

GREEN AMENDMENTS FOR)
THE GENERATIONS, SEAN)
TETREAULT, as a member of)
GREEN AMENDMENTS FOR)
THE GENERATIONS, SEAN)
TETREAULT, as an individual,)
RAE-ELLAH TETREAULT, as a)
member of GREEN)
AMENDMENTS FOR THE)
GENERATIONS, RAE-ELLAH)
TETREAULT, as an individual,)
JOHN SCHAEFFER, as a member)
of GREEN AMENDMENTS FOR)
THE GENERATIONS, JOHN)
SCHAEFFER, as an individual,)
DANIEL WAUGH, as a member of)
GREEN AMENDMENTS FOR)
THE GENERATIONS, DANIEL)
WAUGH, as an individual, MUNCY)
TOWNSHIP, and MUNCY)
TOWNSHIP BOARD OF)
SUPERVISORS,)

V.

Respondents.

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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

GREEN AMENDMENTS FOR	)	Docket No.:
THE GENERATIONS, et al.	)	
	)	
Petitioners,	)	
	)	
v.	)	
	)	
COMMONWEALTH OF	)	
PENNSYLVANIA, et al.	)	
	)	
Respondents.	)	

NOTICE TO PLEAD

TO: RESPONDENTS

You are hereby notified to file a written response to the enclosed Petition for Review in the Nature of a Complaint for Declaratory Judgment within thirty (30) days from service hereof or a judgment may be entered against you. Pa. R.A.P. 1516(b).

/s/ John M. Smith
John M. Smith, Esq.

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

GREEN AMENDMENTS FOR	)	Docket No.:
THE GENERATIONS, et al.	)	
	)	
Petitioners,	)	
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v.	)	
	)	
COMMONWEALTH OF	)	
PENNSYLVANIA, et al.	)	
	)	
Respondents.	)	

**PETITION FOR REVIEW IN THE NATURE
OF A COMPLAINT FOR DECLARATORY JUDGMENT**

AND NOW come the Petitioners, GREEN AMENDMENTS FOR THE GENERATIONS, JOHN SCHAEFFER, as a member of GREEN AMENDMENTS FOR THE GENERATIONS, JOHN SCHAEFFER, as an individual, SEAN TETREAULT, as a member of GREEN AMENDMENTS FOR THE GENERATIONS, SEAN TETREAULT, as an individual, RAE-ELLAH TETREAULT, as a member of GREEN AMENDMENTS FOR THE GENERATIONS, RAE-ELLAH TETREAULT, as an individual, DANIEL WAUGH, as a member of GREEN AMENDMENTS FOR THE GENERATIONS, DANIEL WAUGH, as an individual, MUNCY TOWNSHIP, and MUNCY TOWNSHIP BOARD OF SUPERVISORS (collectively, the “Petitioners”), by and through their counsel, SMITH BUTZ, LLC, PETER L. MATSON, P.C, RUDINSKI,

ORSO & ASSOCIATES, P.C., and file the within Petition for Review in the Nature of a Complaint for Declaratory Judgment and in support thereof aver as follows:

I. INTRODUCTION

1. This Petition for Review challenges the constitutionality of Sections 508(3), 908(9), and 913.2(b)(2) (collectively, “Deemed Approval Statutes”) of the Pennsylvania Municipalities Planning Code (“MPC”). *See*, 53 P.S. § 10508(3); 53 P.S. § 10908(9); and 53 P.S. § 10913.2(b)(2).

2. The Pennsylvania Deemed Approval Statutes eliminate constitutional protections afforded to affected and interested citizens across the Commonwealth as found in the First, Fifth, and Fourteenth Amendments of the United States Constitution and Article I, Sections 1, 7, and 27 in the Pennsylvania Constitution. *See*, U.S. Const. Amend 1; U.S. Const. Amend V; U.S. Const. Amend. XIV; Pa. Const. Art. I, Sec. 1; Art. I, Sec. 7; Pa. Const. Art. I, Sec. 27.

3. Likewise, the Deemed Approval Statutes negate the constitutional obligations of municipalities and their elected officials to ensure that their citizens’ constitutional rights are provided and protected. *See*, U.S. Const. Amend 1; U.S. Const. Amend V; U.S. Const. Amend. XIV; Pa. Const. Art. I, Sec. 1; Art. I, Sec. 7; Pa. Const. Art. I, Sec. 27.

4. These rights and obligations are of such paramount importance that they are found in the Bill of Rights in the United States Constitution and the Declaration of Rights in the Pennsylvania Constitution.

5. “The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy, to place them beyond the reach of majorities and officials and to establish them as legal principles to be applied by the courts. One's right to life, liberty, and property, to free speech, a free press, freedom of worship and assembly, and other fundamental rights may not be submitted to vote; they depend on the outcome of no elections.” *W. Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 638 (1943).

6. “To guard against transgressions of the high powers which we have delegated, we declare that everything in this [Article I] is excepted out of the general powers of government and shall forever remain inviolate.” Pa. Const. Art. I, Sec. 25.

7. “Article I is the Commonwealth’s Declaration of Rights, which delineates the terms of the social contract between government and the people that are of such ‘general, great and essential’ quality as to be ensconced as ‘inviolable.’” *Robinson Twp., Delaware Riverkeeper Network, et al. v. Commonwealth*, 83 A.3d

901, 947–948 (Pa. 2013) (plurality) (“*Robinson II*”).¹ Such rights being inherent and infeasible. *Id.* at 932.

8. An expression of the unconstitutional nature of the Deemed Approval Statutes was recently exemplified in Muncy Township when a data center complex located along John Brady Drive and Energy Drive, further identified at UPI 41-373-173.E and 40-373-161, consisting of three data center buildings, two fourteen pod facilities, one eight pod facility, water storage tanks, a water treatment facility, a substation, and auxiliary structures (“Danko Data Center”) was “deemed approved” pursuant to Section 913.2 of the MPC.

9. This Danko Data Center was deemed approved in strikingly close proximity to residents who own residential properties in Muncy Township, a rural municipality in Lycoming County, Pennsylvania without following conditional use processes as required by ordinance and, accordingly, without providing constitutional rights and protections that are otherwise supplied by the MPC. *Infra.*

10. The Deemed Approval Statutes are unconstitutional – both “on their face” and “as applied” recently in Muncy Township. As a result, the Deemed

¹ The plurality opinion in *Robinson II* was subsequently adopted by a majority of the Pennsylvania Supreme Court. “This is not the first time we have been called upon to address the rights and obligations set forth in the Environmental Rights Amendment. We did so in *Robinson Twp.*, and we rely here upon the statement of basic principles thoughtfully developed in that plurality opinion.” *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 91, 930 (Pa. 2017).

Approval Statutes, Sections 508(3), 908(9), and 913.2(b)(2) of the MPC, must be stricken and declared unconstitutional.

II. JURISDICTIONAL STATEMENT

11. Petitioners bring this Petition for Review in the Nature of a Complaint for Declaratory Judgment pursuant to the “Declaratory Judgments Act,” 42 Pa. C.S. § 7531, *et seq.*, and the Pennsylvania Rules of Civil Procedure 1602, *et seq.*²

12. The Commonwealth Court has original jurisdiction over this action pursuant to 42 Pa. C.S. § 761 because this action has been filed against the Commonwealth government.

III. PARTIES SEEKING RELIEF

A. Petitioners

13. Petitioner, Green Amendments For The Generations (“GAFTG”), is a grassroots national nonprofit corporation, with an address of 925 Canal Street 7th Floor, Suite 3701, Bristol, PA 19007. GAFTG was established to “to ensure every person and community across the United States is able to experience the health, quality of life, education, joy and economic prosperity provided by a clean, safe and healthy environment; to end environmental racism; and to help ensure that nature

² *See also*, Pa. R.A.P. 1517; (“Unless otherwise prescribed by these rules, the practice and procedure under this chapter relating to pleadings in original jurisdiction petition for review practice shall be in accordance with the appropriate Pennsylvania Rules of Civil Procedure, so far as they may be applied.”).

itself is able to thrive, by constitutionally empowering all people to secure and enforce their inalienable human right to pure water, clean air, a stable climate, healthy ecosystems and environments.” <https://forthegenerations.org/about-us/>.

14. Petitioner, Sean Tetreault, is an adult individual and member of GAFTG, residing at 552 John Brady Drive, Muncy Township, Pennsylvania 17756 (“Tetreault Property”).

15. Petitioner, Rae-Ellah Tetreault, is an adult individual and member of GAFTG, residing at the Tetreault Property.

16. The Tetreault Property immediately adjoins the property on which the Danko Data Center is proposed.

17. The Tetreaults also filed a Notice of Land Use Appeal with the Court of Common Pleas of Lycoming County challenging the deemed approval of the Danko Data Center at Docket No. CV-26-01086.

18. Petitioner, John Schaeffer, is an adult individual and member of GAFTG, residing at 246 Longreach Lane, Pennsdale, PA 17756 and owning various surrounding parcels of land, including Parcel I.D. No. 41-373-173 (“Schaeffer Property”).

19. The Schaeffer Property contains farmland, a historical house, colonial fort, among other historical attributes.

20. The Schaeffer Property is immediately across the street from the property on which the Danko Data Center is proposed.

21. Petitioner, Daniel Waugh, is an adult individual and a member of GAFTG, residing at 555 Narber Fry Road, Pennsdale, PA 17756.

22. Petitioner, Muncy Township, is a Township of the Second Class organized and existing under the laws of the Commonwealth of Pennsylvania with its main office located at 261 Village Road, Pennsdale, PA 17756.

