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October 30, 2023

Via E-mail

Jonathan E. Farnham, Ph.D.
Executive Director
Philadelphia Historical Commission
1515 Arch Street, 13th Floor
Philadelphia, PA 19102

Re: Financial Hardship Application (the "Application") for 156 W. School House Lane
(the "Property")

Dear Dr. Farnham:

As you know, we represent The Pennsylvania School for the Deaf (The "Applicant"), the owner of the Property. We write to request that the Commission strike certain public comments in opposition to the Application because those comments were based on information gathered during unauthorized entries onto the Property.

On Friday September 15, 2023 around 4 p.m. the following individuals were videotaped on the Property: (1) Irwin Trauss, Esq., (2) Mr. Paul Steinke of the Preservation Alliance for Greater Philadelphia (the "Alliance") and (3) Janice Woodcock, AIA, of Woodcock Design, who we understand was engaged by Penn-Knox Neighborhood Association and the Alliance (collectively, the "Objectors") to write a report in opposition to the Application. These videos show that Objectors were on School Property for more than 30 minutes, and walked to several different locations on campus.

On Saturday October 14, 2023 at approximately 7:30 a.m., Objector Trauss entered a second time, walking onto the Property from School House Lane to the Early Childhood Center on Coulter St. and back.

Objectors did not have permission to enter the Property on any of these occasions. Accordingly, their unauthorized entry on the Property constitutes a trespass. We have sent letters to Objectors demanding that they cease and desist from any future trespasses. Copies of those letters are enclosed.

Objectors then proceeded to use the information they gathered during their repeated trespasses to oppose the Application during public comment. Specifically, before the Committee on Hardship meeting on October 16, Penn-Knox submitted a report (without

Jonathan E. Farnham, Ph.D.
October 30, 2023
Page 2

notifying us or Applicant) authored by Ms. Woodcock, which included pictures taken during her trespass on the Property. And, at the Hardship Committee meeting, all three of Ms. Woodcock, Mr. Trauss, and Mr. Steinke offered public comment in opposition to the Application, which relied on information they learned during their trespass. Objectors may plan to use this information to submit additional reports and/or to offer further opposition in front of the Hardship Committee and the Commission.

As an official agency of the City, we know that the Commission respects the property rights of owners and wishes for all information before it to be gathered legally. So we ask that the Commission strike from public comment: (i) Ms. Woodcock's report and (ii) the comments made by Objectors during public comment at the Hardship Committee meeting on October 16, 2023 to the extent those comments relied on information learned during Objectors' trespasses. We also ask that the Commission limit any future submissions or comments from Objectors to information they learned without trespassing on the Property. Any other action would be a tacit approval of the trespasses committed by Objectors, and may embolden other parties to engage in future trespasses regarding this Application or other matters before the Commission.

Notwithstanding Objectors' trespass, Applicant is willing to arrange a site visit for the Commission staff to verify the information presented in the Application. Applicant wishes the Commission to have the benefit of a full record with all of the necessary facts about the Property. But the unauthorized entry of adults onto the Property—especially while students were still on campus—raises serious safety and privacy concerns.

Respectfully,



Matthew N. McClure

MNM/mpg

Enclosures

cc: Leonard F. Reuter, Esq.
Neil Sklaroff, Esq.

Exhibit A

Irwin Trauss Cease and Desist Letter

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farmers@ballardspahr.com

October 30, 2023

Via U.S. Mail and E-mail

Irwin Trauss, Esquire
165 W. School House Lane
Philadelphia, PA 19144

Re: Cease and Desist from Unauthorized Entry onto Pennsylvania School for the Deaf's
Campus ("School Property")

Attorney Trauss:

I am the Solicitor for the Pennsylvania School for the Deaf (the "School"). I write to address your unauthorized entry onto School Property on multiple occasions, and to demand that you cease and desist from any future trespasses.

I understand that on at least two recent occasions you entered School Property without permission. Moreover, on one of those instances it appears that you invited two other individuals onto School Property. Under no circumstances, is there a plausible explanation for not seeking School permission prior to entering onto School Property. As such, your entry (along with your invitees' entry) onto School Property constituted an illegal trespass.

