



RTK Number: 14-1268

RECEIVED

DEC 08 2014

due 12/15/14

pennsylvania

OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 12/8/14

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

NAME OF REQUESTOR: Tim M... M...

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.*

Lee M...

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 *- to be determined*

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: Monday, December 08, 2014 4:21 PM
To: Lee M
Cc: abustard@worcestertwp.com; squigley@worcestertwp.com; scaughlan@worcestertwp.com
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)".

I have been repeatedly ordered to "FILE A RIGHT TO KNOW REQUEST" by Supervisor Arthur Bustard in order to obtain the monthly invoices and bills that are being approved by the Board rather than having the Board provide this information free of cost, obstruction and delay to the public. Supervisor Caughlan's view on asking for and providing billing information so that a member of the public can make intelligent, informed public comment on payment of the bills is "THAT'S WHAT RIGHT TO KNOW REQUESTS ARE FOR." We are given the treasurer's report each month at no charge and with no obstruction and delay. The Board was given a AP Check Register Report on a monthly basis which gave an inventory of the check and the bills associated with each check, but after I began to request copies of the "3 ring binders" that were given to the Supervisors that contained this information, the billing information was

removed. A sample is included for your review below. Please do not remove.

**Township of Worcester
AP Check Register Report
03/22/2012 to 04/18/2012**

Acct # 02330		WIGLER, DEARLETTA, TALONR, RTL		791.25
Check # 0029179	04/18/2012	Union National Bank/Univ - 01101000	General checking	
DP# March 2012	DP# Date: 04/18/2012	Note: 045160		
Residual Inv: Bully Dog Int. Netlinc	01 404 310	Legal Professional Services	2,541.80	
Doc & Structures of	01 404 310	Legal Professional Services	43.50	
McNeilson Highm. Imp/Restaurnt field	01 404 310	Legal Professional Services	491.25	
CRS/PAK JOB# 21000	01 404 310	Legal Professional Services	979.75	
Credit Village Credit, Ltd	01 404 310	Legal Professional Services	1,759.50	
Open records / RTV	01 404 310	Legal Professional Services	324.00	
MTA-Mellick, Law firm	01 404 310	Legal Professional Services	604.40	
RTV Notice: March request	01 404 310	Legal Professional Services	109.50	
LEGAL SERVICES - MARCH 2012	01 145 862	Miscellaneous - Miscellaneous	244.90	
LEGAL SERVICES - MARCH 2012	01 145 862	Miscellaneous - Miscellaneous	778.50	
LEGAL SERVICES - MARCH 2012	01 145 862	Miscellaneous - Miscellaneous	43.30	
LEGAL SERVICES - MARCH 2012	01 145 862	Miscellaneous - Miscellaneous	48.50	
LEGAL SERVICES - MARCH 2012	01 145 862	Miscellaneous - Miscellaneous	710.50	
			6,068.25	
Acct # 02630		STANGHELM, Inc.		
Check # 0025280	04/18/2012	Union National Bank/Univ - 01101000	General checking	
DP# 11773	DP# Date: 04/18/2012	Note: 11674		
MTA / handle top head	01 459 437	M I C A - Maintenance & Repairs	330.98	
DP# 11776	DP# Date: 04/18/2012	Note: 11730		
BLACK BEARVY TIMBER	01 451 417	Beeches Park Expenses	69.93	
BLACK BEARVY TIMBER	01 451 417	Sunny Brook Expenses	59.93	
BLACK BEARVY TIMBER	01 454 428	Mr. Kirk Park Expenses	59.94	
		Check Total	310.77	
			310.77	
Total All Checks:				244,428.01

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 October 2014 if these were not submitted to the Township by the Township Solicitor and/or his Law firm at the time of my

11/14/14 Right to Know request (your 14-1257). 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. These invoices are also attached so that you have a sample of the type of document that I am requesting in case you are confused by the wording, grammar, punctuation and/or style of writing of my request. See invoice below.