23. Muncy Township is an agricultural and historical municipality located along the West Branch Susquehanna River in Lycoming County, Pennsylvania.

24. Petitioner, Muncy Township Board of Supervisors, is an elected board operating pursuant to the MPC with its principal place of business located at 261 Village Road, Pennsdale, PA 17756.

25. Muncy Township and the Muncy Township Board of Supervisors are hereinafter collectively referred to as “Muncy Township.”

B. Standing

26. In order to maintain standing to pursue litigation, the aggrieved party must show a substantial, direct and immediate interest in the controversy. *See, e.g., William Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269, 286 (Pa. 1975); *Harrisburg School District v. Hickok*, 762 A.2d 398, 404 (Pa. Cmwlth. 2000). A *substantial* interest requires that the aggrieved party have an interest in the case’s

outcome beyond that of the general public. *See, Harrisburg*, 762 A.2d at 404. A *direct* interest requires that the harm suffered by the aggrieved party be caused by the challenged governmental action. *Id.* An *immediate* interest requires a sufficiently close, non-remote causal connection between the challenged governmental action and the harm suffered by the aggrieved party. *Id.*

27. “Under Pennsylvania law, an association has standing as representative of its members to bring a cause of action even in the absence of injury to itself, if the association alleges that at least one of its members is suffering immediate or threatened injury as a result of the action challenged.” *Robinson II*, at 922.

28. GAFTG has standing to bring this action because its individual members have an “immediate or threatened injury”. *Id.*

29. Petitioners Sean Tetreault, Rae-Ellah Tetreault, and John Schaeffer (“Individual Petitioners”) have a substantial, direct, and immediate interest in the outcome of this litigation. *William Penn Parking Garage, Inc.*, 346 A.2d at 286.

30. The Individual Petitioners each own property adjoining or adjacent to the proposed Danko Data Center and therefore have standing. *See, Laughman v. Zoning Hearing Bd. of Newberry Twp.*, 964 A.2d 19, 22 (Pa. Cmwlth. 2009) (“Obviously, property that is adjacent to or abuts the zoning area in question is in close proximity for standing purposes.”); *see also, Bradley v. Zoning Hearing Bd. of Borough of New Milford*, 63 A.3d 488, 491 (Pa. Cmwlth. 2013) (“The owner of

property that is adjacent to or abuts the property at issue is ‘aggrieved’ and has standing to appeal a board decision.”).

31. However, proximity is not the only means to confer standing. The Individual Petitioners also maintain a substantial, direct, and immediate interest in this litigation because they are aggrieved by the Deemed Approval Statutes’ denial of their constitutional protections (*i.e.*, rights to Due Process, rights under Art. I, Sec. 1 of the Pa. Constitution, and rights under the Environmental Rights Amendment).

32. The Deemed Approval Statutes bypass Individual Petitioners’ constitutional protections that are embedded within the MPC and municipal zoning ordinances, such as due process and permissible property rights infringements.

33. As applied, Individual Petitioners have been denied their constitutional right to participate in a conditional use hearing relative to the Danko Data Center.

34. Accordingly, Petitioners have standing to bring their claims under the Fifth and Fourteenth Amendments of the United States Constitution and Article I, Sections 1 and 27 of the Pennsylvania Constitution.

35. Specifically applicable to the Environmental Rights Amendment, “property owners within a zoning district had standing to bring an Environmental Rights Amendment claim based upon ‘the serious risk of alteration in the physical nature of their respective political subdivisions and the components of their

surrounding environment.”” *Clean Air Council v. Sunoco Pipeline L.P.*, 185 A.3d 478, 495 (Pa. Cmwlth. 2018) (quoting *Robinson II*).

36. The Individual Petitioners have standing to bring this Environmental Rights claim because they face a “serious risk of alteration in the physical nature of their respective political subdivisions and the components of their surrounding environment.” *Id.* The Individual Petitioners have each been impacted by the Deemed Approval Statutes and all own property in close proximity to the deemed approved Danko Data Center.

37. “The Environmental Rights Amendment’s protections may be enforced by citizens bringing suit in the appropriate forum, including the courts.” *Feudale v. Aqua Pennsylvania, Inc.*, 122 A.3d 462, 468 (Pa. Cmwlth. 2015), (citing *Robinson II*).

38. The Pennsylvania Supreme Court has held “[l]ocal government, therefore, has a substantial and direct interest in the outcome of litigation premised upon changes, or serious and imminent risk of changes, which would alter the physical nature of the political subdivision and of various components of the environment.” *Id.*

39. Moreover, the Deemed Approval Statutes force Muncy Township to violate citizens’ Due Process rights by not holding a public hearing and not voting

on the proposed use, and negating the Township’s constitutionally valid zoning restrictions and obligations under the Environmental Rights Amendment.

40. As such, Muncy Township has standing to bring an Environmental Rights claim because it faces “serious and imminent risk of changes, which would alter the physical nature of the political subdivision and of various components of the environment” as a result of a “deemed approval”, including the deemed approval of the Danko Data Center.

41. Muncy Township also has standing based on its inability to undertake its obligations under Article I, Sections 1 and 27 of the Pennsylvania Constitution, and because the Deemed Approval Statutes forces Muncy Township to violate its citizens Due Process rights in the Fifth and Fourteenth Amendments of the United States Constitution. *Infra*.

42. Moreover, as Muncy Township was denied the ability to make a comparable use determination as required for any constitutional zoning enactment (*infra*), it is forced to violate Article I, Section 1 of the Pennsylvania Constitution.

IV. GOVERNMENTAL UNIT AND INDISPENSABLE PARTIES

43. Respondent, Commonwealth of Pennsylvania, has an address of 501 North 3rd Street, 508 Main Capitol Building, Harrisburg, PA 17120.

44. Respondent, Danko Holdings II, LP (“Danko”) is a Pennsylvania limited partnership with an address of 101 West Third Street, 5th Floor, Williamsport, PA 17701.

45. Respondent, Fishlips, LLC (“Fishlips”) is a Pennsylvania limited liability company with an address of 101 West Third Street, 5th Floor, Williamsport, PA 17701.

46. Danko and Fishlips are included as indispensable parties to this Petition based upon their interests in the deemed approval of the Danko Data Center. *See*, Pa. R.A.P. 1513(c).

47. Danko and Fishlips were the applicants for the Danko Data Center and own the properties in Muncy Township on which the Danko Data Center was proposed. Danko and Fishlips maintain that Muncy Township failed to act in accordance with the MPC and have claimed a deemed approval pursuant to Section 913.2 of the MPC.

V. STATEMENT OF MATERIAL FACTS

A. Deemed Approval Statutes

48. The MPC was enacted to, *inter alia*, “protect and promote safety, health and morals . . .; to promote the preservation of this Commonwealth’s natural and historic resources and prime agricultural land; to encourage the preservation of prime agricultural land and natural and historic resources . . .; and to permit

municipalities to minimize such problems as may presently exist or which may be foreseen and wherever the provisions of this act promote, encourage, require or authorize governing bodies to protect, preserve or conserve open land, consisting of natural resources, forests and woodlands, any actions taken to protect, preserve or conserve such land shall not be for the purposes of precluding access for forestry.”

53 P.S. § 10105.

49. To further this purpose, the MPC contains various provisions aimed at protecting the constitutional rights of citizens. 53 P.S. § 10601 (providing the ability to enact zoning ordinances); 53 P.S. § 10908(1) (providing for public notice of municipal hearings); 53 P.S. §§ 10908(3) & (5) (providing for the public’s rights to participate in hearings); 53 P.S. §§ 10912.1 & 10913.2 (providing that conditional uses and special exceptions can only be granted upon proof of compliance with specific criteria in the ordinance); 53 P.S. § 11002-A (providing for the right to appeal a land use approval).

50. A municipality’s ability to enact zoning ordinances under Section 601 of the MPC is a proper use of its police power. *See, e.g., Best v. Zoning Board of Adjustment of the City of Pittsburgh*, 141 A.2d 606, 610 (Pa. 1958); *Gary D. Reihart, Inc. v. Carroll Twp.*, 409 A.2d 1167, 1170 (Pa. 1979).

51. Citizens’ constitutional rights to own and use their property “may be reasonably limited by zoning ordinances that are enacted by municipalities pursuant

to their police power, i.e., governmental action taken to protect or preserve the public health, safety, morality and welfare.” *In re Realen Valley Forge Greenes Associates*, 838 A.2d 718, 727 (Pa. 2003) (quoting *C & M Developers, Inc. v. Bedminster Township Zoning Hearing Board*, 820 A.2d 143, 150 (Pa. 2002)).

52. “An ordinance falling within the police power of a borough is presumed to be in furtherance of the public health, welfare, safety or morals.” *Hill v. Borough of Dormont*, 494 A.2d 15, 16 (Pa. Cmwlth. 1985).

53. Inherent within a municipality’s power to enact zoning ordinances, is the ability to classify land uses as conditional uses or special exceptions such that they need to comply with criteria in order to be approved. 53 P.S. §§ 10912.1 & 10913.2.

54. When the criteria associated with conditional uses or special exceptions are satisfied, the proposed land use is presumed to be protective of public health, safety, welfare, and morals and consistent with the local government’s police powers.

55. “In order to demonstrate that the applicant is entitled to the conditional use, the applicant initially bears the burden of establishing that the application complies with the objective standards and criteria of the particular ordinance. Satisfaction of the applicant's burden establishes a legislative presumption that the use is consistent with the health, safety, and welfare of the community.” *In re*

Richboro CD Partners, L.P., 89 A.3d 742, 745 (Pa. Cmwlth. 2014) (internal citations omitted).