On Friday September 15, 2023 around 4 p.m., you were video tapped on School Property accompanied by Mr. Paul Steinke of the Preservation Alliance of Greater Philadelphia and Janice Woodcock, AIA, of Woodcock Design. As these videos show, you were on School Property for more than 30 minutes, and you walked to several different locations on campus. Most troubling, at 4:13 p.m., you were in close proximity to two students.

You then trespassed a second time on Saturday October 14, 2023 at approximately 7:30 a.m. On this date, you walked from School House Lane to the Early Childhood Center on Coulter St. and back. By this time, younger students were on campus.

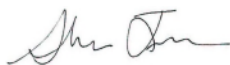
We gather that the purpose of these repeated trespasses was to obtain information (illegally), which you then used in your opposition to the School's demolition application currently pending before the Historical Commission (the "Commission"). We cannot imagine that you would trespass on another neighbor's property in such a brazen matter.

Irwin Trauss, Esquire
October 30, 2023
Page 2

Your unlawful entry onto School Property raises serious concerns. As you know, the School takes campus security very seriously. As the students on this campus are either deaf or hearing impaired or preschoolers, it is of the utmost importance to maintain a safe and secure campus. The unauthorized entry of adults is a serious violation of those students' privacy and their right to feel safe and secure on their own school campus.

Be advised that any future trespasses will result in legal action. The School is considering its options as to your past trespasses, and reserves all of its rights in law and equity.

Very truly yours,



Shannon D. Farmer

cc: Neil Sklaroff, Esq.
Matthew N. McClure, Esq.
Devon Beverly, Esq.
Nathan Farris, Esq.
Meredith Trego, Esq.

Exhibit B

Paul Steinke Cease and Desist Letter

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October 30, 2023

Via U.S. Mail and E-mail

Mr. Paul Steinke
Executive Director
Preservation Alliance for Greater Philadelphia
1608 Walnut Street
Suite 1702
Philadelphia, PA 19103

Re: Cease and Desist from Unauthorized Entry onto Pennsylvania School for the Deaf's
Campus ("School Property")

Dear Mr. Steinke:

I am the Solicitor for the Pennsylvania School for the Deaf (the "School"). I write to address your unauthorized entry onto School Property, and to demand that you cease and desist from any future trespasses.

I understand that on at least one recent occasion you entered School Property without permission. As someone who was on campus previously for a meeting, you know that there is no plausible explanation for not seeking School permission prior to entering onto School Property. As such, your entry onto School Property constituted an illegal trespass.

On Friday September 15, 2023 around 4 p.m., you were video taped on School Property accompanied by Irwin Trauss, Esquire and Janice Woodcock, AIA, of Woodcock Design. As the video shows, you were on School Property for more than 30 minutes, and you walked to several different locations on campus. Most troubling, at 4:13 p.m., you were in close proximity to two students.

We gather that the purpose of this trespass was to obtain information (illegally), which you then used in the Alliance's opposition to the School's demolition application currently pending before the Historical Commission. We trust that the Alliance does not make it a practice of having its employees trespass on private property in connection with advocacy activities.

Your unlawful entry onto School Property raises serious concerns. The School takes campus security very seriously. As the students on this campus are either deaf or hearing impaired

Mr. Paul Steinke
October 30, 2023
Page 2

or preschoolers, it is of the utmost importance to maintain a safe and secure campus. The unauthorized entry of adults is a serious violation of those students' privacy and their right to feel safe and secure on their own school campus.

Be advised that any future trespasses will result in legal action. The School is considering its options as to your past trespass, and reserves all of its rights in law and equity.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Shannon D. Farmer".

Shannon D. Farmer

cc: Matthew N. McClure, Esq.
Neil Sklaroff, Esq.
Devon Beverly, Esq.
Nathan Farris, Esq.
Meredith Trego, Esq.