Wisler Pearlstine LLP

BLUE BELL EXECUTIVE CAMPUS
460 NORRISTOWN ROAD, SUITE 110
BLUE BELL, PA 19422

WORCESTER TOWNSHIP
1721 VALLEY Forge RD
PO BOX 757
WORCESTER, PA 19420-0757

April 07, 2014
BILL NUMBER 290027
BILLED THROUGH March 31, 2014
FILE NUMBER 04E150-0020

RE WORCESTER TOWNSHIP - GENERAL REPRESENTATION

PROFESSIONAL SERVICES

		HRS
02/25/14	LENGTHY TELEPHONE CALL FROM LEE MANGAN REGARDING	0.40
02/26/14	TWO OFFICE CONFERENCES WITH JOE CLEMENT AND JOE BAGLEY	0.40
05/02/14	REVIEW OF THE PLANNING COMMISSION JOINT MEETING AGENDA AND THE PLANNING COMMISSION JOINT MEETING MINUTES RECEIVED FROM THE TOWNSHIP	0.20
03/03/14	RECEIPT AND REVIEW OF BASELINE DOCUMENTATION FOR PRESERVE AT WORCESTER CONSERVATION EASEMENT; INTEROFFICE CONFERENCE WITH JIM GARRITY REGARDING THE SAME	0.50
03/04/14	REVIEW OF EMAIL FROM JOE CLEMENT REGARDING THE PROCEDURAL HISTORY OF	0.20
03/04/14	RECEIPT OF EMAIL FROM SUSAN CAUGHLIN REGARDING BASELINE DOCUMENTATION FOR PRESERVE CONSERVATION EASEMENT; INTEROFFICE CONFERENCE WITH JIM GARRITY REGARDING THE SAME	0.50
03/04/14	2 DETAILED EMAILS TO JIM GARRITY ETC REGARDING	0.20
03/05/14	MEETING AT WORCESTER TOWNSHIP WITH LEE MANGAN TO DISCUSS	0.40
10/05/14		0.70
03/03/14	EXTENDED OFFICE CONFERENCE WITH ANDY FREWORTH REGARDING SEVERAL DIFFERENT CONSERVATION EASEMENT QUESTIONS ON SEVERAL PROPERTIES IN THE TOWNSHIP	0.30
03/03/14	REVIEW EMAILS REGARDING PRESERVE CONSERVATION EASEMENT IN PREPARATION FOR CALL TO SAIL FARM REGARDING SAME; INTEROFFICE CONFERENCE WITH JIM GARRITY	0.30

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, Commonwealth Court.

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 which were approved by the Worcester Board of Supervisors at the 11/19/14 meeting and which correlate with the Bank registry listing from 10/16/14 to 11/19/14 provided to the public at the meeting. These would include those invoices that are not duplicative. 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.

