/sexual harassment provision as set forth in the Grant Agreement and any other documents required in the Grant Award Letter. Please note:

- Where applicable, comply with the Pennsylvania Prevailing Wage Act which requires that the specifications for every contract for public work to which a public body is a party contain a provision that the prevailing wage rate be paid to workmen employed in the performance of the contract.

- The Applicant agrees to provide public liability, property damage and workmen's compensation insurance, against any and all claims arising out of the activities undertaken pursuant to the grant which are to any extent financed by the funds from this Grant. The Applicant agrees to maintain such insurance and to name the CFA as a named insured on such policies of insurance. Further, the Applicant agrees to notify the CFA of any change or cancellation of such insurance policies.

- The Applicant may only request reimbursement for eligible, as outlined in the approved LSA Program Guidelines, *and* approved, as indicated by the approved Application budget and Appendix A, project costs.

Final invoices must be submitted following the completion of the Project for **costs incurred prior to the end of the contract activity period. Costs incurred after the activity period ends are not eligible for reimbursement.**

All payment requests and invoices must be submitted no later than 60 days after completion of all Project activities or the grant termination date, whichever comes first.

APPENDIX A & B
Contract # C0000652221
Page 8 of 8

ATTACHMENT 'B'
Exhibit C

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Transactions entered or modified by Admin									
Bill 4137									
4137	01/20/2017 10:45:02	Admin	Latest	03/17/2016	Express Business C...		200.00 · ACCOUNT...	-SPLIT-	-2,110.00
					Express Business C...	(809) Year 20...	***427.34 · Printing &...***	200.00 · ACC...	970.60
					Express Business C...	(959) Year 20...	***403.34 · Printing &...***	200.00 · ACC...	1,139.40
4137	03/23/2016 17:42:49	Admin	Prior	03/17/2016	Express Business C...		200.00 · ACCOUNT...	-SPLIT-	-2,110.00
					Express Business C...	(809) Year 20...	400 · EXPENDITUR...	200.00 · ACC...	970.60
					Express Business C...	(959) Year 20...	400 · EXPENDITUR...	200.00 · ACC...	1,139.40
Bill 0000131449									
00001...	04/19/2017 17:00:32	Admin	Latest	08/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	08/01/2016 17:40:07	Admin	Prior	08/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000134235									
00001...	04/19/2017 17:00:43	Admin	Latest	09/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	08/31/2016 10:31:42	Admin	Prior	09/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
00001...	08/29/2016 11:08:04	Admin	Prior	09/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000134723									
00001...	04/19/2017 17:00:52	Admin	Latest	10/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	09/29/2016 12:20:59	Admin	Prior	10/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 2016-280 (4TH QTR)									
2016-...	04/12/2017 13:00:47	Admin	Latest	10/04/2016	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	***427.30 · Recy...***	-2,356.38
					First Regional Com...	Yard Waste R...	***427.30 · Recycling...***	200.00 · ACC...	2,356.38
2016-...	01/17/2017 15:10:43	Admin	Prior	10/04/2016	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	400 · EXPEND...	-2,356.38
					First Regional Com...	Yard Waste R...	400 · EXPENDITUR...	200.00 · ACC...	2,356.38
Bill 0000137478									
00001...	04/19/2017 17:01:01	Admin	Latest	11/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
00001...	10/26/2016 16:09:03	Admin	Prior	11/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000137984									
00001...	04/19/2017 17:01:12	Admin	Latest	12/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***427.10 · Cont...***	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	27,428.83
00001...	11/28/2016 11:08:53	Admin	Prior	12/01/2016	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-27,428.83
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	27,428.83
					J.P. Mascaro & Sons	$28.38 = AD...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000138465									
00001...	01/31/2017 10:40:32	Admin	Latest	01/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	***-SPLIT-***	-18,639.00
					J.P. Mascaro & Sons	***Sanitation S...***	***427.10 · Contracte...***	200.00 · ACC...	18,639.00
					J.P. Mascaro & So...	***Sanitation S...***	***427.10 · Contracte...***	***200.00 · ACC...***	
00001...	12/28/2016 15:02:25	Admin	Prior	01/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	400 · EXPEND...	-18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	18,639.00
Bill 2017-033 (1ST QTR)									
2017-...	01/17/2017 15:10:24	Admin	Latest	01/13/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill 1105									
1105	01/20/2017 16:13:04	Admin	Latest	01/20/2017	Portnoff Law Associ...	Invoice fwd'd ...	200.00 · ACCOUNT...	427.20 · Colle...	-3,338.88
					Portnoff Law Associ...	Sanitation Ye...	427.20 · Collection ...	200.00 · ACC...	3,338.88
Bill 0000141232									
00001...	01/31/2017 10:38:19	Admin	Latest	01/30/2017	J.P. Mascaro & Sons	"Catch-up" bil...	200.00 · ACCOUNT...	-SPLIT-	-400.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000141238									
00001...	01/31/2017 10:40:16	Admin	Latest	02/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 10929									
10929	02/22/2017 12:20:00	Admin	Latest	02/14/2017	Express Business C...		200.00 · ACCOUNT...	-SPLIT-	-2,495.00
					Express Business C...	(960) Year 20...	403.34 · Printing & ...	200.00 · ACC...	1,357.28
					Express Business C...	(805) Year 20...	427.34 · Printing & ...	200.00 · ACC...	1,137.72

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Bill 0000141716									
00001...	02/27/2017 10:37:32	Admin	Latest	03/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000142204									
00001...	03/27/2017 10:45:41	Admin	Latest	04/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2017-069 (2ND QTR)									
2017-...	04/12/2017 13:00:14	Admin	Latest	04/06/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill 0000144961									
00001...	04/26/2017 14:25:19	Admin	Latest	05/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2014 Recyclg Grant									
2014 ...	05/26/2017 13:04:29	Admin	Latest	05/22/2017	Hough Associates		200.00 · ACCOUNT...	427.31 · Sanit....	-506.00
					Hough Associates	Incentive Bon...	427.31 · Sanit. Cont...	200.00 · ACC...	506.00
Bill 0000145466									
00001...	05/30/2017 09:56:26	Admin	Latest	06/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000146001									
00001...	06/26/2017 13:15:57	Admin	Latest	07/01/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2017-185 (3RD QTR)									
2017-...	07/05/2017 15:54:59	Admin	Latest	07/03/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill									
	07/31/2017 12:23:44	Admin	Latest	07/27/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	***-19,139.00***
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	***427.10 · Contracte...***	200.00 · ACC...	***500.00***
					J.P. Mascaro & Sons	***Bath P.O.@...***	***427.10 · Contracte...***	200.00 · ACC...	

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	07/31/2017 12:16:39	Admin	Prior	07/27/2017	J.P. Mascaro & Sons		200.00 · ACCOUNT...	-SPLIT-	-19,039.00
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	400 · EXPENDITUR...	200.00 · ACC...	400.00
					J.P. Mascaro & Sons	Bath P.O.@1...	400 · EXPENDITUR...	200.00 · ACC...	
Bill 0000148811									
00001...	08/11/2017 15:35:50	Admin	Latest	08/31/2017	J.P. Mascaro & Sons	Dumpster for ...	200.00 · ACCOUNT...	-SPLIT-	-868.15
					J.P. Mascaro & Sons	Dumpster	409.72 · Capital Imp...	200.00 · ACC...	868.15
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
Bill									
	08/28/2017 10:33:46	Admin	Latest	08/28/2017	J.P. Mascaro & Sons	For Sept. Ser...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000149873									
00001...	09/21/2017 14:44:05	Admin	Latest	09/15/2017	J.P. Mascaro & Sons	Dumpster for ...	200.00 · ACCOUNT...	-SPLIT-	-814.55
					J.P. Mascaro & Sons	Dumpster - 7....	409.72 · Capital Imp...	200.00 · ACC...	814.55
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
Bill									
	09/25/2017 15:35:42	Admin	Latest	09/19/2017	J.P. Mascaro & Sons	For Oct. Servi...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 2017-299 (4TH QTR)									
2017-...	10/02/2017 15:40:22	Admin	Latest	09/29/2017	First Regional Com...	Invoice rec'd ...	200.00 · ACCOUNT...	427.30 · Recy...	-2,356.38
					First Regional Com...	Yard Waste R...	427.30 · Recycling ...	200.00 · ACC...	2,356.38
Bill									
	10/25/2017 15:02:45	Admin	Latest	11/01/2017	J.P. Mascaro & Sons	For Nov. Serv...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill October 2017 Svcs									
Octob...	11/20/2017 15:31:33	Admin	Latest	10/27/2017	Cynthia Williams Oa...		200.00 · ACCOUNT...	-SPLIT-	-518.45
					Cynthia Williams Oa...	3/1/17: Compi...	427.31 · Sanit. Cont...	200.00 · ACC...	146.25
					Cynthia Williams Oa...	9/18/17: Trav...	427.31 · Sanit. Cont...	200.00 · ACC...	144.70
					Cynthia Williams Oa...	9/27/17: Revi...	427.31 · Sanit. Cont...	200.00 · ACC...	227.50
					Cynthia Williams Oa...		427.31 · Sanit. Cont...	200.00 · ACC...	
					Cynthia Williams Oa...		427.31 · Sanit. Cont...	200.00 · ACC...	

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Bill									
	11/28/2017 14:55:27	Admin	Latest	12/01/2017	J.P. Mascaro & Sons	For Dec. Serv...	200.00 · ACCOUNT...	-SPLIT-	-19,089.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	18,639.00
					J.P. Mascaro & Sons	Sanitation Se...	427.10 · Contracted...	200.00 · ACC...	450.00
					J.P. Mascaro & Sons	Bath P.O.@1...	427.10 · Contracted...	200.00 · ACC...	
Bill 0000153317									
00001...	12/14/2017 09:37:53	Admin	Latest	11/30/2017	J.P. Mascaro & Sons	Dumpster for ...	200.00 · ACCOUNT...	-SPLIT-	-585.05
					J.P. Mascaro & Sons	Dumpster - 4....	409.72 · Capital Imp...	200.00 · ACC...	585.05
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
					J.P. Mascaro & Sons		427.10 · Contracted...	200.00 · ACC...	
Check 15072									
15072	01/20/2017 10:45:29	Admin	Latest	03/07/2016	US Postmaster (US ...	As per 3/02p...	***100.00 · CASH-UN...***	-SPLIT-	-697.39
					US Postmaster (US ...	2016 Sanitati...	***427.34 · Printing &...***	***100.00 · CAS...***	319.15
					US Postmaster (US ...	2016 Local R...	***403.34 · Printing &...***	***100.00 · CAS...***	378.24
15072	03/07/2016 11:35:04	Admin	Prior	03/07/2016	US Postmaster (US ...	As per 3/02p...	100.00 · CASH-UN...	-SPLIT-	-697.39
					US Postmaster (US ...	2016 Sanitati...	400 · EXPENDITUR...	100.00 · CAS...	319.15
					US Postmaster (US ...	2016 Local R...	400 · EXPENDITUR...	100.00 · CAS...	378.24
Check 288									
288	03/08/2017 11:00:43	Admin	Latest	11/14/2016	***First Bank Mercha...***	VOID-for acc...	***100.10 · TAX ACC...***	***364.00 · SANI...***	0.00
					First Bank Mercha...	VOID check d...	***364.00 · SANITATI...***	***100.10 · TAX ...***	0.00
288	11/14/2016 10:32:07	Admin	Prior	11/14/2016	First Data Merchant...	***VOID-for ac...***	100.10 · TAX ACC...	300 · REVEN...	***0.00***
					First Data Merchant...	VOID check d...	300 · REVENUES:3...	100.10 · TAX ...	***0.00***
288	11/14/2016 10:31:27	Admin	Prior	11/14/2016	First Data Merchant...	Merchant# 37...	100.10 · TAX ACC...	300 · REVEN...	-1.00
					First Data Merchant...	VOID check d...	300 · REVENUES:3...	100.10 · TAX ...	1.00
Check 15515									
15515	01/30/2017 12:15:43	Admin	Latest	***01/30/2017***	US Postmaster (US ...	As per 1/24a...	***100.00 · CASH-UN...***	-SPLIT-	-664.10
					US Postmaster (US ...	2017 Local R...	***403.34 · Printing &...***	***100.00 · CAS...***	361.77
					US Postmaster (US ...	2017 Sanitati...	***427.34 · Printing &...***	***100.00 · CAS...***	302.33
	01/24/2017 14:08:46	Admin	Prior	01/27/2017	US Postmaster (US ...	As per 1/24a...	100.00 · CASH-UN...	-SPLIT-	-664.10
					US Postmaster (US ...	2017 Local R...	400 · EXPENDITUR...	100.00 · CAS...	361.77
					US Postmaster (US ...	2017 Sanitati...	400 · EXPENDITUR...	100.00 · CAS...	302.33
Check									
	10/12/2017 13:36:49	Admin	Latest	03/13/2017	National Link, LP (N...	***VOID: Year ...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					National Link, LP (N...	YEAR 2017 r...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
292	03/20/2017 10:08:24	Admin	Prior	03/13/2017	National Link, LP (N...	Year 2017 Sa...	100.10 · TAX ACC...	300 · REVEN...	-297.16
					National Link, LP (N...	YEAR 2017 r...	300 · REVENUES:3...	100.10 · TAX ...	297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Check 15603									
15603	04/05/2017 16:40:14	Admin	Latest	04/07/2017	East Allen Township	Year 2014 A...	100.00 · CASH-UN...	354.15 · Recy...	-4,969.00
					East Allen Township	Distribute thei...	354.15 · Recycling/...	100.00 · CAS...	4,969.00
Check Refnd149784									
Refnd...	06/20/2017 14:57:10	Admin	Latest	03/31/2017	Portnoff Law Associ...		100.10 · TAX ACC...	-SPLIT-	-2,148.67
					Portnoff Law Associ...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	415.12
					Portnoff Law Associ...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	125.00
					Portnoff Law Associ...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	759.48
					Portnoff Law Associ...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	50.00
					Portnoff Law Associ...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	150.00
					Portnoff Law Associ...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	486.80
					Portnoff Law Associ...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	162.27
Check Refund0034									
Refun...	05/04/2017 12:32:27	Admin	Latest	03/31/2017	Jenna L. Ruch (Jen...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Jenna L. Ruch (Jen...	Acct# 0034 [T...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0104									
Refun...	05/04/2017 12:33:06	Admin	Latest	03/31/2017	Melissa R. Dale (Me...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Melissa R. Dale (Me...	Acct# 0104 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Re0142&0525									
Re014...	05/04/2017 12:35:16	Admin	Latest	03/31/2017	Eric M. Mueller (Eric...		100.10 · TAX ACC...	364.30 · Sanit...	-594.32
					Eric M. Mueller (Eric...	Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	594.32
Check Refund0150									
Refun...	05/04/2017 12:36:18	Admin	Latest	03/31/2017	Realty Abstract, Inc....		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Realty Abstract, Inc....	Acct# 0150 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0156									
Refun...	05/04/2017 12:37:03	Admin	Latest	03/31/2017	Anna C. Diehl (Ann...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Anna C. Diehl (Ann...	Acct# 0156 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0245									
Refun...	05/04/2017 12:37:29	Admin	Latest	03/31/2017	Ryan T. Nesfeder (...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Ryan T. Nesfeder (...	Acct# 0245 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0248									
Refun...	05/04/2017 12:58:34	Admin	Latest	03/31/2017	Margarette H. Fritz (...	***VOID: Stop ...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					Margarette H. Fritz (...	Acct# 0248 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
Refun...	05/04/2017 12:38:49	Admin	Prior	03/31/2017	Margarette H. Fritz (...		100.10 · TAX ACC...	300 · REVEN...	-297.16
					Margarette H. Fritz (...	Acct# 0248 [...	300 · REVENUES:3...	100.10 · TAX ...	297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Check Re0279&0703									
Re027...	05/04/2017 12:39:59	Admin	Latest	03/31/2017	Mary Ann Marx (Ma...		100.10 · TAX ACC...	-SPLIT-	-594.32
					Mary Ann Marx (Ma...	Acct# 0279 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
					Mary Ann Marx (Ma...	Acct# 0703 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0313									
Refun...	05/04/2017 12:58:46	Admin	Latest	03/31/2017	Jaime L. Francisco (...	***VOID: Stop ...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					Jaime L. Francisco (...	Acct# 0313 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
Refun...	05/04/2017 12:43:09	Admin	Prior	03/31/2017	Jaime L. Francisco (...		100.10 · TAX ACC...	300 · REVEN...	-297.16
					Jaime L. Francisco (...	Acct# 0313 [...	300 · REVENUES:3...	100.10 · TAX ...	297.16
Check Refund0369									
Refun...	07/10/2017 15:15:30	Admin	Latest	03/31/2017	James V. Werkheis...	***VOIDED 6/2...***	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***0.00***
					James V. Werkheis...	***Acct# 0369 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***0.00***
Refun...	06/30/2017 12:40:23	Admin	Prior	03/31/2017	James V. Werkheis...	Counter ck da...	100.10 · TAX ACC...	300 · REVEN...	-297.16
					James V. Werkheis...	Acct# 0369 [J...	300 · REVENUES:3...	100.10 · TAX ...	297.16
Check Refund0400									
Refun...	05/04/2017 12:45:21	Admin	Latest	03/31/2017	Kurpiewski Properti...		***100.10 · TAX ACC...***	***364.30 · Sanit...***	***-297.16***
					Kurpiewski Properti...	Acct# 0400 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***297.16***
Refun...	05/04/2017 12:44:24	Admin	Prior	03/31/2017	Kurpiewski Properti...		100.10 · TAX ACC...	300 · REVEN...	-297.61
					Kurpiewski Properti...	Acct# 0400 [...	300 · REVENUES:3...	100.10 · TAX ...	297.61
Check Refund0452									
Refun...	05/04/2017 12:45:56	Admin	Latest	03/31/2017	Laureen S. Cook (L...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Laureen S. Cook (L...	Acct# 0452 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0507									
Refun...	05/04/2017 12:46:30	Admin	Latest	03/31/2017	Dennis Capanna (D...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Dennis Capanna (D...	Acct# 0507 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0588									
Refun...	05/04/2017 12:46:55	Admin	Latest	03/31/2017	Donghui Sun (Dong...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Donghui Sun (Dong...	Acct# 0588 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0599									
Refun...	05/04/2017 12:47:23	Admin	Latest	03/31/2017	Tegi Ann Oplinger (...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Tegi Ann Oplinger (...	Acct# 0599 [T...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Re0710&0711									
Re071...	05/04/2017 12:47:56	Admin	Latest	03/31/2017	T & S Development ...		100.10 · TAX ACC...	364.30 · Sanit...	-594.32
					T & S Development ...	Accounts #07...	364.30 · Sanitation ...	100.10 · TAX ...	594.32

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Check Refund0728									
Refun...	05/04/2017 12:48:27	Admin	Latest	03/31/2017	Judy D. Sharer (Jud...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Judy D. Sharer (Jud...	Acct# 0728 [T...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0855									
Refun...	05/04/2017 12:48:57	Admin	Latest	03/31/2017	Gary Yerger dba B...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Gary Yerger dba B...	Acct# 0855 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund0940									
Refun...	05/04/2017 12:49:25	Admin	Latest	03/31/2017	John W. Pennington...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					John W. Pennington...	Acct# 0940 [J...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check Refund1097									
Refun...	05/04/2017 12:49:50	Admin	Latest	03/31/2017	Richard Fischl, Jr., ...		100.10 · TAX ACC...	364.30 · Sanit...	-297.16
					Richard Fischl, Jr., ...	Acct# 1097 [...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
Check 15692									
15692	06/13/2017 11:07:21	Admin	Latest	06/15/2017	US Postal Service (...	Account# E9...	***100.00 · CASH-UN...***	-SPLIT-	-581.50
					US Postal Service (...	***(1) box of 50...***	***401.35 · Postage***	***100.00 · CAS...***	282.88
					US Postal Service (...	***(1) box of 50...***	***401.35 · Postage***	***100.00 · CAS...***	298.62
					US Postal Service (...	***$_____ = (_...***	***427.20 · Collection...***	***100.00 · CAS...***	
15692	06/13/2017 11:05:29	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
					US Postal Service (...	$3.99 = (7) B...	400 · EXPENDITUR...	100.00 · CAS...	
					US Postal Service ...	***$68.82 = (12...***	***400 · EXPENDITU...***	***100.00 · CAS...***	
15692	06/13/2017 11:04:49	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
					US Postal Service ...	***$3.99 = (7) B...***	***400 · EXPENDITU...***	***100.00 · CAS...***	
15692	06/13/2017 11:04:20	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
15692	06/13/2017 11:02:42	Admin	Prior	06/15/2017	US Postal Service (...	Account# E9...	100.00 · CASH-UN...	-SPLIT-	-581.50
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	282.88
					US Postal Service (...	(1) box of 500...	400 · EXPENDITUR...	100.00 · CAS...	298.62
					US Postal Service (...	$3.42 = (6) B...	400 · EXPENDITUR...	100.00 · CAS...	
					US Postal Service (...	$68.82 = (121...	400 · EXPENDITUR...	100.00 · CAS...	
Check 297									
297	06/30/2017 12:47:33	Admin	Latest	06/29/2017	James V. Werkheis...	Replacement ...	100.10 · TAX ACC...	-SPLIT-	-262.16
					James V. Werkheis...	Acct# 0369 [J...	364.30 · Sanitation ...	100.10 · TAX ...	297.16
					James V. Werkheis...	Acct# 0369 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-35.00