Exhibit C

Janice Woodcock Cease and Desist Letter

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October 30, 2023

Via U.S. Mail and E-mail

Janice Woodcock, AIA
Principal
Woodcock Design
1518 Walnut Street
Suite 1308
Philadelphia, PA 19102

Re: Cease and Desist from Unauthorized Entry onto Pennsylvania School for the Deaf's
Campus ("School Property")

Dear Ms. Woodcock:

I am the Solicitor for the Pennsylvania School for the Deaf (the "School"). I write to address your unauthorized entry onto School Property, and to demand that you cease and desist from any future trespasses.

I understand that on at least one recent occasion you entered School Property without permission. As such, your entry onto School Property constituted an illegal trespass.

On Friday September 15, 2023 around 4 p.m., you were video tapped on School Property accompanied by Irwin Trauss, Esquire and Paul Steinke, of the Preservation Alliance for Greater Philadelphia. As the video shows, you were on School Property for more than 30 minutes, and you walked to several different locations on campus. Most troubling, at 4:13 p.m., you were in close proximity to two students.

We gather that the purpose of this trespass was to obtain information (illegally), which you then used to oppose the School's demolition application currently pending before the Historical Commission. We trust that Woodcock Design does not make it a practice of having representatives trespass on private property. Moreover, we know of no professional organization for architects or planners that would condone such activity.

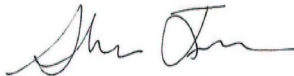
Your unlawful entry onto School Property raises serious concerns. The School takes campus security very seriously. As the students on this campus are either deaf or hearing impaired or preschoolers, it is of the utmost importance to maintain a safe and secure campus. The

Janice Woodcock, AIA
October 30, 2023
Page 2

unauthorized entry of adults is a serious violation of those students' privacy and their right to feel safe and secure on their own school campus.

Be advised that any future trespasses will result in legal action. The School is considering its options as to your past trespass, and reserves all of its rights in law and equity.

Very truly yours,



Shannon D. Farmer

cc: Neil Sklaroff, Esq. (by E-mail only)
Matthew N. McClure, Esq. (by E-mail only)
Devon Beverly, Esq. (by E-mail only)
Nathan Farris, Esq. (by E-mail only)
Meredith Trego, Esq. (by E-mail only)



DIRECT DIAL NUMBER:
(215) 575-7353

Neil Sklaroff
nsklaroff@dilworthlaw.com

November 1, 2023

VIA ELECTRONIC MAIL

Jonathan Farnham, Ph.D.
Executive Director
Philadelphia Historical Commission
1515 Arch Street, 13th Floor
Philadelphia, PA 19102

Re: 156 W. School House Lane

Dear Dr. Farnham:

On behalf of the Penn Knox Neighborhood Association (“Penn Knox” and “PKNA”) and the Preservation Alliance of Greater Philadelphia (the “alliance”), we respond to the scurrilous claims made in the letters written by counsel for the Pennsylvania School for the Deaf (“PSD”) and delivered to Irwin Trauss, Paul Steinke and Janice Woodcock. As you will no doubt recall from the October meeting of the Committee on Economic Hardship, each of these individuals testified against the proposed demolition of the historic home at 156 W. School House Lane. The Committee members and staff will recall the impertinent and contentious allegations and hyperbole lodged by PSD’s counsel, all the while claiming that the Committee meeting was not adversarial. Those did not then and do not now rise to the level of civil discourse much less testimony.

Irwin Trauss and others had permission to enter on to the PSD property.

More than forty years ago in recognition of and consideration for PKNA’s support for its move to 100 W. School House Lane, PSD expressly granted authority and permission to the Penn Knox residents for the purpose of entering the grounds and playing fields that became the PSD Campus.

- In 1983, PSD headmaster, Joseph Finnegan, Jr., welcomed PKNA’s support in PSD efforts to acquire the former Germantown Academy campus from the Redevelopment Authority of Philadelphia (the “RDA”).