56. Conversely, when these criteria are not met, a land use cannot be found to be protective of public health, safety, welfare, and morals.

57. The MPC also provides the functions of and procedures to be followed by the various boards within a municipality, including planning commissions, zoning hearing boards, and governing bodies. 53 P.S. § 10201, *et seq.* (Planning Agencies); 53 P.S. § 10901, *et seq.* (Zoning Hearing Board and Other Administrative Proceedings).

58. These statutory provisions include timelines under which the relevant board is required to hold a hearing and render a decision on an application within its jurisdiction.

59. Importantly, these statutory timelines are not in furtherance of constitutional rights or protections, but are aimed at protecting the applicant and punishing the municipality. “[T]he purpose of mandatory time limits is to **‘protect an applicant from dilatory conduct by the municipality.’**” *Gibraltar Rock, Inc. v. New Hanover Twp. Zoning Hearing Bd.*, 68 A.3d 1012, 1020 (Pa. Cmwlth. 2013) (quoting *Nextel Partners, Inc. v. Clarks Summit Borough*, 958 A.2d 587, 593 (Pa. Cmwlth. 2008)) (emphasis added). Included within the MPC’s

statutory timelines are the Deemed Approval Statutes, which result in the MPC's unconstitutional prohibitory conduct.

60. While the Deemed Approval Statutes are targeted at ensuring the expediency of development and economic growth, these motives, while at times laudable, have been expressly rejected by the Pennsylvania Supreme Court when they violate constitutional protections. “No principle of law permits us to suspend constitutional requirements for economic reasons, no matter how compelling those reasons may seem.” *Robinson II*, at 977 (quoting *Jorgensen v. Blagojevich*, 211 Ill.2d 286, 285 Ill.Dec. 165, 811 N.E.2d 652, 669–70 (2004)).

61. Section 508 of the MPC provides that applications for approval of preliminary or final plats shall be acted upon within 90 days and that the decision on the application shall be communicated to the applicant in writing within 15 days following the decision. 53 P.S. § 10508(1).

62. Section 908 of the MPC provides that the board shall hold a hearing within 60 days after receiving a zoning application, hold subsequent hearings within 45 days of the prior hearing, and render a decision 45 days of the last hearing. 53 P.S. § 10908(1.2) & (9).

63. Section 913.2 of the MPC provides that the governing body shall commence, conduct, and complete hearings consistent with Section 908(1.2) and

that the governing body shall render a written decision within 45 days of the last hearing. 53 P.S. § 10913.2(b)(1) & (2).

64. Pursuant to the Deemed Approval Statutes in the MPC, a board's failure to follow the applicable timelines can result in a "deemed approval" of the application which denies affected and aggrieved citizens a public forum to understand the application, cross-examine witnesses, provide public comment, and/or to object to the application.

65. The municipality is also denied the right to fulfill its constitutional obligations. The Deemed Approval Statutes allow for a land use to bypass the municipal governing body's review process, such as a conditional use or special exception hearing, thereby allowing a potentially incompatible use within an established zoning district or a use that cannot meet stated criteria to ensure the protection of citizens' health safety and welfare, consistent with the municipality's police power.

66. Relevant to applications for preliminary and final plat approval, Section 508(3) provides:

Failure of the governing body or agency to render a decision and communicate it to the applicant within the time and in the manner required herein **shall be deemed an approval of the application** in terms as presented unless the applicant has agreed in writing to an extension of time or change in the prescribed manner of presentation of communication of the decision, in which case, failure to meet the extended time or change in manner of presentation of communication shall have like effect.

53 P.S. § 10508(3) (emphasis added).

67. With respect to applications before the zoning hearing board, Section 908(9) of the MPC provides, in relevant part:

Except for challenges filed under section 916.1¹ where the board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection (1.2), **the decision shall be deemed to have been rendered in favor of the applicant** unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the board to meet or render a decision as hereinabove provided, the board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection (1) of this section. If the board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

53 P.S. § 10908(9) (emphasis added).

68. Relative to applications before the governing body, Section 913.2(b)(2) provides:

Where the governing body fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in section 908(1.2), **the decision shall be deemed to have been rendered in favor of the applicant unless the applicant** has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the governing body to meet or render a decision as hereinabove provided, the governing body shall give public notice of the decision within ten days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the governing body shall fail to provide such notice, the applicant may do so.

53 P.S. § 10913.2(b)(2) (emphasis added).

B. Danko's Application for Conditional Use Approval

69. On April 28, 2026, Respondents Danko and Fishlips (collectively hereinafter, "Danko") attempted to submit an application for "Data Center Development as a use not provided for under Section 16.27 of the Zoning Ordinance" to Respondent Muncy Township.

70. Section 16.27 of the Muncy Township Zoning Ordinance (titled "Uses Not Provided For") provides:

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 23.2 of this Ordinance. **In addition, the use may only be permitted if:**

16.27.1 It is similar to and compatible with the other uses permitted in the zone where the subject property is located;

16.27.2 It is not permitted in any other zone under the terms of this Ordinance; and

16.27.3 It in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and **would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located.** (Emphasis added).

71. Because Section 16.27 applies to land uses that have not been recognized by the Township, the Ordinance places the burden on the applicant to demonstrate that the public health, safety and welfare requirements are met.

72. At the time of Danko's application, "Data Center Development" was not a use provided for in the Muncy Township Zoning Ordinance.

73. Upon Danko's submission of its application, also on April 28, 2026, Muncy Township completed an "Administrative Receipt of Materials" form, which contained the following disclaimer:

IMPORTANT NOTICE

The materials listed above are:

Received for administrative review only.

Have NOT been accepted as a formal application or filing

Do NOT constitute a complete submission under Township procedures

Do NOT initiate any review period under the Pennsylvania Municipalities Planning Code

Are subject to verification of completeness, proper filing procedures, and applicable fees

Formal acceptance of any application shall occur only through the Township's official administrative intake process as established by the Board of Supervisors.

74. Also on April 28, 2026, the Muncy Township Board of Supervisors passed Resolution 2026-02, which adopted a nine-month moratorium on the acceptance, processing, review, and approval of applications related to data centers and similar high intensity uses.

75. Muncy Township passed Resolution 2026-02 for the purpose of developing and drafting zoning regulations applicable to data centers and similar uses.

76. Muncy Township has taken the position that Danko's application for "Data Center Development" was not accepted as a formal application on April 28, 2026 and became subject to the moratorium adopted by resolution on that same date.

77. Moreover, Danko did not file any substantive validity challenge as to the applicability of the "moratorium" such that it remained in place as valid and controlling.

78. Consistent with the imposition of a moratorium, Muncy Township did not advertise, post the property, allow the Planning Commission an opportunity to review the application, hold a conditional use public hearing, nor render a decision at a public meeting on Danko's application pursuant to Section 16.27 of the Muncy Township Zoning Ordinance.

79. Muncy Township and the Individual Petitioners were denied, by statute, their constitutional rights to Due Process, property rights, and to ensure the proposed data center was consistent with the health, safety, and welfare of the community.

80. On July 17, 2026 and July 18, 2026, when it appeared that Muncy Township did not publish notice of the deemed approval, Danko published a Notice

of Deemed Approval in the Williamsport Sun-Gazette pursuant to Section 913.2(b)(2) of the MPC. A true and correct copy of the advertisement in the Williamsport Sun-Gazette is attached hereto as **Exhibit A**.

81. Danko claimed a deemed approval pursuant to Section 913.2(b)(2) of the MPC based upon the Township's failure to hold a conditional use hearing within the time frame allotted, 60 days.

82. In the whole Township, only Petitioners Rae-Ellah Tetreault and Sean Tetreault filed a Notice of Land Use Appeal challenging the deemed approval in the Court of Common Pleas of Lycoming County, Pennsylvania at Docket Number CV 26-01086.

83. Muncy Township had no ability under Pennsylvania law to lodge its own land use appeal.

84. Muncy Township filed an Answer to Petitioners Rae-Ellah Tetreault's and Sean Tetreault's Notice of Land Use Appeal, admitting that it did not hold a hearing and alleging that Danko failed to follow the proper procedure for seeking approval of its proposed data center development.

85. Danko filed a Motion to Quash the Notice of Land Use Appeal, which is currently pending before the Court of Common Pleas of Lycoming County.

86. The pending Land Use Appeal does not impact Petitioners' ability to bring and maintain the claims set forth in this Petition for Review as Petitioners seek

relief that is unavailable through the Land Use Appeal, including a declaration of the unconstitutionality of a Pennsylvania statute, both facially and as applied.

VI. STATEMENT OF RELIEF SOUGHT

COUNT I – DECLARATORY JUDGMENT **The Deemed Approval Statutes Violate Article I, Section 27 of the** **Pennsylvania Constitution.**

Petitioners v. Respondents

87. Each of the foregoing paragraphs are incorporated by reference as though set forth fully herein.

88. Petitioners bring the instant claim for Declaratory Judgment pursuant to the “Declaratory Judgments Act”, codified at 42 Pa. C.S. § 7531 *et seq.*

89. Pursuant to 42 Pa. C.S. § 7532, the Court has the “power to declare rights, status, and other legal relations whether or not further relief is or could be claimed.”

90. Any person whose “rights, status, or other legal relations are affected by a statute...may have determined any question of construction or validity arising under the ... statute ... and obtain a declaration of rights, status, or other legal relations thereunder.” 42 Pa. C.S. § 7533.