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Check 298									
298	06/30/2017 13:06:01	Admin	Latest	06/29/2017	Kristen K. Flick (Kris...	Partial refund ...	100.10 · TAX ACC...	364.30 · Sanit...	-29.72
					Kristen K. Flick (Kris...	Acct# 1099 [...	364.30 · Sanitation ...	100.10 · TAX ...	29.72
Check 301									
301	09/05/2017 11:01:07	Admin	Latest	09/01/2017	County of Northamp...	Refund of Du...	100.10 · TAX ACC...	364.34 · Sanit...	-754.20
					County of Northamp...	Judicial Sale ...	364.34 · Sanitation ...	100.10 · TAX ...	754.20
Check 302									
302	10/12/2017 13:38:43	Admin	Latest	***10/13/2017***	National Link, LP (N...	REPLACES ...	***100.10 · TAX ACC...***	***364.30 · Sanit...***	-297.16
					National Link, LP (N...	Replacement ...	***364.30 · Sanitation...***	***100.10 · TAX ...***	297.16
302	10/12/2017 13:38:36	Admin	Prior	10/12/2017	National Link, LP (N...	REPLACES ...	100.10 · TAX ACC...	300 · REVEN...	-297.16
					National Link, LP (N...	Replacement ...	300 · REVENUES:3...	100.10 · TAX ...	297.16
Deposit									
	02/28/2017 15:39:21	Admin	Latest	***10/20/2014***		***Deposit of P...***	***100.10 · TAX ACC...***	-SPLIT-	1,174.85
132955					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-325.29
132955					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-424.78
132955					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-424.78
	03/23/2015 15:33:54	Admin	Prior	03/23/2015		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,174.85
132955					PORTNOFF LAW A...	YEAR 2009 f...	300 · REVENUES:3...	100.10 · TAX ...	-325.29
132955					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-424.78
132955					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-424.78
Deposit									
	03/01/2017 16:14:58	Admin	Latest	10/20/2014		Deposit of PO...	100.10 · TAX ACC...	364.33 · Sanit...	419.65
133072					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-419.65
Deposit									
	03/01/2017 11:48:01	Admin	Latest	10/20/2014		Deposit of PO...	100.10 · TAX ACC...	-SPLIT-	287.94
133322					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-140.00
133322					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-147.94
Deposit									
	03/01/2017 11:48:19	Admin	Latest	10/20/2014		Deposit of PO...	100.10 · TAX ACC...	-SPLIT-	800.31
133563					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-79.64
133563					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-140.00
133563					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-136.88
133563					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-295.86
133563					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-147.93
Deposit									
	02/28/2017 15:27:52	Admin	Latest	01/28/2015		***Deposit ent'...***	***100.10 · TAX ACC...***	***-SPLIT-***	175.67
135114					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
135114					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-125.67***

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	10/14/2015 12:40:32	Admin	Prior	01/28/2015		Deposit ent'd ...	100.10 · TAX ACC...	300 · REVEN...	175.67
135114					PORTNOFF LAW A...	Original depo...	300 · REVENUES:3...	100.10 · TAX ...	-175.67
Deposit									
	02/28/2017 15:27:35	Admin	Latest	03/31/2015		***Deposit UP...***	***100.10 · TAX ACC...***	-SPLIT-	606.04
136142					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
136142					PORTNOFF LAW A...	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-123.03***
136142					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-31.70***
136142					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-2.64***
136142					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-398.67***
	03/21/2016 11:36:59	Admin	Prior	03/31/2015		Deposit	100.10 · TAX ACC...	-SPLIT-	606.04
136142					PORTNOFF LAW A...	YEAR 2009 f...	300 · REVENUES:3...	100.10 · TAX ...	-173.03
136142					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-34.34
136142					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-398.67
	02/24/2016 09:57:39	***Admin***	Prior	03/31/2015		Deposit	100.10 · TAX ACC...	-SPLIT-	606.04
36142					***PORTNOFF LAW ...***	***YEAR 2009 f...***	300 · REVENUES:3...	100.10 · TAX ...	-173.03
36142					***PORTNOFF LAW ...***	***YEAR 2012 f...***	300 · REVENUES:3...	100.10 · TAX ...	-34.34
36142					***PORTNOFF LAW ...***	***YEAR 2013 f...***	300 · REVENUES:3...	100.10 · TAX ...	-398.67
	10/19/2015 09:45:32	boroughmgr	Prior	03/31/2015		Deposit	100.10 · TAX ACC...	-SPLIT-	606.04
misc						2009	300 · REVENUES:3...	100.10 · TAX ...	-173.03
misc						2012	300 · REVENUES:3...	100.10 · TAX ...	-34.34
misc						2013	300 · REVENUES:3...	100.10 · TAX ...	-398.67
Deposit									
	02/28/2017 15:28:21	***Admin***	Latest	***04/27/2015***		***Deposit take...***	***100.10 · TAX ACC...***	***-SPLIT-***	469.35
136717					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
136717					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-125.67***
136717					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-43.68***
136717					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-200.00***
136717					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
	10/19/2015 17:00:00	boroughmgr	Prior	04/23/2015		Deposit	100.10 · TAX ACC...	300 · REVEN...	469.35
136717						Multiple Prior ...	300 · REVENUES:3...	100.10 · TAX ...	-469.35
Deposit									
	02/28/2017 15:28:53	***Admin***	Latest	09/14/2015		***Deposit take...***	***100.10 · TAX ACC...***	***-SPLIT-***	205.67
137482					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-50.00***
137482					***PORTNOFF LAW ...***	***YEAR 2009 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-104.09***
137482					***PORTNOFF LAW ...***	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-30.00***
137482					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-21.58***
	10/20/2015 11:22:58	boroughmgr	Prior	09/14/2015		Deposit	100.10 · TAX ACC...	300 · REVEN...	***205.67***
137482						***Prior Year C...***	300 · REVENUES:3...	100.10 · TAX ...	***-205.67***

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	10/20/2015 11:13:18	boroughmgr	Prior	09/14/2015		Deposit	100.10 · TAX ACC...	300 · REVEN...	205.64
137482						Prior Year Co...	300 · REVENUES:3...	100.10 · TAX ...	-205.64
Deposit									
	05/17/2017 12:39:06	Admin	Latest	03/09/2016		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	830.42
142180					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-38.00
142180					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
142180					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-456.10
142180					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-286.32
Deposit									
	04/19/2017 14:09:50	Admin	Latest	06/02/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
10400...						Acct# 0470 [...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	04/19/2017 14:10:06	Admin	Latest	06/03/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
17551						Acct# 0810 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	04/19/2017 14:12:06	Admin	Latest	06/17/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
144						Acct# 0272 [...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	04/19/2017 14:11:50	Admin	Latest	07/06/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	401.53
7071						Acct# 0666 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-401.53
Deposit									
	02/28/2017 15:18:15	Admin	Latest	08/16/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	468.62
146016					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-468.62
Deposit									
	04/19/2017 14:11:12	Admin	Latest	08/16/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	373.60
1144						YEAR 2014 f...	364.30 · Sanitation ...	100.10 · TAX ...	-373.60
Deposit									
	07/19/2017 13:43:34	Admin	Latest	09/09/2016		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	167.25
2773						John Wasco-...	363.23 · Parking Lot...	100.00 · CAS...	-112.50
22921...						6/10 PRTK - ...	361.71 · Photocopyi...	100.00 · CAS...	-1.75
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
						PRTK - Kenn...	361.71 · Photocopyi...	100.00 · CAS...	-1.50
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-20.00
						PRTK - NO N...	361.71 · Photocopyi...	100.00 · CAS...	-1.50

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Deposit									
	02/28/2017 15:39:39	Admin	Latest	09/09/2016		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	2,924.09
146439					PORTNOFF LAW A...	***YEAR 2010 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-387.88***
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-274.48***
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-424.77***
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-456.08***
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-45.12***
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-156.20***
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-464.50***
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-468.62***
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-156.20***
	09/14/2016 16:10:58	Admin	Prior	09/09/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,924.09
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
146439					PORTNOFF LAW A...	***YEAR 2010 f...***	***300 · REVENUES:...***	100.10 · TAX ...	-387.88
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	300 · REVENUES:3...	100.10 · TAX ...	-274.48
146439					PORTNOFF LAW A...	***YEAR 2012 f...***	300 · REVENUES:3...	100.10 · TAX ...	-424.77
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	300 · REVENUES:3...	100.10 · TAX ...	-456.08
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	***YEAR 2014 f...***	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	***YEAR 2015 f...***	300 · REVENUES:3...	100.10 · TAX ...	-156.20
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-464.50
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-468.62
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
	09/14/2016 15:26:55	Admin	Prior	09/09/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,924.09
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
146439					PORTNOFF LAW A...	YEAR 2010 f...	***300 · REVENUES:...***	100.10 · TAX ...	-387.88
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-274.48
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-424.77
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-456.08
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-464.50
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-468.62
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	09/14/2016 15:26:30	Admin	Prior	09/09/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,924.09
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
146439					PORTNOFF LAW A...	YEAR 2010 f...	300 · REVENUES:3...	100.10 · TAX ...	-387.88
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-274.48
146439					PORTNOFF LAW A...	YEAR 2012	300 · REVENUES:3...	100.10 · TAX ...	-424.77
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-456.08
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2014	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-45.12
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-464.50
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-468.62
146439					PORTNOFF LAW A...	YEAR 2015	300 · REVENUES:3...	100.10 · TAX ...	-156.20
Deposit									
	07/19/2017 13:43:45	Admin	Latest	09/15/2016		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	28.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-20.00
						259 East Mai...	322.20 · Yard/Gara...	100.00 · CAS...	-5.00
						PRTK - Joe G...	361.71 · Photocopyi...	100.00 · CAS...	-1.00
22900...						8/10 PRTK - ...	361.71 · Photocopyi...	100.00 · CAS...	-2.00
Deposit									
	05/17/2017 11:36:47	Admin	Latest	09/22/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,110.78
146680					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
146680					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-456.08
146680					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-423.50
146680					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
Deposit									
	05/17/2017 11:53:04	Admin	Latest	10/03/2016		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	131.11
146949					***PORTNOFF LAW ...***	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-31.11
146949					***PORTNOFF LAW ...***	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-100.00
	10/27/2016 12:57:18	Admin	Prior	10/03/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	131.11
146949						YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-31.11
146949						YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-100.00
Deposit									
	05/25/2017 10:31:04	Admin	Latest	10/06/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,689.14
147104					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.29
147104					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
147104					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-124.19
147104					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-152.02
147104					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-191.00
147104					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-456.08
147104					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
147104					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
147104					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-253.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/19/2017 14:16:33	Admin	Latest	11/07/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	6,183.54
(3)						(3) Accounts [...	364.32 · Sanitation ...	100.10 · TAX ...	-1,766.73
(5)						(5) Accounts [...	364.32 · Sanitation ...	100.10 · TAX ...	-2,650.09
7667						Acct# 0445 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
599						Acct# 0080 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
167						Acct# 0489 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
15016...						Acct# 0860 [...	364.32 · Sanitation ...	100.10 · TAX ...	-350.00
15016...						Acct# 0860 [...	364.30 · Sanitation ...	100.10 · TAX ...	-91.68
Deposit									
	05/25/2017 10:31:15	Admin	Latest	11/14/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	399.75
147854					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
147854					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-253.16
Deposit									
	04/19/2017 14:19:07	Admin	Latest	11/15/2016		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	441.68
123						Acct# 0323 [...	364.32 · Sanitation ...	100.10 · TAX ...	-441.68
Deposit									
	05/17/2017 11:53:33	Admin	Latest	11/18/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	767.16
147961					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
147961					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-410.96
147961					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
147961					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-156.20
Deposit									
	07/19/2017 13:43:56	Admin	Latest	11/23/2016		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	16.25
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
22901...						11/03 PRTK -...	361.71 · Photocopyi...	100.00 · CAS...	-1.25
Deposit									
	02/01/2017 13:28:06	Admin	Latest	11/22/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	595.12
148086					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-300.00
148086					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
148086					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
148086					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
148086					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-45.12
Deposit									
	04/19/2017 14:12:59	Admin	Latest	12/07/2016		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	803.06
1642						Acct# 0804 [...	364.30 · Sanitation ...	100.10 · TAX ...	-803.06
Deposit									
	01/06/2017 15:48:22	Admin	Latest	12/19/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	747.20
150						Acct# 0804 [...	364.33 · Sanitation ...	100.10 · TAX ...	-747.20

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Deposit									
	01/06/2017 15:48:06	Admin	Latest	12/19/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	770.00
151						Acct# 0804 [...	364.33 · Sanitation ...	100.10 · TAX ...	-770.00
Deposit									
	01/06/2017 16:05:23	Admin	Latest	12/19/2016		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	60.00
40007...						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
12164						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
12164						UNPAID certif...	361.652 · Sanitation...	100.10 · TAX ...	0.00
22901...						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
22901...						Certification o...	361.652 · Sanitation...	100.10 · TAX ...	-15.00
Deposit									
	01/06/2017 16:11:56	Admin	Latest	12/22/2016		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	146.59
148477					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
Deposit									
	05/25/2017 10:31:42	Admin	Latest	12/22/2016		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	784.82
148602					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-3.50
148602					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
148602					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
148602					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-506.32
Deposit									
	01/06/2017 16:29:27	Admin	Latest	12/29/2016		Deposit of Fir...	100.10 · TAX ACC...	364.33 · Sanit...	441.68
No Ck#						YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-441.68
Deposit									
	02/01/2017 13:32:48	Admin	Latest	01/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.33 · Sanit...	75.00
148711					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
Deposit									
	02/28/2017 15:14:58	Admin	Latest	01/04/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	196.03
148917					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.03
148917					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
Deposit									
	05/17/2017 11:58:24	Admin	Latest	01/17/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	1,485.95
149046					PORTNOFF LAW A...	***YEAR 2012 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-140.00***
149046					PORTNOFF LAW A...	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-49.35***
149046					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-75.65***
149046					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-16.31***
149046					PORTNOFF LAW A...	***YEAR 2015 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-130.28***
149046					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-191.00***
149046					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-441.68***
149046					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-441.68

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	01/18/2017 16:58:50	Admin	Prior	01/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.95
					PORTNOFF LAW A...	- ck dated 1/...	300 · REVENUES:3...	100.10 · TAX ...	
149046					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-140.00
149046					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-49.35
149046					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.65
149046					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-16.31
149046					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-130.28
149046					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-191.00
149046					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-441.68
149046					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-441.68
Deposit									
	01/19/2017 11:26:28	Admin	Latest	01/09/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	75.00
1953						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
1953						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
5287						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
3473						Certification f...	361.651 · Real Esta...	100.10 · TAX ...	-15.00
3473						Certification f...	361.652 · Sanitation...	100.10 · TAX ...	-15.00
Deposit									
	01/23/2017 12:21:31	Admin	Latest	01/19/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	75.00
00615...						Certification f...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
1719						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22901...						Certification f...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	05/17/2017 11:53:48	Admin	Latest	01/23/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	3,750.40
149170					PORTNOFF LAW A...	YEAR 2012 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-165.48
149170					PORTNOFF LAW A...	YEAR 2012 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-69.98
149170					PORTNOFF LAW A...	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-477.89
149170					PORTNOFF LAW A...	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-100.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-456.08
149170					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-6.08
149170					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-423.50
149170					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-75.00
149170					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-143.92
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-317.05
149170					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-5.02
149170					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	02/01/2017 13:34:39	Admin	Prior	01/23/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,750.40
149170					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-165.48
149170					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-69.98
149170					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-477.89
149170					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-100.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-456.08
149170					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
149170					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-6.08
149170					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-423.50
149170					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.00
149170					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-143.92
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-317.05
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-5.02
149170					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
								100.10 · TAX ...	
					PORTNOFF LAW A...	YEAR 20XX f...	300 · REVENUES:3...	100.10 · TAX ...	
Deposit									
	02/02/2017 11:25:06	Admin	***Deleted***						0.00
	02/01/2017 17:13:29	Admin	Prior	01/20/2017		Deposit	100.00 · CASH-UN...	-SPLIT-	172.50
						TEMPORAR...	300 · REVENUES:3...	100.00 · CAS...	-30.00
						TEMPORAR...	300 · REVENUES:3...	100.00 · CAS...	-117.50
						TEMPORAR...	300 · REVENUES:3...	100.00 · CAS...	-15.00
							300 · REVENUES:3...	100.00 · CAS...	-10.00
Deposit									
	07/07/2017 16:39:06	Admin	Latest	01/20/2017		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	172.50
2812						John Wasco-...	363.23 · Parking Lot...	100.00 · CAS...	-117.50
781						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-15.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
001716						[NEW] SeaC...	321.90 · Business R...	100.00 · CAS...	-30.00
Deposit									
	02/17/2017 11:48:06	Admin	Latest	02/16/2017		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	10.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
						Single-stream...	364.51 · Sale of Re...	100.00 · CAS...	-5.00
Deposit									
	02/28/2017 17:01:37	Admin	***Deleted***						0.00
	02/24/2017 12:47:51	Admin	Prior	02/07/2017		Deposit	100.10 · TAX ACC...	-SPLIT-	5,375.49
							300 · REVENUES:3...	100.10 · TAX ...	-297.16
							300 · REVENUES:3...	100.10 · TAX ...	-5,078.33

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/01/2017 11:49:59	Admin	***Deleted***						0.00
	02/24/2017 12:48:24	Admin	Prior	02/10/2017		Deposit	100.10 · TAX ACC...	-SPLIT-	3,353.17
							300 · REVENUES:3...	100.10 · TAX ...	-297.16
							300 · REVENUES:3...	100.10 · TAX ...	-3,056.01
Deposit									
	03/08/2017 10:00:54	Admin	***Deleted***						0.00
	02/24/2017 12:48:50	Admin	Prior	02/15/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	891.48
						(3) deposits	300 · REVENUES:3...	100.10 · TAX ...	-891.48
Deposit									
	03/08/2017 10:04:54	Admin	***Deleted***						0.00
	02/24/2017 12:49:36	Admin	Prior	02/16/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	1,188.64
						(3) deposits	300 · REVENUES:3...	100.10 · TAX ...	-1,188.64
Deposit									
	03/08/2017 10:07:44	Admin	***Deleted***						0.00
	02/24/2017 12:50:09	Admin	Prior	02/17/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	2,971.60
						(2) deposits	300 · REVENUES:3...	100.10 · TAX ...	-2,971.60
Deposit									
	03/08/2017 10:10:26	Admin	***Deleted***						0.00
	02/24/2017 12:50:38	Admin	Prior	02/20/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	297.16
						(1) deposit	300 · REVENUES:3...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 10:15:31	Admin	***Deleted***						0.00
	02/24/2017 12:51:50	Admin	Prior	02/21/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	***11,061.28***
						(3) deposits	300 · REVENUES:3...	100.10 · TAX ...	***-11,061.28***
	02/24/2017 12:51:02	Admin	Prior	02/21/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	594.32
						(2) deposits	300 · REVENUES:3...	100.10 · TAX ...	-594.32
Deposit									
	03/08/2017 10:18:27	Admin	***Deleted***						0.00
	02/24/2017 12:52:21	Admin	Prior	02/22/2017		Deposit	100.10 · TAX ACC...	300 · REVEN...	1,188.64
						(4) deposits	300 · REVENUES:3...	100.10 · TAX ...	-1,188.64

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	02/28/2017 17:03:10	Admin	***Deleted***						0.00
	02/27/2017 11:42:50	Admin	Prior	02/17/2017		Deposits of R...	100.10 · TAX ACC...	***300 · REVEN...***	***3,298.38***
						(5) FNB telle...	***300 · REVENUES:...***	100.10 · TAX ...	***-3,298.38***
	02/24/2017 12:56:26	Admin	Prior	02/17/2017		Deposits of R...	100.10 · TAX ACC...	-SPLIT-	7,115.38
						(1) DM depos...	300 · REVENUES:3...	100.10 · TAX ...	-3,817.00
						(5) FNB teller ...	300 · REVENUES:3...	100.10 · TAX ...	-3,298.38
Deposit									
	02/28/2017 17:04:06	Admin	***Deleted***						0.00
	02/24/2017 13:00:01	Admin	Prior	02/21/2017		Deposit of RE...	100.10 · TAX ACC...	-SPLIT-	***5,913.03***
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-679.37
						Dep by DM	300 · REVENUES:3...	100.10 · TAX ...	-3,071.91
						(2) FNB telle...	***300 · REVENUES:...***	***100.10 · TAX ...***	***-1,864.59***
	02/24/2017 12:58:01	Admin	Prior	02/21/2017		Deposit of RE...	100.10 · TAX ACC...	-SPLIT-	4,883.68
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
						Combin dep b...	300 · REVENUES:3...	100.10 · TAX ...	-679.37
						Dep by DM	300 · REVENUES:3...	100.10 · TAX ...	-3,071.91
						FNB teller dep	300 · REVENUES:3...	100.10 · TAX ...	-835.24
Deposit									
	02/27/2017 11:58:03	Admin	Latest	02/13/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	3,817.00
22901...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00390...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22901...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
1623						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00032...						(77) Duplicate...	361.65 · Tax & Sani...	100.10 · TAX ...	-462.00
40007...						(217) Duplicat...	361.65 · Tax & Sani...	100.10 · TAX ...	-3,255.00
Deposit									
	05/17/2017 11:58:41	Admin	Latest	***02/07/2017***		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	5,375.49
50800...						Acct# 0254 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
149327					PORTNOFF LAW A...	YEAR 2012 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-140.00
149327					PORTNOFF LAW A...	YEAR 2013 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-83.86
149327					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-109.65
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-594.00
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149514					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-473.96
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-468.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-75.00

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
149514					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-162.26
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
	02/28/2017 15:46:13	Admin	Prior	02/28/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,375.49
50800...						Acct# 0254 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
149327					PORTNOFF LAW A...	YEAR 2012 f...	300 · REVENUES:3...	100.10 · TAX ...	-140.00
149327					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-83.86
149327					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-109.65
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-594.00
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149327					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149514					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-473.96
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-468.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.00
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-162.26
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
149514					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
Deposit									
	02/28/2017 16:10:23	Admin	Latest	02/21/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	976.53
50800...						Bill# 0678 [P...	301.10 · Real Estat...	100.10 · TAX ...	-667.82
50800...						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-11.55
50800...						Acct# 0254 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 16:31:19	Admin	Latest	02/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,353.17
27766						Acct# 0181 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
149648					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-497.42
149648					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-475.68
149648					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-460.43
149648					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
149648					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-425.71
149648					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-121.70
149648					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-441.68
149648					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
Deposit									
	03/01/2017 15:18:18	Admin	Latest	02/15/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0797 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:20:10	Admin	Latest	02/15/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0424 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	03/01/2017 15:21:00	Admin	Latest	02/15/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1725						Acct# 0274 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:21:51	Admin	Latest	02/16/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0861 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:23:13	Admin	Latest	02/16/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
	Deposit								
	03/01/2017 15:23:59	Admin	Latest	02/16/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
7998						Acct# 0019 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:24:37	Admin	Latest	02/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0222 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:32:27	Admin	Latest	02/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,674.44
2783						Accts #0107 ...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
119						Acct# 0126 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
142						Acct# 0238 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
5064						Acct# 0259 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
4839						Acct# 0459 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1072						Acct# 0655 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
2028						Acct# 0984 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/08/2017 10:11:46	Admin	Latest	***02/21/2017***		Deposit of Fir...	***100.10 · TAX ACC...***	***364.30 · Sanit...***	297.16
						Acct# 0670 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
	03/01/2017 15:35:37	Admin	Prior	02/20/2017		Deposit of Fir...	100.10 · TAX ACC...	300 · REVEN...	297.16
						Acct# 0670 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
	03/01/2017 15:33:51	Admin	Prior	02/20/2017		Deposit of Fir...	100.10 · TAX ACC...	300 · REVEN...	297.16
NO Ck#						Acct# 0670 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:37:00	Admin	Latest	02/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0636 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	03/01/2017 15:37:36	Admin	Latest	02/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0754 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/01/2017 15:49:04	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	10,466.96
(21)						(21) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,537.52
7261						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-3,335.12
2019						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	03/01/2017 15:51:02	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0850 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:51:53	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0389 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:52:43	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0613 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:53:38	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0023 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:54:26	Admin	Latest	02/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0965 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:55:23	Admin	Latest	02/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0206 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/01/2017 15:58:04	Admin	Latest	02/24/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	891.48
NO Ck#						Acct# 0268 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
NO Ck#						Acct# 0822 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/17/2017 11:35:56	Admin	Latest	02/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,177.78
150151					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-144.77
150151					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-5.13
150151					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-61.79
150151					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150151					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-63.73
150151					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-13.21
150151					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-129.58
150151					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-193.51
150151					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-357.22
150151					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-158.84

