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Springettsbury Township



**Springettsbury Township**  
1501 Mt. Zion Road  
York, PA 17402  
(717) 757-3521 (Phone)  
(717) 505-0455 (Fax)  
www.springettsbury.com

**STANDARD RIGHT-TO-KNOW REQUEST FORM**

RTK  
105

DATE REQUESTED: 4-27-12

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

NAME OF REQUESTOR: DAVID B. TROTT

STREET ADDRESS: 3360 DRUCK VALLEY RD

CITY/STATE/COUNTY (Required): YORK, PA 17406

TELEPHONE (Optional): [REDACTED]

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: JOHN J. HOLMAN, TOWNSHIP MANAGER/SECRETARY  
john.holman@springettsbury.com

DATE RECEIVED BY THE AGENCY:  
AGENCY FIVE (5)-DAY RESPONSE DUE:



**\*\*Public bodies may fill anonymous verbal or written requests. If a 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.)**

Questions: please contact the Office of Open Records at (717) 346-9903 or [openrecords@state.pa.us](mailto:openrecords@state.pa.us)

Springettsbury Township  
Right To Know Continuation  
Date: April 27, 2012  
David G. Trott

I am requesting any and all records relating to the hiring of Thomas H. Hyers as the Springettsbury Township Police Chief.

This will include but, not be limited to:

Conditional offers of employment, Final offers of employment, Negotiations documentation relating to salary, benefits, working conditions, work hours, prospective raises, and probationary periods. All dates when conditional and final offers of employment were made and dates when Lt. Hyers accepted or declined any offers of employment.

Any and all documentation which shows a connection or relationship between John Holman and Thomas Hyers, prior to the initial receipt of Hyers application.

Any and all documentation which shows a connection or relationship between John Holman and a third-party, who was involved in the furtherance of Thomas Hyers potential employment with Springettsbury Township.



David G. Trott

4-27-12

Date

Albert G. Blakey\*  
Donald B. Hoyt  
Charles A. Rausch  
Bradley J. Leber  
David A. Mills  
John J. Baranski, Jr.  
Nicole M. Ehrhart  
*\*of counsel*



Blakey, Yost, Bupp & Rausch, LLP  
Attorneys at Law

retired

Donald H. Yost

David Wm. Bupp  
(1938-2010)

May 1, 2012

Mr. David G. Trott  
3360 Druck Valley Road  
York, PA 17406

Re: **RIGHT-TO-KNOW REQUEST**

Dear Mr. Trott:

Thank you for submitting to Springettsbury Township a Right-To-Know Request form dated April 27, 2012 in regards to "any and all records relating to the hiring of Thomas H. Hyers as the Springettsbury Township Police Chief."

Since some of your requests specifically name John Holman, he has recused himself as the Right-To-Know officer for this request, and I am responding on behalf of the Township. I have reviewed the request and an extension of time to respond is required due to the reasons set forth below. The Township anticipates responding to your request within thirty (30) days from May 4, 2012.

The extension of time is required for these reasons under Section 902(a) of the Act:

- (1) A legal review is necessary to determine whether the record is a record subject to access under the act;
- (2) The request for access may require redaction of a record in accordance with section 706;
- (3) Timely response to the access cannot be accomplished due to bona fide and specified staffing limitations;
- (4) The extent or nature of the request precludes a response within the required time period since the Right-To-Know Officer has recused himself from this request.

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17 East Market Street, York PA 17401 717-845-3674 Fax 717-854-7839

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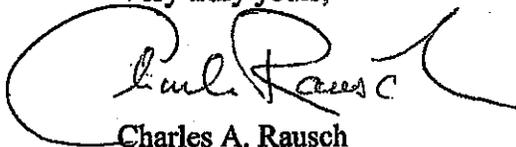
May 1, 2012

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The applicable fees associated with your request are unknown at this time. You will be advised of the estimated fees after completion of review of your request.

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Charles A. Rausch". The signature is fluid and cursive, with a large initial "C" and "R".

Charles A. Rausch  
Solicitor, Springettsbury Township

CAR/moh

Cc: John J. Holman, Township Manager  
Betty Speicher, Director of Human Resources

Donald B. Hoyt  
Charles A. Rausch  
Bradley J. Leber  
David A. Mills  
John J. Baranski, Jr.  
Nicole M. Ehrhart



Blakey, Yost, Bupp & Rausch, LLP  
Attorneys at Law

retired  
Donald H. Yost

Albert G. Blakey  
(1929 - 2012)  
David Wm. Bupp  
(1938-2010)

May 15, 2012

Mr. David G. Trott  
3360 Druck Valley Road  
York, PA 17406

Re: **RIGHT-TO-KNOW REQUEST DATED 4/27/2012**

Dear Mr. Trott:

Thank you for submitting to Springettsbury Township a Right-To-Know Request form dated April 27, 2012. As indicated in previous correspondence, Mr. Holman has recused himself as the Right-To-Know Officer for your request, and I am responding to your Right-To-Know Request on behalf of the Township.

