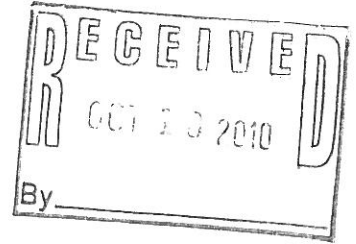




# pennsylvania

OFFICE OF OPEN RECORDS



## STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: 10/18/10

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

NAME OF REQUESTER : JIM MOLLICK

STREET ADDRESS : \_\_\_\_\_

CITY/STATE/COUNTY/ZIP(Required): \_\_\_\_\_

TELEPHONE (Optional): \_\_\_\_\_

RECORDS REQUESTED: *\*Provide as much specific detail as possible so the agency can identify the information. Please use additional sheets if necessary*

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

**\*\* PLEASE NOTE: RETAIN A COPY OF THIS REQUEST FOR YOUR FILES \*\***  
**\*\* IT IS A REQUIRED DOCUMENT IF YOU WOULD NEED TO FILE AN APPEAL \*\***

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### FOR AGENCY USE ONLY

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5) BUSINESS 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, October 18, 2010 10:02 AM  
**To:** manager@worcestertwp.com  
**Subject:** RTK REQUEST

DAVE,

CONSIDER THIS A RIGHT-TO-KNOW REQUEST.

FOR CLARIFICATION PURPOSES, WHO MADE THE DECISION TO CHANGE THE TOWNSHIP'S RTK POLICY TO NOW TAKE A SINGLE RTK REQUEST WITH MULTIPLE SECTIONS WHICH HAD BEEN POSTED ON THE TOWNSHIP WEBSITE AS 1 (ONE) REQUEST AND NOW POST THEM ON THE TOWNSHIP WEBSITE POST THAT SAME REQUEST AS SEVERAL INDIVIDUAL REQUESTS. THIS SEEMS COUNTER-PRODUCTIVE, TIME CONSUMING AND MORE OF AN EXPENSE FOR THE TOWNSHIP. I MADE JUST 1 (ONE)RTK REQUEST TO THE TOWNSHIP ON OCTOBER 11, 2010, WITH 7 SECTIONS. WHAT WOULD HAVE NORMALLY BEEN POSTED AND TREATED AS ONE REQUEST CAN NOW BE SEEN ON THE TOWNSHIP'S WEBSITE, ON OCTOBER 11, 2010, AS 7 REQUESTS CREATING THE APPEARANCE AND PERCEPTION THAT 7 SEPARATE REQUESTS WERE SENT. I ALSO RECEIVED 7 SEPARATE ENVELOPES WITH 7 SEPARATE MULTIPAGE LETTERS DICTATED BY YOU, DEALING WITH JUST 1 (ONE) RTK REQUEST. THIS PROCESS APPEARS TO BE DUPLICATIVE AND WILL IN MY OPINION ULTIMATELY INCREASE THE USE OF STAFF TIME AND COST TO THE TOWNSHIP. SINCE I'VE LIVED HERE, THIS HAS NEVER BEEN YOUR POLICY. WHY THE CHANGE? WHEN DID IT OCCUR? WHO AUTHORIZED IT?

IN MY OPINION, THE SUPERVISOR'S IRRATIONAL FIXATION WITH THIS ISSUE ALONG WITH THIS POLICY CHANGE, IS YET ANOTHER EXAMPLE OF HOW WORCESTER TOWNSHIP AND THEIR BOARD HAVE AND CONTINUE TO POLITICIZE THE RTK ISSUE IN AN ATTEMPT TO DISCOURAGE THE EXERCISE OF OUR RIGHT TO KNOW. I THINK YOU NEED TO SEE EXECUTIVE DIRECTOR MUTCHLER'S STATEMENT ON OOR'S HOMEPAGE.

COULD YOU TELL ME WHY A SINGLE RTK REQUEST WITH MULTIPLE SECTIONS, WHICH HAS BEEN TREATED AS ONE REQUEST CONSISTENTLY IN THE PAST AND POSTED AS ONE REQUEST IN THE PAST WITH EVEN THE OFFICE OF OPEN RECORDS NOT HAVING A PROBLEM WITH OR QUESTIONED THAT FORMAT ON APPEAL IN THE PAST, FOR SOME REASON NOW EACH SENTENCE IN THE REQUEST IS TREATED LIKE A SEPARATE REQUEST?