91. The Environmental Rights Amendment, Article I, Section 27 of the Pennsylvania Constitution, provides the following:

The people have a right to clean air, pure water, and to the preservation of natural, scenic, historic and esthetic values of the environment.

Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all people.

Pa. Const. Art. I, Sec. 27.

92. The Environmental Rights Amendment places a limitation on a municipality's power to act contrary to the right to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment.

93. As held by this Honorable Court, the creation of a law that impacts the rights protected by Article I, Section 27 of the Pennsylvania Constitution requires that **“each branch of government [must] consider in advance of proceeding the environmental effect of any proposed action.”** *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 108 A.3d 140 (Pa. Cmwlth. 2015) (citing *Robinson II*, 83 A.3d at 952) (reversed in part by *Pennsylvania Environmental Defense Foundation*, 161 A.3d 911) (emphasis added).

94. The Pennsylvania Supreme Court has further held that “when government acts, the action must, on balance, reasonably account for the environmental features of the affected locale, as further explained in this decision, if it is to pass constitutional muster.” *Robinson II*, at 953.

95. Article I, Section 27 also establishes a public trust, pursuant to which the natural resources are the corpus of the trust, the Commonwealth is the trustee, and the people are the named beneficiaries. *See, Robinson II*, at 955–956.

96. The Pennsylvania Supreme Court has described the duties of the Commonwealth under the environmental trust as follows:

Pennsylvania's environmental trust thus imposes two basic duties on the Commonwealth as the trustee. **First, the Commonwealth has a duty to prohibit the degradation, diminution, and depletion of our public natural resources, whether these harms might result from direct state action or from the actions of private parties.** [*Robinson II*, at 957]. **Second, the Commonwealth must act affirmatively via legislative action to protect the environment.** *Id.* at 958 (citing *Geer v. Connecticut*, 161 U.S. 519, 534, 16 S.Ct. 600, 40 L.Ed. 793 (1896) (trusteeship for the benefit of state's people implies legislative duty "to enact such laws as will best preserve the subject of the trust, and secure its beneficial use in the future to the people of the state"))).

PEDF v. Commonwealth of Pennsylvania, 161 A.3d at 933 (citing *Robinson II*, at 958).

97. The Supreme Court has emphasized that these duties transcend to all levels of government, including municipalities:

The drafters and the citizens of the Commonwealth who ratified the Environmental Rights Amendment, aware of this history, articulated the people's rights and the government's duties to the people in broad and flexible terms that would permit not only reactive but also anticipatory protection of the environment for the benefit of current and future generations. **Moreover, public trustee duties were delegated concomitantly to all branches and levels of government in recognition that the quality of the environment is a task with both local and statewide implications, and to ensure that all government neither infringed upon the people's rights nor failed to act for the benefit of the people in this area crucial to the well-being of all Pennsylvanians.**

Robinson II, at 919. (Emphasis added).

98. The Pennsylvania Supreme Court has unequivocally recognized that municipalities have a constitutional duty to protect their citizens' rights under the

Environmental Rights Amendment and that this duty cannot be excused by the acts of the General Assembly:

The constitutional command respecting the environment necessarily restrains legislative power with respect to political subdivisions that have acted upon their Article I, Section 27 responsibilities: the **General Assembly** can neither offer political subdivisions purported relief from obligations under the Environmental Rights Amendment, **nor can it remove necessary and reasonable authority from local governments to carry out these constitutional duties.**

Robinson II, at 977 (emphasis added). *See also, Franklin Tp. v. Com., Dept. of Environmental Resources*, 452 A.2d 718, 721-22 (Pa. 1982) (“[A]mong the responsibilities of local government is the protection and enhancement of the quality of life of its citizens. Indeed, it is a constitutional charge which must be respected by all levels of government in the Commonwealth.”).

99. In short, municipalities of this Commonwealth, including Muncy Township, are duty-bound to ensure their citizens maintain the right to clean air, pure water, and the preservation of the natural, scenic, historic and esthetic values of the environment.

100. These rights are of such paramount importance that they are found in the Declaration of Rights in the Pennsylvania Constitution. Pa. Const. Art. I, Sec. 25. “Article I is the Commonwealth’s Declaration of Rights, which delineates the terms of the social contract between government and the people that are of such

‘general, great and essential’ quality as to be ensconced as ‘inviolable.’” *Robinson II*, at 947–948. Such rights being inherent and indefeasible. *Id.* at 932.

101. The General Assembly’s powers to enact laws are also “expressly limited by [the] fundamental rights reserved to the people in Article I of our Constitution.” *Robinson II*, at 930–931. This includes the Environmental Rights Amendment.

102. On its face, the Deemed Approval Statutes violate the fundamental rights contained in Article I, Section 27 of the Pennsylvania Constitution as the statutes deny Muncy Township the ability to act consistent with its obligations under Article I, Section 27.

103. When an application is deemed approved, there is no public hearing for the municipality and no public vote of approval of a use to ensure that the proposed use would not infringe on its citizens’ rights under the Environmental Rights Amendment including the right to clean air and pure water.

104. In a deemed approval, the municipality has no ability to review the application in advance and assess the environmental impacts of the proposed use.

105. The municipality is forced to allow a use without any regard for whether it comports with the Environmental Rights Amendment or its citizens constitutional rights preserved thereunder.

106. Further, unlike when a land use is approved pursuant to the prescribed processes in the MPC, when a land use is deemed approved, the municipality loses the ability to attach reasonable conditions to the approval that would protect its citizens rights under the Environmental Rights Amendment.

107. In recognition of the fact that its ordinance may not be exhaustive with respect to protecting citizens' rights under the Environmental Rights Amendment or otherwise, the governing body and zoning hearing board may attach conditions to an approval. *See*, 53 P.S. § 10910.2(b) (variances); 53 P.S. § 10912.1 (special exceptions); 53 P.S. § 10913.2(a) (conditional uses). Each section expressly provides that “*the board* [or governing body] may attach such reasonable conditions and safeguards...” *Id.*

108. These conditions must come from record evidence. “Conditions must be reasonable and must find support in the record warranting the imposition of such conditions; otherwise, the imposition of conditions constitutes an abuse of discretion.” *Coal Gas Recovery, L.P. v. Franklin Twp. Zoning Hearing Bd.*, 944 A.2d 832, 839 (Pa. Cmwlth. 2008) (citing to *Sabatine v. Zoning Hearing Bd.*, 651 A.2d 649, 655 (Pa. Cmwlth. 1994).

109. The Deemed Approval Statutes prevent Muncy Township and other municipalities from carrying out their constitutional obligations as trustees of our public natural resources and their obligations to the citizen beneficiaries.

110. Municipal elected officials are mandated to take an oath to support, obey, and defend both the United States Constitution and the Pennsylvania Constitution. 53 Pa. C.S.A. § 1141.

111. The Deemed Approval Statutes negate the municipal official's oath of office as the municipality may be forced by statute to deny its duties and its citizens constitutional protections as Muncy Township is now faced with.

112. Additionally, municipalities, such as Muncy Township, have no ability to challenge a deemed approval thereby further preventing them from carrying out their obligations under the Environmental Rights Amendment. *Board of Supervisors of East Rockhill Twp. v. Mager*, 855 A.2d 917, 920 (Pa. 2004) (“inasmuch as the Board cannot be considered a party opposing Mager’s conditional use application, the Board lacked standing under Section 913.2(b)(3) of the MPC to appeal from the deemed approval of Mager’s conditional use application”).

113. Unless an objector appeals the deemed approval, the municipality is without recourse. *Id.* (“[A]bsent an appeal by a party actually *opposing* the application, the municipality cannot appeal from its own decision *approving* the application.”).

114. This further infringes on the municipality’s constitutional obligation to serve as trustee and protect its citizenry’s rights as beneficiaries.

115. In addition to a municipality being denied the ability to perform its obligations under the Environmental Rights Amendment, citizens are also denied the ability to participate in a public hearing and ensure that their rights are protected under the Environmental Rights Amendment and otherwise.

116. On their face, the Deemed Approval Statutes violate 1) local government's obligation to ensure their residents have the rights guaranteed under the Environmental Rights Amendment, and 2) citizens' protections that are guaranteed under the Environmental Rights Amendment.

117. As a result of the deemed approval of the Danko Data Center, it is impossible for Muncy Township to carry out its obligations to its citizens to ensure that their rights to clean air and pure water under the Environmental Rights Amendment remain inviolate. Pa. Const. Art. I, Sec. 25.

118. This is particularly important where a new high-intensity use is proposed immediately adjacent to the West Branch Susquehanna River – a public natural resource.

119. The Township was denied its ability to undertake its obligations to determine whether the Danko Data Center is compatible with other uses permitted in the zone where the data center was proposed. Zoning Ord., § 16.27.

120. Likewise, Petitioners own real property, used for residential and agricultural purposes, in the immediate vicinity of the Danko Data Center.

121. Now that the Danko Data Center has been deemed approved, it is impossible for the municipality to assess the impact of the data center on the quality, quantity, and well-being of the Petitioners' properties and the West Branch of the Susquehanna River, and the rights of all citizens to clean air and pure water and their inviolate rights under the Environmental Rights Amendment.

122. Both on their face, and as applied with respect to the Danko Data Center, the Deemed Approval Statutes violate the Pennsylvania Constitution because they deny municipalities the ability to perform their constitutional obligations to their citizens under the Environmental Rights Amendment to ensure that the proposed use does not impact the right to clean air and pure water and as such serves to violate citizens' rights under Article I, Section 27 as there was no review or consideration of the enumerated rights to clean air and pure water prior to the deemed approval.

