



RTK Number: 14-1232

RECEIVED

SEP 10 2014

due 9/17

pennsylvania

OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 9/10/14

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

NAME OF REQUESTOR: Jim Morris

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.*

see notes

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.)*

From: jim [mailto:
Sent: Wednesday, September 10, 2014 1:37 PM
To: Lee M
Subject: RTK

RTK Officer,

It is my contention that Petition 2009-36707 was prepared and filed to the Montgomery County Court of Common Pleas without proper authorization of and by the Worcester Board of Supervisors as required under the 2nd class Township code and the Sunshine Law. Even more concerning, the public was deprived of the opportunity to provide proper public input as allowed and is required under the Sunshine Act. At that time, October 21, 2009, the public could only comment on action items or agenda items at the beginning of the meeting and before any discussion of "Office of Open Records Final Determination Appeal #731". **The only RTK item listed on the agenda at the October 21, 2009 public meeting was "Office of Open Records Final Determination Appeal #731."** The audio and video recordings confirm that, **the motion made by John Harris and seconded by Art Bustard only mentioned the appeal of #731, that the discussion of the motion by the Solicitor Garrity only references #731 and that the discussion by the Board was limited to OOR appeal #731.** The audio tape and video recording reveals that there was no mention and/or authorization of any appeal of 2009-0790. This is not the first time that the Solicitor's Office has filed a petition without the Board's authorization and without the public's input and oversight. See Petition 2010-03426.

Despite all of this evidence, Worcester Township took the position that when the Supervisors made and passed a motion on "Office of Open Records Final Determination Appeal #731", listed on the AGENDA as "Office of Open Records Final Determination Appeal #731", recorded in the MINUTES as "Office of Open Records Final Determination Appeal #731", described by the Solicitor in greater detail on audio and video tape as "Office of Open Records Final Determination Appeal #731", they really meant to say 2009-0790. Both appeals weren't even filed together. 2009-0731 was filed with the Court of Common Pleas approx. 1 week earlier than 2009-0790. Even more concerning was the Memorandum of Law filed by the Township Solicitor's Office being verified by the Township Manager.

The Board only allows "comments" by the public. If members of the public want any information, the Board's suggestion is to "file a right to know request." This method of acquiring information is costly time consuming and inefficient. It is also apparent from Mr. Bustard's recent comments that there is some political motivation since Mr. Bustard appears to have either done or had someone do research for him regarding the number of requests filed and the number of pages the requests were in length. He had no difficulty using this information in a public setting and one cannot help making a link to the upcoming May primary election. The RTK Officer and/or Solicitor's Office already have

complied total dollar figures and number of appeals filed associated with a specific requester and have begun inserting that information into RTK responses that had nothing to do with what was requested. The question is who authorized the research and expenditure of Township funds associated with this practice? Why is it being directed at a private citizen?

It is the Board's policy to not answer questions from the public, especially about payment of the bills. This "comment only" "no question, no answer policy" only allows one avenue to obtain information about the performance, fiscal policies and practices of our elected officials and/or legal department. This increases the cost to the Taxpayers of Worcester Township. It has become obvious by Mr. Bustard's comments that the **Supervisors do not review the invoices from the Solicitors Office prior to approving them for payment. In fact, the Supervisors do not review any bills prior to payment nor do they provide the public with those bills or invoices so the public can provide intelligent public comment and oversight. We get a "check" register.**

The invoices that have been obtained show that the Solicitor's Office is charging the Taxpayers for amongst other things, **"how to respond to something that was clearly irrelevant to any OOR issue and purely political"** when responding to a RTK request. It appears that they have developed a "requester profile". The question is why and at who's direction?

The Billings alone for the Township's loss in Commonwealth Court regarding emails dealing with Township business on personal computers is estimated to be between \$100,000-\$200,000 thousand dollars.

