



RTK Number: 13-1058

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OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

SEP 18 2013

due 9/26

## STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 9/19/13

REQUEST SUBMITTED BY:  E-MAIL     U.S. MAIL     FAX     IN-PERSON

NAME OF REQUESTOR: Jim Mollick

REQUESTOR STREET ADDRESS: \_\_\_\_\_

REQUESTOR CITY/STATE/COUNTY (Required): \_\_\_\_\_

REQUESTOR TELEPHONE (Optional): \_\_\_\_\_

REQUESTOR E-MAIL ADDRESS (Optional): \_\_\_\_\_

### RECORDS REQUESTED:

*\*Provide **as much specific detail as possible** so the agency can identify the information.*

*AT LAST NIGHT'S BOARD OF SUPERVISORS MEETING, MR. GARRITY ANNOUNCED THAT NO-ONE COULD DISCUSS/ COMMENT ON OR ASK QUESTIONS ABOUT METHUEN'S FIELD PROJECT SITING SECTION 908 OF THE MCP. AFTER REVIEW THIS SECTION DEALS WITH THE HEARING & DOES NOT APPLY.*

DO YOU WANT COPIES?  YES or NO

*SEE ATTACHED.*

DO YOU WANT TO INSPECT THE RECORDS? YES or  NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or  NO

RIGHT TO KNOW OFFICER: TOWNSHIP MANAGER OR ASSISTANT MANAGER

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

\*\*Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act the request must be in writing. (Section 702) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703)

## Erica Lucey

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**From:** jim  
**Sent:** Thursday, September 19, 2013 1:49 PM  
**To:** Lee M; elucey@worcestertwp.com  
**Cc:** squigley@worcestertwp.com; abustard@worcestertwp.com; scaughlan@worcestertwp.com  
**Subject:** RTK  
**Attachments:** Worcester RTK 9 19 13.pdf

Mr. Mangan,

At the Board of Supervisors meeting last night, Mr. Garrity and the Board made the decision to not allow the public to comment and ask questions on the Methacton field and lighting project. When asked verify when this new policy decision took effect, Mr. Garrity referenced Methacton's filing of their conditional use application as the starting point. I questioned both Mr. Garrity and the Board as to the validity of this answer since the public was allowed to provide comment and ask questions at the August 21, 2013 and September 9, 2013 Supervisors Meetings regarding the lighting consultant and field project since the filing of Methacton's conditional use application. There was no good explanation provided for this discrepancy. Mr. Garrity went on to attempt to justify his decision based on Section 908 of the Municipal Planning Code. As I suspected, Section 908 of the code deals with "Hearings", like the one we will have in 2 weeks, and does not address the conduct of public meetings of the Board of Supervisors or the restrictions imposed by Mr. Garrity and the Board. I feel that I was deprived of my right to ask questions and make comment on this important issue as provided by the First Amendment to the Constitution and/or the Sunshine Law.

So,

I would like the following,

1. A copy of the audio recording of the Board of Supervisors Meetings from 9/18/13, 9/9/13 and 8/21/13.

I would like these before the conditional use hearing please.

Thank you.

Jim Mollick

**Section 908. Hearings.** The board shall conduct hearings and make decisions in accordance with the following requirements:

- (1) Public notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provision, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
- (1.1) The governing body may prescribe reasonable fees with respect to hearings before the zoning hearing board. Fees for said hearings may include compensation for the secretary and members of the zoning hearing board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the zoning hearing board, expenses for engineering, architectural or other technical consultants or expert witness costs.
- (1.2) The first hearing before the board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and municipality, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
- (2) The hearings shall be conducted by the board or the board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the board; however, the appellant or the applicant, as the case may be, in addition to the municipality, may, prior to the decision of the hearing, waive decision or findings by the board and accept the decision or findings of the hearing officer as final.
- (3) The parties to the hearing shall be the municipality, any person affected by the application who has made timely appearance of record before the board, and any other person including civic or community organizations permitted to appear by the board. The board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the board for that purpose.
- (4) The chairman or acting chairman of the board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
- (5) The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.
- (6) Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- (7) The board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the board. The cost of the original transcript shall be paid by the board if the transcript is ordered by the board or hearing officer or shall be paid by the person appealing from the decision of the board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting