



RTK-502

pennsylvania

OFFICE OF OPEN RECORDS

STANDARD RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: Dec. 11, 2017

REQUEST SUBMITTED BY: U.S. Mail

REQUEST SUBMITTED TO (Agency name & address): Springettsbury Township, 1501 Mount Zion Road, York, PA 17402

NAME OF REQUESTER : Ed Mahon

STREET ADDRESS: 1891 Loucks Road

CITY/STATE/COUNTY/ZIP(Required): York, PA

TELEPHONE (Optional): [REDACTED] EMAIL (optional): [REDACTED]

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

I am requesting all Springettsbury Township compensation paid in calendar year 2016, including name, position, salary, overtime and other categories. If the salary, overtime and other compensation info is broken down into different categories/columns, I am requesting the information that way.

Please note I am specifically requesting the names of the employees.

I am specifically requesting the information as an electronic database, such as an Excel spreadsheet. Section 701 of the Pennsylvania Right-to-Know Law states that, "A record being provided to a requestor shall be provided in the medium requested if it exists in that medium."

I am also requesting any existing guides for interpreting information in the database or records.

Pursuant to Section 505 of the Pennsylvania Right-to-Know Law, I am using the Pennsylvania Office of Open Records uniform form. The law states that the uniform form "shall be accepted by all Commonwealth and local agencies in addition to any form used by the agency to file a request under this act."

DO YOU WANT COPIES? YES

DO YOU WANT TO INSPECT THE RECORDS? NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? NO

DO YOU WANT TO BE NOTIFIED IN ADVANCE IF THE COST EXCEEDS \$100? 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 ****

FOR AGENCY USE ONLY

OPEN-RECORDS OFFICER: A Gibb

I have provided notice to appropriate third parties and given them an opportunity to object to this request

DATE RECEIVED BY THE AGENCY: 12/13/17

AGENCY FIVE (5) BUSINESS DAY RESPONSE DUE: 12/20/17

30 Day Response Due: 11/19/18

***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.)*



COAT OF ARMS OF SPRINGETT PENN
1701-1731

SPRINGETTSBURY TOWNSHIP

1501 Mt. Zion Road
York, Pennsylvania 17402
717-757-3521 Fax: 717-757-7856
www.springettsbury.com
email: info@springettsbury.com

Police: 717-757-3525 Fax: 717-840-1908
Police and Fire Emergencies - Dial 911
Recreation Office: 717-505-0406

Wastewater Treatment Facility
3501 North Sherman Street
717-757-3521 Fax: 717-840-0680

BOARD OF SUPERVISORS

Mark M. Swomley
Chairman

George M. Dvoryak
Vice Chairman

Kathleen A. Phan
Assistant Secretary/Treasurer

William H. Schenck, III

Blanda E. Nace

TOWNSHIP MANAGER

Benjamin B. Marchant

December 19, 2017

Mr. Ed Mahon
York Daily Record
1891 Loucks Road
York, PA 17408

Re: **RIGHT-TO-KNOW REQUEST – Employee Compensation**

Dear Mr. Mahon,

Thank you for writing to Springettsbury Township with your request for the following information:

“...all Springettsbury Township compensation paid in calendar year 2016, including name, position, salary, overtime and other categories. If the salary, overtime and other compensation info is broken down into different categories/columns, I am requesting the information that way. Please note I am specifically requesting the names of the employees. I am specifically requesting the information as an electronic database, such as an Excel spreadsheet. Section 7101 of the Pennsylvania Right-to-Know Law states that, ‘A record being provided to a requestor shall be provided in the medium requested if it exists in that medium.’ I am also requesting any existing guides for interpreting information in the database or records.”

I have reviewed the request and an extension of time to respond is required due to the reason set forth below. The Township anticipates responding to your request no later than January 19, 2018.

- Timely response to the access cannot be accomplished due to bona fide and specified staffing limitations.

At this time there are no fees associated with your request, you will be advised of any fees required upon the complete review of available records.