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/23/2017 16:09:02	Admin	Latest	02/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	6,240.36
(10)						(10) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,565.92
(8)						(8) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
00077...						Acct# 0187 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/03/2017 16:24:54	Admin	Latest	02/28/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	485.00
73059...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
23209						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22901...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
1747						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
401359						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00657...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
16517						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
401695						(22) Duplicate...	361.65 · Tax & Sani...	100.10 · TAX ...	-330.00
Deposit									
	03/08/2017 12:08:07	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0971 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:12:21	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0196 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:17:07	Admin	Latest	02/21/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	594.32
					First Bank Merchant...	Acct# 0409 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
					First Bank Merchant...	Acct# 0872 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:38:04	Admin	Latest	02/22/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	594.32
					Telecheck [Sanit Py...	Acct# 0419 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
					Telecheck [Sanit Py...	Acct# 0080 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:50:44	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
128						Acct# 0882 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 12:51:50	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0626 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 13:01:39	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0723 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/08/2017 13:02:45	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
864						Acct# 0802 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 13:03:47	Admin	Latest	02/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0578 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 13:04:50	Admin	Latest	02/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0376 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 13:05:53	Admin	Latest	02/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0328 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 13:07:00	Admin	Latest	02/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0808 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/08/2017 13:08:32	Admin	Latest	03/01/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0090 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:22:51	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	891.48
NO Ck#						Acct# 0415 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Accounts #07...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	03/09/2017 16:26:27	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0122 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:31:15	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,971.60
(10)						(10) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-2,971.60
Deposit									
	03/09/2017 16:38:10	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,632.28
(8)						(8) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
7914						Acct# 0059 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,255.00
Deposit									
	03/09/2017 16:41:37	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,674.44
(10)						(9) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,674.44

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/09/2017 16:43:58	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	1,188.64
NO Ck#						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
NO Ck#						Acct# 0319 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Acct# 0748 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:44:55	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0217 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:45:43	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0225 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:46:38	Admin	Latest	03/03/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Acct# 0800 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	03/09/2017 16:52:11	Admin	Latest	03/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,971.60
(9)						(9) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,971.60
Deposit									
	03/09/2017 16:54:01	Admin	Latest	03/06/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0529 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:54:58	Admin	Latest	03/06/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0634 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/09/2017 16:56:03	Admin	Latest	03/06/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	891.48
NO Ck#						Acct# 0018 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Acct# 0539 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	03/09/2017 16:58:40	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	3,863.08
(12)						(12) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,863.08
Deposit									
	03/09/2017 17:01:18	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.80
3748						Acct# 0138 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1583						Acct# 0220 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1728						Acct# 0739 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1327						Acct# 0798 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
4187						Acct# 0818 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/09/2017 17:04:26	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,674.44
1091						Acct# 0679 [...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
2091						Acct# 0680 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,485.80
1755						Acct# 0774 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/17/2017 11:41:44	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,838.14
150314					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-355.10
150314					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-355.10
150314					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-371.62
150314					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-371.62
150314					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-91.30
150314					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150314					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-243.40
Deposit									
	03/23/2017 16:09:52	Admin	Latest	03/10/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	1,475.04
9523						Bill# 0479 [JJ...	301.10 · Real Estat...	100.10 · TAX ...	-1,157.85
9523						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-20.03
9523						Acct# 0426 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/23/2017 16:20:45	Admin	Latest	03/13/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	1,236.93
4724						Bills #0037 & ...	301.10 · Real Estat...	100.10 · TAX ...	-631.68
4724						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-10.93
4724						Acct# 0026 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/05/2017 10:50:54	Admin	Latest	03/13/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	832.42
5080						Bill# 0039 [Ba...	301.10 · Real Estat...	100.10 · TAX ...	-526.16
5080						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-9.10
5080						Acct# 0032 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	03/23/2017 16:31:57	Admin	Latest	03/13/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	65.00
29089						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
14268						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
403436						(1) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
Deposit									
	03/23/2017 16:47:11	Admin	Latest	03/17/2017		Deposit COM...	100.10 · TAX ACC...	-SPLIT-	969.19
6064						Bill# 0422 [H...	301.10 · Real Estat...	100.10 · TAX ...	-660.60
6064						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-11.43
6064						Acct# 0361 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	03/29/2017 16:51:23	Admin	Latest	03/22/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	155.00
103257						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
103255						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
40008...						(7) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-105.00
Deposit									
	04/05/2017 14:18:14	Admin	Latest	04/07/2017		Deposit taken...	100.00 · CASH-UN...	354.15 · Recy...	8,482.00
30016...					Commonwealth of P...	Award for Ye...	354.15 · Recycling/...	100.00 · CAS...	-8,482.00
Deposit									
	04/18/2017 15:38:18	Admin	Latest	03/08/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0435 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:39:53	Admin	Latest	03/08/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	594.32
NO Ck#						Acct# 0006 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
NO Ck#						Acct# 0593 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:40:55	Admin	Latest	03/08/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Acct# 0146 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	04/18/2017 15:41:35	Admin	Latest	03/09/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
1621						Acct# 0832 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit									
	04/18/2017 15:42:17	Admin	Latest	03/09/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0293 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:43:05	Admin	Latest	03/09/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0133 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/18/2017 15:45:07	Admin	Latest	03/10/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	04/18/2017 15:48:03	Admin	Latest	03/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,457.40
(14)						(14) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,457.40
Deposit									
	04/18/2017 15:50:30	Admin	Latest	03/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,754.56
(16)						(16) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,754.56

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/03/2017 16:08:02	Admin	Latest	***03/10/2017***		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	1,485.80
2239						***Acct# 0150 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
985						Acct# 0245 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
185						***Acct# 0588 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
3227						***Acct# 0599 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1406						***Acct# 1097 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
	04/18/2017 15:57:04	Admin	Prior	04/18/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.80
2239						Acct# 0150 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
985						Acct# 0245 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
185						Acct# 0588 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3227						Acct# 0599 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1406						Acct# 1097 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
Deposit									
	05/17/2017 11:52:34	Admin	Latest	03/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	4,578.76
150446					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-267.63
150446					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-360.72
150446					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-360.72
150446					PORTNOFF LAW A...	YEAR 2008 f...	364.33 · Sanitation ...	100.10 · TAX ...	-331.11
150446					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-3.37
150446					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-100.00
150446					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-467.78
150446					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-146.59
150446					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-423.50
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-121.70
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-129.58
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-243.40
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.26
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150446					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
Deposit									
	04/19/2017 09:06:26	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0101 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 10:25:00	Admin	Latest	03/06/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					Telecheck [Sanit Py...	Acct# 0034 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:11:04	Admin	Latest	03/07/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					Telecheck [Sanit Py...	Acct# 0526 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/19/2017 09:20:43	Admin	Latest	03/13/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0062 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:23:09	Admin	Latest	03/13/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	594.32
NO Ck#						Acct# 0271 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
						Acct# 0720 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:25:51	Admin	Latest	03/13/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,377.28
(8)						(8) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
Deposit									
	04/21/2017 16:00:15	Admin	Latest	03/13/2017		Deposit of Sa...	***100.10 · TAX ACC...***	***364.30 · Sanit...***	***3,565.92***
(9)						(9) Accounts [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-3,565.92***
	04/19/2017 09:28:23	Admin	Prior	03/13/2017		Deposit of Sa...	100.10 · TAX ACC...	300 · REVEN...	2,565.92
(9)						(9) Accounts [...	300 · REVENUES:3...	100.10 · TAX ...	-2,565.92
Deposit									
	04/19/2017 09:29:42	Admin	Latest	03/13/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
NO Ck#						Acct# 0472 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit									
	04/19/2017 09:34:09	Admin	Latest	03/16/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,863.08
						Acct# 0331 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
(11)						(11) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,565.92
Deposit									
	04/19/2017 09:35:55	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0153 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:41:43	Admin	Latest	03/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,268.76
7544						Acct# 0940 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
(9)						(10) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-2,971.60
Deposit									
	04/19/2017 09:42:48	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0370 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:43:36	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0089 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/19/2017 09:44:23	Admin	Latest	03/17/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2314						Acct# 0981 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:45:12	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
294						Acct# 0273 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:45:59	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0266 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:46:58	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0152 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:47:39	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1408						Acct# 0227 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:48:37	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
613						Acct# 0414 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 09:51:49	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	10,994.92
4154						Accounts #00...	364.30 · Sanitation ...	100.10 · TAX ...	-10,994.92
Deposit									
	05/03/2017 09:30:52	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
2085						Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/05/2017 11:01:42	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	8,023.32
(22)						(22) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-8,023.32
Deposit									
	04/19/2017 09:58:29	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	594.32
400						Acct# 0313 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1088						Acct# 0452 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/19/2017 10:02:56	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	2,674.44
(9)						(9) Accounts [...	364.30 · Sanitation ...	100.10 · TAX ...	-2,674.44
Deposit									
	04/19/2017 10:08:49	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0887 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/19/2017 10:38:45	Admin	Latest	03/20/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0755 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/21/2017 11:39:12	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0267 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/21/2017 11:40:11	Admin	Latest	03/20/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1054						Acct# 0714 [I ...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 12:30:23	Admin	Latest	04/27/2017		Deposit into n...	100.00 · CASH-UN...	-SPLIT-	94.00
					S R Recycling Inc.	Misc. items fr...	364.45 · Scrap Met...	100.00 · CAS...	-55.00
					S R Recycling Inc.	Misc. items fr...	364.45 · Scrap Met...	100.00 · CAS...	-39.00
Deposit									
	04/28/2017 12:51:22	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0807 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 12:55:14	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0695 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 12:56:44	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
531						Acct# 0830 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:06:27	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	-SPLIT-	1,782.96
NO Ck#						Accounts (4) ...	364.30 · Sanitation ...	100.10 · TAX ...	-1,485.80
NO Ck#						Acct# 0767 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:07:28	Admin	Latest	03/21/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0030 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:10:31	Admin	Latest	03/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
3402						Acct# 0507 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:14:32	Admin	Latest	03/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	3,565.92
(12)						(12) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,565.92

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/28/2017 13:34:39	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0120 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:35:25	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
5201						Acct# 0312 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:36:12	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1424						Acct# 0783 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:38:02	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1970						Acct# 0837 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:38:42	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0065 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 13:39:32	Admin	Latest	03/22/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2464						Acct# 0195 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:44:30	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0066 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:46:01	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0264 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:47:28	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0590 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:50:58	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0290 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 14:51:56	Admin	Latest	03/23/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0403 [F...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:09:57	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0300 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/28/2017 15:10:36	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0528 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:12:58	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0677 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:13:55	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2922						Acct# 0493 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:14:29	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0847 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:16:40	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2662						Acct# 0728 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:19:07	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	594.32
137						Acct# 0279 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
138						Acct# 0703 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:21:24	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	23,178.48
11398						Accounts #00...	364.30 · Sanitation ...	100.10 · TAX ...	-23,178.48
Deposit									
	04/28/2017 15:45:10	Admin	Latest	03/24/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	264.16
605						Acct# 0008 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
605						***MCR ent'd a...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	33.00
	04/28/2017 15:25:56	Admin	Prior	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	264.16
605						Acct# 0008 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
605						PNC Bank St...	400 · EXPENDITUR...	100.10 · TAX ...	33.00
Deposit									
	04/28/2017 15:30:21	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,485.80
579						Acct# 0001 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1268						Acct# 0515 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
1928						Acct# 0749 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
2526						Acct# 0862 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
235						Acct# 0952 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	04/28/2017 15:43:06	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	890.99
184						Acct# 0248 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
184						Acct# 0248 [...	364.30 · Sanitation ...	100.10 · TAX ...	0.49
3970						Accounts #07...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	04/28/2017 15:47:06	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1844						Acct# 0156 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 15:55:35	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	5,051.72
(16)						(16) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-5,051.72
Deposit									
	04/28/2017 16:00:21	Admin	Latest	03/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,051.72
(16)						(16) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,754.56
						Acct# 0653 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:01:05	Admin	Latest	03/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0242 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:53:54	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0491 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:55:07	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0192 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:56:07	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0513 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:57:21	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0378 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:58:15	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0782 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	04/28/2017 16:59:02	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0189 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	04/28/2017 16:59:48	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0347 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:00:30	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
579						Acct# 0102 [F...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:01:16	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
108						Acct# 0934 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:02:04	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0296 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:02:38	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
4226						Acct# 0144 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	04/28/2017 17:03:52	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
						Accounts #01...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
	Deposit								
	06/20/2017 14:54:57	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,753.18
150608					PORTNOFF LAW A...	YEAR 2009 f...	364.33 · Sanitation ...	100.10 · TAX ...	-357.16
150608					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
150608					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-359.70
150608					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-379.27
150608					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
150608					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150608					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-411.64
150608					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-208.50
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-527.60
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-45.12
150608					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
	Deposit								
	05/03/2017 09:33:11	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	891.48
4562						Acct# 0369 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
0121						Acct# 0400 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
2756						Acct# 0855 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
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Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit	05/01/2017 15:04:25	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,160.24
(14)						(14) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,160.24
Deposit	05/01/2017 15:15:08	Admin	Latest	03/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	4,457.40
(13)						(13) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,863.08
5335						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit	05/01/2017 15:16:54	Admin	Latest	03/27/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
3409						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
Deposit	05/01/2017 16:15:59	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0117 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit	05/01/2017 16:17:15	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0092 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit	05/01/2017 16:18:40	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0938 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit	05/01/2017 16:19:26	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0083 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit	05/01/2017 16:22:20	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0697 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit	05/03/2017 11:38:18	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
NO Ck#						Acct# 0805 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit	05/01/2017 16:24:17	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0857 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit	05/01/2017 16:25:03	Admin	Latest	03/28/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0443 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit	05/02/2017 15:15:56	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	6,240.36
(14)						(14) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,240.36

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/02/2017 10:23:48	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0537 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:25:00	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Acct# 0712 [...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/02/2017 10:25:41	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0768 [J...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:27:34	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	2,377.28
6793						Accounts #02...	364.30 · Sanitation ...	100.10 · TAX ...	-2,377.28
Deposit									
	05/02/2017 10:28:07	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0114 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:28:52	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0867 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:30:15	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	594.32
NO Ck#						Accounts #04...	364.30 · Sanitation ...	100.10 · TAX ...	-594.32
Deposit									
	05/02/2017 10:33:14	Admin	Latest	03/29/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
6159						Acct# 0423 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/02/2017 10:37:17	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	3,863.08
(11)						(11) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-3,863.08
Deposit									
	05/02/2017 10:41:24	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
180						Acct# 0104 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	06/20/2017 14:56:17	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,148.67
150826					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
150826					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
150826					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-759.48
150826					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150826					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
150826					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
150826					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
Deposit									
	06/20/2017 14:56:54	Admin	Latest	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,148.67
149784					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
149784					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-125.00
149784					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-759.48
149784					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
149784					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
149784					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
149784					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
Deposit									
	05/04/2017 12:34:56	Admin	Latest	03/29/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	5,646.04
3205						Acct# 0013 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
2073					Eric M. & Brian M. ...	***Accounts #0...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-594.32***
00657...					Realty Abstract, Inc....	Acct# 0150 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1638						Acct# 0157 [T...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
174					Margarette H. Fritz -...	Acct# 0248 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
8904						Acct# 0301 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
4546					James & Carrie Ann...	Acct# 0369 [J...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
0116					Kurpiewski Properti...	Acct# 0400 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1010						Acct# 0449 [F...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
48986...						Acct# 0483 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
3391					Dennis & Linda Cap...	Acct# 0507 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
181					Donghui Sun & Xin ...	Acct# 0588 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
00000...						Acct# 0678 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
14247					T & S Development ...	Accounts #07...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-594.32
2745					Gary Yerger dba Ba...	Acct# 0855 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
00000...						Acct# 0890 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
7527					J(ohn) W. Penningt...	Acct# 0940 [J...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	05/04/2017 10:25:39	Admin	Prior	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,646.04
3205						Acct# 0013 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073					***Eric M. & Brian M. ...***	Acct# 0142 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00657...					***Realty Abstract, In...***	Acct# 0150 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1638						Acct# 0157 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
174					***Margarette H. Fritz...***	Acct# 0248 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
8904						Acct# 0301 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
4546					***James & Carrie A...***	Acct# 0369 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
0116					***Kurpiewski Prope...***	Acct# 0400 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1010						Acct# 0449 [F...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
48986...						Acct# 0483 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3391					***Dennis & Linda C...***	Acct# 0507 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073					***Eric M. & Brian M. ...***	Acct# 0525 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
181					***Donghui Sun & Xi...***	Acct# 0588 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0678 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
14247					***T & S Developmen...***	Accounts #07...	300 · REVENUES:3...	100.10 · TAX ...	-594.32
2745					***Gary Yerger dba B...***	Acct# 0855 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0890 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
7527					***J(ohn) W. Penning...***	Acct# 0940 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
	05/04/2017 10:19:16	Admin	Prior	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	5,646.04
3205						Acct# 0013 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073						Acct# 0142 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00657...						Acct# 0150 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1638						Acct# 0157 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
174						Acct# 0248 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
8904						Acct# 0301 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
4546						Acct# 0369 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
0116						Acct# 0400 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1010						Acct# 0449 [F...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
48986...						Acct# 0483 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3391						Acct# 0507 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2073						Acct# 0525 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
181						Acct# 0588 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0678 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
14247						Accounts #07...	300 · REVENUES:3...	100.10 · TAX ...	-594.32
2745						Acct# 0855 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
00000...						Acct# 0890 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
7527						Acct# 0940 [J...	300 · REVENUES:3...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/04/2017 10:41:44	Admin	Latest	03/29/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	3,863.08
591						Acct# 0008 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1328					***Jenna L. Ruch - S...***	***Acct# 0034 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
177					***Melissa R. Dale - ...***	Acct# 0104 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1830					***Anna C. Diehl - SA...***	Acct# 0156 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
983					***Ryan T. Nesfeder -...***	Acct# 0245 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
132					***Mary Ann Marx - S...***	Acct# 0279 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
395					***Jaime L. Francisc...***	Acct# 0313 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1076					***Laureen S. & Bria...***	Acct# 0452 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
177						Acct# 0489 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
3224					***Tegi Ann Oplinger...***	Acct# 0599 [T...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
131					***Mary Ann Marx - S...***	Acct# 0703 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
2647					***Judy D. Sharer - S...***	Acct# 0728 [T...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
1402					***Richard Jr &Mark ...***	Acct# 1097 [...	***364.30 · Sanitation...***	***100.10 · TAX ...***	-297.16
	05/04/2017 10:20:30	Admin	Prior	03/29/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,863.08
591						Acct# 0008 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1328						Acct# 0034 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
177						Acct# 0104 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1830						Acct# 0156 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
983						Acct# 0245 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
132						Acct# 0279 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
395						Acct# 0313 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1076						Acct# 0452 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
177						Acct# 0489 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
3224						Acct# 0599 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
131						Acct# 0703 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
2647						Acct# 0728 [T...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
1402						Acct# 1097 [...	300 · REVENUES:3...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:27:19	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
3386						Acct# 0036 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:28:16	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
NO Ck#						Acct# 0497 [...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
Deposit									
	05/03/2017 11:29:48	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,188.64
2154						Accounts #04...	364.30 · Sanitation ...	100.10 · TAX ...	-1,188.64
Deposit									
	05/03/2017 11:30:42	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2305						Acct# 0886 [T...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/03/2017 11:31:25	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	891.48
NO Ck#						Acct# 0831 [...	364.30 · Sanitation ...	100.10 · TAX ...	-891.48
Deposit									
	05/03/2017 11:32:15	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0517 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:33:13	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
						Acct# 0729 [L...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:34:18	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1331						Acct# 0033 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:36:06	Admin	Latest	03/30/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0638 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 11:58:37	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	1,255.00
						Acct# 0337 [...	364.30 · Sanitation ...	100.10 · TAX ...	-1,255.00
Deposit									
	05/03/2017 11:59:27	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
2218						Acct# 0188 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:00:25	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
8488						Acct# 0747 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:01:14	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
6163						Acct# 0577 [F...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:01:57	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
1039						Acct# 0945 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:03:10	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0321 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 12:03:44	Admin	Latest	03/31/2017		Deposit of Fir...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
NO Ck#						Acct# 0803 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/03/2017 13:03:16	Admin	Latest	03/31/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	7,131.84
(23)						(23) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,834.68
						Acct# 0211 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/03/2017 13:06:33	Admin	Latest	03/31/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	6,537.51
(20)						(21) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-6,537.51
Deposit									
	05/03/2017 14:03:07	Admin	Latest	03/31/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,457.40
(15)						(15) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,457.40
Deposit									
	05/15/2017 15:21:20	Admin	Latest	04/03/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	145.00
41134...						(2) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-30.00
50000...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
40008...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
40008...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
40008...						(3) Duplicate ...	361.65 · Tax & Sani...	100.10 · TAX ...	-45.00
139905						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	05/15/2017 15:33:48	Admin	Latest	04/03/2017		Deposit Depo...	100.10 · TAX ACC...	-SPLIT-	1,044.17
3898						Bill# 0471 [D...	301.10 · Real Estat...	100.10 · TAX ...	-734.31
3898						Fire Tax for (...	120.10 · FIRE PRO...	100.10 · TAX ...	-12.70
3898						Acct# 0954 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/16/2017 11:08:15	Admin	Latest	04/10/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	130.00
41134...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
41134...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
39207						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
13205						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
406694						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	05/16/2017 12:46:40	Admin	Latest	04/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					Telecheck [Sanit Py...	Acct# 0504 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/16/2017 12:48:26	Admin	Latest	04/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
					First Bank Merchant...	Acct# 0778 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
Deposit									
	05/16/2017 16:43:16	Admin	Latest	04/03/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	4,754.56
(13)						(13) Accounts...	364.30 · Sanitation ...	100.10 · TAX ...	-4,754.56

