FOR IMMEDIATE RELEASE:
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Perdue AgriBusiness Appeals Hellam’s Response to RTK Request

Despite being granted an extension beyond the original deadline to comply, Hellam Township’s response to Perdue’s Right to Know request is still incomplete and inadequate. Therefore, Perdue filed an appeal today with the state Office of Open Records requesting it order the Township to disclose all requested records.

After years of opposition to this high-profile project, the Township only provided a short stack of documents and a modest amount of e-mails. Based on even this small amount of information, it is abundantly clear that additional e-mails and documents subject to the state’s Right to Know law exist but were not disclosed. (In one e-mail from Oct. 17, 2015, supervisor Mike Martin admits that he has approximately 1,000 e-mails related to the project, but few are provided.)

In refusing to disclose some information, the Township cited a confidential communications agreement (see Page 45 of the attachment) between the Township and members of the Nissley family. However, townships cannot contract around the open access requirements of Pennsylvania’s Right to Know Law.

Moreover, that agreement directly contradicts claims made by Mr. Martin at recent public meetings and in letters to the editor that, “From day one Hellam Township has strongly supported the construction of the proposed Perdue soybean oil extraction plant.” (Lancaster Newspapers, Sept. 13, 2015; York Daily Record, Sept. 23, 2015) The agreement, signed in 2012, states that the parties “oppose development of the Plant” and “mutually seek to prevent development of the Plant,” and share the "mutual goal of enjoining development of the Plant."

This document, combined with the contradictory public statements by Mr. Martin, further strengthens Perdue’s standing to try to secure pertinent records or documents to protect our ability to defend ourselves in the likely event that the Township will challenge our permit, should it be approved.

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