- At the same time, PSD expressly committed itself to preserving the campus' historic buildings, open space and athletic field behind its historic buildings.
- PSD's welcome to the neighbors continued the RDA's practice of allowing neighborhood access to the campus at least since 1981.
- The attached July 7, 1983, letter from Headmaster Finnegan ("Finnegan Letter") demonstrates the close relationship between Mr. Finnegan and Mr. Irwin Trauss, who was at the time co-chair of PKNA.
- The PSD Resolution attached to the Finnegan Letter further demonstrates PSD's early intentions for the sought-after campus.
- Irwin Trauss moved into his home in 1981, and the Trauss residence is across W. School House Lane from the PSD campus.
- With the support of Penn Knox and others, PSD acquired the former Germantown Academy campus from the RDA.
- Continuously over the last 40 years, Mr. Trauss, his family, friends and other neighbors regularly walked on the campus, admired the historic buildings and played touch football and other games on the athletic field.
- Neighbors, including Mr. Trauss, used a shortcut through the campus from and to W. Coulter Street and School House Lane.
- These uses by neighbors, including Mr. Trauss, were known to the PSD staff, who patrolled the property and acknowledged the neighbors' access to the campus.
- For many years, the PSD premises had been used for the precinct's polling place and for community meetings.
- In 1983, when PSD acquired the campus from the RDA, Penn Knox was the relevant Neighborhood Advisory Council (NAC) with considerable say under applicable federal law in what could be done with redevelopment authority property within its borders.
- In contravention of its longstanding agreement with the neighbors, PSD now and only now, after the entry onto the property of which it complains, attempts to terminate community access to the grounds notwithstanding PSD's reliance on substantial public funding and the community's reliance on PSD's commitments in supporting the School's acquisition of and move to the property.

Under these circumstances, there has been no trespass by Trauss, Steinke or Woodcock. Any entry onto the campus was legal.

Neither the Commission nor its staff can remove materials already part of the public record.

We address the unwarranted and baseless request to strike certain submissions made in due course to the Historical Commission and its Committee.

Notwithstanding Dr. Robert Thomas' plea for PSD and the neighbors to resolve their dispute, PSD instead demands the Commission remove publicly submitted materials, letters and testimony from the Commission's record in this matter. One can only guess why Ms. Woodcock's well-reasoned and well-supported report is such a threat to PSD's application. Perhaps, it is because Ms. Woodcock's analysis and conclusions are on point and correct. PSD's offer to the Commission's *staff* of a private site visit again invites hearsay and runs afoul of the Commission's rule that meetings be open to the public.

We ask the Commission and the staff consider the following:

- There is no independent classification of any entry onto the campus as an illegal trespass.
- PSD does not claim that Ms. Woodcock's report is wrong or libelous.
- The Preservation Ordinance, Phila.Code, § 14-1000 *et seq.*, provides no basis upon which either the Commission or its staff may refuse to accept materials submitted by the public.
- The Historical Commission's Rules and Regulations provide no basis upon which either the Commission or the Commission's staff may refuse to accept materials submitted by the public.
- As far as Penn Knox can confirm, the challenged materials were submitted as permitted by the Historical Commission and its Rules and Regulations.

We suggest that the Committee and the Commission, upon due reflection and consideration, will give PSD's demands the minimal weight they are due and decide the application to demolish Boxwood on the merits of this case. PKNA and the Alliance stand ready to engage PSD in good faith efforts to resolve any disagreement and arrive at a solution that benefits the interests of PSD's students and the neighbors.

Respectfully submitted,

/s/ Neil Sklaroff
Neil Sklaroff

Jonathan Farnham, Ph.D.

November 1, 2023

Page 4

cc: Leonard F. Reuter, Esquire
Mathew M. McClure, Esquire
Shannon D. Farmer, Esquire
Devon Beverly, Esquire
Nathan Farris, Esquire
Meredith Trego, Esquire
Mr. Irwin Trauss
Mr. Paul Steinke
Ms. Janice Woodcock

The Pennsylvania School for the Deaf

SINCE 1820

JOSEPH P. FINNEGAN, JR.
HEADMASTER

7500 GERMANTOWN AVENUE
PHILADELPHIA, PENNSYLVANIA 19119

TELEPHONE (215)247-9700
TELETYPE (215)247-9700

July 7, 1983

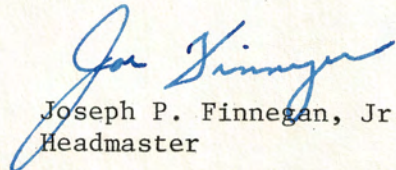
Mr. Irwin Trauss
Penknox Association
165 West Schoolhouse Lane
Philadelphia, PA 19144

Dear Mr. Trauss:

Enclosed please find some information which may give you an idea of what PSD plans in the future. Hopefully this will help you understand our facility needs.