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	07/10/2017 11:15:53	Admin	Latest	04/05/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,715.64
150923					PORTNOFF LAW A...	YEAR 2007 f...	364.33 · Sanitation ...	100.10 · TAX ...	-47.97
150923					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-222.03
150923					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-91.30
150923					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-1,140.37
150923					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
150923					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.97
Deposit									
	05/16/2017 17:02:44	Admin	Latest	04/05/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,634.39
760						Accounts #03...	364.30 · Sanitation ...	100.10 · TAX ...	-980.63
7381						Acct# 0631 [...	364.30 · Sanitation ...	100.10 · TAX ...	-326.88
110421						Acct# 0999 [...	364.30 · Sanitation ...	100.10 · TAX ...	-326.88
Deposit									
	05/17/2017 11:50:28	Admin	Latest	04/10/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	3,133.92
151115					PORTNOFF LAW A...	YEAR 2007 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-315.60
151115					PORTNOFF LAW A...	YEAR 2008 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-355.17
151115					PORTNOFF LAW A...	***YEAR 2010 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-355.10
151115					PORTNOFF LAW A...	***YEAR 2011 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-371.62
151115					PORTNOFF LAW A...	***YEAR 2013 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
151115					PORTNOFF LAW A...	YEAR 2014 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-471.38
151115					PORTNOFF LAW A...	YEAR 2015 f...	***364.33 · Sanitation...***	***100.10 · TAX ...***	-423.50
151115					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-162.26
151115					PORTNOFF LAW A...	***YEAR 2016 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-486.80
151115					***PORTNOFF LAW ...***	***YEAR 2008 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	***-142.49***
	05/17/2017 10:15:16	Admin	Prior	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	3,133.92
151115					PORTNOFF LAW A...	YEAR 2007 f...	300 · REVENUES:3...	100.10 · TAX ...	-315.60
151115					PORTNOFF LAW A...	YEAR 2008 f...	300 · REVENUES:3...	100.10 · TAX ...	-355.17
151115					PORTNOFF LAW A...	YEAR 2008 f...	300 · REVENUES:3...	100.10 · TAX ...	-142.49
151115					PORTNOFF LAW A...	YEAR 2010 f...	300 · REVENUES:3...	100.10 · TAX ...	-355.10
151115					PORTNOFF LAW A...	YEAR 2011 f...	300 · REVENUES:3...	100.10 · TAX ...	-371.62
151115					PORTNOFF LAW A...	YEAR 2013 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
151115					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-471.38
151115					PORTNOFF LAW A...	YEAR 2015 f...	300 · REVENUES:3...	100.10 · TAX ...	-423.50
151115					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-162.26
151115					PORTNOFF LAW A...	YEAR 2016 f...	300 · REVENUES:3...	100.10 · TAX ...	-486.80
Deposit									
	05/17/2017 10:24:32	Admin	Latest	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
38041					County of Northamp...	Acct# 0228 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	05/17/2017 10:33:35	Admin	Latest	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	980.64
202						Acct# 0203 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
6912						Acct# 0881 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
4252						Acct# 0966 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 10:42:37	Admin	Latest	04/10/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
					First Bank Merchant...	Acct# 0502 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 11:31:37	Admin	Latest	04/13/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	4,431.53
ACH					PORTNOFF LAW A...	YEAR 2008 f...	364.33 · Sanitation ...	100.10 · TAX ...	-192.00
ACH					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-415.12
ACH					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-500.49
ACH					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-478.26
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-458.78
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-8.62
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-427.79
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.96
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.27
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-488.38
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-162.26
	Deposit								
	05/17/2017 12:05:29	Admin	Latest	04/13/2017		Deposit of Sa...	100.10 · TAX ACC...	364.30 · Sanit...	297.16
268						Acct# 0582 [...	364.30 · Sanitation ...	100.10 · TAX ...	-297.16
	Deposit								
	05/17/2017 12:06:54	Admin	Latest	04/17/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
					First Bank Merchant...	Acct# 0572 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 12:09:47	Admin	Latest	04/17/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	1,307.51
5836						Acct# 0131 [...	364.32 · Sanitation ...	100.10 · TAX ...	-653.75
985027						Acct# 0191 [L...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
8572						Acct# 0854 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	06/20/2017 13:59:55	Admin	Latest	04/20/2017		Deposit of Sa...	***100.10 · TAX ACC...***	-SPLIT-	125.00
ACH					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-50.00
ACH					PORTNOFF LAW A...	***YEAR 2014 f...***	***364.33 · Sanitation...***	***100.10 · TAX ...***	-75.00

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
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Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	05/17/2017 12:11:57	Admin	Prior	04/20/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	125.00
ACH					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2014 f...	300 · REVENUES:3...	100.10 · TAX ...	-75.00
ACH					PORTNOFF LAW A...		300 · REVENUES:3...	100.10 · TAX ...	
	Deposit								
	05/17/2017 12:17:52	Admin	Latest	04/21/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
1546						Acct# 0357 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 12:19:44	Admin	Latest	04/24/2017		Deposit of Fir...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
						Acct# 0233 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/17/2017 12:26:22	Admin	Latest	04/24/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	871.68
1084						Acct# 0637 [I...	364.30 · Sanitation ...	100.10 · TAX ...	-544.80
248						Acct# 0373 [I ...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	07/10/2017 11:16:06	Admin	Latest	04/27/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	2,583.11
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-469.34
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-138.73
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-731.00
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-423.50
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-486.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-69.77
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.97
	Deposit								
	05/17/2017 12:55:30	Admin	Latest	04/28/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	653.76
4471						Acct# 0116 [...	364.32 · Sanitation ...	100.10 · TAX ...	-297.16
4474						Acct# 0116 [...	364.32 · Sanitation ...	100.10 · TAX ...	-29.72
734						Acct# 0434 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	06/28/2017 13:55:06	Admin	Latest	04/28/2017		Deposit of Fir...	***100.10 · TAX ACC...***	***-SPLIT-***	326.88
NO Ck#						***Acct# 1099 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-297.16***
NO Ck#						***Acct# 1099 [...***	***364.30 · Sanitation...***	***100.10 · TAX ...***	***-29.72***
	05/17/2017 12:56:44	Admin	Prior	04/28/2017		Deposit of Fir...	100.10 · TAX ACC...	300 · REVEN...	326.88
NO Ck#						Acct# 1099 [...	300 · REVENUES:3...	100.10 · TAX ...	-326.88

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
Deposit									
	05/18/2017 12:29:48	Admin	Latest	05/08/2017		Deposit into n...	100.10 · TAX ACC...	-SPLIT-	255.00
20000...						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
103585						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
3680						Duplicate 201...	361.65 · Tax & Sani...	100.10 · TAX ...	-15.00
3680						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
9251						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
14896						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
29335						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
00006...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
22902...						Certifications ...	361.65 · Tax & Sani...	100.10 · TAX ...	-25.00
Deposit									
	06/09/2017 16:46:31	Admin	Latest	***05/10/2017***		Deposit taken...	***100.00 · CASH-UN...***	-SPLIT-	65.00
124						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-15.00
						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-15.00
1452						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-20.00
						Single-stream...	***364.51 · Sale of Re...***	***100.00 · CAS...***	-15.00
	06/09/2017 16:45:03	Admin	Prior	***05/15/2017***		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	65.00
124						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
1452						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-20.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
	05/18/2017 13:54:44	Admin	Prior	05/01/2017		Deposit taken...	100.00 · CASH-UN...	-SPLIT-	65.00
124						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
1452						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-20.00
						Single-stream...	300 · REVENUES:3...	100.00 · CAS...	-15.00
Deposit									
	05/24/2017 13:38:26	Admin	Latest	05/04/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
807						Acct# 0037 [T...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
Deposit									
	05/24/2017 13:55:47	Admin	Latest	05/08/2017		Deposit of Fir...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
						Acct# 0974 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
Deposit									
	05/24/2017 14:02:41	Admin	Latest	05/10/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	653.76
794						Acct# 0197 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
00189...						Acct# 0213 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88

BOROUGH OF BATH - OPERATING "GENERAL" FUND
Audit Trail
Entered/Last Modified January through December 2017

Num	Entered/Last Modified	Last modified by	State	Date	Name	Memo	Account	Split	Amount
	Deposit								
	05/24/2017 14:53:41	Admin	Latest	05/12/2017		Deposit of Fir...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
9889						Acct# 0587 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 14:55:42	Admin	Latest	05/12/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	653.76
						Acct# 0503 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
2701						Acct# 0957 [J...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 14:57:31	Admin	Latest	05/16/2017		Deposit of Sa...	***100.10 · TAX ACC...***	***364.32 · Sanit...***	326.88
					Telecheck [Sanit Py...	Acct# 0812 [T...	***364.32 · Sanitation...***	***100.10 · TAX ...***	-326.88
	05/24/2017 14:57:10	Admin	Prior	05/16/2017		Deposit of Sa...	100.10 · TAX ACC...	300 · REVEN...	326.88
					Telecheck [Sanit Py...	Acct# 0812 [T...	300 · REVENUES:3...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 14:59:20	Admin	Latest	05/23/2017		Deposit of Sa...	100.10 · TAX ACC...	364.32 · Sanit...	326.88
137						Acct# 0309 [...	364.32 · Sanitation ...	100.10 · TAX ...	-326.88
	Deposit								
	05/24/2017 16:57:34	Admin	Latest	05/04/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	723.93
ACH					PORTNOFF LAW A...	YEAR 2010 f...	364.33 · Sanitation ...	100.10 · TAX ...	-133.07
ACH					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-134.56
ACH					PORTNOFF LAW A...	YEAR 2011 f...	364.33 · Sanitation ...	100.10 · TAX ...	-91.30
ACH					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-22.97
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-27.03
ACH					PORTNOFF LAW A...	YEAR 2015 f...	364.33 · Sanitation ...	100.10 · TAX ...	-1.50
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.50
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-150.00
	Deposit								
	07/10/2017 11:19:47	Admin	Latest	05/11/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	950.13
ACH					PORTNOFF LAW A...	YEAR 2012 f...	364.33 · Sanitation ...	100.10 · TAX ...	-260.83
ACH					PORTNOFF LAW A...	YEAR 2013 f...	364.33 · Sanitation ...	100.10 · TAX ...	-100.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-117.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-263.80
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-208.50
	Deposit								
	06/20/2017 14:57:26	Admin	Latest	05/18/2017		Deposit of Sa...	100.10 · TAX ACC...	-SPLIT-	480.00
ACH					PORTNOFF LAW A...	YEAR 2008 f...	364.33 · Sanitation ...	100.10 · TAX ...	-139.11
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-50.00
ACH					PORTNOFF LAW A...	YEAR 2014 f...	364.33 · Sanitation ...	100.10 · TAX ...	-75.00
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-52.89
ACH					PORTNOFF LAW A...	YEAR 2016 f...	364.33 · Sanitation ...	100.10 · TAX ...	-163.00

Exhibit D

Employee Total	906.50	0.00	18,746.32	0.00	2,426.75	14.77	16.00	0.00	0.00	0.00	0.00	0.00	0.00	23,049.45
	14.00	8.00	422.32	172.16	1,763.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	5,158.94
	115.50	32.00	2,794.12	688.64	707.63	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	17,890.51
			225.89	0.00	230.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	87318

Rcd # 82 MIRABITO, FIORELLA R
[redacted]

Reg	H	R	16.170	**Status**	Active	**Soc Sec No**	XXX-XX[redacted]	**Hire Date** 4/01/22
OT1	H	M	1.500	**Department**	151	**Std Wrk Wk**	40.00	**Term Date**
OT2				**Position**		**Birth Date**	[redacted]	**LOA Date**

	Hours		*Earnings*						*Deductions*					
Check Date	Reg	Sick	Reg	Sick	Fed W/H	SUI	LST	HEALTH	HEALTH	457(B)	DOMREL	HEALTH	ROTH	Gross
Pay End Date	OT1	Vac	OT1	Vac	FICA	WAGEAT	BANKNG	WAGE %						Tot Ded
Pay #	OT2	Hol	OT2	Hol	State Tx									Net Pay
			Other	Tips	City Tax									Check #
6/2/2022	185.00	0.00	2,775.00	0.00	197.65	1.67	2.00	0.00	0.00	0.00	0.00	0.00	0.00	2,775.00
5/28/2022	0.00	0.00	0.00	0.00	212.29	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	532.10
12	0.00	0.00	0.00	0.00	85.19	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	2,242.90
			0.00	0.00	33.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1229
6/16/2022	49.00	0.00	735.00	0.00	0.00	0.44	2.00	0.00	0.00	0.00	0.00	0.00	0.00	735.00
6/11/2022	0.00	0.00	0.00	0.00	56.23	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	90.05
13	0.00	0.00	0.00	0.00	22.56	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	644.95
			0.00	0.00	8.82	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1237
6/30/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
6/25/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
14	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1246
7/14/2022	35.00	0.00	525.00	0.00	0.00	0.32	2.00	0.00	0.00	0.00	0.00	0.00	0.00	525.00
7/9/2022	0.00	0.00	0.00	0.00	40.16	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	64.90
15	0.00	0.00	0.00	0.00	16.12	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	460.10
			0.00	0.00	6.30	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1255
7/28/2022	54.00	0.00	810.00	0.00	0.00	0.49	2.00	0.00	0.00	0.00	0.00	0.00	0.00	810.00
7/23/2022	0.00	0.00	0.00	0.00	61.97	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	99.05
16	0.00	0.00	0.00	0.00	24.87	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	710.95
			0.00	0.00	9.72	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1264
8/11/2022	56.00	0.00	840.00	0.00	0.00	0.50	2.00	0.00	0.00	0.00	0.00	0.00	0.00	840.00
8/6/2022	0.00	0.00	0.00	0.00	64.26	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	102.63
17	0.00	0.00	0.00	0.00	25.79	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	737.37
			0.00	0.00	10.08	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1271
8/25/2022	41.00	0.00	615.00	0.00	0.00	0.37	2.00	0.00	0.00	0.00	0.00	0.00	0.00	615.00
8/20/2022	0.00	0.00	0.00	0.00	47.05	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	75.68
18	0.00	0.00	0.00	0.00	18.88	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	539.32
			0.00	0.00	7.38	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1279
9/8/2022	40.00	0.00	600.00	0.00	0.00	0.36	2.00	0.00	0.00	0.00	0.00	0.00	0.00	600.00
9/3/2022	0.00	0.00	0.00	0.00	45.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	73.88
20	0.00	0.00	0.00	0.00	18.42	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	526.12
			0.00	0.00	7.20	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	1291

ATTACHMENT #5
(5 PAGES)

From:	Fiorella Reginelli-Mirabito
To:	Bradford Flynn
Cc:	Michele Ehrgott; Barry Fenstermaker; Frank Hesch; Mark Saginario; Carol Bear-Heckman; Phyllis Andrews; Anthony Kovalovsky; Marena Rasmus; Tanya Lamparter
Subject:	Re: CONCERNS
Date:	Thursday, October 28, 2021 8:13:03 AM

Brad…

Believe me I understand "conception" and "law" - again, for some reason I cannot shake the fact that it concerns me…that is all.

Safe travels home!

Exhibit E

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
484-281-3628 - Mayors Office
visit us at: www.bathborough.org
"Bath…History Nestled With Friendship"

"*Believe you can, and you're half way there…" - Theodore Roosevelt*

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On Oct 28, 2021, at 8:00 AM, Bradford Flynn <bradford.flynn@boroughofbath.org> wrote:

Understood. And as an objective fact, certain things must occur before the seat is filled.

Public knowledge of him resigning and the actual law on this is not aligned here. The Borough Code dictates what Council can do in this situation. Council accepts Marks resignation in public session. Which hasn't occurred yet. That sets the timetable for filling a seat, depending on the outgoing members tendered resignation date. A seat only opens when a member officially submits his/her resignation and Council accepts it.

We'll get it straightened out. Jamie has been guiding Michele and I. We can discuss further in executive session.

Brad

Sent from my Verizon, Samsung Galaxy smartphone
Get Outlook for Android

From: Fiorella Reginelli-Mirabito <mayor@boroughofbath.org>
Sent: Thursday, October 28, 2021 3:54:12 AM
To: Michele Ehrgott <mehrgott@boroughofbath.org>
Cc: Barry Fenstermaker <bfenstermaker@boroughofbath.org>; Frank Hesch <fhesch@boroughofbath.org>; Mark Saginario <mark.saginario@boroughofbath.org>; Carol Bear-Heckman <checkman@boroughofbath.org>; Phyllis Andrews <pandrews@boroughofbath.org>; Anthony Kovalovsky <akovalovsky@boroughofbath.org>; Bradford Flynn <bradford.flynn@boroughofbath.org>; Marena Rasmus <marena.rasmus@boroughofbath.org>; Tanya Lamparter <tanya.lamparter@boroughofbath.org>
Subject: Re: CONCERNS

?

Thanks, Michele…

Although, I believe Brad has just made it clear on what the steps are and how Council is going to proceed. Again, in my humble opinion…it all concerns me.

Have a good day!

#3 ?

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
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#2

On Oct 27, 2021, at 6:56 PM, Michele Ehrgott <mehrgott@boroughofbath.org> wrote:

Next meeting November 8th council can discuss np

Sent from my iPhone

On Oct 27, 2021, at 5:15 PM, Fiorella Reginelli-Mirabito

#1

<mayor@boroughofbath.org> wrote:

Good afternoon, everyone…

A quick message to you all, in reference to Mark's resignation on Council.

This weekend at the campfire I spoke to several people in reference to many things throughout our Borough. I listened closely, didn't really give any answers - just smiled and told them I would take their opinions under advisement. One of the items was Mark's resignation from Borough Council and how that is going to be handled. Also, Mr. Mike Long pulled me to the side and gave me his "dissertation" on how things should go; what we should do; what should've been done; available grants; etc. - and, lastly - and, most concerning his firm decision to run as a write-in on Council. Please know - ANYONE receiving the highest votes will get the seat. Those on the ballot really have no reason to worry - since voters usually don't take the time to "write-in". There are others who know of Mark's resignation since it's in the newspaper that he has taken the position in Tatamy, and others wanting to apply for that seat.

I want to go on record - I completely disagree with waiting for Mark's resignation to take effect in January 2022. I think the seat should be filled now. I realize, again, ultimately - the decision is Borough Councils and not mine. Although, I have a terrible feeling about the outcome if you wait to fill the seat. Manny has indicated interest in "applying" to fill the seat - to be honest, I'm not in agreement - but, not my decision either. He DOES NOT want ANY office on Council. He wants to just fulfill the two years and that's it. Michele - please do not be concerned that he wants to be President - or VP for the matter - NO interest at all.

Thank you for allowing me to express my concern… ultimately, as in all things I do - my concern is for the Borough…nothing more.

Best,
Fi

Fiorella Reginelli Mirabito
Mayor
Borough of Bath
121 South Walnut Street
Suite 111
Bath, PA 18014
610-837-6525 - Borough Office
610-837-8989 - Fax
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"*Believe you can, and you're half way there…*" - *Theodore Roosevelt*

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OOR Exhibit 26

Schnee Legal Services, LLC
74 E Main Street #648
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chadwick@schneelegal.com
http://www.schneelegal.com

December 11, 2023

Kelly Isenberg, Esq.
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

RE: *Michael Long v. Bath Borough*, OOR Dkt. AP 2023-1598R

Dear Senior Appeals Officer Isenberg:

This letter is in response to your December 5, 2023 invitation to address the application of 1 Pa. Code § 35.241(f) to the instant appeal on reconsideration.

Under this section of the General Rules of Administrative Practice and Procedure, an agency receiving a petition for reconsideration may either grant or deny a petition for reconsideration. In the present case, the Borough of Bath sought reconsideration for three interrelated, non-severable reasons; however, the Office of Open Records ("OOR") denied reconsideration on one of those three bases. Because one of the three inseparable reasons for reconsideration was denied, the Borough believes that 1 Pa. Code § 35.241(f)(1) is applicable to this matter because consideration was denied with respect to its third, non-severable reason for reconsideration and, therefore, the Borough's Petition for Reconsideration submitted to OOR was, in effect, completely denied. And, because of the denial, per 1 Pa. Code § 35.241(f)(1), the existing final determination is subject to judicial review by the Court of Common Pleas of Northampton County on the Borough's appeal filed with that court on December 1, 2023.

Further, this position is buttressed by 65 P.S. § 67.1302(b). Because the Borough has filed a timely appeal to the Court of Common Pleas of Northampton County, the release of all records ordered released in the final determination under review is automatically stayed by operation of 65 P.S. § 67.1302(b). As a judicial appeal is pending, the OOR currently cannot order the release of any of the records at issue due to the automatic stay.

Accordingly, the Borough believes that the OOR's decision partially granting reconsideration should be vacated where 1 Pa. Code § 35.241(f) facially only permits a full grant or a full denial of a reconsideration request.

The Borough is also in receipt of various communications from Mr. Michael Long in this matter that appear to argue that the OOR should grant reconsideration for a variety of reasons. First, as set forth above, per 1 Pa. Code § 35.241(f)(1), the judicial review of the Borough's appeal filed with the Court of Common Pleas of Northampton County on December 1, 2023, divests the OOR of jurisdiction to further address this matter. Second, to the extent that Mr. Long attempts to seek reconsideration of his issues, such a request is untimely. *See* 1 Pa. Code § 35.241(a). Third, while Mr. Long is permitted to file a response to the Borough's Petition for Reconsideration, it must be in the nature of an answer, rather than on entirely different bases irrelevant to the Borough's Petition for Reconsideration.

Thank you.