THE ONLY APPARENT DIFFERENCE AS A RESULT OF YOUR NEW POLICY – NOW IF JIM MOLLICK MAKES A SINGLE RTK REQUEST WITH 7 PARTS, IT APPEARS ON THE WEBSITE AS IF JIM MOLLICK MADE 7 SEPERATE RTK REQUESTS AND BECAUSE THE RTK OFFICER HAS TO ADDRESS EACH PART INDIVIDUALLY, WITH INDIVIDUAL RESPONSES, LETTERS AND POSTAGE, THE COST TO THE TOWNSHIP IN MAN HOURS AND MONEY ARE ARTIFICIALLY INFLATED. I WOULD SUGGEST YOU RE-EVALUATE. **WORCESTER IS NOT IN THE MAJORITY ON THIS ONE. MOST OTHER TOWNSHIPS DON'T DO THIS.**

1. I WOULD LIKE A COPY OF THE OFFICIAL VIOLATION NOTICE SENT TO SUSAN CAUGHLAN AND DAVID BROOKS VIA EMAIL AND CERTIFIED MAIL ON MARCH 18<sup>TH</sup>, 2009 REGARDING "DRIVEWAY PAVING OF THE RIGHT OF WAY", BY TIFFANY LOMIS.
2. I WOULD LIKE A COPY OF THE LETTER SENT BY DAVID BROOKS AND RECEIVED BY THE TOWNSHIP ON MARCH 30, 2009, ACKNOWLEDGING RECEIPT OF THE "VIOLATION NOTICE" SENT BY THE TOWNSHIP ON MARCH 18, 2009, IN WHICH MR. BROOKS AND MS CAUGHLAN TOOK STEPS TO BRING THEIR DRIVEWAY INTO COMPLIANCE INCLUDING ASKING THEIR

BUILDER TO PAVE THE APRON AND THAT HE AND MS.CAUGHLAN CONTACTED AN ASPHALT CONTRACTOR AND OBTAINED A QUOTE FOR PAVING THE APRON.

3. I WOULD LIKE TO REVIEW THE SUSAN CAUGHLAN PROPERTY FILE INCLUDING ANY INVESTIGATORY AND/OR TOWNSHIP VIOLATION FILE. DAVE, PLEASE IDENTIFY ANY DOCUMENTS THAT YOU REMOVE FROM THIS FILE AND THE REASON THAT THESE WERE REMOVED.

I HAD PREVIOUSLY CALLED THE TOWNSHIP IN 8/5/10, ASKED TO SEE THE PROPERTY FILE OF SUSAN CAUGHLAN AND WAS TOLD BY ERICA, THAT IT WOULD BE PULLED AND THAT I COULD COME IN AFTER LUNCH TO VIEW IT. THIS PROCESS WAS ESSENTIALLY NO DIFFERENT THAN I HAD BEEN FOLLOWING SINCE I CAN REMEMBER AND WELL BEFORE THE NEW LAW WAS PASSED. SHORTLY THEREAFTER, ERICA CALLED STATING THAT I HAD TO FILL OUT A RTK FORM IN ADVANCE OF MY COMING TO THE TOWNSHIP TO VIEW THE FILES. THIS WAS A FIRST! WHEN I CALLED BACK TO TALK TO YOU TO GET AN EXPLANATION, YOU STATED, "IN AN ABUNDANCE OF CAUTION" I HAD TO FILL OUT A RTK FORM AND THAT SOLICITOR GARRITY WOULD HAVE TO PROCESS IT. I HAD ASKED YOU WHY THE NEED FOR THE SOLICITOR TO SCREEN THE FILE WHEN WE HAVE AN ASSISTANT AND A RTK OFFICER. I NEVER GOT AN ANSWER. I ALSO ASKED WHETHER SUPERVISOR BUSTARD INSTRUCTED YOU TO HAVE THE SOLICITOR SCREEN THE REQUEST RELATIVE TO SUPERVISOR CAUGHLAN. YOU DID NOT RESPOND TO THAT REQUEST EITHER. DAVE, IT IS A CONCERN THAT TOWNSHIP POLICIES SEEM TO BE CREATED AT WILL, REQUESTORS DON'T APPEAR TO BE BEING TREATED EQUALLY AND RTK REQUESTS REGARDING TOWNSHIP OFFICIALS APPEAR TO BE BEING PROCESSED DIFFERENTLY THAN OTHER REQUESTS. I ALSO HAVE A CONCERN ABOUT ALL OF THE SECRECY ASSOCIATED WITH THE CAUGHLAN DRIVEWAY ISSUE AND THE SOLICITOR RENDERING AN OPINION ON A VIOLATION CONCERNING HIS DEFACTO EMPLOYER AND BOSS. THERE IS IN MY OPINION A HUGE CONFLICT THERE. NOT TO MENTION GORDON TODD OF THE PLANNING COMMISSION WRITING A LETTER IN SUPPORT OF CAUGHLAN'S POSITION DESPITE THE TOWNSHIP ENGINEER'S STANCE THAT CAUGHLAN IS IN VIOLATION AND THAT TODD IS INCORRECT. DAVE, THE INTEGRITY OF THIS FILE MUST BE PROTECTED.