I enjoyed our recent phone conversation and look forward to hearing from you again in the future, if you see a possibility for PSD using the Germantown Academy site.

Sincerely yours,


Joseph P. Finnegan, Jr.
Headmaster

JPF/cfs
Enclosures

RESOLUTION
ADOPTED BY THE BOARD OF TRUSTEES
OF THE PENNSYLVANIA SCHOOL FOR THE DEAF, PHILADELPHIA, PA
JUNE 22, 1983

WHEREAS, for the reasons stated below, the Board has determined that it will no longer be possible to operate PSD in an effective manner in its present form; and

WHEREAS, PSD has experienced a continuing decline in enrollment due to several factors: the overall decline in the general birth rate; the attrition of the large number of students deafened as a result of the rubella epidemic of the mid-1960's; the increased placement of students in programs offered through intermediate units and local school districts (due to the State's commitment to mainstreaming which is described below); and the federally funded Model Secondary School for the Deaf in Washington, D.C., which attracts students who would otherwise be served by PSD and who may be admitted without having to gain State approval; and

WHEREAS, the Commonwealth of Pennsylvania has interpreted Federal Law 94-142 (The Right to Education for All Handicapped Children Act) to mandate "mainstreaming" deaf children with non-handicapped children in the regular school setting, often without regard for the unique communicative and educational needs of the deaf child; and

WHEREAS, the Commonwealth's interpretation of the Federal law has ranked the center school among the least desirable educational placements for deaf children and has repeatedly denied parents the right to choose PSD for their child, all with the result that many deaf children are denied access to PSD and, instead, placed in programs which the Board believes are inappropriate and less desirable; and

WHEREAS, with declining enrollment, it is becoming increasingly difficult to program effectively for multihandicapped students, for whom appropriate programming is available elsewhere; and

WHEREAS, with declining enrollment, it is becoming increasingly impractical to operate a secondary program, and for most of these students there are adequate center school programs available at the Model Secondary School and elsewhere; and

WHEREAS, PSD's present campus is too large and inefficient for the reduced population which the Board anticipates; and

WHEREAS, PSD has met with continued frustration in attempting to operate under the constraints imposed by the implementation of PSD's current funding mechanism with the Commonwealth of Pennsylvania; and

WHEREAS, PSD remains firmly committed to the center school approach to education, including the Total Communication approach which provides an environment free of communication barriers and permits the social, emotional and cognitive development of the deaf child; and

WHEREAS, PSD desires to provide the highest caliber education for deaf children and to serve as a leader in the design and implementation of innovative research and the demonstration of optimal educational methodologies in the area of deafness, focusing on exceptional program development; and

WHEREAS, PSD also desires to be a "Resource Center on Deafness", serving the needs of the deaf population in addition to school-aged children, through the provision of a variety of services related to deafness; and

WHEREAS, PSD intends to continue meeting the challenges involved in advancing the option of the center school for deaf children in the Commonwealth of Pennsylvania, making this option available to parents, and advocating the right of parents to choose the appropriate educational placement for their deaf child; and

WHEREAS, PSD has investigated many alternatives regarding the future direction of the School, and is now expressing a firm preference for the plan outlined below, provided final investigation proves this alternative to be viable:

THEREFORE, BE IT RESOLVED, THAT THE BOARD OF TRUSTEES OF THE PENNSYLVANIA SCHOOL FOR THE DEAF:

1. Will dispose of the present campus and obtain an appropriate new site, the relocation to take place no sooner than July of 1984, but as soon as possible thereafter.