Regards,



J. Chadwick Schnee, Esq.

OOR Exhibit 27

pennsylvania
OFFICE OF OPEN RECORDS

December 13, 2023

Via E-File Portal Only:

Michael Long
220 Creek Road
Bath, PA 18014
michael.long479@gmail.com

J. Chadwick Schnee
Schnee Legal Services, LLC
74 E. Main Street, #648
Lititz, PA 17543
chadwick@schneelegal.com

Via E-File Portal Only:

James F. Kratz
840 W. Hamilton Street
Suite 521
Allentown, PA 18101
james.kratz@stevenslee.com

Bradford T. Flynn
Agency Open Records Officer
Bath Borough
121 South Walnut Street
Bath, PA 18014
manager@boroughofbath.org
bradford.flynn@boroughofbath.org

James Kratz
Stevens & Lee
840 W. Hamilton Street, Suite 521
Allentown, PA 18101
james.kratz@stevenslee.com

RE: Long v. Bath Borough OOR Dkt. AP 2023-1598

Dear Attorney Schnee:

We have reviewed your response to the OOR's request for clarification regarding the application 1 Pa. Code § 35.214(f) to the reconsideration of the Final Determination in this matter and, based on our review of the issue, we have determined that the matter will be proceeding to a Final Determination on Reconsideration.

As a reminder to both parties, a response in the nature of an answer is due on before December 18, 2023.

Regards,

/s/ Kelly Isenberg

Kelly Isenberg
Senior Appeals Officer

OOR Exhibit 28

Michael Long
220 Creek Rd
Bath, PA 18014

December 18, 2023

Open Records Office
333 Market Street, 16th Floor
Harrisburg, PA 17101

Subject: Inquiry-Based Rebuttal to Bath Borough's Reconsideration Request – Case no: AP 2023-1598

Dear Senior OOR Appeal Officer Isenberg,

In response to the Bath Borough's reconsideration request concerning my Right-to-Know Law (RTKL) application, and in accordance with the procedural requirements outlined in 1 Pa. Code § 35.241, I present the following inquiries and analysis.

Inquiries Regarding Points 1 and 2: Interpretation of 'Between' and Scope of Request

1. How does the Borough's interpretation of "between" align with RTKL principles favoring a broader interpretation for transparency, as seen in cases like Segelbaum and The York Daily Record v. York County?

2. Does the Borough's argument of an overly broad request contradict the RTKL's intent to provide citizens with expansive access to government records?

3. Considering the precedent set in Clement v. Berks County, does the Borough need to provide more substantial evidence to justify their claim of attorney-client privilege over certain emails?

4. How does the Borough's described search method compare to the RTKL's requirements for a comprehensive search for responsive records?

5. In light of the RTKL's mandate for good faith efforts in responding to requests, does the Borough's conduct align with this requirement?

Enhanced Precedent Analysis

1. The cases of Segelbaum and The York Daily Record v. York County highlight the OOR's stance against narrow interpretations of RTKL requests. Does the Borough's interpretation of my request similarly fail to constitute a good faith search?

2. In Clement v. Berks County, the court emphasized that agencies cannot rely on bald assertions to claim attorney-client privilege. How does this precedent apply to the Borough's claim?

3. The described search methods by the Borough seem limited in scope. How do these efforts compare to the RTKL's mandate for comprehensive searches?

Counterargument Response Section

1. If the Borough argues for a narrow interpretation, how does this align with RTKL principles that favor broader interpretations?

2. How does the claim that the request was overly broad reconcile with the RTKL's intent for expansive public access?

3. Regarding claims of attorney-client privilege, does the Borough's justification comply with the precedent requiring substantial evidence?

4. Should the Borough assert a good faith effort, how does this claim hold against the RTKL's clear mandate for comprehensive searches?

Public Interest Emphasis

This case transcends technicalities; it is about the fundamental principles of public access and government accountability. Ensuring comprehensive disclosure of the requested records serves broader public interest by fostering informed citizenry and ensuring transparency in local governance.

Concise Conclusion

In summary, the arguments and legal precedents presented demonstrate that the Borough's narrow interpretation and response to my request do not align with the RTKL's spirit. This case is pivotal for upholding transparency and accountability in government. I urge the Office of Open Records to consider these points and render a decision that reflects the RTKL's principles.

Sincerely,

Michael Long
Michael.Long479@gmail.com

OOR Exhibit 29

Michael Long
220 Creek Rd
Bath, PA 18014

December 18, 2023

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Substitution of Previously Submitted Response – OOR Dkt. AP 2023-1598

Dear Senior Appeals Officer Isenberg,

I am writing concerning my recently submitted response for the case Michael Long v. Bath Borough (OOR Dkt. AP 2023-1598). After careful consideration and further legal analysis, I have prepared a revised and more comprehensive response that I believe more accurately addresses the complexities of this case.

I respectfully request that this letter and the attached revised response be considered in place of my previous submission. This request is made well within the stipulated time frame for responses, ensuring compliance with all procedural requirements.

The revised response provides a deeper legal analysis and clearer articulation of the key issues at hand. It is my belief that this updated version will offer a more thorough perspective and better facilitate your review and decision-making process in this matter.

I appreciate your understanding and accommodation in this regard. Please find attached the revised response for your consideration. I trust that this substitution will not cause any inconvenience and will aid in a more accurate and informed evaluation of the case.

Thank you for your attention to this request. I remain available for any further clarifications or discussions as needed.

Sincerely,

Michael Long

Michael Long
220 Creek Rd
Bath, PA 18014

December 18, 2023

Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Comprehensive Request for Expanded Reconsideration – OOR Dkt. AP 2023-1598

Dear Senior Appeals Officer Isenberg:

I am respectfully seeking an expanded reconsideration in Michael Long v. Bath Borough, emphasizing critical legal precedents and principles of public access:

1. Precedent Necessitates Ongoing Scrutiny:
The Borough's reliance on a stay under 65 P.S. § 67.1302(b) raises a jurisdictional question. In light of *Dental Benefit Providers v. Eiseman, 87 A.3d 932 (Pa. Cmwlth. 2014)*, which affirmed that the Office of Open Records (OOR) retains jurisdiction unless judicially overturned, is it not imperative to reevaluate the Borough's position in accordance with this precedent?

2. Interpretation Undermining Access:
The Borough's interpretation of my request appears to be in contrast with the RTKL's emphasis on broad access to information. In *Pennsylvania State Educ. Ass'n v. Department of Community and Economic Development, 148 A.3d 142 (Pa. 2016)*, the court underscored the necessity for RTKL requests to be interpreted to enable maximum lawful disclosure. How does the Borough's narrow interpretation align with this ruling and the RTKL's transparency objectives?

3. Explicit Scope and Unilateral Narrowing:
The Borough's assertion that my request was limited to emails conflicts with my initial "including but not limited to" language, indicating a broader scope. The RTKL and related case law, such as *Montgomery County v. Iverson, 50 A.3d 281 (Pa. Commw. Ct. 2012)*, support a broad interpretation of requests. Is there a basis for the Borough's claim in light of this legal context?

4. Importance of Additional Compliance Factors:
As the RTKL intends, comprehensive evaluation of search efforts and privilege claims is crucial. In *SWB Yankees LLC v. Wintermantel, 45 A.3d 1029 (Pa. 2012)*, the court emphasized the necessity of thorough agency searches to ensure access. Aren't these elements essential for a transparent and accountable review process?

In view of these points, a meticulous reevaluation is advocated to align with the RTKL's transparency principles. I look forward to your guidance on the next steps and am available for further discussion.

Sincerely,
Michael Long

OOR Exhibit 30

Schnee Legal Services, LLC
74 E Main Street #648
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(717) 400-5955
chadwick@schneelegal.com
http://www.schneelegal.com

December 18, 2023

Kelly Isenberg, Esq.
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

RE: *Michael Long v. Bath Borough*, OOR Dkt. AP 2023-1598R

Dear Senior Appeals Officer Isenberg:

As previously set forth in correspondence dated December 11, 2023, the Borough of Bath ("Borough") respectfully believes that the Office of Open Records ("OOR") lacks jurisdiction to decide this matter or grant access to any records by virtue of the Borough's appeal to the Court of Common Pleas of Northampton County and the automatic stay provisions of 65 P.S. § 67.1302(b).

Notwithstanding the foregoing, the Borough relies upon its Petition for Reconsideration in this matter, as well as its December 11, 2023 correspondence with respect to the OOR's adjudication on reconsideration.

With respect to Mr. Long's December 18, 2023 correspondence, the Borough notes that, although the purpose of the Right-to-Know Law is to provide citizens with access to public records, individual citizens have an obligation under 65 P.S. § 67.703 to specifically identify what records are sought. Here, the Borough's interpretation of the request was reasonable in light of the words "between" and "and," and nothing prohibits Mr. Long from submitting a new request for records to the extent that he intended to seek records other than what he actually requested. Although Mr. Long attempted to explain and refashion his request for records on appeal, requests cannot be modified on appeal because the Borough's denial was premised on the request as written. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. 2010).

Mr. Long also appears to not contest that he limited the scope of his request solely to emails. As Mr. Long limited the scope of his request on appeal, the OOR erred in granting access to records other than emails.

Finally, Mr. Long makes various assertions that are outside the scope of the Borough's Petition for Reconsideration. Specifically, Mr. Long argues concerning (1) the attorney-client privilege; (2) the Borough's search for records; (3) whether the Borough acted in good faith and

other matters. As Mr. Long did not file a petition for reconsideration and none of these matters were raised by the Borough in its Petition for Reconsideration, these issues are not properly before the OOR on reconsideration.

Thank you.

Regards,



J. Chadwick Schnee, Esq.

OOR Exhibit 31

Michael Long
220 Creek Road
Bath, PA 18014
United States

December 20, 2023

Senior Appeals Officer Isenberg
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101

Re: Case No. AP 2023-1598 - Submission of Revised Reconsideration Response

Dear Senior Appeals Officer Isenberg,

I am writing to address a discrepancy regarding the submissions for Case No. AP 2023-1598, specifically pertaining to my revised reconsideration response intended to be filed by the December 18, 2023, deadline.

An administrative oversight occurred during the upload process, resulting in two copies of the "Letter about update.docx" being uploaded, rather than one copy of that letter and one of the "Revised recon response.docx". Evidence shows that both documents were completed on December 18, 2023, before midnight, as indicated by their creation and last modified timestamps.

I understand this error may have caused confusion, and I extend my sincere apologies to Mr. J. Chadwick Schnee, Esq., and the Office for any inconvenience this may have caused.

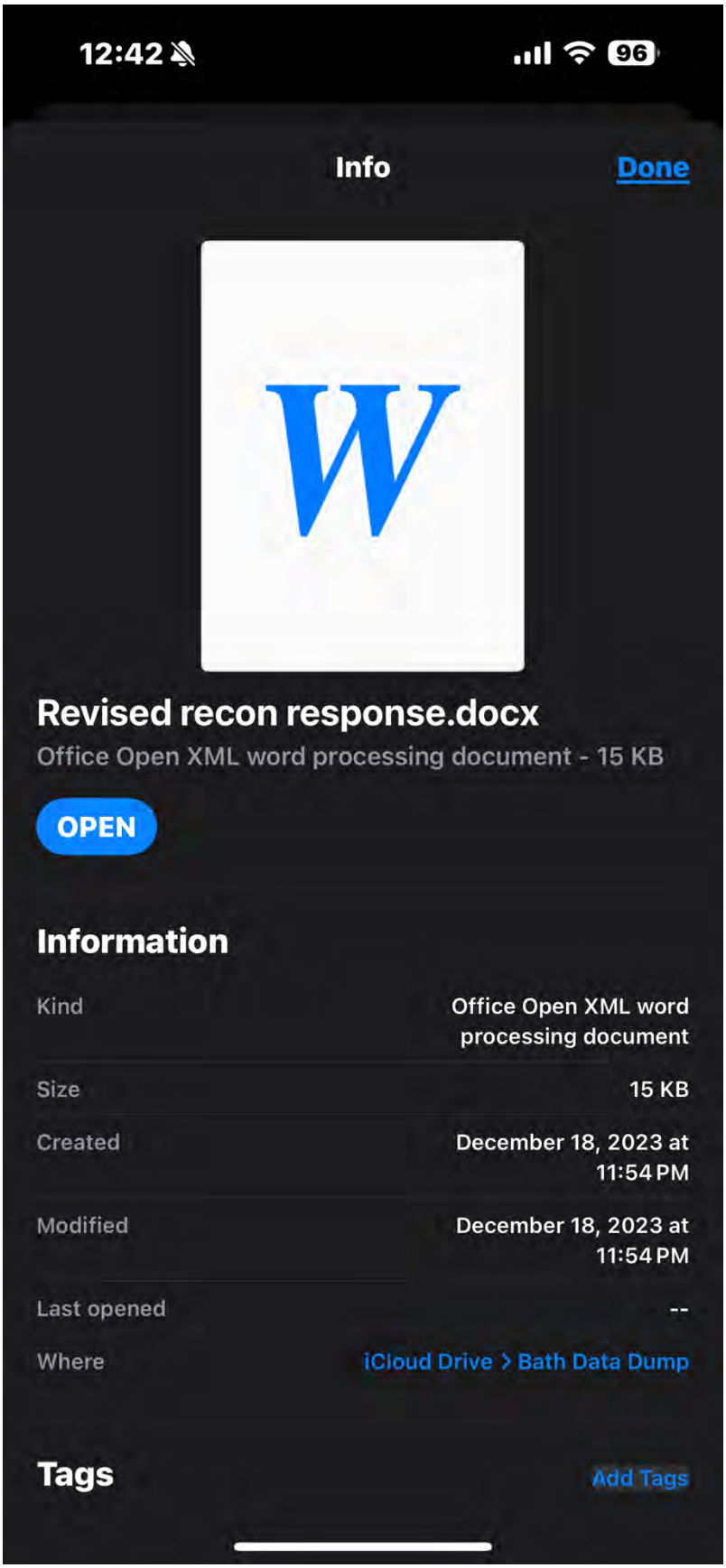
Enclosed are screenshots substantiating that both documents were finalized on the deadline. Given this, I respectfully request that the revised response be accepted for consideration as it was prepared in compliance with the deadline.

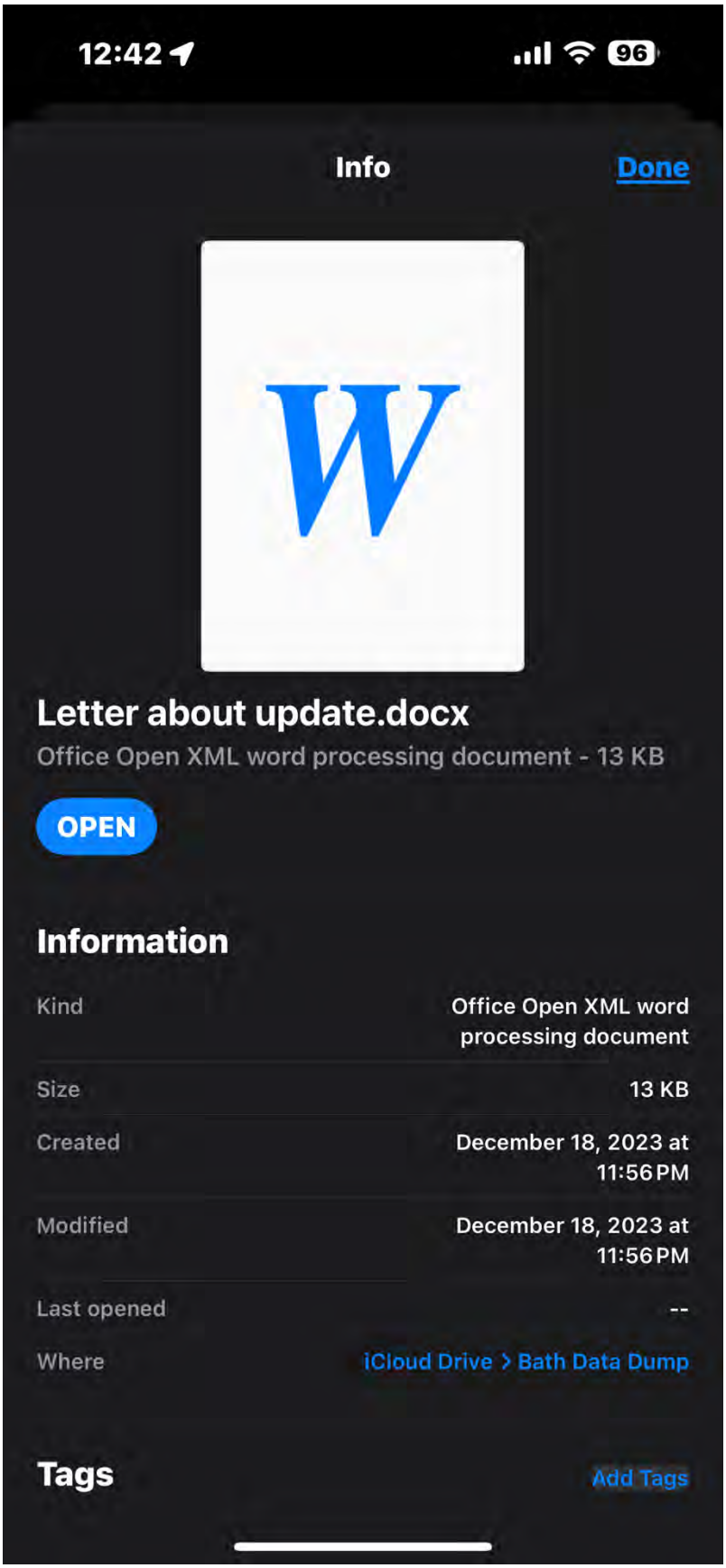
I appreciate the Office's attention to this matter and hope that the enclosed evidence will clarify the situation. Should there be any need for further discussion or documentation, I am readily available.

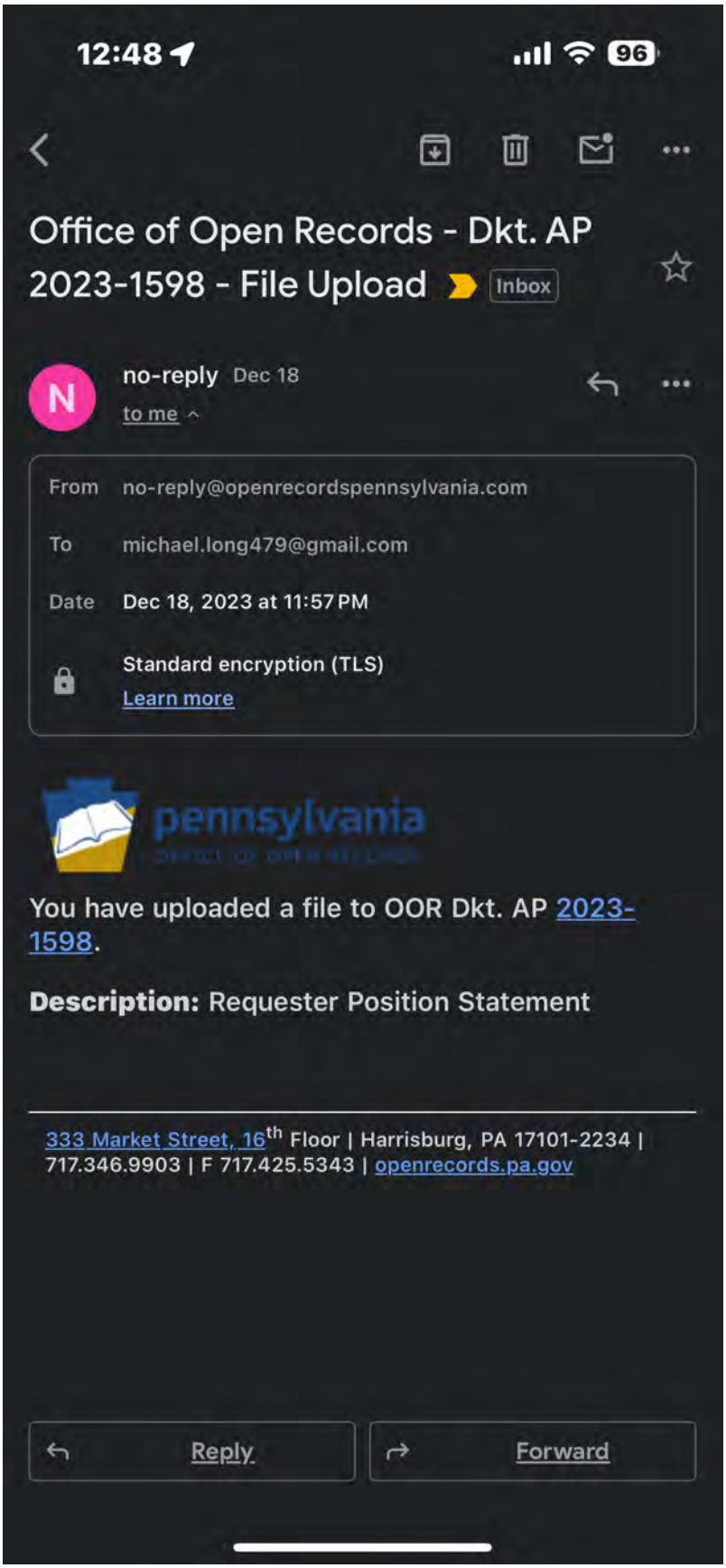
Thank you for your understanding and assistance.

Sincerely,
Michael Long

Enclosures: Screenshot of file properties for "Revised recon response.docx" and "Letter about update.docx" and email verification.


12:42
96
Info
Done
Revised recon response.docx
Office Open XML word processing document - 15 KB
OPEN
Information
Kind
Office Open XML word processing document
Size
15 KB
Created
December 18, 2023 at 11:54 PM
Modified
December 18, 2023 at 11:54 PM
Last opened
--
Where
iCloud Drive > Bath Data Dump
Tags
Add Tags


12:42
96
Info
Done
Letter about update.docx
Office Open XML word processing document - 13 KB
OPEN
Information
Kind
Office Open XML word processing document
Size
13 KB
Created
December 18, 2023 at 11:56 PM
Modified
December 18, 2023 at 11:56 PM
Last opened
--
Where
iCloud Drive > Bath Data Dump
Tags
Add Tags


12:48
96
Office of Open Records - Dkt. AP 2023-1598 - File Upload
Inbox
no-reply Dec 18
to me
From no-reply@openrecordspennsylvania.com
To michael.long479@gmail.com
Date Dec 18, 2023 at 11:57 PM
Standard encryption (TLS)
Learn more
pennsylvania
You have uploaded a file to OOR Dkt. AP 2023-1598.
Description: Requester Position Statement
333 Market Street, 16th Floor | Harrisburg, PA 17101-2234 | 717.346.9903 | F 717.425.5343 | openrecords.pa.gov
Reply
Forward

OOR Exhibit 32

Agency Correspondence 12/20/2023 10:24:10

Good morning, Senior Appeals Officer Isenberg.