WORCESTER TOWNSHIP		Page 2
1001015	REVIEW MULTIPLE RIGHT TO KNOW REQUESTS FORWARDED BY ERICA LUCEY TO DETERMINE WHICH ONE PERTAINS TO THE DINDY-WINES PROPERTY. REVIEW DR. MOLLOCK'S RIGHT TO KNOW REQUEST PERTAINING TO THE LIVING HANES PROPERTY. EXTENSIVE REVIEW OF FILE FOR ALL MATERIAL POTENTIALLY RESPONSIVE TO RIGHT TO THE KNOW REQUEST. DR. MOLLOCK'S COMMENT RE: REVIEW OF POTENTIALLY RESPONSIVE RIGHT TO KNOW MATERIAL.	1.50
1001013	REVIEW OF EMAIL FROM DR. MOLLOCK AND EMAIL TO ERICA REGARDING	0.20
1001013	EXCHANGED EMAILS WITH ERICA LUCEY REGARDING	0.20
1001015	13-1043 EMAIL EXCHANGES WITH JOE BLACKBURN, ESQ. REGARDING	0.30
1001013	REVIEW OF EMAIL FROM DR. MOLLOCK REGARDING	0.20
1001013	13-1045 INTEROFFICE DISCUSSION WITH JOE BLACKBURN, ESQ. REGARDING	0.50
1001010	13-1046 BEGIN REVIEW OF POTENTIALLY RESPONSIVE RECORDS TO THE REQUEST. BRIEF DISCUSSION WITH JIM GARRITY, ESQ. REGARDING THE SAME. BRIEF DISCUSSION WITH ERICA LUCEY REGARDING THE SAME.	1.50
1001013	INTRA-OFFICE CONFERENCE WITH JOE CLEMENT RE	2.10
1001013	MEETING WITH JOE CLEMENT TO GO OVER	0.00
1001013	REVIEW OF EMAILS FROM ERICA AND EMAIL FROM DR. MOLLOCK AND	0.30
1001013	DETAILED REVIEW AND EDITING OF RESPONSE TO DR. MOLLOCK ON HIS GADY HANES RIGHT-TO-KNOW REQUEST OF SEPTEMBER 6, 2013	1.00
1001013	ONLINE RESEARCH TO OBTAIN DOCKET ENTRIES TO PROVIDE TO JOE	0.20
1001013	13-1045 COMPLETE REVIEW OF ALL RECORDS PROVIDED BY THE TOWNSHIP AND COMPARED TO RECORDS OBTAINED BY JOE BLACKBURN. DRAFT, REVIEW AND REVISE RESPONSE TO THE REQUEST.	2.70
1001013	13-1045 REVIEW DR. MOLLOCK EMAIL REGARDING THE TOWNSHIP'S RESPONSE TO HIS REQUESTS. REVIEW OF THE TOWNSHIP'S RESPONSE TO REQUEST 13-1044. BRIEF DISCUSSION WITH JAMES GARRITY, ESQ. REGARDING THE SAME.	1.50
1001013	REVIEW OF DRAFT RESPONSE LETTER	0.20
1001013	OFFICE CONFERENCE WITH JOE CLEMENT, ESQ. RE GOING OVER ALL THE RESPONSIVE DOCUMENTS TO DR. MOLLOCK'S RIGHT-TO-KNOW REQUEST RELATED TO	0.30
1001013		0.20

These invoices are also attached so that you have a sample of the type of document that I am requesting in case you are confused by the wording, grammar, punctuation and/or style of writing of my request. 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 invoice above. See Levy v Senate, Commonwealth Court.

3. Any and/or all Client Billing Summaries, Client Summaries, Billing Memorandum and/or Client Summary Pages of Legal Bills regarding Right to Know request 2014-1212 and its associated response, Right to Know request 2014-1180 and its associated response, and Right to Know Appeal Dkt. No. 2014-1383. Use as your time reference monthly for the past 12 months for each request and response and for Right to Know Appeal Dkt No. 2014-1383. You have already provided me "Client Billing Summaries" in response to numerous requests the most recent Your No. 14-1161.

Wisher Inc. INCORPORATED

BILLING ACCOUNT NO. 408 GARRITY, JAMES L.
ORIGINATOR .UC GARRITY, JAMES L.

CLIENT
345162 WINDFESTER TOWNSHIP

WARCH 10, 2014
BILLED THROUGH FEBRUARY 28, 2014

CLIENT SUMMARY

<u>DATE</u>	<u>WATTER</u>	<u>HOURS</u>	<u>TIME</u>	<u>VALUE</u>	<u>COSTS</u>	<u>OPEN AMT</u>
04/01	JAMES WOLLOCK - 2010 42 RIGHT-TO-KNOW LAW APPEAL	1.00		\$251.00	10.00	\$0.00

If you are unable to comprehend my instructions, grammar and/or punctuation please let me know so that I may help you in advance. The foregoing document are also attached so that you have a sample of the types of documents that I am requesting in case you are confused by the wording, grammar, punctuation and/or style of writing of my request.