2. Will restructure PSD's program and provide services as follows:

(a) PSD will serve students who exhibit no significant educationally handicapping condition in addition to their deafness, from pre-school to age 14.

(b) PSD will provide a high quality, Total Communication program in an environment which encourages active learning experiences, promotes natural acquisition of language through a bilingual approach, stressing both English and American Sign Language, and emphasizes creative thinking, individual expression and a strong sense of self-identity.

(c) PSD will no longer operate a secondary program.

(d) PSD's current residential program will be drastically reduced, pending available resources and student needs.

(e) The School will assist in placement efforts for all students no longer served by PSD.

(f) PSD will no longer depend solely on the Commonwealth of Pennsylvania to reimburse operating expenses. Students referred to PSD with State approval will attend at State expense, provided satisfactory tuition reimbursement arrangements can be made. Students eligible for admission who cannot secure State approval will be charged tuition according to the family's means. It is expected that, with the move to a smaller, more efficient plant, tuitions will be substantially lower than

present levels. The School will provide significant support to families through scholarship aid.

(g) PSD will assume the role of a resource center on deafness, providing services such as information and referral, adult education for the deaf, mainstreaming opportunities for children and adults, summer programs for deaf children and their families, parent/infant training, sign language instruction for families of PSD students as well as others, professional development activities for individuals involved with deafness, promotion of deaf awareness within the community-at-large and other related services.

3. Will vote to implement the plan outlined above, as soon as final investigation into the viability of this alternative proves acceptable. The reorganization of PSD will begin no sooner than the 1984-85 school year.

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November 20, 2023

Via E-mail

Jonathan E. Farnham, Ph.D.
Executive Director
Philadelphia Historical Commission
1515 Arch Street, 13th Floor
Philadelphia, PA 19102

Re: Demolition Application (the “Application”) for former Teen Challenge Building at
156 W. School House Lane, Philadelphia, PA (the “Property”)

Dear Dr. Farnham:

As you know, we represent The Pennsylvania School for the Deaf (“PSD”), the owner of the Property. We are in receipt of attorney Neil Sklaroff’s November 1, 2023 letter. We understand that attorney Sklaroff represents Mr. Trauss and the Preservation Alliance.

In his letter, attorney Sklaroff laboriously attempts to obfuscate something fairly obvious: Mr. Trauss, Mr. Steinke and Ms. Woodcock did not (and do not) have the legal authority to enter a K-12 campus for deaf children to take photographs, inspect buildings and take measurements without the express permission of the school administrators. To do otherwise, would be (and is) an illegal trespass.

Moreover, in email correspondence with the undersigned on December 6, 2022, Mr. Steinke was informed (and Mr. Steinke acknowledged) that neither Mr. Steinke nor any Alliance’s consultants (which includes Ms. Woodcock) have permission to enter PSD’s campus without express authorization from PSD. It does not get any clearer than this.¹

¹ We note that Mr. Sklaroff’s letter is full of personal attacks on the undersigned – ostensibly designed to drive a wedge between attorney and client. Those personal attacks, like the fabricated 40-year authorization for Mr. Trauss and his third party invitees to enter onto a K-12 school without permission, are nonsense.

Jonathan E. Farnham, Ph.D.
November 20, 2023
Page 2

For the foregoing reasons, and the reasons in our October 30, 2023 letter, we ask the Commission to strike the Woodcock report.²

Respectfully,



Matthew N. McClure

MNM/mpg

Enclosures

cc: Leonard F. Reuter, Esq.
Neil Sklaroff, Esq.

² As to the claim that the Commission cannot remove materials from the record, we note that the Commission’s Regulations permit the Chair to “impose reasonable limitations upon public participation to ensure relevance and avoid excessive repetition.” Reg. § 4.6.b. And “[m]embers of the Commission may make motions concerning an item under consideration before or after any public participation.” Reg. § 4.6.c. So, the Commission is free to move to strike public comment, even after it is made. We suggest that removing information that was gathered during a trespass on a K-12 school for deaf children is a “reasonable limitation upon public participation[.]”