I received notice this morning that Mr. Long made an additional submission that it currently docketed as having been made on December 19, 2023, although it is dated December 18, 2023. As you are aware, December 18, 2023 was the deadline for the parties to send responses to the partial granting of reconsideration in this matter, and, to the extent that Mr. Long's submission was made after December 18, 2023, it is not timely and should not be considered.

Thank you.

J. Chadwick Schnee, Esq.

OOR Exhibit 33

Agency Correspondence 12/28/2023 04:41:18

Dear Appeals Officer Isenberg,

Moments ago, I submitted a new Petition for Review through both the OOR e-file portal and by emailing the oor-postfd@pa.gov email address concerning the December 1, 2023 order partially denying the Borough of Bath's Petition for Reconsideration. Accordingly, the Borough respectfully submits that the OOR lacks jurisdiction to proceed further in this matter.

Thank you.

J. Chadwick Schnee, Esq.

OOR Exhibit 34

Michael Long
220 Creek Road
Bath, PA 18014

December 29, 2023

Kelly Isenberg Esq.
Senior Appeals Officer
Office of Open Records
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234

Re: Appeal of Decision in Michael Long v. Bath Borough OOR Dkt. AP 2023-1598R

Esteemed Appeals Officer Isenberg:

I write to address the Borough's latest regrettable foray into jurisdictional chicanery, a lamentable saga of procedural artifice that belies comprehension. While impartial optimism prompts stoic patience, such tired legal legerdemain must cease acquiescing to this spraying firehose of administrative arguments.

First, the Borough claims per *1 Pa. Code § 35.241*, OOR's partial reconsideration grant constituted an effective denial, ending jurisdiction. Yet, the Commonwealth Court confirms intermediate rulings remain non-final, non-appealable orders until reconsideration issues a new binding Final Determination. See *Pa. State Sys. Of Higher Educ. v. Ass'n of State College, 142 A.3d 1023, 1031 (Pa. Commw. Ct. 2016)*. The Borough conveniently ignores this, revealing an ends-driven cherry-picking of legal authority.

Likewise, regarding automatic stays under *65 P.S. § 67.1302(b)*, the Borough fails to identify any records specifically released by OOR's initial decision, a legal prerequisite to trigger this provision per *Chambersburg Area School District v. Dorsey, 97 A.3d 1281, 1285 (Pa. Commw. Ct. 2014)*. This gaping factual void makes invoking the stay protection profoundly audacious.

In addition, the Borough disputes OOR's wide discretion over interpreting its regulations absent binding rules otherwise. Yet the Commonwealth Court decisively confirms OOR owns expansive flexibility in reconsiderations under *Campbell v. Pa. Interscholastic Athletic Assn., 268 A.3d 502, 509 (Pa. 2021)*. The Borough's stubborn insistence on narrow constructions starkly flouts governing standards.

Viewed holistically, the Borough has cobbled together a bricolage of **ALREADY-REJECTED** and tenuously related legal arguments in hopes sheer quantity trumps applicable doctrine. Such computational jurisprudence may constitute creative lawyering. But it severely tests the patience of those valuing process integrity over outcomes.

At base, the Borough's maneuvers transparently attempt to regain favorable judgment on technicalities rather than merits. While resiliency is a prosecutorial virtue, so too is discretion. As the reconsideration creeps into its third season, all parties are ill-served chasing ephemeral victories through increasingly esoteric procedures in lieu of closure via substance.

I implore OOR to hold firm against this onslaught of jurisdictional objections. And to issue a Final Determination forthwith denying relief. Lingering in the valley of endless reconsideration solely rewards those engineering further delay.

Thank you for reviewing the augmented analysis and enhanced criticism of the Borough's litigation strategies. Please advise of any areas needing improvement or additional scorn.

Sincerely,

Michael Long

OOR Exhibit 35

pennsylvania
OFFICE OF OPEN RECORDS

FINAL DETERMINATION UPON RECONSIDERATION

IN THE MATTER OF	:	
	:	
MICHAEL LONG,	:	
Requester	:	
	:	
v.	:	**Docket No: AP 2023-1598R**
	:	
BATH BOROUGH,	:	
Respondent	:	
	:	

FACTUAL BACKGROUND

On May 17, 2023, Michael Long ("Requester") submitted a request ("Request") to Bath Borough ("Borough") pursuant to the Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*, seeking:

> [1.] All communications, including but not limited to emails, memos, notes, and text messages, between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regarding:
>
> [a.] The resignation of Mark Saginario
>
> [b.] The vacated council seat following Mark Saginario's resignation
>
> [c.] The appointment of Emmanuel Mirabito to the council seat
>
> [d.] Borough policy on a vacated council seat

[e.] Any potential employment, position benefits, compensation for Fiorella Mirabito

[f.] Advertisement of any new position within the Borough

[g.] The resignation of Marena Rasmus

[h.] Clerk positions within the Borough

[i.] The hiring of any individual for a clerk position within the Borough

[j.] Borough policy on hiring for new positions

[k.] Any public announcement regarding the above topics [. . .]"

Please note that this request includes any relevant communications that are not covered by attorney-client privilege. Under the RTKL, attorney-client privilege does not apply to factual information or data, the application of law to fact, or legal strategy, among other things."

[2.] A list of all employees hired by the Borough of Bath outside of the Public Works Department since January 1, 2022. For each employee, please provide the following information:

- Full name
- Position title
- Date of hire
- Department
- Full-time or part-time status
- Salary or hourly wage
- Any additional compensation or benefits

Please note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons. Please provide these records in electronic format. If any of these requests are denied, please cite each specific exemption you believe justifies the refusal to release the information and notify me of appeal procedures available under the law.

On June 23, 2023, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the Borough partially denied Item 1 of the Request by providing emails and arguing that no responsive memos, notes or text messages exist. Regarding Item 1, the Borough also claimed that solicitor James Kratz, Esq., did not provide any emails containing legal advice

regarding the resignation of Mark Saginario, the vacated Council seat following the Saginario resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council seat are protected by the attorney-client privilege. In addition, the Borough claims that no emails between Bradford Flynn and Attorney Kratz exist regarding employment, position benefits, or compensation for Fiorella Mirabito; advertisement of any new position within the Borough; the resignation of Marena Rasmus; regarding clerk positions within the Borough; the hiring of any individual for a clerk position with the Borough; Borough policy on hiring for new positions; or any public announcements regarding the categories of records. The Borough partially denied Item 2, of the Request, arguing that a list containing the requested information does not exist. The Borough provided the Employee Earnings Reports for any personnel hired by the Borough for the relevant timeframe, with the home addresses, dates of birth, and social security numbers redacted pursuant to Section 708(b)(6)(i)(A) of the RTKL, 65 P.S. § 67.708(b)(6)(i)(A). The Borough's final response was attested to by the Borough Open Records Officer, Bradford Flynn, subject to the penalty of perjury pursuant to 18 Pa.C.S. § 4904.

On July 13, 2023, the Requester appealed to the Office of Open Records ("OOR"), challenging the partial denial and stating grounds for disclosure.[1] The OOR invited both parties to supplement the record and directed the Borough to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On July 24, 2023, the Borough submitted a position statement reiterating its grounds for partial denial. The Borough also claims that the Requester is improperly attempting to modify Request Item 1, on appeal. In support of its position, the Borough submitted the affidavit of James

[1] The Requester granted the OOR additional time to issue a final determination. *See* 65 P.S. § 67.1101(b)(1) ("Unless the requester agrees otherwise, the appeals officer shall make a final determination which shall be mailed to the requester and the agency within 30 days of receipt of the appeal filed under subsection (a).").

Kratz, Esq., the Borough solicitor ("Kratz Affidavit") and the Attestation Regarding Borough Possession of Records, made under penalty of perjury pursuant to 18 Pa.C.S. § 4904, from Bradford Flynn, the Borough Manager ("Flynn Attestation").

On July 24, 2023, the Requester submitted a statement in support of the appeal, arguing that additional responsive records exist and that the Borough failed to conduct a good faith search for records, disputing the Borough's claim of attorney-client privilege, and asserting that the Borough failed to certify the records provided as indicated in the Request form.

On July 25, 2023, Borough Manager Flynn submitted a supplemental statement in reply to the Requester's appeal statement, that was made subject to the penalties of perjury. Manager Flynn addresses the points raised by the Requester, arguing that emails related to the resignation of Office Administrator Marena Rasmus fall outside the timeframe stated in the Request and that the letter of resignation of Council President Mark Saginario, in which he resigned as Borough President, also falls outside the timeframe of the Request. Manager Flynn further states that the December 31, 2021, resignation letter of Mark Saginario, in which he resigned as a Councilmember, was included in the Borough's final response to the Request. Finally, Manager Flynn argues that the Requester failed to raise the issue of certification in the appeal, but, however, if the Requester wishes to have certified copies of the records attached to the Borough's final response, they would be provided at a cost of $5.00 per record, in accordance with the Borough's Fee Schedule (Resolution No. 2022-016), if the Requester notifies the Borough that any or all of the records should be certified.

On July 26, 2023, the Requester submitted a second supplemental appeal statement, asserting that the Borough did not conduct a thorough search for records and that discussions contained in Council meeting minutes suggest that additional records may exist. The Requester

questions the adequacy of the Borough's record keeping practices and, also requests that the Borough conduct a second search for records that "may have been overlooked in digital locations such as[,] emails, text messages, or group chats." The Requester also seeks an *in camera* review of the all relevant records, including those for which the Borough claims the attorney-client privilege.[2,3]

On July 27, 2023, the Requester submitted a third statement, alleging misconduct on the part of the Borough in the form of "scrubbing emails." The Requester included copies of April 3, 2023, Council meeting minutes and the June 5, 2023, Council meeting agenda, which he claims demonstrate discussions of email "scrubbing" and an agenda item of discussion regarding the possible filing of legal action seeking an injunction against the Requester related to RTKL requests. The Requester states, the following:

> Learning that the possibility of deleting or removing emails was raised post-request raises alarms bells and exacerbates my fears about the integrity of the Borough's records management practices and response efforts. Intentionally destroying requested records to avoid disclosure is unambiguously illegal under the RTKL. Even discussing "scrubbing" emails after receiving my access request implies a willful disregard for transparency obligations.
>
> Respectfully, this new revelation warrants serious investigation by the Office of Open Records as part of this appeal. Efforts by any agency to conceal public information from citizens through destruction of records betray the core principles of open government. I await your judicious examination of these deeply troubling allegations.

[2] The Requester's July 26, 2023 submission and the Borough's July 25, 2023, submission were provided after the records closing date; however, to develop the record, the submission was considered. *See* 65 P.S. § 67.1102(b)(3) (stating that "the appeals officer shall rule on procedural matters on the basis of justice, fairness and the expeditious resolution of the dispute").

[3] The Requester also states, "I have been informed about the existence of an ongoing group chat involving council members. This group chat could potentially constitute a continuous state of quorum, raising issues related to open meetings laws. Importantly, communications about borough business that occur on private devices, such as in this group chat, can still be considered public records under the [RTKL]." Allegations of possible Sunshine Act violations are beyond the purview of the OOR's jurisdiction. *See* 65 Pa.C.S. § 715 (providing for the jurisdiction and venue of judicial proceedings).

The Requester has already repeatedly raised the issue of the completeness and good faith nature of the Borough's search in all of his prior filings, thereby placing the issues before the OOR on appeal. Regarding any wrongdoing, illegal activity or allegations of inadequate management on the part of the Borough, the RTKL does not authorize the OOR to conduct an investigation of an agency, as part of the appeals process.

On August 2, 2023, the Borough submitted a supplemental sworn Flynn statement disputing the Requester's assertions of "email scrubbing" on the part of the Borough to evade transparency and evade compliance with the RTKL. In addition, the Borough again argues that the issue of record certification should be dismissed, as it was not raised in the initial appeal and the Requester first raised the issue in his July 24, 2023 submission.

On October 4, 2023, in response to the OOR's directive, the Borough submitted an exemption log, detailing the attorney-client privileged emails identified in response to the Request. The submission included a supplemental Kratz Affidavit, that expanded upon the July 24, 2023, initial Kratz Affidavit.

On October 13, 2023, the Requester submitted a statement in response to the Borough's exemption log. The Requester disputes the accuracy of facts stated in the Second Kratz Affidavit and asserts that the Affidavit "omits text messages and implies privilege covered all communications between the named parties" when it does not. The Requester also asserts that the Borough incorrectly applies the attorney-client privilege to factual matters and that log is missing details such as, dates, authors or recipients of the communications. The Requester further reiterates the argument that the Borough is not being adequately transparent and failing to properly maintain its records. Finally, the Requester seeks an explanation for the IT consultant DriveLocker's

involvement in the handling of RTKL requests and whether access was provided to privileged or sensitive records.

On November 3, 2023, the OOR issued a Final Determination, finding that the Borough's interpretation of Request Item 1, was impermissibly narrow and that, based on the unreasonable interpretation, the Borough did not conduct a sufficient search that would support the Borough's conclusion that no additional emails, memos, notes or text messages related to the subjects outline in 1(a) – 1(k), exist within its possession, custody or control. The OOR also concluded the Borough proved that some records are protected by the attorney-client privilege, but the Borough did not demonstrate that the privileged records did not also contain purely factual, non-privileged information. Finally, the OOR found that the Borough proved no list that is responsive to Item 2 of the Request exists, that the Borough failed to certify the responsive records, as indicated in the Request form and that the record did not support a finding of bad faith on the part of the Borough.

On November 17, 2023, the Borough filed a Petition for Reconsideration with the OOR. The Borough argued that the OOR impermissibly refashioned Item 1 of the Request by determining that the Borough unreasonably interpreted the Request as seeking records among the entire group of individuals listed and, also, records between less than the entire group. The Borough also argued that the OOR impermissibly granted access to records other than emails, as the Requester, on appeal, limited his challenge of the denial of Item 1 to emails. Finally, the Borough argued that the OOR impermissibly granted access to records that would reveal the subject matter of privileged communications.

On December 1, 2023, the OOR granted reconsideration as to Items 1 and 2 of the Petition and denied reconsideration as to Item 3. The OOR provided the parties with the opportunity to file a response in the nature of an answer by December 18, 2023.

On December 5, 2023, the Requester submitted a copy of an "Appeal of and Petition for Review of Final Determination Dated November 3, 2023, Issued by Pennsylvania Office of Open Records at OOR Dkt. AP 2023-2598," that was filed by the Borough with the Northampton County Court of Common Pleas on December 1, 2023.

On December 5, 2023, the OOR directed the Borough to address the application of 1 Pa. Code § 35.241(f) to the issue of whether filing of the Petition for Review on the same day the OOR granted partial reconsideration divests the OOR of jurisdiction over the instant matter.

On December 8, 2023, the Requester submitted a statement addressing each of the Borough's points in the Petition for Reconsideration. The Requester argues that the OOR's finding with respect to the Borough's interpretation of Item 1 is proper, as the language would include communications involving "any combination of the listed parties." Regarding Petition Item 2, the Requester also argues that the OOR's finding was proper because the Request language implicates communications beyond just emails such as, for example, memos, notes, letters, or text messages.[4] In addition, the Requester seeks reconsideration of the OOR's conclusion that the record does not support a finding of bad faith and challenges the sufficiency of the Borough's search. However, regarding the challenges the Requester raises related to the Final Determination, 1 Pa. Code § 35.241(f) provides that "[a]n application for rehearing or reconsideration may be filed by a party to a proceeding with 15 days, or another period as may be expressly provided by statute applicable to the proceeding, after the issuance of an adjudication or other final order by the agency...." Because the Requester did not file a Petition for Reconsideration raising his objections to the

[4] The Requester also outlines his argument regarding the Borough's Petition Item 3; however, as the OOR has denied reconsideration as to Item 3, this portion of the Requester's arguments will not be addressed. In addition, the Requester claims that the Borough's counsel has violated Pennsylvania Rule of Professional Conduct 3.3 "Candor Toward the Tribunal." This issue is beyond the purview of the RTKL and the authority of the OOR, as the Pennsylvania Supreme Court has the sole supervisory authority over attorney conduct. PA. CONST. 10(c); PA.R.D.E. § 103.

OOR's finding on the claim of bad faith within 15 days of November 3, 2023, or by November 20, 2023, his request for reconsideration is untimely filed. The OOR will only consider the Requester's responses in the nature of an answer related to the Borough's Petition for Reconsideration.

On December 11, 2023, the Borough responded to the OOR's request for clarification. The Borough asserts that under the language of 1 Pa. Code § 35.241(f), an agency may only grant or deny reconsideration, not partially grant reconsideration. The Borough argues that the effect of the OOR's partial grant of reconsideration for "one of the three inseparable reasons for reconsideration" amounts to a complete denial. The Borough further argues that the effective "denial" of reconsideration renders the Final Determination subject to judicial review with the Northampton County Court of Common Pleas, which appeal was filed on December 1, 2023. Finally, the Borough asserts that, because a timely appeal has been filed, "the release of all records ordered released in the final determination under review is automatically stayed by operation of 65 P.S. § 67.1302(b)."[5] (Emphasis in original).

Also, on December 11, 2023, the Requester submitted a rebuttal to the Borough's reconsideration request, asserting that the Final Determination should not be modified. Regarding the Borough's argument addressing the OOR's findings related to Item 1, the Requester asserts that the Borough's interpretation of the word "between" is "overly literal" and "does not align with the spirit of maximum transparency...." The Requester also asserts that the original Request language included the phrase "including but not limited to" and the phrase "denotes a comprehensive, non-exhaustive enumeration," implying all types of records. The Requester further states, "[a]lthough my appeal letter cited emails as the contentious issue, I never meant to

[5] The Borough also points out that the Requester has submitted correspondence asserting reasons why the OOR should grant reconsideration and such a request is alternatively untimely and procedurally inappropriate.

explicitly affirm, concede, or confine my dispute solely to the email component of the [R]equest." In addition, the Requester submits supplemental argument regarding the claim of bad faith, regarding the Borough's Petition Item 3, and a claim that the Borough's legal counsel has violated Pennsylvania Rule of Professional Conduct 3.3. However, these issues have been addressed and disposed above and will not be discussed in this Final Determination on Reconsideration.

On December 13, 2023, the OOR issued a statement in response to the Borough's submission of clarification related to the Borough's Petition for Review, explaining that the submission had been reviewed and a determination was made that the matter would proceed to a Final Determination on Reconsideration.[6]

On December 18, 2023, the Borough submitted a statement in support of the Petition. The Borough reiterated its argument that the OOR lacks jurisdiction to decide the instant matter or grant access to records because of the Borough's appeal to the Court of Common Pleas and the automatic stay provision of 65 P.S. § 67.1302(b). The Borough also relies on the assertions made in its Petition for Reconsideration and the December 11, 2023 correspondence regarding the OOR's adjudication on reconsideration. Regarding the Requester's December 18, 2023, statement, the Borough argues that the Borough's interpretation of Item 1 was reasonable "in light of the words 'between' and 'and'." The Borough also asserts that it appears from the Requester's submissions that he is not contesting that he limited the scope of the Request to emails and "[a]s [the Requester] limited the scope of his [R]equest on appeal, the OOR erred in granting access to records other than emails."

On December 18, 2023, the Requester filed a supplemental response, stating that, "in accordance with the procedural requirements outlined in 1 Pa. Code § 35.241, I present the

[6] The OOR also reminded the parties of the December 18, 2023, deadline to submit a response in the nature of an answer.

following inquiries and analysis." The Requester then poses a series of question under each of the following topic headings, "Inquiries Regarding Points 1 and 2: Interpretation of 'Between' and Scope of Request"; "Enhanced Precedent Analysis"; and, "Counterargument Response Section." The supplemental response also includes a section title "Public Interest Emphasis," arguing that this matter is "about the fundamental principles of public access and government accountability." Finally, the Requester states the "Concise Conclusion," as follows:

> In summary, the arguments and legal precedents presented demonstrate that the Borough's narrow interpretation and response to my request do not align with the RTKL's spirit. This case is pivotal for upholding transparency and accountability in government. I urge the Office of Open Records to consider these points and render a decision that reflects the RTKL's principles.

The Requester submitted a third supplemental response on December 18, 2023. The response restates the points made by the list of questions and adds legal court case citations that the Requester asserts are supportive of his inquiries. The Requester also includes a topic heading, "Precedent Necessitates Ongoing Scrutiny," wherein the Requester references *Dental Benefit Providers .v Eiseman,* 87 A.3d 932 (Pa. Comm. Ct. 2014) as standing for the proposition that the OOR retains jurisdiction over a matter unless judicially overturned. On December 19, 2023, the Borough objected to the admission of the third supplemental statement, asserting that it was uploaded to the docket after 11:59:59 p.m. on December 18th. On December 20, 2023, the Requester responded by stating that "an administrative oversight occurred during the upload process, resulting in two copies of the "Letter about update.docx" being uploaded, rather than one copy of that letter and one copy of the "Revised recon response.docx." The Requester included a copy of a screenshot of what appears to be the two documents contained on the Microsoft Word application on a cellular phone and an email confirmation of a document upload to the OOR E-file Portal, in an attempt to demonstrate that "both documents were finalized on the deadline" as they

were both completed before midnight. While the screenshots, if accurate, show that both documents were created prior to midnight on the 18th, a review of the OOR E-file Portal electronic log shows that "Revised recon response.docx" was date stamped on December 19, 2023, and time stamped at 18:19:52 or 6:19:52 p.m. Furthermore, the "Revised recon response.docx" is cumulative and repetitive of the arguments that the Requester has made in all of the submissions provided in response to the Petition. Therefore, the Borough's objection is sustained as to the statement filed on December 19, 2023. *See* 65 P.S. §§ 67.1102(a)(2); 67.1102(b)(3).

On December 28, 2023, the Borough submitted a copy of an "Appeal Of and Petition for Review of Final Order Dated December 1, 2023, Partially Granting and Partially Denying Reconsideration, Issued by Pennsylvania Office of Open Records at OOR Dkt. AP 2023-1598," that was filed with the Northampton County Court of Common Pleas. The Borough reiterates its position that the OOR does not have jurisdiction to further consider the Petition for Reconsideration. The Borough claims that, under 1 Pa. Code § 35.241(f), the OOR was only permitted to *fully* grant or *fully* deny the Petition for Reconsideration and, because the OOR only granted reconsideration as to two of three claims of error, the effect was to deny the Petition in full. The Borough states that 1 Pa. Code § 35.241(f) recognizes that "Pa.R.A.P. 1701(b) contemplates that a party may elect to concurrently petition for review and apply for ... reconsideration of an adjudication...." In such an event, "[i]f ... reconsideration is denied, the original adjudication ... will be subject to judicial review upon the previously filed petition for review" or "[i]f ... reconsideration is granted within the time contemplated by subsection (e) ... [t]he timely order granting ... reconsideration automatically renders inoperative a petition for review theretofore or thereafter filed with respect to the prior adjudication...." 1 Pa. Code §§ 35.241(f)(1) – (2)(i).