4. Any and/or all motions, resolutions and/or official actions by the Worcester Board of Supervisors giving Mr. Garrity and/or any member of his law firm approval to respond to appeal Dkt No. 2014-1383 filed with the Pennsylvania Office of Open Records. If you are unable to comprehend my instructions, grammar, punctuation and or style of writing please let me know so that I may help you in advance.
5. Any and/or all minutes that would reflect a vote, motion, resolution and/or official action by the Worcester Board of Supervisors giving Mr. Garrity and/or any member of his law firm approval to respond to appeal Dkt No. 2014-1383 filed with the Pennsylvania Office of Open Records. If you are unable to comprehend my instructions, grammar, punctuation and/or style of writing please let me know so that I may help you in advance.
6. Any and/or all minutes that would reflect a vote, motion, resolution and/or official action by the Worcester Board of Supervisors authorizing the expenditure of funds to respond to appeal Dkt No. 2014-1383 filed with the Pennsylvania Office of Open Records. If you are unable to comprehend my instructions, grammar, punctuation and/or style of writing please let me know so that I may help you in advance.
7. Any and/or all votes, motions, resolutions and/or official actions by the Worcester Board of Supervisors authorizing the expenditure of funds for the appeal Dkt No. 2014-1383 that was filed with the Pennsylvania Office of Open Records. If you are unable to comprehend my instructions, grammar, punctuation and/or style of writing please let me know so that I may help you in advance.

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. Below is an invoice in my name, billing for work performed on numerous other individuals cases not associated with my

Wisler Pondsone LLP

BLUE BELL EXECUTIVE CAMPUS
460 NORRISTOWN ROAD, SUITE 110
BLUE BELL PA 19422

WORCESTER TOWNSHIP
1721 VALLEY FORGE RD
PO BOX 787
WORCESTER, PA 19480-0787

December 09, 2013
BILL NUMBER 227208
BILLED THROUGH November 30, 2013
FILE NUMBER 045160-0483

RE. JAMES MOLLICK - (GENERAL) RIGHT-TO-KNOW REQUESTS

PROFESSIONAL SERVICES

		MRS
10/31/13	REVIEW OF EMAIL FROM ERICA; REVIEW OF LONG EMAIL FROM DR. MOLLICK; BRIEF OFFICE CONFERENCE WITH JOE CLEMENT, ESQUIRE RE: SAME; EMAIL TO JOE CLEMENT	0.30
11/04/13	EXCHANGED EMAILS WITH ERICA LUCEY REGARDING	0.50
11/04/13	OFFICE CONFERENCE WITH JOSEPH CLEMENT REGARDING THE EMAIL RECEIVED AT THE TOWNSHIP FROM DR. MOLLICK THIS AFTERNOON RELATED TO THE VISTEON REZONING REQUEST	0.20
11/04/13	EXCHANGED EMAILS WITH TIFFANY LOOMIS, ERICA LUCEY AND JOE CLEMENT REGARDING ED MULLIN'S LETTER FROM APRIL 2013 RELATED TO THE RIGHT-TO-KNOW REQUEST ON THE VISTEON REZONING WHICH THE TOWNSHIP HAS RECEIVED FROM DR. MOLLICK	0.20
11/04/13	EXCHANGED ANOTHER SET OF EMAILS WITH JOE CLEMENT REGARDING THE LETTER FROM ED MULLIN THAT I DO NOT HAVE	0.20
<i>Bona</i> 11/04/13	13-1089 - REVIEW THE REQUEST AND EMAIL EXCHANGES RELATED TO THE REQUEST. DRAFT, REVIEW AND REVISE A RESPONSE TO THE REQUEST.	0.70
<i>Epstein</i> 11/04/13	13-1082 - REVIEW THE REQUEST. EMAIL EXCHANGE WITH TOWNSHIP PERSONNEL REGARDING THE EXISTENCE OF POTENTIALLY RESPONSIVE RECORDS DRAFT, REVIEW AND REVISE A RESPONSE TO THE REQUEST.	0.70
11/05/13	13-1058 - DRAFT RESPONSE TO FOLLOW UP EMAIL REVIEW OF THE POTENTIALLY RESPONSIVE RECORDS. INTEROFFICE DISCUSSION WITH JOE BAGLEY, ESQ AND JIM GARRITY, ESQ. REGARDING THE SAME. EMAIL EXCHANGE WITH TOWNSHIP PERSONNEL REGARDING THE SAME	1.60
<i>Frey</i> 11/05/13	13-1083 - REVIEW THE REQUEST. DRAFT REVIEW AND REVISE RESPONSE TO THE REQUEST. EMAIL EXCHANGE WITH TOWNSHIP PERSONNEL REGARDING THE SAME.	1.00
<i>Bona</i> 11/05/13	13-1089 - REVIEW AND REVISE RESPONSE BRIEF DISCUSSION WITH JIM GARRITY, ESQ REGARDING THE SAME. EMAIL EXCHANGE WITH TOWNSHIP PERSONNEL REGARDING THE SAME	0.50
<i>Epstein</i> 11/05/13	13-1082 - TELECONFERENCE WITH TOWNSHIP STAFF AND JIM GARRITY ESQ. REGARDING RESPONSE TO THE REQUEST AND GENERAL PROCEDURE REGARDING REQUESTS FOR VIOLATION NOTICES SEVERAL EMAIL EXCHANGES WITH TOWNSHIP PERSONNEL REGARDING THE TELECONFERENCE	1.30