Your request is approved in part and denied in part. Since your request is in several parts, I will address each part separately.

Request #1.

Your request stated: "I am requesting any and all records relating to the hiring of Thomas H. Hyers as the Springettsbury Township Police Chief. This will include but, not be limited to:

Conditional offers of employment, Final offers of employment, Negotiations (sic) documentation relating to salary, benefits, working conditions, work hours, prospective raises, and probationary periods. All dates when conditional and final offers of employment were made and dates when Lt. Hyers accepted or declined any offers of employment."

Your request is granted as to the following documents:

1. Advertisement for Police Chief (1 page);
2. Advertisement for Chief of Police dated September 29, 2011 (1 page);
3. Career opportunity for position of Police Chief (3 pages);
4. Cover letter from Lt. Thomas H. Hyers dated 11/7/11 to the Director of Human Resources (1 page);

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May 15, 2012

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5. Letter dated 11/17/11 from Betty Speicher to Mr. Thomas H. Hyers (1 page)(with redaction pursuant to Section 708(b)(6)(C)).
6. Resume of Thomas H. Hyers(2 pages)(with redaction pursuant to Section 708(b)(6)(A) and (C)).
7. Application for Employment for Thomas Howard Hyers dated 11/7/2011 (4 pages) (with redaction pursuant to Section 708(b)(6)(A) and (C)).
8. Conditional Offer of Employment dated 4/18/2012(3 pages) (with redaction pursuant to Section 708(b)(6)(C)).

Your request for "Negotiations (sic) documentation relating to salary, benefits, working conditions, work hours, prospective raises, and probationary periods" is hereby denied for the following reasons under the Right-To-Know Law:

1. Section 708(b)(10)(i)(A): The internal, predecisional deliberations of an agency, its members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.
2. Section 708(b)(12): Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.
3. Section 102: The definition of a public record excludes records that are protected by a privilege. Some of the records under this request fall within the attorney/client privilege.

Request #2.

Your request stated: "Any and all documentation which shows a connection or relationship between John Holman and Thomas Hyers, prior to the initial receipt of Hyers (sic) application."

Your request is denied since no such records exist.

Request #3.

Your request states: "Any and all documentation which shows a connection or relationship between John Holman and a third-party, who was involved in the furtherance of Thomas Hyers potential employment with Springettsbury Township."

May 15, 2012

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First, it is unclear what is meant by a "connection or relationship" between John Holman and a third party who was involved in the "furtherance" of Thomas Hyers potential employment with Springettsbury Township. If this request is intended, as in Request #2, to request documentation concerning a personal relationship between John Holman and a third party, then the request is denied since no such records exist. To the extent that Request #3 is requesting documents between John Holman and a third party that was engaged to assist John Holman in the hiring process for a chief of police, then the request is denied for the following reasons:

1. Section 708(b)(10)(i)(A): The internal, predecisional deliberations of an agency, its members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.
2. Section 708(b)(12): Notes and working papers prepared by or for a public official or agency employee used solely for that official's or employee's own personal use, including telephone message slips, routing slips and other materials that do not have an official purpose.
3. Section 708(b)(15)(ii): Examinations, examination questions, scoring keys or answers to examinations.
4. Section 102: The definition of a public record excludes records that are protected by a privilege. Some of the records under this request fall within the attorney/client privilege.

It is the Township's position that the responses contained in this letter cover your broad request for "any and all records" relating to the hiring of Thomas H. Hyers. If you have a specific record that you do not believe has been addressed in this response, please identify it so that the Township can determine if that record is a public record subject to disclosure under the Right-To-Know Law.

The cost for reproducing the approved records is 16 pages @ .25 per page, or \$4.00. The records are available at the Township office upon receipt of payment.

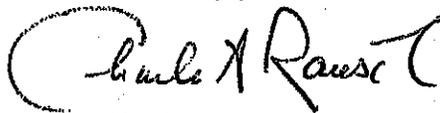
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May 15, 2012

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You have the right to appeal denial of a record in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Building, 400 North Street, 4<sup>th</sup> Floor, Harrisburg, PA 17120. If you choose to file an appeal, you must do so within 15 business days of the mailing date of this response as outlined in Section 1101 of the Right-To-Know Law. Please be advised that this correspondence will serve to close this record request.

Very truly yours,

A handwritten signature in black ink that reads "Charles A. Rausch". The signature is written in a cursive style with a large, looping initial "C".

Charles A. Rausch  
Solicitor, Springettsbury Township

CAR/moh

Cc: John J. Holman, Township Manager