



RTK Number: \_\_\_\_\_

# pennsylvania

OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

## STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 12-19-13

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

NAME OF REQUESTOR: T. J. Miller

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.*

*T. J. Miller*

DO YOU WANT COPIES? YES or NO

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, December 19, 2013 2:36 PM  
**To:** Lee M; elucey@worcestertwp.com  
**Subject:** RTK  
**Attachments:** RTK worcester 12 19 13.pdf

RTK Officer,

At the 11/20/13 BOS meeting, as I pointed out to the Board, a new category was created in the budget, (404.320) RTK Legal Fees, proposed for the year 2014 in the amount of \$45,000. Mr. Mangan attempted to justify this new line item by noting it was created to better account for how our money is being spent, he referenced the state budget and the lack of transparency on the issue, and a lot of controversial figures across the state regarding how much is being spent on this new method, "so we thought it was best to declare it." When I asked him who "we" was, Mr. Mangan admitted he did this on his own. No mention of Terry Mutchler or the Office of Open Records. I asked Mr. Mangan to provide me with an example of another Township that had created and was utilizing this new category. He could not provide me with any example of any Township that had created this new category. Mr. Mangan had also arbitrarily chosen a figure of \$45,000 on his own as an allocation for the line item. I asked Mr. Mangan whether this was a political move at which point I was told by a member of the Board that "This is far outside the motion." Mr. Garrity was present and sitting in close proximity to Mr. Mangan during the entire discussion with Mr. Mangan and offered no comment during the interchange. Mr. Garrity did not correct Mr. Mangan nor did he mention the Office of Open records or Terry Mutchler.

The board met on 12/18/13. At that meeting during the motion on the 2014 proposed budget, Mr. Kazimir questioned the board regarding the newly created line item entitled, (404.320) RTK Legal Fees. Mr. Kazimir asked about the \$45,000 allocation to that category. In response, Eunice Kriebel stated that, "because consortiums, associations in Pennsylvania want to know what the Right to Know Law that they passed out in Harrisburg is costing local municipalities". There was no mention of Terry Mutchler or the Office of Open Records by Ms. Kriebel. Mr. Garrity did not correct Ms. Kriebel nor did he make reference to Terry Mutchler or the Office of Open Records.

I gave comment shortly after Mr. Kazimir on the 2014 proposed budget. With regard to the newly created line item entitled, (404.320) RTK Legal Fees, I pointed out that the new RTK law states that all records are presumed to be public records and the Township bears the burden to prove that they're not. I told the chairman that when you lose in Commonwealth Court you cannot put the blame for the cost on the public citizen. I went on to note that the Commonwealth Court decision was a landmark decision, it was precedent-setting, it was decided in my favor and it allowed me to have access to emails regarding Township business that were being transmitted on the private computers and e-mail accounts of the supervisors. I went on to note that I had done research into Mr. Mangan's newly created line item, (404.320) RTK Legal Fees, and had discovered that no other Township in the surrounding area had implemented this new category and again pointed out that Mr. Mangan had done this on his own. Mr. Garrity stated, "it was on the bidding of Terry Mutchler in Harrisburg. She asked all the municipalities who are suffering huge expenditures for right to know matters to keep track of them and let her know." I asked Mr. Garrity why he didn't provide this information at the last meeting when Mr. Mangan gave his explanation. He responded, "I didn't hear the question Jim." Mr. Garrity went on to note that "virtually nobody" in the County incurs any legal expenses due to Right to Know except for Worcester. I went on to state that I felt the comment made by Mr. Garrity regarding Terry Mutchler was inaccurate because I could find no other Township that was utilizing the new RTK category and I haven't heard anything about this statement. In addition, the comments made by Ms. Kriebel and Mr. Mangan seem to be contradictory.

With that being said, I would like the following,

1. Any and/or all communications including but not limited to emails, faxes, memos, letters, and voice recordings between Terry Mutchler and Worcester Township and/or the Township Manager and/or Mr. Garrity and/or the Board of Supervisors collectively and/or individually regarding the reference made by Mr. Garrity during the 12/18/13 Worcester BOS meeting, when he noted that Terry Mutchler had "asked all the municipalities who are suffering huge expenditures for Right to Know matters to keep track of them and let her know". Specifically, Mr. Garrity stated above that the RTK Legal Fee category (404.320) was created "on the bidding of Terry Mutchler in Harrisburg."

If this information is available in electronic format this would be preferred.  
Please scan and transmit electronically.

Jim Mollick