WHEREFORE, pursuant to Pa. R.C.P. 1602 and the Declaratory Judgments Act, 42 Pa. C.S. § 7531, *et seq.*, Petitioners respectfully demand judgment in their favor and against the Respondents as follows:

- I. For a decree declaring and adjudging that Sections 508(3), 908(9), and 913.2(b)(2) of the MPC are unconstitutional as they violate Article I, Section 27 of the Pennsylvania Constitution;
- II. For a decree permanently striking and/or enjoining future application of Sections 508(3), 908(9), and 913.2(b)(2) of the MPC; and
- III. For such other relief as the Court may deem just and proper.

COUNT II – DECLARATORY JUDGMENT
The Deemed Approval Statutes Violate the Fifth and Fourteenth
Amendment of the United States Constitution.

Petitioners v. Respondents

123. Each of the foregoing paragraphs are incorporated by reference as though set forth fully herein.

124. The Fifth Amendment of the United States Constitution provides that no person shall be “deprived of life, liberty, or property, without due process of law.” U.S. Const. Amend. V.

125. The Fourteenth Amendment of the United States Constitution provides, in part, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. Amend. XIV, Sec. 1.

126. Courts have regularly employed the “general rule” that “individuals must receive notice and an opportunity to be heard before the Government deprives them of property.” *United States v. James Daniel Good Real Prop.*, 510 U.S. 43 (1993).

127. “We have described ‘the root requirement’ of the Due Process Clause as being ‘that an individual be given an opportunity for a hearing *before* he is

deprived of any significant property interest.” *Cleveland Bd. of Educ. v. Loudermill*, 470 U.S. 532, 542 (1985).

128. Due Process rights are further protected and set forth by the MPC, which provides for public notice of a hearing on a land use application, as well as the rights of parties to the hearing to be represented by counsel, cross-examine adverse witnesses, and present their own evidence and argument. *See*, 53 P.S. § 10908(1) (providing that public notice “shall be given”); *see also*, 53 P.S. § 10908(5) (providing for the rights of parties to the hearing).

129. The Pennsylvania Supreme Court has described these “procedural safeguards afforded to neighboring landowners and the general public by the MPC” as being “ground in the underlying principles of due process.” *Luke v. Cataldi*, 932 A.2d 45, 54 (Pa. 2007).

130. The Deemed Approval Statutes violate the constitutional rights afforded to Petitioners by denying them Due Process under the Fifth and Fourteenth Amendments of the United States Constitution and the due process protections afforded to them under the MPC.

131. The Deemed Approval Statutes similarly require the municipality to violate citizens’ Due Process rights by acknowledging a deemed approval.

132. When an application is deemed approved, affected and aggrieved individuals are denied the ability to review the application, attend a public hearing,

be represented by counsel at that hearing, listen and respond to evidence, cross-examine adverse witnesses, and present their own evidence. 53 P.S. § 10908(5).

133. Citizens are also denied the ability to provide public comment and to have a municipality vote on whether the use meets the stated criteria and whether its protective of their public health.

134. The Pennsylvania Supreme Court previewed this constitutional dilemma in a deemed approval case. In a concurring opinion, Justice Saylor noted **“that the application of deemed approval statutes may raise due process concerns, at least with respect to neighboring landowners who may have a direct interest in the outcome of a land use proceeding, but who have no control over the issuance of the decision necessary to prevent an automatic approval. No such interests, however, are raised in this appeal.”** *Philomeno & Salamone v. Board of Supervisors of Upper Merion Twp.*, 966 A.2d 1109, 1115 (Pa. 2009) (J. Saylor, concurring) (emphasis added).

135. The ability to file an appeal, if one is filed at all, challenging a deemed approval does not cure the denial of Due Process rights and the protections afforded to affected individuals by the MPC for *at least* the following reasons.

136. When a deemed approval is appealed to the Court of Common Pleas, if at all, it is a singular judge who makes a decision on the application as opposed to the municipality’s own governing body or zoning hearing board.

137. It is well-established that a municipality is in a better position than a court to interpret and apply its ordinances. “[T]he common rule that appellate courts reviewing a governing body’s adjudication of a conditional use application generally should defer to the interpretation rendered by the governing body. *See Smith v. Zoning Hearing Bd.*, 734 A.2d 55, 57 (Pa. Cmwlth.), *appeal denied*, 561 Pa. 664, 747 A.2d 904 (1999). ‘[A]s the entity charged with administering a zoning ordinance,’ the governing body possesses knowledge and expertise regarding the ordinance. *Id.* at 58.” *Williams Holding Grp., LLC v. Bd. of Sup'rs of W. Hanover Twp.*, 101 A.3d 1202, 1213 (Pa. Cmwlth. 2014).

138. A judge making an initial decision on a land use application does not have the same knowledge and expertise in the first instance regarding a local ordinance or the locale as the governing body possesses.

139. At a public hearing held pursuant to Section 908 of the MPC, there are minimal barriers to entry. To obtain “party status” (*i.e.*, the ability to participate), any person “affected” by the application must merely make a timely appearance of record. 53 P.S. § 10908(3).

140. This is drastically different than the “aggrieved person” standard that must be satisfied by an individual in order to have standing to maintain a land use appeal with the Court of Common Pleas.

141. This Honorable Court recently explained:

[I]n *South Bethlehem Associates, LP v. Zoning Hearing Board of Bethlehem Township*, 294 A.3d 441 (Pa. 2023), our Supreme Court had the opportunity to clarify the distinction between standing in the context of local zoning proceedings and judicial proceedings. The Supreme Court explained that generally, standing to initiate judicial proceedings depends on the litigant being adversely affected in some way, but the same is not necessarily true of local administrative proceedings. *Id.* at 445. Pointing to Section 908(3) of the MPC, the Court explained that standing to appear before a local board considering an application for a variance (or conditional use) is broader than the traditional “aggrieved-person” standard. *Id.*

...

While standing before an administrative zoning body is quite broad based on the MPC's “any person” language, “[i]t is a separate question whether such party status automatically transfers intact to the arena of judicial review.” *Id.* at 445. The Court went on to hold that “a party who appears before a zoning board may only appeal an adverse decision to that court if that party has standing per this Court's traditional understanding of the concept.” *Id.* at 448.

Bates v. North Fayette Twp., 2026 WL 2489983 (Pa. Cmwlth. Aug. 25, 2026) (not reported).

142. The implicit luxuries for citizens that appear before the local government for a hearing are the proximity to the hearing; the fact that the hearing occurs after work hours, as opposed to a hearing before the Court of Common Pleas which will inevitably occur during business hours; and the “free” nature of their rights, as participating before elected officials comes as a right with no monetary component whereas a monetary filing fee is requirement to enter the Court of Common Pleas. Likewise, there is no requirement to engage counsel or incur any financial expense merely to participate.

143. By necessitating that a land use appeal be filed in order to challenge a deemed approval, the legislature has drastically limited the pool of people who can participate before the Court and essentially have denied all persons who may have “party status” or the desire to provide “public comment,” but not standing, the opportunity to participate.

144. Under the Deemed Approval Statutes, individuals that have party status but no standing, or are seeking to merely provide public comment at a hearing as to their position on the application are essentially stripped of all Due Process rights.

145. At the municipal level, public notice is required in a newspaper of general circulation, as well as posting on the property that is the subject of the application alerting citizens as to the time and date of a hearing. 53 P.S. § 10908(1) & 53 P.S. § 10107. There are no comparable public notice or advertising requirements if the Court of Common Pleas is reviewing an application. This further limits public participation.

146. The MPC provides the governing body and zoning hearing board the ability to approve an application with conditions. See, 53 P.S. § 10910.2(b) (variances); 53 P.S. § 10912.1 (special exceptions); 53 P.S. § 10913.2(a) (conditional uses). Each section expressly provides that “the board [or governing body] may attach such reasonable conditions and safeguards...” *Id.* (Emphasis added). If a land use is deemed approved, there are no conditions imposed.

147. If no appeal is taken of a deemed approval, no conditions can ever be imposed.

148. Even if the deemed approval is appealed, the right to impose conditions is not statutorily provided to a court rendering a decision on an application following an appeal of a deemed approval, further denying protections afforded to citizens.

149. In a municipal hearing, the formal rules of evidence do not apply. 53 P.S. § 10908(6). However, in a hearing before the Court of Common Pleas, formal rules of evidence do apply. This results in the exclusion of evidence before the Court of Common Pleas that would not be excluded as “record evidence” before the municipality that can be utilized in making a decision. For example, at a municipal hearing, a record is developed that is made up of all interested citizens’ questions, testimony, and public comments, which can be used by the board in rendering a decision. This may not occur at the Court of Common Pleas where formal rules of evidence apply and comments are subject to objections and/or will not be authorized. The record will pale in comparison to the record that would be generated before a governing body and will serve to exclude public comments.

150. At a municipal hearing, citizens are able to listen to the presentation of the application and decide whether they are affected and may want to file a land use appeal.

151. By contrast, when there is a deemed approval, citizens must file a land use appeal without knowing anything about the application.

152. Further, there are established burdens of proof when an application is presented to elected officials.

153. Under this Honorable Court’s seminal holding in *Bray v. Zoning Bd. of Adjustment*, 410 A.2d 909, 910 (Pa. Cmwlth. 1980), “the applicant has both the persuasion burden and the initial evidence presentation duty to show that the proposal complies with the ‘terms of the ordinance’ which expressly govern such a grant.”

154. “[I]f the applicant does not meet its burden of proving and persuading a zoning hearing board that it meets all of the objective requirements, the burden does not shift to objectors to present evidence in opposition to the special exception.” *In re Norristown Area Sch. Dist.*, 304 A.3d 62 (Pa. Cmwlth. 2023).³

155. It is only *after* the applicant demonstrates compliance with the specific requirements in the ordinance that the burden shifts to objectors to demonstrate that the health, safety and general welfare requirements have not been met. *Bray*, at 912–13.

³ A special exception carries the same burden of proof as a conditional use. *In re Thompson*, 896 A.2d 659, 670 (Pa. Cmwlth. 2006).

156. If the approval of a conditional use application is appealed to the Court of Common Pleas following a full hearing and decision, it is subject to an abuse of discretion standard of review.

157. These burdens of proof and standard of review are upset by a deemed approval as the Court of Common Pleas will use a *de novo* standard of review.

158. Also, when an application is pending before a municipal board, it is customarily available to interested citizens for inspection at the municipality or through a request submitted pursuant the Pennsylvania Right to Know Law. Moreover, before it gets to the board for a public hearing, the planning commission generally advertises and holds a hearing, affording citizens an additional opportunity to voice concerns, ask questions, and familiarize themselves with the proposed use to determine whether they may be “affected” or “aggrieved.” The same is not true when the application is pending before the Court of Common Pleas.

159. Also, when a board holds a hearing, findings of fact and conclusions of law are required in every instance where a party opposes the application. 53 P.S. § 10908(9) (“Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor.”). Customarily, the decision of the board will advise objectors of their statutory right to appeal the decision within 30 days.

160. There is also an obvious financial burden and commitment associated with filing a land use appeal that is not associated with attending and participating in a public hearing before the municipality, including filing fees and attorneys' fees.

161. An appeal reflects the positions and concerns of one appellant, not the citizenry as a whole.

162. Relative to the Danko Data Center, a land use appeal, such as the one filed by Petitioners Sean and Rae-Ellah Tetreault, is not a substitute for the lack of a conditional use hearing before Muncy Township or a substitute for the Due Process rights of the Tetreaults or non-aggrieved landowners who may still be affected such that they have the right to participate as parties before the Board to provide evidence for denial or the use of conditions, but no similar right to participate or to provide public comment before the Court of Common Pleas.

163. Additionally, the requirements in Sections 908(9) and 913.2(b)(2) that a deemed approval be advertised is insufficient to protect citizens' Due Process rights.

164. Sections 908(9) and 913.2(b)(2) provide that "public notice" of the deemed approval shall be given and that the affected tract of land shall be posted. 53 P.S. § 10908(9) & 53 P.S. § 10913.2(b)(2).

165. "Public notice" is defined as "notice published once each week for two successive weeks in a newspaper of general circulation in the municipality. Such

notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall not be more than 30 days and the second publication shall not be less than seven days from the date of the hearing.” 53 P.S. § 10107.

166. The Deemed Approval Statutes do not require that the public notice or posting on the property include language that would serve to advise the public of their right to appeal the deemed approval.

167. At a minimum, the Deemed Approval Statutes’ advertising requirements should be declared “void for vagueness” as the statutory requirements fail to provide adequate guidance to citizens regarding their right to appeal a deemed approval. *Fabio v. Civ. Serv. Comm’n of City of Philadelphia*, 414 A.2d 82, 85 (Pa. 1980) (“The void for vagueness doctrine incorporates the due process notions of fair notice or warning... [I]n reviewing a void for vagueness challenge, we must consider both the essential fairness of the law and the impracticability of drafting the legislation with greater specificity.”).

168. Based on the language of the Deemed Approval Statutes, the public is not given fair notice or warning of their right to appeal a deemed approval, when that appeal period would run (*i.e.*, 30 days), nor does it provide any notice as to access to an application to review to determine whether they are “aggrieved” to have standing to appeal.

169. An appeal filed after-the-fact cannot cure the unconstitutionality of a statute, particularly when it is possible that one may never be filed. It is not the burden of Pennsylvania citizens to file an appeal to correct an unconstitutional undertaking every time a deemed approval occurs.

170. Relative to the Danko Data Center, the advertisement in the Williamsport Sun-Gazette, which appears consistent with Section 913.2(b)(2), does not advise citizens of their right to challenge the deemed approval in any way or the timelines that need to be met to perfect an appeal, further violating citizens' Due Process rights. *See*, Ex. A.

171. The Deemed Approval Statute's advertising requirements violate the Individual Petitioners' rights to Due Process as set forth in the Fifth and Fourteenth Amendments to the United States Constitution and the rights afforded to them under the MPC as the average citizen would have no appreciation for their right to appeal and the statute requires Township to violate its citizens' Due Process rights by denying them a public hearing and forum to submit their positions.

172. Sections 508(3), 908(9), and 913.2(b)(2) of the MPC are unconstitutional as violative of the Fifth and Fourteenth Amendments of the United States Constitution and invalid both facially and as-applied to the Danko Data Center.

WHEREFORE, pursuant to Pa. R.C.P. 1602 and the Declaratory Judgments Act, 42 Pa. C.S. § 7531, *et seq.*, Petitioners respectfully demand judgment in their favor and against the Respondents as follows:

- I. For a decree declaring and adjudging that Sections 508(3), 908(9), and 913.2(b)(2) of the MPC are unconstitutional as they violate the Fifth and Fourteenth Amendments of the United States Constitution;
- II. For a decree declaring and adjudging that the notice provisions contained in Sections 508(3), 908(9), and 913.2(b)(2) of the MPC are unconstitutional as they violate the Fifth and Fourteenth Amendments of the United States Constitution;
- III. For a decree permanently striking and/or enjoining future application of Sections 508(3), 908(9), and 913.2(b)(2) of the MPC; and
- IV. For such other relief as the Court may deem just and proper.

COUNT III – DECLARATORY JUDGMENT
The Deemed Approval Statutes Violate Article I,
Section 1 of the Pennsylvania Constitution.

Petitioners v. Respondents

173. Each of the foregoing paragraphs are incorporated by reference as though set forth fully herein.

174. Article I, Section 1 of the Pennsylvania Constitution vests the citizens of Muncy Township with the ability to use, enjoy and develop their property as they see fit. Pa. Const. Art. I, Sec. 1.

175. It provides: “All men are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and

defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.” Pa. Const. Art. I, Sec. 1.

176. As the Pennsylvania Supreme Court has remarked, “[t]he right of private property, together with the right of freedom of speech, freedom of religion, and freedom of the press are the Hallmarks of western civilization.” *Cleaver v. Board of Adjustment of Tredyffrin Township*, 200 A.2d 408, 411 (Pa. 1964).

177. “Pursuant to Article I, Section 1 of the Pennsylvania Constitution and the Fifth and Fourteenth Amendments to the United States Constitution, no person may be deprived of his private property without due process of law. In the early years of the Union, this constitutional guarantee translated into the general notion that a landowner had the right to do as he saw fit with his property. As modern American jurisprudence developed, however that constitutional guarantee developed an important limitation: *sic utere tuo ut alienum non laedas*—so use your own property as not to injure your neighbors.” *Robinson II*, at 1001 (plurality) (Justice Baer, concurring).

178. Courts have recognized that individuals’ abilities to use their properties as they see fit can be limited by the exercise of the police power, which is exercised through the implementation of zoning regulations. *See, Best v. Zoning Board of Adjustment of the City of Pittsburgh*, 141 A.2d 606, 610 (Pa. 1958).

179. Inherent within zoning regulation is requiring that land uses within a zoning district be compatible with one another. *Plymouth Township v. Montgomery County*, 531 A.2d 49 (Pa. Cmwlth. 1987). The United States Supreme Court has held that proper zoning is completed by the creation of “**districts in which only compatible uses are allowed and incompatible uses are excluded.**” *City of Edmonds v. Oxford House, Inc.*, 514 U.S. 725, 732-33 (1995) (emphasis added).

180. “The right of landowners in this Commonwealth to use their property as they wish, unfettered by governmental interference except as necessary to protect the interests of the public and of neighboring property owners, is of ancient origin, recognized in the Magna Carta, and now memorialized in Article I, Section 1 of the Pennsylvania Constitution (protecting as an ‘inherent right of mankind ... acquiring, possessing and protecting property’).” *In re Realen Valley Forge Greenes Associates*, 838 A.2d at 727.

181. “Property owners have a constitutionally protected right to enjoy their property ... That right, however, may be reasonably limited by zoning ordinances that are enacted by municipalities pursuant to their police power, i.e., governmental action taken to protect or preserve the public health, safety, morality and welfare.” *Id.* (quoting *C & M Developers, Inc. v. Bedminster Township Zoning Hearing Board*, 820 A.2d 143, 150 (Pa. 2002)).

182. However, government interference with a person's protected property rights is unconstitutional when it is *not* a proper exercise of police powers.

183. A "significant factor" in determining if a zoning restriction is reasonable is whether the particular restriction is "**consistent with the stated purpose of the particular zoning district.**" *Hock v. Board of Supervisors of Mount Pleasant Township*, 622 A.2d 431, 434 (Pa. Cmwlth. 1993) (emphasis added).

184. By allowing for a land use as either a conditional use or a special exception within a zoning district, the municipal governing body has made a determination in adherence of its police powers that the certain use is appropriate for the district only upon further assessment and if certain stated criteria are met.

185. Where a land use is deemed approved, there can be no analysis as to whether it complies with citizens' rights under Article I, Section 1.