MORE CONCERNING, INFORMATION HAS BEEN REMOVED, SCREENED OR PURGED FROM A FILE(S) AT THE TOWNSHIP. I HAD BY PHONE REQUESTED TO REVIEW THE REIMEL FILE, TWICE, AND DID SO WITHOUT A RTK FORM, WITHOUT WAITING FOR MR. GARRITY'S APPROVAL AND WITHOUT A 30 DAY DELAY. BUT ON THE SECOND VIEW OF THE FILE, AN E-MAIL FROM SUPERVISOR ART BUSTARD TO STAFF WAS MISSING. THIS E-MAIL WAS UNFLATTERING TO SUPERVISOR BUSTARD AS SUPERVISOR BUSTARD REFERRED TO TOWNSHIP RESIDENTS, THE IMPERIALS, AS "NEWCOMERS". I POINTED THIS OUT TO THE RTK OFFICER WHO ADMITTED THAT SHE REMOVED THE EMAIL BECAUSE MR. GARRITY'S NAME WAS IN THE PARAGRAPH SO SHE CLAIMED IT WAS PROTECTED BY THE ATTORNEY-CLIENT PRIVILEGE. NOT SO IN THE FIRST VIEWING AND IT WAS EVENTUALLY GIVEN TO ME IN THE SECOND VIEWING. MY QUESTION, WHAT ELSE IS BEING REMOVED FROM THE FILES AT THE TOWNSHIP AND MY NEED TO ADD MY REQUEST TO HAVE YOU IDENTIFY ANYTHING REMOVED OR TAKEN FROM THE FILE. NOW I'M SURE YOU UNDERSTAND THE RATIONALE.

4. I WOULD LIKE A COPY OF THE OPINION RENDERED BY TOWNSHIP SOLICITOR GARRITY, FOR SUPERVISOR CAUGHLAN, ALLOWING SUPERVISOR CAUGHLAN TO GET OUT OF PAVING HER DRIVEWAY APRON LIKE OTHER TOWNSHIP RESIDENTS ARE REQUIRED TO DO. YOU REFERENCED THIS IN YOUR MOST RECENT OCTOBER 15, 2010 CORRESPONDENCE. MR.

GARRITY IN HIS MARCH 2010 EMAIL WAS WILLING WAIVE THE ATTORNEY-CLIENT PRIVILEGE TO PRODUCE THIS OPINION.

THIS IS PRECEDENT SETTING IN SEVERAL WAYS. I'M SURE THE BUILDERS WILL BE HAPPY TO KNOW THAT THEY CAN SAVE THE ASPHALT EXPENSE FOR THEIR NEW CONSTRUCTION. ALSO, IT APPEARS THAT TOWNSHIP RESIDENTS WILL BE ENTITLED TO HAVE MR. GARRITY PROVIDE LEGAL OPINIONS, AT TOWNSHIP COST, DURING ENFORCEMENT PROCEEDINGS. I WOULD LIKE MR. GARRITY TO LOOK AT MY FORMER NEIGHBOR'S ZONING INFRACTIONS AND WRITE AN OPINION FOR ME TO RECOVER MY ATTORNEYS FEES.

5. I WOULD LIKE ANY AND/OR ALL E-MAILS TO AND/OR FROM THE TOWNSHIP MANAGER HAVING ANYTHING TO DO WITH MYSELF FOR THE LAST 1 YEAR.
6. I WOULD LIKE ANY AND/OR ALL EMAILS TO AND/OR FROM TIFFANY LOOMIS HAVING ANYTHING TO DO WITH MYSELF FOR THE LAST 1 YEAR.
7. I WOULD LIKE ANY AND/OR ALL E-MAILS TO AND/OR FROM THE TOWNSHIP MANAGER REGARDING THE 2686 OVERHILL DRIVEWAY SITUATION SINCE APRIL 22, 2010.
8. I WOULD LIKE ANY AND/OR ALL EMAILS TO AND/OR FROM TIFFANY LOOMIS REGARDING THE 2686 OVERHILL DRIVEWAY SITUATION SINCE APRIL 22, 2010.
9. I WOULD LIKE ANY AND/OR ALL EMAILS TO AND/OR FROM THE BOARD OF SUPERVISORS COLLECTIVELY AND/OR INDIVIDUALLY REGARDING THE 2686 OVERHILL DRIVEWAY SITUATION SINCE APRIL 22, 2010.
10. DAVE, CONTRARY TO YOUR LAST NEGATIVE RESPONSE TO ME BY MAIL, YOU HAVE A CATELOGUE SYSTEM FOR YOUR EMAILS BECAUSE I HAVE EMAILS WITH VARIOUS CODES ON THEM USED BY THE TOWNSHIP (COLORS LIKE "RED", FLAGS, ECT.). I ASKED FOR YOUR CATELOGING SYSTEM IN AN ATTEMPT TO MAKE THINGS EASIER, WHICH YOU OBVIOUSLY HAVE AND USE, BUT YOU REFUSE TO GIVE IT TO ME. WHY? COULD I PLEASE EITHER IDENTIFY OR COULD I HAVE A COPY OF THE SYSTEM THAT YOU USE TO CATELOGUE YOUR EMAILS?

IF ANY OF THIS INFORMATION IS AVAILABLE IN ELECTRONIC FORMAT, THIS METHOD IS MOST ECONOMICAL AND PREFERRED. IN ADDITION, I SEE YOU HAVE THE ABILITY TO SCAN, I WOULD PREFER THAT YOU SCAN THE INFORMATION AND SEND BY EMAIL IF POSSIBLE.

JIM MOLLICK.