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

Thank you,

Abegale Gibb
Right to Know Officer

File: Right-to-Know 502



COAT OF ARMS OF SPRINGETT PENN
1701-1731

SPRINGETTSBURY TOWNSHIP

1501 Mt. Zion Road
York, Pennsylvania 17402
717-757-3521 Fax: 717-757-7856
www.springettsbury.com
email: info@springettsbury.com

Police: 717-757-3525 Fax: 717-840-1908
Police and Fire Emergencies - Dial 911
Recreation Office: 717-505-0406

Wastewater Treatment Facility
3501 North Sherman Street
717-757-3521 Fax: 717-840-0680

BOARD OF SUPERVISORS

Mark M. Swomley
Chairman

George M. Dvoryak
Vice Chairman

Kathleen A. Phan
Assistant Secretary/Treasurer

William H. Schenck, III

Blanda E. Nace

TOWNSHIP MANAGER

Benjamin B. Marchant

December 22, 2017

Mr. Ed Mahon
York Daily Record
1891 Loucks Road
York, PA 17408

Re: **RIGHT-TO-KNOW REQUEST – Employee Compensation**

Dear Mr. Mahon,

Thank you for writing to Springettsbury Township with your request for the following information:

“...all Springettsbury Township compensation paid in calendar year 2016, including name, position, salary, overtime and other categories. If the salary, overtime and other compensation info is broken down into different categories/columns, I am requesting the information that way. Please note I am specifically requesting the names of the employees. I am specifically requesting the information as an electronic database, such as an Excel spreadsheet. Section 7101 of the Pennsylvania Right-to-Know Law states that, ‘A record being provided to a requestor shall be provided in the medium requested if it exists in that medium.’ I am also requesting any existing guides for interpreting information in the database or records.”

Your request is approved with redactions and requested records are included with this response electronically. Name(s) that have been redacted or changed to read “Undercover” and therefore are denied for the following reason:

1. *Pennsylvania Right to Know Law, Act 3 of 2008*: Section 708(b) (6) (i) (iii): An agency may redact the name or other identifying information relating to an individual performing an undercover or law enforcement activity from a record.

Please note, although you have requested an Excel spreadsheet, the Township has provided records in PDF format. As you have identified, the Right-to-Know Law states “A record being provided to a requestor shall be provided in the medium requested if it exists in that medium,” and the Township is providing you the documents in electronic medium, but not in a specified file format in accordance with several Office of Open Record Final Determinations.

- Specifically, *Bangs v Allegheny County*, Office of Open Records Final Determination, Docket No. AP 2015-2643 with additional determinations and text referenced:

- “The RTKL does not define “medium;” however, the OOR has defined it “as the substance through which something is transmitted or carried, a ‘means,’ such as on paper or on a hard-drive or on a database or over the Internet.”
 - “The RTKL provides requestors with the right to inspect and duplicate. Duplication is a snapshot, a static record that cannot be altered or modified, in other words, a copy....It was provided in an electronic medium and there is no requirement to provide records in a manner that would subject them to alteration or manipulation.”
 - “Under the RTKL, ‘medium’ is a broad term, and ‘electronic medium’ encompasses all electronic formats.”
- *Cap v. Lehigh and Northampton Transp. Auth.*, OOR Dkt. AP 2013-0168, 2013 PA O.O.R.D. Lexis 112.
 - *Acton v. Fort Cherry Sch. Dist.*, OOR Dkt. AP 2009-0926, 2009 PA O.O.R.D. Lexis 786, *aff’d*, No. 2010-719 (Wash. Com. Pl. July 26, 2011), *aff’d*, 38 A.3d 1092 (Pa. Commw. Ct. 2012), petition for allowance of appeal denied, 57 A.3d 72 (Pa. 2012).
 - *Bowling v. Pennsylvania Emergency Management Agency*, See OOR Dkt. AP 2009-0128, 2009 PA O.O.R.D. Lexis 607, *rev’d on other grounds*, *Bowling v. Office of Open Records*, 990 A.2D 813 (PA Commw. Ct. 2010), *aff’d*, 75 A.3d 453 (Pa. 2013)

You have a right to appeal denial of information in writing to Erik Arneson, Executive Director, Office of Open Records, Commonwealth Keystone Building, 400 North Street, 4th Floor, Harrisburg, PA 17120-0225.

Please be advised that this correspondence will serve to close this record with our office as permitted by law. If you have any questions, please do not hesitate to contact me.

Thank you,



Abegale Gibb
Right to Know Officer

File: Right-to-Know 502