



RTK Number: 14-1269

pennsylvania

OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

RECEIVED

DEC 09 2014

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 McManus

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 Blank

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 11:30 PM
To: Lee M
Cc: abustard@worcestertwp.com; squigley@worcestertwp.com; scaughlan@worcestertwp.com
Subject: RTK

Right to Know Officer,

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		WISLER, PEARLSTINE, TALOR, BTL		781.25	
Check # 0025078	04/18/2012	Unit National Bank/Univest - 01.101.000	General checking		
04/18/2012	Due Date: 04/18/2012	Note: 045160			
Mechanics: 1000 bldg 100 DEP Ill: Metley	01 404.310	Legal Professional Services	2,543.80		
Doc & Structure Ord	01 404.310	Legal Professional Services	43.50		
Mechanics: 10000 / mg/Airport field	01 404.310	Legal Professional Services	682.50		
Cheswick 1001 500-01	01 404.310	Legal Professional Services	978.75		
Contra Village Overlay Ord	01 404.310	Legal Professional Services	7,759.50		
Open records / RTK	01 404.310	Legal Professional Services	126.50		
MTA-Collect: Law cases	01 404.310	Legal Professional Services	604.50		
MTA-Collect: March request	01 404.310	Legal Professional Services	233.50		
LEGAL SERVICES - MARCH, 2012	01 145.802	Receivables - Miscellaneous	245.50		
LEGAL SERVICES - MARCH, 2012	01 145.802	Receivables - Miscellaneous	778.50		
LEGAL SERVICES - MARCH, 2012	01 145.802	Receivables - Miscellaneous	42.50		
LEGAL SERVICES - MARCH, 2012	01 145.802	Receivables - Miscellaneous	48.50		
LEGAL SERVICES - MARCH, 2012	01 145.802	Receivables - Miscellaneous	710.50		
			6,089.25		
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Acct # 02630		SINGHEMAN, Inc.			
Check # 0025080	04/18/2012	Unit National Bank/Univest - 01.101.000	General checking		
04/18/2012	Due Date: 04/18/2012	Note: 11674			
MTA-Collect / handler/dep head	01 404.310	M T C D - Maintenance & Repair	130.98		
04/18/2012	Due Date: 04/18/2012	Note: 11738			
BLACK HEAVY TINKERS	01 454.428	Beechey Park Expenses	59.93		
BLACK HEAVY TINKERS	01 454.428	Beechey Park Expenses	59.94		
BLACK HEAVY TINKERS	01 454.428	Beechey Park Expenses	59.94		
			310.78		
			310.77		
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Total All Checks:				244,429.01	

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."

1. I would like a copy of any and/or all bills and/or invoices that are going to be considered for approval at the December 17, 2014 Board of Supervisors Meeting. I would like to have them prior to the 12/17/14 meeting so that I can review them prior to the meeting.
2. I would like a copy of the monthly Budget Analysis Reports for 2014 to present and year ending. I would like these reports prior to the 12/17/14 Board of Supervisors Budget Hearing so that I can give proper input. (that means starting in January 2014, monthly, to present and end of year if available.)
3. I would like the record that would reflect the total amount the Township has spent to date on legal services provided by Wisler Pearlstine, the Solicitor's Law Firm. I would also like this prior to the Board of Supervisor's Meeting and Budget Hearing on 12/17/14.
4. I would like a copy of the AP Check Register Report for 11/20/14 to 12/17/14. I would like this prior to the 12/17/14 meeting so that I can give proper comment on the payment of the bills. A copy of the document I would like is attached to the left for your review in case you cannot comprehend the wording, grammar, punctuation and/or style of writing of my request.

If you are unable to understand any of these requests, please feel free to contact me so that I may help you completely comprehend the wording, grammar, punctuation and/or style of writing of my request and avoid any unnecessary appeals.

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.

Almost universally, my requests are met with a 30 day extension after the 5 day initial processing delay resulting in the maximum possible delay in providing me with information. After a retrospective review, the Township's 30 day extension letters appear to be no more than form letters at this point. The information and reason for denial that they contain appears to be identical from letter to letter. The taxpayers are not given any discount for these form letters from my review of the invoices. This illustrates yet another problem with the Right to Know Process and how it is broken on many levels.

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.

If these records are available in electronic format, this would be the media I prefer.
Please scan and send electronically.

Thank You.

Jim Mollick