186. This could result, and in this instance has resulted, in a high-intensity, industrial use being located near residential homes without any government oversight, public hearings, or requirement determination of compatibility.

187. The Deemed Approval Statutes result in the inability to properly exercise police power by Muncy Township – or any municipality that falls prey to a deemed approval – because the Township is forced to permit a land use without any oversight to ensure compliance with zoning criteria and the zoning district as a whole.

188. The public's rights under Article I, Section 1 are also violated through deemed approvals because they are not designed to protect the public health, safety, and welfare. Rather, uses are approved as a punishment for a municipality's perceived noncompliance with the law and not as a result of proof that ordinance requirements were met.

189. Petitioners and residents of the Commonwealth relied upon their municipality's constitutionally-based zoning determinations in derogation of their property rights.

190. Specifically, in Muncy Township, a "data center development" is not a recognized land use in any zoning district.

191. As such, Danko properly made application under Section 16.27 of the Muncy Township Zoning Ordinance (titled "Uses Not Provided For"), which provides:

Whenever, under this Ordinance, a use is neither specifically permitted or denied, and an application is made by an applicant to the Zoning Officer for such a use, the Zoning Officer shall refer the application to the Board of Supervisors to hear and decide such request as a conditional use. The Board of Supervisors shall have the authority to permit the use or deny the use in accordance with the standards governing conditional use applications set forth in Section 23.2 of this Ordinance. **In addition, the use may only be permitted if:**

16.27.1 It is similar to and compatible with the other uses permitted in the zone where the subject property is located;

16.27.2 It is not permitted in any other zone under the terms of this Ordinance; and

16.27.3 It in no way is in conflict with the general purposes of this Ordinance.

The burden of proof shall be upon the applicant to demonstrate that the proposed use meets the foregoing criteria and would not be detrimental to the public health, safety and welfare of the neighborhood where it is to be located. (Emphasis added).

192. Section 26.17 serves as an express acknowledgement that Muncy Township needs to make a determination as to the compatibility of the proposed land use.

193. Because the Danko Data Center was deemed approved, there was no determination by Muncy Township as to what land use(s) the proposed data center is compatible with.

194. The deemed approval of the Danko Data Center is a violation of Petitioners' rights under Article I, Section 1 because the data center has been approved near their properties without any regard for whether the land use is a compatible land use with the given zoning district.

195. The Deemed Approval Statutes require municipalities to violate their citizens' rights under Article I, Section 1.

196. "According to the citizens, this dispute is not about municipal power, statutory or otherwise, to develop local policy, but it is instead about compliance with constitutional duties. Unless the Declaration of Rights is to have no meaning, the citizens are correct." *Robinson II*, at 974.

197. The Deemed Approval Statutes are unconstitutional both facially and as-applied relative to the Danko Data Center in Muncy Township as they prevent municipalities from carrying out their obligations under Article I, Section 1 of the Pennsylvania Constitution and violate citizens' rights under the same.

WHEREFORE, pursuant to Pa. R.C.P. 1602 and the Declaratory Judgments Act, 42 Pa. C.S. § 7531, *et seq.*, Petitioners respectfully demand judgment in their favor and against the Respondents as follows:

- I. For a decree declaring and adjudging that Sections 508(3), 908(9), and 913.2(b)(2) of the MPC are unconstitutional as they violate the Fourteenth Amendment of the United States Constitution;
- II. For a decree permanently striking and/or enjoining future application of Sections 508(3), 908(9), and 913.2(b)(2) of the MPC; and
- III. For such other relief as the Court may deem just and proper.

COUNT IV – DECLARATORY JUDGMENT

The Deemed Approval Statutes Violate the First Amendment of the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution.

Petitioners v. Respondents

198. Each of the foregoing paragraphs are incorporated by reference as though set forth fully herein.

199. The First Amendment of the United States Constitution provides: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the

right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” U.S. Const. Amend. I.

200. The United States Supreme Court has unequivocally held that the First Amendment “reflects our profound national commitment to the principle that debate on public issues should be uninhibited, robust, and wide-open.” *Fed. Election Comm’n v. Cruz*, 596 U.S. 289, 303 (2022) (quoting *Buckley v. Valeo*, 424 U.S. 1, 54 (1976)).

201. Article I, Section 7 of the Pennsylvania Constitution provides, in part that: “... The free communication of thoughts and opinions is one of the invaluable rights of man, and every citizen may freely speak, write and print on any subject, being responsible for the abuse of that liberty.” Pa. Const. Art. I, Sec. 7.

202. “As a purely textual matter, Article I, § 7 is broader than the First Amendment in that it guarantees not only freedom of speech and the press, but specifically affirms the “invaluable right” to the free communication of thoughts and opinions, and the right of ‘every citizen’ to ‘speak freely’ on ‘any subject’ so long as that liberty is not abused.” *Pap’s A.M. v. City of Erie*, 812 A.2d 591, 603 (Pa. 2002).

203. One of the most fundamental First Amendment free speech principles is that individuals have a right to speak at public meetings and public hearings.

204. When an application for conditional use approval is properly received and accepted by a municipality, the municipality must hold a public hearing and public meeting which constitutes a public forum. As a result, the local government is obligated to take action in an open and transparent fashion which aligns with the constitutional values and protections afforded to all citizens under the First Amendment of the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution.

205. The MPC defines a “public hearing” as “a formal meeting held pursuant to public notice by the governing body or planning agency, **intended to inform and obtain public comment**, prior to taking action in accordance with this act.” 53 P.S. § 10107. (Emphasis added).

206. The public comment periods are required to take place in designated public forums created by the government and protected by constitutional free speech principles.

207. Pennsylvania has expressly codified this First Amendment right to offer comment through an open, public medium in Section 710.1 of its Sunshine Act, 65 Pa. C.S.A. § 710.1(a), under “Public participation.” This section provides:

a political subdivision **shall provide** a reasonable opportunity at each advertised regular meeting and advertised special meeting for residents of the political subdivision or of the authority created by a political subdivision or for taxpayers of the political subdivision or of the authority created by a political subdivision or for both to **comment on matters of concern**, official action or deliberation which are or may be

before the board or council **prior to taking official action.** (Emphasis added).

208. This First Amendment right to public comment is so essential and inviolate in Pennsylvania that, “[s]hould the court determine that the meeting did not meet the requirements of this chapter, it may in its discretion find that any or all official action taken at the meeting shall be invalid.” 65 Pa. C.S.A. § 713.

209. As the conditional use process requires the municipality to provide a public hearing and to vote in an open meeting prior to a use being approved or denied, citizens constitutional First Amendment rights are invoked. All citizens, regardless of their relationship to the proposed land use, are to be provided a public forum in which to speak and express their viewpoints via “public comment” as a constitutionally protected right to free speech.

210. The Deemed Approval Statute found in Section 913.2 denied a public forum and denied Muncy Township citizens’, including the Petitioners herein, First Amendment rights to speak and provide public comment at a public hearing and at a public meeting where a vote would occur.

211. Moreover, Section 913.2 required Muncy Township to violate citizens’ First Amendment protections because a deemed approval eliminated any public forum and the free speech rights provided to Muncy Township citizens to provide public comment before any use was or could be approved.

212. The absence of the public forum and anywhere to provide public comment by the application of the deemed approval statute negates any future opportunity to speak on the use in question as only “aggrieved” landowners have the right to appeal, if at all, to a Court of Common Pleas and no “public comment” to the public as a whole is provided.

213. It is indisputable that individuals cannot provide public comment to the Court of Common Pleas such that once the public forum and First Amendment rights to comment are lost by the implementation of the statutory deemed approval, there is no future opportunity to exercise free speech rights.

214. The use of the Section 913.2 denied Petitioners their collective right to a mandated public forum, which restricts, and will always if it remains in place, impermissibly impact the First Amendment and Article I, Section 7 rights of citizens to speak, and those in the audience, including the Board of Supervisors, the right to listen to them.

215. By eliminating the required public forums and the citizens’ opportunity to speak in those forums, both facially and as applied, Section 913.2, as well as all Deemed Approval Statutes, run afoul of the constitutional protections in the First Amendment to the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution.

WHEREFORE, pursuant to Pa. R.C.P. 1602 and the Declaratory Judgments Act, 42 Pa. C.S. § 7531, *et seq.*, Petitioners respectfully demand judgment in their favor and against the Respondents as follows:

- I. For a decree declaring and adjudging that Sections 508(3), 908(9), and 913.2(b)(2) of the MPC are unconstitutional as they violate the First Amendment of the United States Constitution and Article I, Section 7 of the Pennsylvania Constitution;
- II. For a decree permanently striking and/or enjoining future application of Sections 508(3), 908(9), and 913.2(b)(2) of the MPC; and
- III. For such other relief as the Court may deem just and proper.

Respectfully submitted,

/s/ John M. Smith

John M. Smith, Esquire

Pa. I.D. No.: 75663

SMITH BUTZ, LLC

88 Center Church Road

McMurray, PA 15317

Phone: (724) 745-5121

Fax: (724) 745-5125

jmsmith@smithbutzlaw.com

Counsel for Petitioners

EXHIBIT A

PAYS
326-1551
TO PAY FOR YOUR CLASSIFIED ADS
Advances Will Be Accepted When You Place Your Ad
Pay Your Invoice By Calling 326-1551

persons with a disability who wish to comment and require an auxiliary aid, service, or other accommodation to participate should contact the North-central Regional Office at 570-327-3659. TDD users may contact the Department through the Pennsylvania AT&T Relay Service at 800-654-5864.

