BOROUGH OF WYOMISSING

Borough Hall – 22 Reading Boulevard
Wyomissing, PA 19610-2083
Telephone (610) 376-7481 Fax (610) 376-8470

Right-To-Know Response

October 8, 2026

VIA EMAIL: adrian@jadic.us
Adrian Jadic
48 Cardinal Road
Wyomissing, PA19610

Dear Adrian Jadic,

Thank you for writing to the Borough of Wyomissing with your request for records pursuant to Pennsylvania's Right-To-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq*. On August 31, 2026 the Borough received your request on the standard RTKL Request Form of the Pennsylvania Office of Open Records for records you described as follows:

Abrams realty concept plan submitted for Zoning review.

On September 4, 2026, the Borough implemented a 30-day time extension to respond on or before October 8, 2026.

This request encompasses all items as outlined in your RTK request associated with the aforementioned documents is granted except as set forth herein. Copies of the responsive documents are enclosed.

The request has been denied pursuant to Section 102 of the RTKL, providing that a public record under the Law is:

"A record, including a financial record, of a Commonwealth or local agency that (1) is not exempt under section 708; (2) is not exempt from being disclosed under any other Federal or State law or regulation or judicial or decree; or (3) is not protected by a privilege." 67 P.S. 67. 102.

Section 305(a)(3) of the Right to Know Law entitled "Presumption" specifically provides in relevant part that "(a) General rule. A record in the possession of a Commonwealth agency or local agency shall be presumed to be a public record. The presumption shall not apply if:
(3) the record is exempt from disclosure under any other Federal of State Law or regulation or judicial order or decree."

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Thus, documents protected by federal law are exempt from production under the Right to Know Law. Federal Copyright Law is such a federal law. Federal Copyright Law prohibits reproduction of any copyrighted work without the consent or permission of the copyright holder. 17 U.S.C. §106 and 17 U.S.C. §501. Accordingly, documents protected pursuant to Federal Copyright Law are exempt from production under the Right to Know Law.

The Office of Open Records of Pennsylvania had specifically determined that plans and drawings are copyright protected and exempt from production under the Right to Know Law. *Belden v. London Britain Township,* OOR Docket AP-2010-0447, June 16, 2010. The office of Open Records has also found that it is precluded from ordering the production of records asserted to be subject to Federal Copyright Act, including those involving land developments. *Tomer v. Maxatawny Township,* OOR Docket AP-2013-0619.

Any plans submitted for the Zoning review, are protected from production as copyrighted documents pursuant to Federal Copyright Law per sections 102 and 305(a)(3) of the Right to Know Law as stated above.

The copyright protection afforded these documents prohibits them from being reproduced. However, the law does not prohibit them from being reviewed. If you desire to view these documents, you may contact the Borough to schedule a time during regular business hours to review the above identified documents, but not copy or in any way reproduce images of the documents.

Your request is partially denied for the following reason as permitted by the RTK Law.

Based on a thorough examination of records in the possession, custody and control of the Borough of Wyomissing, the records you requested for Zoning review records and Zoning issues and proposed C-1 overlay records do not exist in the possession, custody and control of the Borough. Furthermore, as the Zoning review remains incomplete, the request for such records is further denied by Section, 708(b)(10)(i)(A) as internal, predecisional deliberations.

You have a right to appeal the remainder of the denial in writing to: Office of Open Records, 555 Walnut Street, Suite 605, Harrisburg, PA 17101. Appeals can also be filed online at the Office of Open Records website, https://www.openrecords.pa.gov.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. *See* 65 P.S. § 67.1101. Please note that a copy of your original Right-to-Know request and this denial letter must be included when filing an appeal. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, https://www.openrecords.pa.gov.

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The above response is being made under the penalty of perjury, pursuant to 18 Pa. C.S. sec. 4904, and I state that the above statements are true and correct based on my personal knowledge, information and belief. If you have additional questions, please contact me. This correspondence will serve to close this record with our office as permitted by law.

Respectfully,

Melissa Miller

Melissa Miller
Borough Secretary and Open Records Officer
Borough of Wyomissing
22 Reading Boulevard
Wyomissing, PA 19610
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