

RECEIVED

SEP 21 2015

due 9/21/15



RTK Number: 15-1410

pennsylvania

OFFICE OF OPEN RECORDS

WORCESTER TOWNSHIP, MONTGOMERY COUNTY

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 9/21/15

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

NAME OF REQUESTOR: jim mollick

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 attached

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: Monday, September 21, 2015 10:33 AM
To: Erica Lucey
Subject: #15-1410- RTK

Right to Know Officer,

I have repeatedly asked the board for the total legal expense with regards to the Township Solicitor and his firm for the month with regards to the treasurer's report. The Board has been, to be kind, nothing but evasive and obstructive and provided no definitive answers. In light of the Board's unwillingness to provide some simple answers during our public meeting, I am again forced to use the RTK process.

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 that have been categorized, documented, represented and/or reflected under the expenditure category of "ZONING" in the monthly treasurers report for the months of January, February, March, April, May, June, July and August of 2015.
2. I would like copies of any and/or all detailed billing invoices for legal services submitted by Worcester Zoning Board and/or its Solicitor to Worcester Township that have been categorized, documented, represented and/or reflected under the expenditure category of "ZONING" in the monthly treasurers report for the months of January, February, March, April, May, June, July and August of 2015.
3. I would like copies of any and/or all detailed billing invoices for legal services submitted by the Worcester Board of Supervisors to Worcester Township for expenditures by the Worcester Zoning Board that have been categorized, documented, represented and/or reflected under the expenditure category of "ZONING" in the monthly treasurers report for the months of January, February, March, April, May, June, July and August of 2015.
4. I would like copies of any and/or all detailed billing invoices for legal services submitted by Worcester Board of Supervisors to Worcester Township for expenditures by the Worcester Zoning Board's Solicitor that have been categorized, documented, represented and/or reflected under the expenditure category of "ZONING" in the monthly treasurers report for the months of January, February, March, April, May, June, July and August of 2015.
5. I would like copies of any and/or all records that would document expenditures made for salaries and/or benefits to any and/or all Worcester Township employee(s) by Worcester Township under the expenditure category of "ZONING" in the monthly treasurers report for the months of January, February, March, April, May, June, July and August of 2015.
6. I would like copies of any and/or all records that would document expenditures made for salaries and/or benefits to any and/or all Worcester Zoning Board employee(s), including the Solicitor, by Worcester Township under the expenditure category of "ZONING" in the monthly treasurers report for the months of January, February, March, April, May, June, July and August of 2015.
7. I would like copies of any and/or all records that would document expenditures made by Worcester Township under the expenditure category of "ZONING" in the monthly treasurers report exclusive of No's 1-6 above for the months of January, February, March, April, May, June, July and August of 2015.

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.

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.

If these are available in electronic format, as I'm sure they are since this information is transmitted to the accountant, than this is the media and medium that I would prefer.

Please transmit electronically.

Thanks,

Jim Mollick