However, nothing in the regulatory language indicates that the agency action on a petition for reconsideration must be an all or nothing decision. Indeed, the Borough has not submitted any legal precedent wherein a court has determined that 1 Pa. Code § 35.241 only permits an agency to grant or deny reconsideration in full. If an agency was required to accept each and every reason set forth for reconsideration, this would mean that they would be constrained to accept any frivolous reason set forth by a petitioner. 1 Pa. Code §35.241(c), governing responses to petitions for reconsideration, anticipates that an agency has discretion as to which grounds for reconsideration will be granted. ("The response shall be confined to the issues upon which rehearing or reconsideration has been granted."). Here, the Borough filed a petition for reconsideration, and the OOR partially granted that relief in a timely manner. As the party that sought the relief to which it now objects, the Borough's petition for review is inoperative, and it has an obligation to ensure the petition is stricken. 1 Pa. Code §35.241(f). Accordingly, based upon its obligations under 1 Pa. Code § 35.241, the OOR hereby issues this Final Determination Upon Reconsideration.

LEGAL ANALYSIS

The Borough is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the Borough is required to demonstrate, "by a preponderance of the evidence," that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as "such proof as leads the fact-finder … to find that the existence of a contested fact is more probable than its nonexistence." *Pa. State Troopers Ass'n v. Scolforo,*

18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

In this matter, the Requester sought *in camera* review of relevant records. However, based upon the submissions, including the Borough's exemption log, the OOR has the necessary evidence before it to adjudicate the matter and, therefore, the request for an *in camera* review is denied.

1. The Request may not be modified or expanded on appeal

In the appeal form, the Requester states the following as "Records At Issue In This Appeal," "1. Emails between any combo of B. Flynn, F. Mirabito, M. Ehrgott, P. Andrews, B. Fenstermaker, J. Kratz from 9/20/21 to 5/15/22 regarding council membership changes, hiring, and policy. 2. List of employees hired outside of Public Works Department since 1/1/22, with details including name, position, date of hire, department, status, salary, and additional benefits. - more detailed version attached[.]"

The Borough argues that, with regard to Item 1 of the Request, the Requester's use of "any combo" in the appeal is an impermissible modification of the Request. To the extent that the Requester intended to modify or expand the scope of emails sought in Item 1, the OOR's review is on appeal is confined to the Request as written, and any modification or explanation of the Request on appeal will not be considered. *See Pa. State Police v. Office of Open Records*, 995 A.2d 515, 516 (Pa. Commw. Ct. 2010*); Michak v. Pa. Dep't of Pub. Welfare*, 56 A.3d 925 (Pa. Commw. Ct. 2012) (holding that "where a requester requests a specific type of record ... the requester may not, on appeal argue that an agency must instead disclose a different record in response to the request"). *McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw.

Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal.")

Nevertheless, the Borough states that Manager Flynn interpreted Item 1 as seeking emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, **and** James Kratz from the timeframe specified between September 20, 2021, to May 15, 2022," thereby implying that emails must have all named individuals on an email for it to qualify as responsive. (Emphasis in original). The OOR has consistently held that an agency may interpret the meaning of a request for records, but that interpretation must be reasonable. *See Spatz v. City of Reading*, OOR Dkt. AP 2013-0867, 2013 PA O.O.R.D. LEXIS 513; *Mezzacappa v. Northampton Cnty. Dist. Atty's Off.*, OOR Dkt. AP 2022-2584, 2023 PA O.O.R.D. LEXIS 80. The OOR determines the reasonableness of the agency's interpretation from the text and context of the request alone, as neither the OOR nor the Requester are permitted to alter the request on appeal. *See McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal."). Further, the RTKL is remedial legislation that must be interpreted to maximize access. See *Gingrich v. Pa. Game Comm'n*, No. 1254 C.D. 2011, 2012 Pa. Commw. Unpub. LEXIS 38 (Pa. Commw. Ct. 2012). Further, agencies should rely on the common meaning of words and phrases. *Gingrich*, 2012 Pa. Commw. Unpub. LEXIS 38 at *16.

Regarding the Borough's interpretation of Item 1, research shows that the word "between" is defined in the Merriam-Webster dictionary as "by the common action of: jointly engaging" (shared the work between the of them; talks between the three) and "in common to: shared by" (divided between his four grandchildren).[7] While OOR and court precedent make clear that the

[7] *See* https://www.merriam-webster.com/dictionary/between (last accessed October 30, 2023).

Requester may not modify the Request on appeal, the Requester's assertion that the language of Item 1 encompasses "any combo" of emails could comport with the use of the word "between" prior to the listing of relevant Borough employees and officials. However, this portion of the Request also states that records are being sought "between" the list of Borough staff and officials "and" James Kratz, the Borough solicitor. Therefore, Item 1 could reasonably be interpreted as either seeking communications between or among any permutation of individuals that may be included on the communication, whether it is two of them, all seven of them, or some other number of individuals and, also, communications between the group of listed individuals *and* Attorney Kratz. When a request is subject to multiple reasonable interpretations, the OOR's task on appeal is to analyze whether the agency's interpretation is reasonable based on the text and the context of the Request. *See McKelvey v. Office of Attorney General*, 172 A.3d 122 (Pa. Commw. Ct. 2017) ("Once a RTKL request is submitted, a requester is not permitted to expand or modify the request on appeal."). While the Requester asserts that the "including but not limited to" language prior to the list of categories of records sought implies that Item 1 is broader, as to the individuals who created and/or exchange the records and more consistent with the RTKL's spirit of transparency, because Item 1 is subject to two different, but reasonable interpretations, we find that the Borough's interpretation that was used to respond to Item 1 was reasonable in this instance. Nothing precludes the Requester from submitting a new RTKL request with language that seeks a larger universe of records, if he chooses to do so.

In addition, the Borough argues that, while the Requester included a letter with the appeal, which is referenced above as the attachment to the appeal, the appeal should be limited to the records the Requester stated are "Records At Issue In This Appeal" on the appeal form. The

information included on the appeal form also stated, "more detailed version attached[.]" The appeal attachment states, in relevant part, the following:

> ... I am appealing the denial of my [R]equest for:
>
> - Email communications between specific individuals regarding the resignation of a council member, the vacated council seat, appointment of a new member, policies on vacated seats, and hiring, among other matters. *The Borough claimed no such emails exist without proof...* (emphasis added).

In this matter, the Requester used the OOR's standard appeal form, which provides that the Requester was "appealing the Agency's denial, partial denial, or deemed denial because the requested records are public records in the possession, custody or control of the Agency; the records do not qualify for any exemptions under § 708 of the RTKL, are not protected by a privilege, and are not exempt under any Federal or State law or regulation; and the request was sufficiently specific." The Requester also identified "Records At Issue In This Appeal" and attached an appeal statement that contained the language the Borough relies on to assert that the Requester limited the appeal of the response to Item 1, to only emails. However, with respect to the other records sought in Item 1, such as "communications ... memos, notes, and text messages," the Borough denied the Request, arguing that no records exist, and the Requester expressly challenged the Borough search in the attachment to the appeal form. More specifically, the Requester stated, "[t]he Borough denied my request claiming the records do not exist, without providing any proof of their search methodology or locations. I argue they did not perform an adequate search in good faith, and that the requested records do likely exist for the reasons outlined in this appeal." Therefore, based on the use of the standard appeal form and the objections outlined in the attached appeal statement, we determine that the appeal of Item 1 is not limited only to the

denial of email records; rather, the appeal of Item 1, includes the challenge to the alleged non-existence of memos, notes, text messages and any other form of "communications."

2. The Borough has proven that all non-exempt records have been provided to the Requester

In response to Item 1, the Borough identified and provided emails from December 12, 2021, December 29, 2021 and April 4, 2022, and attachments consisting of Resolution #2021-012, Councilman Mark Saginario's resignation letter, and a letter of interest to fill the Council position from Borough citizen, Emmanuel Mirabito. The Borough claims that no responsive memos, notes, and text messages exist and that no emails from Attorney Kratz "regarding any potential employment, position benefits, compensation for Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing" exist. In addition, the Borough withheld emails sent by Attorney Kratz to Manager Flynn, the Borough Mayor and/or members of Borough Council containing legal advice, "regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council [seat]," arguing that the emails are protected by the attorney-client privilege and attorney work-product doctrine.

In response to a request for records, "an agency shall make a good faith effort to determine if … the agency has possession, custody or control of the record[.]" 65 P.S. § 67.901. While the RTKL does not define the term "good faith effort," in *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, the Commonwealth Court concluded that:

> As part of a good faith search, the open records officer has a duty to advise all custodians of potentially responsive records about the request, and to obtain all potentially responsive records from those in possession…. When records are not in an agency's physical possession, an open records officer has a duty to contact agents within its control, including third-party contractors…. After obtaining potentially responsive records, an agency has the duty to review the record and assess their public nature under … the RTKL.

185 A.3d 1161, 1171-72 (Pa. Commw. Ct. 2018) (*Uniontown Newspapers I*), *aff'd*, 243 A.3d 19 (Pa. 2020) (*Uniontown Newspapers II)*. Additionally, the Commonwealth Court has held that an open records officer's inquiry of agency members may constitute a "good faith effort" to locate records, stating that open records officers have:

> a duty to inquire of [agency personnel] as to whether he or she was in the possession, custody or control of any of the … requested emails that could be deemed public and, if so, whether the emails were, in fact, public and subject to disclosure or exemption from access by [r]equest[e]r.

Mollick v. Twp. of Worcester, 32 A.3d 859, 875 (Pa. Commw. Ct. 2011); *see also In re Silberstein*, 11 A.3d 629, 634 (Pa. Commw. Ct. 2011) (holding that it is "the open-records officer's duty and responsibility" to both send an inquiry to agency personnel concerning a request and to determine whether to deny access).

In support of the Borough's argument that a good faith search was conducted and all non-exempt records were provided, the Flynn Attestation states, the following:

> 4). After receipt of [the Requester's] [RTKL] [R]equest, I reviewed the Borough's hard copy storage files to determine whether the Borough had a hard copy storage file for the following specific topics and found as follows:
>
> a. The resignation of Mark Saginario;
>
> > i. Based on my review, I found the Councilmember file that the Borough has for Mark Saginario for when he was a Councilperson. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

b. The vacated council seat following Mark Saginario's resignation;

i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

c. The appointment of Emmanuel Mirabito to the council seat;

i. Based on my review, I found the Councilmember file that the Borough has for Emmanuel Mirabito since he was appointed a Councilperson in early January 2022. I further found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

d. Borough Policy on a vacated council seat;

i. Based on my review, I found that the Borough did not have a hard copy storage file for this topic.

e. Any potential employment, position benefits, compensation of Fiorella Mirabito;

i. Based on my review, I found the hard copy personnel file for Fiorella Mirabito. However, the personnel file did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

f. Advertisement of any new position within the Borough;

i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to advertisements of any new position with the Borough.

g. The resignation of Marena Rasmus

i. Based on my review, I found the personnel file for Marena Rasmus. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

h. Clerk positions within the Borough

i. Based on my review, I found that the Borough did not maintain a hard copy storage file specific to the general category of clerk positions within the Borough.

i. The hiring of any individual for a clerk position within the Borough.

i. Fiorella Mirabito was the only clerk (part-time office clerk) hired at a certain point during the period from September 20, 2021, to May 15, 2022. And, since I already found the hard copy personnel file for Fiorella Mirabito and found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, I ended my search on this topic there.

j. Borough policy on hiring for new positions.

i. Based on my review, I found the Borough's hard file containing the Borough's policy on hiring new positions. I also found that it did not contain any emails, memos, notes, or text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022.

5) Via my review described in #4 above, I denied [the Requester's] [R]equest for the alleged memos, I denied [the] [R]equest for the ... memos and notes as they do not exist.

6) After receipt of [the Requester's] ... [R]equest, I checked my cell phone for any text messages between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive text messages. I didn't locate any because none exist. Hence, I denied [the Requester's] request for the alleged text messages because they do not exist.

7) After receipt of [the Requester's] ... [R]equest, I worked with the Borough's IT vendor to conduct a thorough examination of emails in the possession, custody and control of the Borough for records responsive to the request underlying this appeal by performing a search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz from September 20, 2021, to May 15, 2022, regardless of subject matter to determine potentially responsive emails.

8) From my search described in #7 above, I then reviewed the potentially responsive emails for whether they were responsive to the subject matters identified

by [the Requester] in #3 above and to exclude any attorney-client privileged emails (if any existed) from the potentially responsive emails that I located.

9) Via my review described in #7 above, I located the following non-attorney-client privileged responsive emails:

a. '12_6_21 Meeting of Council' email dated 12/02/2021 from Marena Rasmus to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to me, Solicitor Kratz, Borough Engineer Madison and Borough office secretary Lamparter. This email is responsive because it references proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) which, at Article 2.7 (Filling Council Vacancies), is responsive to [the Requester's] request for Borough policy on a vacated council seat. I downloaded a copy of this email and marked it Attachment 'A'.

i. The above email (Attachment 'A') included an attachment (Council packet) that included Resolution #2021-012. I downloaded proposed Resolution #2021-012 and marked it Attachment 'A' - 1.

b. 'January 2022 Regular & Reorganization Meeting' email dated 12/29/2021 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz, former employee Rasmus and Borough office secretary Lamparter. This email is responsive because it references Mark Saginario's resignation from Council and a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mr. Saginario's resignation. I downloaded a copy of this email and marked it Attachment 'B'.

i. The above email (Attachment 'B') included an attachment (Council packet) that included Mr. Saginario's resignation letter from Council. I downloaded Mr. Saginario's resignation letter from Council and marked it Attachment 'B' – 1.

ii. The above email (Attachment 'B') included an attachment (Council packet) that included a letter of interest from a borough resident (Emmanuel Mirabito) requesting to be appointed to the vacant Council seat because of Mark Saginario's

resignation. I downloaded Mr. Mirabito's letter of interest and marked it Attachment 'B' – 2.

c. 'March Meeting Minutes' email dated 04/04/2022 from me to Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) with copy to Solicitor Kratz and Borough Engineer Madison. This email is responsive because it is my reporting that former Borough employee Marena Rasmus resigned from her position effective Sunday, April 3, 2022. I downloaded this email and marked it Attachment 'C'.

10) Via my review described in #7 above, I located the following attorney-client privileged email:

a. 'RE: 12/6/21 Meeting of Council' email dated December 3, 2021, from Solicitor Kratz to former Borough employee Rasmus with copy to me, Borough Engineer Madison, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker). This email contains Solicitor Kratz's legal advice regarding proposed Resolution #2021-012 (Articles of Decorum and Rules of Order for Public Meetings) including, but not limited to, legal advice regarding Article 2.7(f) of proposed Resolution #2021-012.

i. When I discussed Solicitor Kratz's above email with him on or around June 23, 2023, Solicitor Kratz informed me that, as a precautionary measure, I should note in the Borough's denial letter to Mr. Long that emails from Solicitor Kratz to me, the Mayor and/or members of Council regarding Solicitor Kratz's legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council seat are privileged per attorney-client and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record"). I believe Solicitor Kratz stated that because of the email referenced in #7)a. above and certain other attorney-client privileged emails that he possesses.

11) Via my review described in #7 above, I determined that the potentially responsive emails did not contain any privileged or non-privileged emails from

> Solicitor Kratz regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, resignation of Marena Rasmus, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding the foregoing.
>
> 12) Via my review described in #7 above, I also determined that the potentially responsive emails did not contain any privileged or non-privileged emails from any of the other persons identified by [the Requester's] request regarding any potential employment, position benefits, compensation of Fiorella Mirabito, advertisement of any new position within the Borough, clerk positions within the Borough, hiring of any individual for a clerk position with the Borough, Borough policy on hiring for new positions or any public announcements regarding same but I forgot to state that in my letter of June 23, 2023 to Mr. Long.
>
> 13) Via the Borough's final response to [the Requester's] ... Request, I granted him access to (and provided to him) the non-attorney-client privileged responsive records that I located and have identified in #9 above (Attachments 'A', 'A' – 1, 'B', 'B' – 1, 'B' – 2, and 'C' and identified in the Borough's final response of June 23, 2023, to Mr. Long.

Under the RTKL, an affidavit may serve as sufficient evidentiary support to withhold requested records. *See Sherry v. Radnor Twp. Sch. Dist*., 20 A.3d 515, 520-21 (Pa. Commw. Ct. 2011); *Moore v. Office of Open Records*, 992 A.2d 907, 909 (Pa. Commw. Ct. 2010).

The Requester argues that more responsive records should exist. The Requester notes that Borough Council meeting minutes for July 14, 2021, and April 4, 2022 reference the resignation letters of Ms. Rasmus and Councilperson Saginario and such records fall within the scope of the Request. Regarding Ms. Rasmus' resignation, Manager Flynn stated in the July 25, 2023, sworn statement that "[o]n April 3, 2022, emailed her resignation of [B]orough employment, effective immediately" and "[t]he email served as the resignation letter." Manager Flynn states that the email was not captured in the Borough's search because the email recipients included himself, Ms. Ehrgott, Frank Hesch, and the message was copied to Mayor Mirabito and Tanya Lamparter, and "the email recipients fall outside the scope of [the Request]." As set forth above, we have determined that the Borough's interpretation of Item 1 was reasonable as encompassing records

created or exchanged by the list of Borough officials and staff *and* Attorney Katz. Accordingly, based on the Flynn attestation the Borough has demonstrated that the search described in ¶¶ 4, 6-7, was a sufficient search to prove that no additional responsive records exist within its possession, custody or control. *Hodges v. Pa. Dep't of Health*, 29 A.3d 1190, 1192 (Pa. Commw. Ct. 2011).

In addition, regarding the Saginario resignation letter, Manager Flynn attests that Councilperson Saginario only resigned his position as Council President during the July 14, 2021 meeting, not from his position as a Councilmember. Manager Flynn further attests that Saginario "later resigned as a Councilmember via his letter dated December 31, 2021, which resignation was accepted by ... Council at its meeting on January 3, 2022" and that the December 31, 2021, resignation letter was provided to the Requester, with the Borough's final response. A review of the appeal shows that the December 31, 2021 resignation letter was attached to the Borough's June 23, 2023 final response letter as Attachment B-1. Therefore, the Borough has proven that the Saginario resignation letter has been provided in response to Item 1(a).

2. The Borough has demonstrated that certain emails responsive to Item 1 are privileged

The Borough withheld certain emails responsive to Item 1, arguing that the information is protected by the attorney-client privilege. More specifically, in the June 23, 2023 final response, the Borough stated, in pertinent part, "as to emails from Solicitor Kratz to me [Manager Flynn], the Mayor and/or members of Council regarding Solicitor Kratz's advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat and the process to appoint a person to a vacated Council [seat]" are protected by the attorney-client privilege.

In order for the attorney-client privilege to apply, an agency must demonstrate that: 1) the asserted holder of the privilege is or sought to become a client; 2) the person to whom the

communication was made is a member of the bar of a court, or his subordinate; 3) the communication relates to a fact of which the attorney was informed by his client, without the presence of strangers, for the purpose of securing either an opinion of law, legal services or assistance in a legal matter, and not for the purpose of committing a crime or tort; and 4) the privilege has been claimed and is not waived by the client. *Bousamra v. Excela Health,* 210 A.3d 967, 982-83 (Pa. 2019) (citing *Nationwide Mut. Ins. Co. v. Fleming,* 924 A.2d 1259, 1263-64 (Pa. Super. Ct. 2007), *aff'd* 992 A.2d 65 (2010)). "[A]fter an agency establishes the privilege was properly invoked under the first three prongs, the party challenging invocation of the privilege must prove waiver under the fourth prong." *Office of the Governor v. Davis,* 122 A.3d 1185, 1192 (Pa. Commw. Ct. 2014). An agency may not, however, rely on a bald assertion that the attorney-client privilege applies. *See Clement v. Berks County,* OOR Dkt. AP 2011-0110, 2011 PA O.O.R.D. LEXIS 139 ("Simply invoking the phrase 'attorney-client privilege' or 'legal advice' does not excuse the agency from the burden it must meet to withhold records"). In support of the Borough's claim of privilege, the Borough presents the Supplemental Kratz Affidavit.[8] In addition, the Borough relies on *Gillard v. AIG Insurance Co.*, 15 A.3d 44 (Pa. 2011) and *Davis*, *supra*., as well as RTKL Sections 102 (definitions of "privilege" and "public record"), 305(a)(2) and 506(c)(2), in further support of its argument. 65 P.S. §§ 67.102; 67.305(a)(2); 67.506(c)(2).