requests.

invoice contains 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.

This

Wisler Pennington LLP

BLUE BELL EXECUTIVE CAMPUS
480 NORRISTOWN ROAD, SUITE 110
BLUE BELL, PA 19422

WORCESTER TOWNSHIP
1721 VALLEY FORGE RD
PO BOX 787
WORCESTER, PA 19490-0787

May 06, 2014
BILL NUMBER 230836
BILLED THROUGH April 30, 2014
FILE NUMBER 085190-0504

RE: JAMES MOLLIK - RIGHT-TO-KNOW LAW APPEAL - DOCKETNO 2010-0023

PROFESSIONAL SERVICES

		HR\$
04/15/14	INTRA-OFFICE CONVERSATION WITH JIM GARRITY, ESQ. REGARDING	0.70
04/18/14	BRIEF EMAIL EXCHANGE WITH TOWNSHIP PERSONNEL REGARDING BRIEF DISCUSSION WITH JOE BLACKBURN. ESQ REGARDING THE SAME.	0.30
04/24/14	14-1124 - MOLLIK REQUEST - EMAIL EXCHANGE WITH JIM GARRITY, ESQ. REGARDING	0.20
04/24/14	14-1134 - MOLLIK REQUEST - EMAIL EXCHANGE WITH JIM GARRITY, ESQ. REGARDING	0.20
04/25/14	14-1134 - MOLLIK REQUEST - DRAFT EXTENSION LETTER. EMAIL EXCHANGE WITH TOWNSHIP PERSONNEL REGARDING THE SAME.	0.50
04/25/14	14-1124 - MOLLIK REQUEST -	2.50

TOTAL PROFESSIONAL SERVICES	\$726.00
PROFESSIONAL SERVICES	\$726.00
TOTAL CURRENT CHARGES	\$726.00

TOTAL AMOUNT DUE \$726.00



January 28, 2010

Barbara Mahey
141 Pine Street
Jefferson, PA 15346

Clare Catherine Cowen, Esquire
769 Lippencott Road
Waynesburg, PA 15370

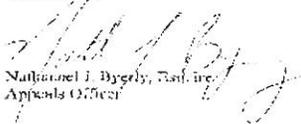
Re: Mahey v. Greene County AD# 2010-0023, 2010-0024, 2010-0032

Dear Ms. Mahey and Ms. Cowen:

This confirms my telephone conversations with Ms. Mahey in which she agreed to consolidate the above cases. As a result, the appeals docketed at 10-0023 and 10-0024 are now closed. A single final determination addressing the issues in all appeals will be entered under the docket number 10-0032. Any documents submitted in 10-0023 and 10-0024 will be incorporated into 10-0032. Please reference this docket number in any other submissions to the Office of Open Records.