That being said,

I would like the following,

1. Copies of any and/or all invoices/time slips submitted and/or generated by Wisler Pearlstine (the Township Solicitor's Firm) that deal with OOR AP Dkt-2009-0790, Petition 2009-36707 and the original RTK request/submission associated with it to date. Please do each separately.
2. Copies of any and/or all invoices/time slips submitted and/or generated by Wisler Pearlstine (the Township Solicitor's Firm) that deal with OOR AP Dkt-2009-0731, Petition 2009-36123 and the original RTK request/submission associated with it to date. Please do each separately.
3. Any and/or all (Client Billing Summary's and/or Client Summaries of legal bills) for any and/or all work performed by the Township Solicitor's Law Firm (Wisler Pearlstine) on Petition No. 2009-36707, the Pa Office of Open Records Appeal 2009-0790 and the original RTK request/submission associated with it to date. Please do each separately.
4. Any and/or all (Client Billing Summary's and/or Client Summaries of legal bills) for any and/or all work performed by the Township Solicitor's Law Firm (Wisler Pearlstine) on Petition No. 2009-36123, the Pa Office of Open Records Appeal Dkt. No. 2009-0731 and the original RTK request/submission associated with it to date. Please do each separately.
5. Any and/or all Client Billing Summary's and/or Client Summaries of Legal Bills for any and/or all work performed by the Township Solicitor's Law Firm related to RTK Legal Fees 404.320, the new politically motivated category, to date which are not duplicative.
6. Any and/or all invoices/time slips submitted and/or generated by Wisler Pearlstine (the Township Solicitor's Firm) that improperly list, categorize and/or assign billings to me for Right to Know matters including but not limited to requests, appeals, petitions, and/or general billings over the past 1 year.
7. Any and/or all invoices/time slips submitted and/or generated by Wisler Pearlstine (the Township Solicitor's Firm) that deal with Right to Know matters related to research and/or statistical analysis on private citizen requesters including but not limited to researching the number of requests filed, Appeals to the Office of Open Records and the outcomes of those appeals, and/or total money spent by the Township on Right to Know regarding any individual requestor(s) over the past 2 years.
8. Any and/or all invoices/time slips submitted and/or generated by Wisler Pearlstine (the Township Solicitor's Firm) that deal with Right to Know matters related to communications to and/or from the Worcester Board of

Supervisors collectively and/or individually including but not limited to researching the number of requests filed, appeals to the Office of Open Records and outcomes of those appeals, and/or total money spent by the Township on Right to Know matters regarding any individual requester(s) over the past 2 years.

9. Any and/or all monthly "client summaries" pages of legal bills (Client Billing Summaries) and/or "client prebill" summaries for Billing Attorney James Garrity for 2009, 2010, 2011, 2012, 2013 and 2014 to date.
10. Any and/or all monthly "client summaries" pages of legal bills (Client Billing Summaries) and/or "client pre-bill" summaries for Billing Attorney James Bagley for 2009, 2010, 2011, 2012, 2013 and 2014 to date.
11. Any and/or all documents and/or references including but not limited to emails, faxes and/or memos used and/or referred to by Supervisor Bustard at the last Board of Supervisors Meeting when he stated in referring to the RTK Law, "it does need to be fixed, it needs to be fixed in Harrisburg. It needs to be fixed by the Legislature. Anytime when one resident can file 115 requests for RTK over 3-4 years, most of which are 4 or 5 pages, it takes a lot of staff time to fill, then it has to go to the Solicitor to be sure that it is done legally, is an issue."
12. I would like copies of any and/or all invoices/time slips submitted and/or generated by Wisler, Pearlstine, Talone (the Township Solicitor's Firm) for the entire month of August 2014. These would also encompass the bills that were approved at the August regular meeting and detailed but not limited to the Township of Worcester Bank Registry Listing 7/17/14-8/20/14.

Please understand this, if you intend to make the extensive, wholesale, unsupported redactions that were made with my prior request, your No. 14-1143, without a privilege log and without justification, I will appeal your decision to the OOR. You will then BE REQUIRED to produce a privilege log to justify your redactions and I will then insist on an in camera review if you do not produce the log and/or your log is not sufficient to support your redactions and/or any denials you may assert. I have attached redacted invoices for your review. Please do not remove as you have done repeatedly as these are a part of my request.

In addition, If you again provide an unworn verification by the Township Manager, of a memorandum of law prepared by an attorney, which is clearly contradicted by case law, I will appeal the case to the Office of Open Records and you will have again wasted hundreds if not thousands of Taxpayer Dollars.

I am giving you fair notice now in hopes that we can save the Township and its taxpayers any unnecessary expenditures.

I would like this material in electronic format if possible.
If not, please scan and transmit electronically.

Thanks,

Jim Mollick