The Kratz Affidavits state that Attorney Kratz is an attorney licensed in Pennsylvania and employed by the law firm of Stevens & Lee. Supplemental Kratz Affidavit, ¶¶ 1-3. Attorney Kratz states that he served as the Assistant Borough Solicitor from January 2005 – August 2021,

[8] The Supplemental Kratz Affidavit incorporates that initial Kratz Affidavit that was provided by the Borough with its July 24, 2023, submission, expands on the initial Affidavit and corrects any errors found in the initial Affidavit, based on a subsequent review related to the production of an exemption log.

and, subsequently, he commenced serving as the Borough Solicitor. Supplemental Kratz Affidavit, ¶¶ 4-6. The Supplemental Kratz Affidavit also provides, the following:[9]

> 14. Here, the holder of the privilege is the Borough ... and the Borough has not waived the privilege.
>
> 15. Bradford T. Flynn ("Flynn") is an Open Records Officer for the Borough.
>
> 16. Flynn is also the Manager for the Borough.
> 17. On or around June 23, 2023, Flynn, in his capacity as a Borough Open Records Officer, asked me to review several potentially responsive emails that he located via his search on the Borough's server for emails between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and me from September 20, 2021, to May 15, 2022, regarding the subject matters identified in the RTKL Request.
>
> 18. Based on my review of the potentially responsive emails that Flynn located via his search on the Borough's server, I identified only my email of December 3, 2021, from me to former Borough employee Marena Rasmus with copy to Flynn, Borough Engineer Madison, Borough employee Lamparter, Mayor Fiorella Mirabito and all Council members at that time (including, but not limited to, Michele Ehrgott, Phyllis Andrews, and Barry Fenstermaker) (the "JFK Email of 12-3-21") as containing my legal advice regarding several parts of proposed Resolution #2021-012 including, but not limited to, Article 2.7(f) of proposed Resolution #2021-012.
>
> 19. Article 2.7 of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, Article 2.7(f) of proposed Resolution #2021-012 relates to the process to appoint a person to a vacated Council seat. Thus, my legal advice in the JFK Email of 12-3-21 related to the process to appoint a person to a vacated Council seat. Also, while my Affidavit of July 24, 2023, states that "[b]ecause of that, my legal advice in the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012 ... , ... , ... related to the prospective appointment of Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario[]", after further review, that statement is not correct because it was not until the January 2022 Regular & Reorganization Meeting email dated 12/29/2021 (Attachment 'B' to Bath's final response letter dated June 23, 2023, addressed to Mr. [the Requester] which response letter is attached hereto as Exhibit "C" which response letter included (a) then Councilmember Mark Saginario's resignation letter dated December 31, 2021 (Attachment 'B-1' to Exhibit "C" attached hereto) and (b) the Emmanuel Mirabito letter of interest dated December 13, 2021 (Attachment 'B-2' to Exhibit "C"

[9] Certain portions of the original Supplemental Kratz Affidavit have been bolded, in order to signal the OOR as to what material had been amended from the initial Kratz Affidavit. However, we have not included the emphasis in the text quoted in this Final Determination.

attached hereto)) that I became aware of the possibility of Council possibly appointing Emmanuel Mirabito to the Council seat that was imminently being vacated by former Councilmember Mark Saginario and I was not asked to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat.

20. The JFK Email of 12-3-21 falls within the "between Bradford Flynn , Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz, from September 20, 2021, to May 15, 2022" stated in [the] RTKL Request....

21. The JFK Email of 12-3-21 was made to representatives of my client, the Borough, for purposes of providing legal advice, outside the presence of strangers, in response to a communication from Borough employee Marena Rasmus, outside the presence of strangers, for an opinion of law regarding any part of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.

22. The JFK Email of 12-3-21 is protected by the attorney-client privilege....

23. In response to Office of Open Records Appeal Officer Kelly Isenberg's request of September 26, 2023, for the Borough to provide an Exemption Log, attached hereto as Exhibit "A" is the Borough's Exemption Log.

24. I prepared the Borough's Exemption Log and I have actual knowledge of the records identified in the Borough's Exemption Log.

25. The JFK Email of 12-3-21 is identified as Record Number 1 on the Borough's Exemption Log. *See* Exhibit "A".

26. On or around June 23, 2023, I also stated to Flynn that, as a precautionary measure, he should note in the Borough's letter of June 23, 2023, to Mr. [the Requester] that emails from me to Flynn, Mayor Fiorella Mirabito and/or members of Council regarding my legal advice regarding the resignation of Mark Saginario from Council, the vacated Council seat following Mark Saginario's resignation, the appointment of Emmanuel Mirabito to the Council seat[10] and the process to appoint a person to Council seat are attorney-client privileged and not subject to access per RTKL Section 102 (definitions of "privilege" and "public record").

27. I stated "and/or" to Flynn (as referenced in paragraph 26 above) because (a) the JFK Email of 12-3-21 which falls within the "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz" but also (b) I had/have the following email exchange for legal advice that

[10] In a footnote to paragraph 26 of the Supplemental Affidavit, Attorney Kratz explained that "[o]n or around June 23, 2023, [he] mistakenly included the topic of the appointment of Emmanuel Mirabito to Council as I was not asked to provide a legal opinion regarding the appointment of Emmanuel Mirabito to Council and re-reviewing the content of the attorney-client privileged emails identified on the Borough Exemption Log made me realize that."

does not fall within “between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and James Kratz”:

> (a) Email exchange in October 2021 (the “Email Exchange in October 2021”) with Flynn and Council President Ehrgott regarding their request for legal advice regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario’s resignation and the general process to appoint a Council person. The prospective appointment of Emmanuel Mirabito to the Council seat was not a part of this email exchange and it was not part of the JFK Email of 12-3-21 either. As stated in paragraph 19 above, I was not asked to provide a legal opinion regarding the prospective appointment of Emmanuel Mirabito to said Council seat.

28. The Email Exchange in October 2021 is comprised of the emails identified as Record Numbers 2 thru 12 on the Borough’s Exemption Log attached hereto as Exhibit “A”.

29. The Email Exchange in October 2021 was made by and to representatives of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers , in response to emails from Flynn and Council President Ehrgott, outside the presence of strangers, for an opinion of law and legal assistance regarding the resignation of then Councilmember Mark Saginario, the vacated Council seat following Mark Saginario’s resignation and the general process to appoint a Council person and not for the purpose of committing a crime or tort.

30. The Email Exchange in October 2021 is protected by the attorney-client privilege....

31. I stated “and/or” to Flynn as stated in paragraph 26 above because I desired that Flynn inform Mr. [the Requester] that I did provide legal advice on the topics covered by the Email Exchange in October 2021 so [the Requester] is aware that Flynn and Council President Ehrgott were aware of my legal advice so [the Requester] may possibly find that he does not need to make another [RTKL] request on that topic/time period.

32. On or around June 23, 2023, I also searched my email records for the Borough and did not find any other email exchanges regarding Mr. [the Requester]'s other subject matters during the relevant time frame so I informed Flynn that I didn't have other attorney-client privileged emails to note for Mr. [the Requester].

33. In preparing my Affidavit of July 24, 2023, I performed another search to ensure my initial search was correct and I located the following email exchanges:

(a) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #1"), between Flynn and me wherein Flynn sought legal opinions regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation and where I provided legal advice in response to same.

(b) Email exchange on April 21, 2022 (the "JFK 4-21-22 Email Exchange #2"), between Council President Ehrgott and me wherein Council President Ehrgott sought legal opinion regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and where I provided legal advice in response to same.

34. The JFK 4-21-22 Email Exchange #1 was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to a communication from Flynn, outside the presence of strangers, for opinion of laws regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough and form of compensation, and not for the purpose of committing a crime or tort.

35. In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #1 was not made for the purpose of committing a crime or tort.

36. The JFK 4-21-22 Email Exchange #1 is protected by the attorney-client privilege....

37. The JFK 4-21-22 Email Exchange #1 is identified as Record Numbers 13 thru 15 on the Borough's Exemption Log attached hereto as. Exhibit "A".

38. The "JFK 4-21-22 Email Exchange #2" was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to a communication from Council President Ehrgott, outside the presence of strangers, for an opinion of law regarding the prospective employment of Fiorella Mirabito as a part-time office clerk of the Borough, and not for the purpose of committing a crime or tort.

39. In my Affidavit of July 24, 2023, I inadvertently forgot to mention that the JFK 4-21-22 Email Exchange #2 was not made for the purpose of committing a crime or tort.

40. The JFK 4-21-22 Email Exchange #2 is identified as Record Numbers 16 thru 18 on the Borough's Exemption Log attached hereto as Exhibit "A".

41. The JFK 4-21-22 Email Exchange #2 is protected by the attorney-client privilege....

42. While the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 each fall outside of Mr. [the Requester]'s "between Bradford Flynn, Fiorella Mirabito, Michele Ehrgott, Phyllis Andrews, Barry Fenstermaker, and [Solicitor Kratz]" designation via his RTKL Request and are attorney-client privileged, I informed Mr. [the Requester] of the existence of the JFK 4-21-22 Email Exchange #1 and JFK 4-21-22 Email Exchange #2 via my Affidavit of July 24, 2023, so Mr. [the Requester] is aware that Flynn and Council President Ehrgott were aware of the legal advice that I provided so Mr. [the Requester] may possibly find that he does not need to make another right-to-know law request on those topics/time period.

43. In preparing this Affidavit, I gathered the emails identified as Record Numbers 1 thru 18 and, in doing so, I located the following attorney-client privileged email exchange that relates to the JFK Email of 12-3-21:

(a) Email exchange on December 6, 2021 (the "12-6-21 Email Exchange") between Flynn and me wherein Flynn sought follow up legal advice to the legal advice that I provided via the JFK Email of 12-3-21 regarding Article 2.7(f) of proposed Resolution #2021-012.

44. The 12-6-21 Email Exchange was made by and to a representative of my client, the Borough, for purposes of the Borough seeking and my providing legal advice to the Borough, outside the presence of strangers, in response to [the Requester's] email of 12-6-21 ... for follow up legal advice regarding the JFK Email of 12-3-21 regarding Article 2. 7(f) of proposed Resolution #2021-012 and not for the purpose of committing a crime or tort.

45. The 12-6-21 Email Exchange is comprised of the emails identified as Record Numbers 19 and 20 on the Borough's Exemption Log attached hereto as Exhibit "A".

46. The 12-6-21 Email Exchange is protected by the attorney-client privilege....

A review of the exemption log shows that the emails the Borough claims are protected by the attorney-client privilege were exchanged between Attorney Kratz, Manager Flynn, Borough Council members and Borough employees, during the relevant timeframe noted in the Request. The subject matters of the emails is described as legal advice regarding a proposed Resolution related to the appointment process for a vacated Council seat, legal advice in response to a verbal

inquiry regarding Councilman Saginario's resignation and the appointment process to fill the vacancy, and legal advice related to the prospective employment of Ms. Mirabito as a part-time office clerk for the Borough. The Requester argues that the Borough's claim of attorney-client privilege "may be an overreach or abuse of the ... privilege, in this case" and that the Borough has not supported the claim of privilege with sufficient evidence. However, when the log is reviewed in conjunction with Attorney Kratz's affidavit, especially considering the fact that Attorney Kratz was a party to the emails and would have personal knowledge of the content, as well as the fact that Attorney Kratz personally reviewed all of the withheld emails, the Borough's evidence is sufficient to demonstrate that the withheld emails described in the Kratz Affidavits are protected by the attorney-client privilege.

The Requester also states that communications between an agency and counsel regarding the appointment of an individual to an elected position is "procedural in nature and laid out by the law [and] should not be shielded from public scrutiny." However, the Requester did not expand on this argument or provide a citation to a "law" or legal precedent for such an exception to the attorney-client privilege.

However, as the Requester asserts that factual material in an otherwise privileged document is not protected and, as neither the log nor attestations address whether the withheld emails contain purely factual or routine information, to the extent that any of the emails contain information that does not discuss the contents of the legal advice sought or provided, the portions of such emails are not protected by the privilege. Similarly, the attachments to the withheld emails, if any, are not protected if they are purely factual information. *See Pa. Dep't of Educ. v. Bagwell*, 114 A.3d 1113, 1124 (Pa. Commw. Ct. 2015) (citing *Commw. v. Vartan*, 733 A.2d 1258 (Pa. 1999)); *see*

also Upjohn Co. v. United States, 449 U.S. 383 (1981) (privilege extends only to communications and not to fact).

3. The Borough has proven that a list responsive to Item 2 does not exist

Item 2 of the Request sought a "list of all employees hired by the Borough outside of the Public Works Department since January 1, 2022" that includes the name, position title, date of hire, department, full-time or part-time status, salary or hourly wage and any additional compensation benefits for each person hired. The Borough denied Item 2, claiming that a responsive list does not exist. However, the Borough did provide the Requester with copies of "Employee Earnings Reports" for any personnel hired from January 1, 2022, to April 30, 2023, with the individuals' home addresses, social security numbers, and dates of birth, pursuant to Section 708(b)(6)(i)(A) of the RTKL, 65 P.S. § 67.708(b)(6)(i)(A). The Borough provided the Employee Earnings Reports for Michael Kovach, Fiorella Mirabito, and David Smith[11] to the Requester and the copies were included with the appeal. The Employee Earnings Reports include the employee start date, number of hours worked per weekly pay period, and gross pay for the respective period. *See* Flynn Attestation, ¶ 19.

Regarding Item 2 of the Request, the Flynn Attestation states that Manager Flynn is familiar with the names and positions of Borough employees by virtue of his employment obligations as Borough Manager and also, that he "conduct[s] the hiring process for any prospective Borough employee." Manager Flynn attests that the Borough does not maintain a list containing the information requested in Item 2. *See* ¶¶ 15-17. The Flynn Attestation also states

[11] We note that the copy of the Employee Earnings Report indicates that the employee's name is *Cavic* Smith. In addition, in all other words with the letter "d", the letter has been replaced with a "c", such as the word "date." In the Supplemental Katz Affidavit and the Borough's submission in support of the Exemption Log, it was explained that the misspelling of David Smith's name may have stemmed from an error related to the software the Requester used to upload the appeal and attachments. The Borough provided the correct and true copy of the Reports with the October 4, 2023, submission. *See* Supplemental Katz Affidavit, ¶¶ 49-50; Attachment D of Exhibit C.

that Manager Flynn participated in the hiring of Michael Kovach, Fiorella Mirabito and David Smith, during the relevant timeframe. The Flynn Attestation states that Michael Kovach and David Smith were hired as a part-time parking and code enforcement officer, and Fiorella Mirabito was hired as a part-time office clerk. *See* ¶¶ 18(a) – (c). The Flynn Attestation further provides the start date, hourly pay rate, full or part-time employment status and any pay increases that took place during the relevant timeframe for Kovach, Mirabito and Smith. *See, id.* Finally, the Flynn Attestation explains that, while the Employee Earnings Reports shows that the employees have a standard work week of 40 hours, each of the three employees are, in fact, part-time at-will employees, and that Manager Flynn, "did not create the format of the Employee Earnings report and [he doesn't] know how that field was created or populated. The report form is generated from the Borough's designated payroll servicing company, NCR payroll." *See* ¶ 20. As a result of Manager Flynn providing additional points of information not available on the Employee Earnings Report, during the course of the appeal, the appeal is moot as to the three employees' start date, hourly pay rate, full or part-time employment status, pay increases, and employment position.

Regarding the Borough's denial of a list, the RTKL provides, "[w]hen 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."). *See* 65 P.S. § 67.705. "An agency need only provide the information in the manner in which it currently exists." *Commonwealth v. Cole*, 52 A.3d 541, 547 (Pa. Commw. Ct. 2012). An agency is not required to create a list or spreadsheet containing the requested information; however, "the information … must simply be provided to requestors in the same format that it would be available to agency personnel." *Id*. at 549, n.12. Further, the OOR has consistently held that "where an agency does not maintain a list

specified by a requester, the agency is not required to create such a list." *See Purcell and the Philadelphia Inquirer v. City of Phila., Dep't of Lic. & Insp.*, OOR Dkt. AP 2023-1818, 2023 PA O.O.R.D. LEXIS 2299 (agency is not required to search contractor violation files and extract certain requested datapoints to compile a list in response to a request); *Bush v. Carrol Twp*., OOR Dkt. AP 2019-1721, 2019 PA O.O.R.D. LEXIS 1783 (denying a request for a list of specific information where no such list exists).

In this matter, the Flynn Attestation demonstrates that a list containing the information sought in Item 2, does not exist within its possession, custody or control and would require the creation of a record. *See Hodges*, 29 A.3d at 1192; *Hays v. Pa. State Police*, OOR Dkt. AP 2015-0193, 2015 PA O.O.R.D. LEXIS 294. Furthermore, none of the Requester's multiple submissions contain competent evidence to prove that such a list exists. In addition, Item 2 expressly states, "[p]lease note that personal identifying information such as home address, personal phone numbers, and social security numbers can be redacted for privacy reasons" and the Borough's sworn final response indicates that only personal information was reacted under Section 708(b)(6)(i)(A). While the Borough also redacted dates of birth, information not expressly exempt under Section 708(b)(6)(i)(A), on October 18, 2023, the Requester responded to the OOR's request for clarification by stating that he intended to include date of birth within the "personal identifying information" category of information that he expressly could be redacted. Accordingly, the Borough has proven that the employee information sought in Item 2, does not exist and that the Borough is not required to create a record. 65 P.S. § 67.708(a); 65 P.S. § 67.705.

4. The Borough failed to certify the records pursuant to Section 904 of the RTKL

The Requester argues that he requested certified copies of the responsive records and that the Borough failed to certify the records provided. Under the RTKL, "[i]f an agency's response

grants a request for access, the agency shall, upon request, provide the requester with a certified copy of the record if the requester pays the applicable fees...." 65 P.S. § 67.904. The Requester indicated on the Request form that certified copies were being sought. While the Borough argues that the Requester has waived the issue of certification on appeal, the Request clearly indicated certification was sought on the face of the form. In addition, the Requester used the OOR standard appeal form and therefore, Section 1101 of the RTKL. *See Auerbach v City of Phila. Law Dept*., OOR AP Dkt. 2023-0404, 2023 PA O.O.R.D. LEXIS 763 (noting that the statement in the OOR's standard appeal form is sufficient to meet the requirements of Section 1101(a)). Furthermore, Manager Flynn stated in the July 25, 2023, sworn statement that, "the Borough can accommodate that request at a cost of $5.00 per record (in accordance with the Borough's Schedule of Fees, Resolution No. 2022-016)" if the Requester notifies the Borough that he wishes to have the responsive records certified and pay the applicable charges. Section 1307(c) of the RTKL permits agencies to "impose reasonable fees for official certification of copies if the certification is at the behest of the requester and for the purpose of legally verifying the public record." 65 P.S. § 67.1307(c); *see also* Official Fee Structure (recommending no more than $5.00 per record for certification fees).[12] Therefore, the Borough is required to provide certified copies, upon payment of applicable fees.

5. The OOR declines to make a finding of bad faith

The Requester presents several claims concerning the Borough's actions in regard to the instant Request and appeal, as well as general concerns about transparency and records maintenance. The Requester alleges that the Borough's search for responsive records "seems lacking in thoroughness and timeliness." The Requester also asserts that the record keeping

[12] *See* https://www.openrecords.pa.gov/RTKL/FeeStructure.cfm (last accessed October 17, 2023).

practices raises concerns because "[t]here is a recurring pattern where they provide only some records while stating that others do not exist or cannot be produced. Yet, when the existence of these records is later established, they produce manually created versions instead of official reports. These substitute records often raise more questions than they answer." In addition, the Requester raises concerns regarding the Borough's transparency and alleged violations of the Pennsylvania Sunshine Act. Finally, the Requester relies on the April 3, 2023, Council meeting minutes to allege that the Borough is engaging in "email scrubbing."

While the OOR may make findings of bad faith, only the courts have the authority to impose sanctions on agencies. *See generally* 65 P.S. § 67.1304(a). Under the RTKL, a finding of bad faith is appropriate where an agency refuses to comply with its statutory duties under the RTKL. *Uniontown Newspapers, Inc. v. Pa. Dep't of Corr.*, 243 A.3d 19, 28-29 (Pa. 2020); *California Univ. of Pa. v. Bradshaw*, 210 A.3d 1134 (Pa. Commw. Unpub. 2021) *appeal denied* 2019 PA LEXIS (Pa. 2019); *Office of the Dist. Atty. of Phila. v. Bagwell*, 155 A.3d 1119 (Pa. Commw. Ct. 2017).

In the instant matter, we have determined that the Borough's search was sufficient based on a reasonable interpretation of the Request. In addition, the appeal record demonstrates that the Borough engaged in a timely search in response to the Request and provided a lengthy and detailed final response and fully participated on appeal. Regarding the adequacy of the Borough's record keeping or maintenance, such a claim is beyond the purview of the RTKL and the OOR's review. Regarding the claim of "email scrubbing," the Borough submitted a supplemental sworn statement from Manager Flynn, addressing the allegations. Manager Flynn asserts that, not only were the April 3, 2023, discussions not relevant to the timeframe of the Request and this appeal, but, also, the claims are erroneous. Manager Flynn attests that "the 'email scrubbing' refers to the Borough's

newly installed Barracuda Network Email Gateway Defense Quarantine program (the "Barracuda Defense Program"). This is a security measure used by the Borough effective May 19, 2023, to control outside emails being sent to our government's email exchange server" as the Borough has been the subject of email phishing scams and the new system was installed as an added layer of cybersecurity. Manager Flynn further explained that a reference to emails to Borough employees and officials noted in the June 5, 2023, Borough Council meeting agenda, were reminders sent because the Barracuda Defense System was going live on May 19, 2023, and emails would no longer be accessible other than by logging into Barracuda.

A finding of bad faith is typically reserved only for an egregious or blatant violation of the RTKL. The OOR has made a finding of bad faith where an agency failed to provide evidence that it conducted a good faith search and repeatedly ignored deadlines set by the OOR and the RTKL and declined to address the OOR's requests for clarification. *See Towne v. Pittsburgh Water and Sewer Auth.*, OOR Dkt. AP 2021-0292, 2021 PA O.O.R.D. LEXIS 307. The OOR has also found that an agency acted in bad faith where it demonstrated a pattern of invoking extensions but failing to respond to requests or participate in the appeals. *See Hayden v. City of Reading*, OOR Dkt. AP 2018-0244, 2018 PA O.O.R.D. LEXIS 402. Based on a review of the record in consideration of the Requester's bad faith claims, we find that the record does not support a finding that the Borough has acted in an egregious fashion or that there is a pattern of shirking RTKL obligations. Therefore, we decline to make a finding of bad faith.

CONCLUSION

For the foregoing reasons, the appeal is **granted in part**, **denied in part** and **dismissed as moot in part**. The Borough is directed to review the records and email attachments claimed to be protected by the attorney-client privilege to determine whether they contain non-exempt factual

information and provide records redacted as set forth in this Final Determination. The Borough is also directed to certify all responsive records, upon the payment of fees in accordance with the OOR's fee schedule. This Final Determination Upon Reconsideration is binding on all parties. Within thirty days of the mailing date of this Final Determination Upon Reconsideration, any party may appeal or petition for review to the Northampton County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per Section 1303 of the RTKL, 65 P.S. § 67.1303, but as the quasi-judicial tribunal that adjudicated this matter, the OOR is not a proper party to any appeal and should not be named as a party.[13] All documents or communications following the issuance of this Final Determination Upon Reconsideration shall be sent to oor-postfd@pa.gov. This Final Determination Upon Reconsideration shall be placed on the website at: http://openrecords.pa.gov.

FINAL DETERMINATION ISSUED AND MAILED: January 12, 2024

/s/ Kelly C. Isenberg

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SENIOR APPEALS OFFICER
KELLY C. ISENBERG, ESQ.

Sent via email to: Michael Long; James Kratz, Esq.; Bradford Flynn; J. Chadwick Schnee, Esq.

[13] *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).