NOTICE OF ESTATE ADMINISTRATION

NOTICE is hereby given that the letters testamentary in the Estate of **HELEN E. MILLER**, 41-26-0389, of the City of Williamsport, County of Lycoming, and Commonwealth of Pennsylvania, have been granted to Michael O. Miller & David W. Miller, who request all persons having claims or demands against the Estate of the Decedent to make known by telephone, where the

A public hearing may be held, if the Department of Environmental Protection, in its discretion, decides that such a hearing is warranted based on the information received. All persons submitting comments or requesting a hearing will be notified of the decision to hold a hearing by publication in the newspaper or by the *Pennsylvania Bulletin*, or by telephone, where the

phone number of the person submitting the comments.

Identification of the proposed permit (Permit No. 41-00026).

Concise statements regarding the relevancy of the information or objections to issuance of the permit.

All Legal Ads Appearing in The Williamsport Sun-Gazette Can be viewed online at publicnoticepa.com

NOTICE OF ESTATE ADMINISTRATION

NOTICE is hereby given that the letters testamentary in the Estate of **THOMAS P. ERGOTT**, 41-26-0390, of the City of Jersey Shore, County of Lycoming, and Commonwealth of Pennsylvania, have been granted to Clifford Eugene Kilion & Tracey Dee Kilion, who request all persons having claims or demands against the Estate of the Decedent to make known by the same, and all persons indebted to the Decedent to make payments without delay to the Personal Representative, c/o Judge E. Steinbacher, Esquire, **Steinbacher, Goodall & Yurchak**, 413 Washington Boulevard, Williamsport, PA 17701.

YOU ARE HEREBY NOTIFIED that a special meeting of the **WILLIAMSPORT MUNICIPAL AIRPORT AUTHORITY** will be held on Friday, July 17, 2026 at 12:00 PM at the Williamsport Regional Airport, Montoursville, Lycoming County, Pennsylvania.

SPECIAL MEETING
The Franklin Township Board of Supervisors will be holding a Special Meeting on Friday, July 17, 2026 at 7:00 a.m. to award the 2026 Reclamation Bid at the Franklin Township Building, 61 School Lane, Lairdsville, PA.

FRANKLIN TOWNSHIP BOARD OF SUPERVISORS

Notice of Intent to Issue Title V Operating Permit #41-00026

Under 25 Pa. Code 61.127.521, the Department of Environmental Protection (DEP) intends to issue a Title V Operating Permit to Pysmian Cables and Systems USA LLC for its Williamsport facility located in the City of Williamsport, Lycoming

Announcements

LEGAL NOTICES

NOTICE OF DEEMED APPROVAL OF ADDITIONAL USE APPLICATION

PUBLIC NOTICE IS HEREBY GIVEN pursuant to Section 913.2(b)(2) of the Pennsylvania Municipalities Planning Code ("MPC"), 53 P.S. 610913.2(b)(2), that Danko Holdings II, LP / Fiships, LLC, the applicant of a conditional use application (the "Application") for a data center use as a use not provided for on the property identified as Lycoming Tax Parcel Nos. 41-37300173E-000; and 41-37300173E-000; and 40-3730016100000 (partially in Muncy Township), Muncy Township, Lycoming County, Pennsylvania, filed with Muncy Township (the "Township") on April 28, 2026, has received deemed approval of the Application pursuant to MPC Section 913.2(b)(2). The basis for the deemed approval of the Application is the failure of the governing body to commence, conduct, and complete the required hearing on the Application as provided in P.S. 610908.1(2), 53 P.S. 610908.1(2), within sixty (60) days of the Township's receipt of the Application. The Applicant not having agreed in writing or on the record to any extension of time. The Applicant provides this public notice as permitted by Section 913.2(b)(2), because the Township failed to give public notice of the deemed decision within ten (10) days as required by said Section.

map it

6000-Miscellaneous

USED RAILROAD TIES
Keystone Tap Co.
Sales & Service.
Also Taps For Sale.
570-435-0752

1 1/2 year old 36" 5 burner Empava gas stove, lightly used, great condition.
\$700 OBO. 570-484-8493 before 6 p.m.

6044-Wanted to Buy

NEW TODAY

BUYING GOLD & SILVER - HIGHEST PRICES PAID
Antiques - Sterling - Custom Jewelry - Advertising Signs - Blue Decorated Crocks & Jugs - Silverplate Flatware - Fenton Glass - Hen on Nest Dishes - Gold & Silver Coins. Immediate cash payment, will beat anyone's price for gold & silver. Call Tinas-Tiques 570-916-8627

3512-Houses

FISH REAL ESTATE
570-326-1551
www.fishre.com

Garage/Yard Sales

4502-Yard Sales

ADVERTISE YOUR YARD / GARAGE SALE TO READERS IN PRINT & ONLINE
\$26.50
Up to 6 typed lines for 3 days

Up to 10 typed lines for 3 days
\$0.25 for each line additional line over 10.
FREE Yard Sale Kit with Special

To place an ad call 570-326-1551 option 3 or email: classifieds@sungazette.com

WILLIAMSPORT SUN-GAZETTE

TO ADVERTISE IN OUR REAL ESTATE SECTION...



FOR SALE

Samuel E. Wiser, Jr., Esq.,
Salzmatt Hughes, P.C.
79 Saint Paul Dr.
Chambersburg, PA 17201
Counsel for the Applicant

SOUTH WILLIAMSPORT AREA SCHOOL DISTRICT BOARD VACANCY

The South Williamsport Area School District is accepting Letters of Interest

Buying Old Posters, Paintings, Toys, Coins & Lighting, Watches, Jewelry, Indian Relics, Swords, Bayonets, Callahan's Antiques, 381 Broad St. Montoursville, 570-368-2597. CAGA Certified Appraisers Thursday, Friday & Saturday 11-5.

Buying Vintage 1960s Toys: Star Wars, GI Joes, etc.

Don't Miss Buyers...

Use the Map It Logo on Your Yard Sale Ad and Buyers Can Go to www.sungazette.com Click on the Garage Sale Logo and Be Mapped Right to Your Sale!!

Call Classifieds at 570-326-1551, Select Option 4 For More Info

1026-Lost & Found

LOST BASSET HOUND:
Near Madden Road, Montoursville. Name is Red, has collar, 2 years old. Reward. Please call 570-323-3516

Employment

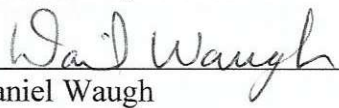
1500-Miscellaneous

NOW HIRING!
JERSEY SHORE PUBLIC LIBRARY
DIRECTOR POSITION
Serving as the chief administrator of the library. Please submit a letter of interest, resume, and background checks & Child Abuse Clearances to: ispboard26@gmail.com
Deadline is Monday, July 20, 2026
Jersey Shore Public Library, 110 Oliver St., Jersey Shore, PA 17740

SPHERION
459 River Ave.
Williamsport, PA 17701
(570) 320-9750
spherionpajobs.com

VERIFICATION

I, Daniel Waugh, have read the foregoing Petition for Review in the Nature of a Complaint for Declaratory Judgment. The statements therein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.



Daniel Waugh

VERIFICATION

I, Maya K. van Rossum, on behalf of Green Amendments For The Generations, have read the foregoing Petition for Review in the Nature of a Complaint for Declaratory Judgment. The statements therein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.



Maya K. van Rossum

VERIFICATION

I, Denise Artley on behalf of Muncy Township, have read the foregoing Petition for Review in the Nature of a Complaint for Declaratory Judgment. The statements therein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.


By: _____
Its: Muncy Township Supervisor, Vice-Chair

VERIFICATION

I, Rae-Ellah Tetreault, have read the foregoing Petition for Review in the Nature of a Complaint for Declaratory Judgment. The statements therein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

Rae-Ellah Tetreault

A handwritten signature in black ink, appearing to read "Rae-Ellah Tetreault", written in a cursive style.

VERIFICATION

I, Sean Tetreault, have read the foregoing Petition for Review in the Nature of a Complaint for Declaratory Judgment. The statements therein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

Sean Tetreault

A handwritten signature in black ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

VERIFICATION

I, John Schaeffer, have read the foregoing Petition for Review in the Nature of a Complaint for Declaratory Judgment. The statements therein are correct to the best of my personal knowledge or information and belief. This statement and verification is made subject to the penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities, which provides that if I make knowingly false statements, I may be subject to criminal penalties.

John Schaeffer

John Schaeffer

Signature: 
John Schaeffer (Sep 25, 2026 08:22:20 EDT)
Email: jbskeys@icloud.com

CERTIFICATE OF COMPLIANCE

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.

Submitted by: Counsel

Signature: /s/ John M. Smith

Name: John M. Smith, Esq.

Attorney No.: 75663

PROOF OF SERVICE

I hereby certify that on this 25th day of September, 2026, I am serving the foregoing Petition for Review in the Nature of a Complaint for Declaratory Judgment, upon the persons and in the manner indicated below, which service satisfies the requirements of Pa. R.A.P. 121 and 1514:

Via U.S. Certified Mail

David W. Sunday
Attorney General of the Commonwealth of Pennsylvania, 16th Floor
Strawberry Square
Harrisburg, PA 17120

Danko Holdings II, LP
101 West Third Street, 5th Floor
Williamsport, PA 17701

Fishlips, LLC
101 West Third Street, 5th Floor
Williamsport, PA 17701

/s/ John M. Smith

John M. Smith, Esquire
Counsel for Petitioners