If you have any additional questions, please do not hesitate to contact me.

Respectfully,



Nathaniel J. Bygely, Esquire
Appeals Officer

Commonwealth of Pennsylvania
100 North Street, 16th Floor
Harrisburg, PA 17101-2003
717-781-0800 / 717-781-3243 (TDD)
www.pa.gov/openrecords

The above documents show that there are entries that are being placed into an appeal category (2010-0023) that doesn't exist in the Township. Again, this inflates the cost of each category associated with my name but would be difficult to identify in any audit or a search for that appeal number associated with my name.

This further illustrates that there is a serious problem with the Right to Know process in Worcester Township and with the Legal Department.

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 as was confirmed by Mr. Bustard at a public meeting of the Board.

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 REQUEST" 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. (See Jim Mollick You Tube). 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. The legal department's revenue generating obstructionary practices have turned the Right to Know process in Worcester into nothing more than an expensive, punitive game being played with the Taxpayers hard earned tax dollars. See the processing of Appeal 2014-1383 as a prime example. After analyzing the legal handling of appeal 2014-1383 it appears to me that Mr. Clement, Mr. Garrity and/or the Open Records Officer had no idea as to what was transpiring in their own Township with regards to the audio recordings of the conditional use hearings and went on to

misrepresent the issue to the Office of Open Records. Ultimately they lost the appeal in front of the Office of Open records and Mr. Clement wasted our hard earned tax dollars yet again.

The Right to Know Process is broken in Worcester Township. Even though I have repeatedly asked for the legal invoices so that I could make intelligent public comment at the BOS meetings, the last invoices that I have been given are from July, 2014. It is now December.

I believe that it is time for a new Right to Know Officer and a new Independent Law Firm Stat!

I would also like to alert you to the following to save the taxpayers of the Township unnecessary expense. Under the Right to Know law, your job as to how to respond to requestors as a Right to Know Officer is specified under Sections 902 and 903 and is very specific. I would suggest that you review Section 902 and 903 of the RTK Law regarding your procedure for responding to requestors, prior to writing and signing your responses. Your current practice and procedure when responding to me is outside what is provided for in the Law and is in my opinion an abuse of the RTK process and a waste of taxpayer funds.

Section 902. Extension of time.

(a) Determination.—Upon receipt of a written request for access, the open-records officer for an agency ***shall determine*** if one of the following applies:

- (1) the request for access requires redaction of a record in accordance with section 706;
- (2) the request for access requires the retrieval of a record stored in a remote location;
- (3) a timely response to the request for access cannot be accomplished due to bona fide and specified staffing limitations;
- (4) a legal review is necessary to determine whether the record is a record subject to access under this act;
- (5) the requester has not complied with the agency's policies regarding access to records;
- (6) the requester refuses to pay applicable fees authorized by this act; or
- (7) the extent or nature of the request precludes a response within the required time period.

(b) Notice.—

(1) Upon a determination that one of the factors listed in subsection (a) applies, the open-records officer shall send written notice to the requester within five business days of receipt of the request for access under subsection (a).

(2) The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the five business days allowed for in section 901, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice.

(3) If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that date.

Section 903. Denial.

If an agency's response is a denial of a written request for access, whether in whole or in part, the denial ***shall*** be issued in writing and ***shall include***:

- (1) A description of the record requested.
- (2) The specific reasons for the denial, including a citation of supporting legal authority.
- (3) The typed or printed name, title, business address, business telephone number and signature of the open-records officer on whose authority the denial is issued.
- (4) Date of the response.
- (5) The procedure to appeal the denial of access under this act.

I again thank you for your consideration but suggest that you and your legal advisor familiarize yourself with Section 1308, and Sections 902 and 903 and attempt to try to make the process as cost effective as possible for the Taxpayers of the Township. Please respond to my requests within the above parameters and in a non-abrasive and professional manner.

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