



RTK Number: 14-1257

# pennsylvania

OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

## STANDARD RIGHT-TO-KNOW REQUEST FORM

RECEIVED  
NOV 14 2014  
due 11/21/14

DATE REQUESTED: 11/14/14

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

NAME OF REQUESTOR: Jim Mallick

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 reply*

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  
**Sent:** Friday, November 14, 2014 12:16 PM  
**To:** Lee M  
**Subject:** RTK

RTK officer,

According to your response to me on 10/17/14, "the Solicitor's detailed bills for legal services rendered in the month of August were NOT YET PROVIDED to the Township as of the date of my Request (dated September 10, 2014)".

The following is a request for records made pursuant to the Right to Know Law ("RTKL"). Please be advised, the term "record" and "records" as used is defined under the Right to Know Law ("RTKL") as "Information, regardless of physical form or characteristics, that documents a transaction or activity of an agency and that is created, received or retained pursuant to law or in connection with a transaction, business or activity of the agency. The term includes a document, paper, letter, map, book, tape, photograph, film or sound recording, information stored or maintained electronically and a data-processed or image-processed document."

In light of the foregoing, the following records are requested,

1. I would like copies of any and/or all detailed billing invoices for legal services submitted by the Township Solicitor and/or his law firm Wisler, Pearlstine (the Township Solicitor's Firm) to Worcester Township for the entire month of August 2014. These would also correlate, in part, with the monthly payment of the bills check register as a result of the timing of their submission. In addition, I have attached for you review invoices you have provided from my prior requests that in my opinion were redacted without proper justification on your part. Please do not remove the invoices that I have attached to this RTK form when posting on your website so that I can be assured that no information is being removed from my request. See Levy v Senate Comm Crt.
2. I would like copies of any and/or all detailed billing invoices for legal services submitted by the Township Solicitor and/or his law firm Wisler, Pearlstine (the Township Solicitor's Firm) to Worcester Township for the entire month of September 2014. These would also correlate, in part, with the monthly payment of the bills check register as a result of the timing of their submission. In addition, I have attached for you review invoices you have provided from my prior request that in my opinion were redacted without proper justification on your part. Please do not remove the invoices that I have attached to this RTK form when posting on your website so that I can be assured that no information is being removed from my request. See Levy v Senate Comm Crt.

3. I would like copies of any and/or all detailed billing invoices for legal services submitted by the Township Solicitor and/or his law firm Wisler, Pearlstine (the Township Solicitor's Firm) to Worcester Township for the entire month of October 2014. These would also correlate, in part, with the monthly payment of the bills check register as a result of the timing of their submission. In addition, I have attached for you review invoices you have provided from my prior request that in my opinion were redacted without proper justification on your part. Please do not remove the invoices that I have attached to this RTK form when posting on your website so that I can be assured that no information is being removed from my request. See Levy v Senate Comm Ct.
4. Certified copies of the monthly treasurers reports from January 2014 to November 2014.
5. The Client Billing Summary(s) for any and/or all work performed by the Township Solicitor and/or his Law firm Wisler Pearlstine related to RTK Legal fees 404.320 (the new politically motivated category), monthly, to date. There is no need to include any material that is duplicative. Meaning, I would like information from my last request dated 5/27/14, monthly, till present. More specifically as noted in your July 2, 2014 response, these "Client Billing Summaries" are related to legal services provided to – and legal fees incurred by - the Township from the date of the creation of General Fund line item 404.320 to the date of my request. You Granted my May 27, 2014 request in full and I have provided you a copy of your response. In review of the video recordings of the meetings related to the 404.320 line item, several contradictory explanations were given for the creation of the line item. All of these explanations appear to be entirely politically motivated. A copy of your July 2, 2014 response is attached so that it will enable you to be able to know what records I am requesting with regards to "Client Billing Summaries" and "Line Item RTK legal Fees 404.320" (the new politically motivated category). If you do not understand this request, please let me know. Since you have already granted the same request on July 2, 2014, there should be no need for a legal review or delay.
6. Any and/or all detailed billing invoices submitted by the Township Solicitor and/or his Law firm Wisler Pearlstine relating to the Stoney Creek Farms Development, monthly, for the years 2012 and 2013. If you do not understand the request, please contact me so that I may help you.
7. Any and/or all records of communication(s) including but not limited to emails, notes, memos, and/or faxes between the Board of Supervisors collectively and/or individually relating to the Stoney Creek Farms development including but not limited to its legal and contractual issues with its developer and builders, ground conditions, escrow, escrow releases, closeout of phases, transfer of improvements, and/or topsoil issues regardless as to whether these are on their personal computers and/or personal email accounts. Please do your search for the year 2012 and 2013.
8. Any and/or all records of communication(s) including but not limited to emails, notes, memos, and/or faxes to and/or from the Board of Supervisors collectively and/or individually relating to the Stoney Creek Farms development including but not limited to its legal and contractual issues with its developer and builders, ground conditions, escrow, escrow releases, closeout of phases, transfer of improvements, and/or topsoil issues regardless as to whether these are on their personal computers and/or personal email accounts. Please do your search for the year 2012 and 2013.
9. Any and/or all records of communication(s) including but not limited to emails, notes, memos, and/or faxes between and to and/or from Township Staff collectively and/or individually relating to the Stoney Creek Farms development including but not limited to its legal and contractual issues with its developer and builders, ground conditions, escrow, escrow releases, closeout of phases, transfer of improvements, and/or topsoil issues regardless as to whether these are on their personal computers and/or personal email accounts. Please do your search for the year 2012 and 2013.
10. Any and/or all invoices submitted by the Township Solicitor and or his Law firm Wisler Pearlstine related to providing legal services to the Cutler Group and/or any of its affiliates for the years 2009, 2010, 2011, 2012, 2013, and 2014.
11. A copy of any and/or all applications made by the applicant(s) for the Center Square Golf Club project.

If these records are available in electronic format, this would be preferable.

**In the review of prior invoices from Wisler Pearlstine, several of the entries under my name reference appeals or requests by individuals other than myself and/or who do not live in this Township.**

Also, there are invoices that contain entries of case numbers of individuals other than myself that are listed under my name. These actions inflate the total amount of legal costs that are associated with my name. In addition, there are entries that are being placed into appeal categories that have been closed. Again, this inflates the cost of the appeals in each category associated with my name.

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 actual bills prior to payment nor do they provide the public with those bills so as the public can provide intelligent public comment at the public meetings. We get a "check" register. It could be very easy for the Board to answer a few simple questions but I have been specifically ordered to "file a Right to Know Requests" for this material by Supervisor Bustard, Supervisor Caughlan has stated that "That is what Right to Know requests are for" thus increasing the cost to the Taxpayers of the Township. They then blame the requester of the information for the cost to the Township for the request. Unfortunately, the obstruction of and access to the flow of information doesn't stop at the Board.

Please understand this, if you intend to make the extensive, wholesale, unsupported redactions that were made with my prior request, your No. 14-1143. I will appeal your decision to the OOR. I will then insist on an in camera review if you do not produce a privilege log and/or your log is not sufficient to support your redactions and/or any denials you may assert. This is not a "threat". You are not being asked to provide privilege logs with "every request". You are not being asked to provide me with "Every email in the Township". You are being asked to be reasonable.

Thank You.

Jim Mollick

If these are available in electronic format this would be preferable  
If not I would like this material scanned and sent electronically