



FINAL DETERMINATION

IN THE MATTER OF

**MARK HUDAK,
Requester**

v.

**HEIDELBERG TOWNSHIP,
Respondent**

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Docket No: AP 2026-4156

On August 5, 2026, Mark Hudak (“Requester”) submitted a request (“Request”) to Heidelberg Township (“Township”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking records related to a report by an engineering firm regarding the Township’s water system.

On September 8, 2026, after invoking a thirty-day extension to respond, *see* 65 P.S. § 67.902(b), the Township granted the Request in part, providing responsive records, but arguing that the disclosure of water system layout exhibits would be reasonably likely to endanger the security of water system infrastructure. *See* 65 P.S. § 67.708(b)(3)(iii). The Township also argued that the requested presentations, summaries, memoranda, briefing materials, standards of conduct and procurement policies do not exist in its possession, custody or control.

On September 26, 2026, the Requester appealed to the Office of Open Records (“OOR”), challenging the partial denial and stating grounds for disclosure.¹ The OOR invited both parties to supplement the record and directed the Township to notify the OOR if any third parties have a direct interest in the appeal. 65 P.S. § 67.1101(c).

As the Appeals Officer assigned to this matter by the OOR, I have reviewed the appeal filed; the District’s submission of October 8, 2026, including a statement made under the penalty of unsworn falsification to authorities by Katie Holmes, Open Records Officer (“Holmes Attestation”), and a document entitled “Water System Overview”; the Requester’s submissions dated October 8 and 14, 2026; and the Township’s response to the OOR’s request for clarification dated October 14, 2026. Based upon my review of the appeal and necessary evidence, I make the following conclusions of law and findings of fact:

- In response to the OOR’s request for clarification, the Township confirms that it had initially produced a document titled “Heidelberg Township Water System Analysis,” but subsequently discovered a separate file containing the substantive water-system study itself, entitled “Water System Overview,” which the Township has produced on appeal.² Therefore, the appeal is moot as to this document. *See Chester Water Auth. v. Pa. Dep’t of Cmty. & Econ. Dev.*, 249 A.3d 1106, 1114 (Pa. 2021) (finding that a matter was settled by provision of records, and thus, “the controversy has been mooted”).
- The Township has proven that the disclosure of the water system layout exhibits withheld from the completed report would create a reasonable likelihood of endangering the safety

¹ As the Requester expressly limits the appeal to the Township’s failure to include the Water Feasibility Study and withholding of the water-system layout exhibits, he has waived any objections to the Township’s argument that other records do not exist. *See Pa. Dep’t of Corr. v. Off. of Open Records*, 18 A.3d 429 (Pa. Commw. Ct. 2011).

² The Township withheld the water system layout exhibits, as addressed below. The Requester argues that there are completely and mostly blank pages in the Water System Overview. However, the OOR has reviewed the record, and while sections are separated by pages with section headers followed by blank pages, it does not appear that material has been omitted.

or physical security of water system infrastructure. *See* 65 P.S. § 67.708(b)(3)(iii). The Holmes Attestation provides that the exhibits depict nonpublic, system-specific information concerning the location and configuration of the Township's water infrastructure, including the routing and interconnection of water lines and the location or relationship of system components that is substantially more detailed than the general information concerning the water system that was produced. Holmes Attestation, ¶ 9. Consultation with the Township engineer revealed that disclosure of those details would permit a person to identify sensitive points in the system and to understand how interference with a particular line or component could affect water service. *Id.*, ¶¶ 9-10. AORO Holmes affirms that the concern is based on the actual content and level of detail in the exhibits, not on a generalized assertion that all water-system records are sensitive; general information was not withheld. *Id.*, ¶ 11. Based on that consultation, his own review, and discussion with the Township Manager, AORO Holmes concluded that disclosure would materially assist a person seeking to damage, disrupt, contaminate, or obtain unauthorized access to the water system, and could increase the likelihood and potential impact of an interruption of service to the homes served by the system. *Id.*, ¶ 12. As evidence establishes that disclosure of the records would create a reasonable likelihood of endangering infrastructure security, the Township has met its burden of proof. *See* 65 P.S. § 67.708(a)(1).

For the foregoing reasons, the appeal is **denied in part** and **dismissed as moot in part**, and the Township is not required to take any further action. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the York County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and

have an opportunity to respond according to court rules as per 65 P.S. § 67.1303, but as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.³ All documents or communications following the issuance of this Final Determination shall be sent to oor-postfd@pa.gov. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

FINAL DETERMINATION ISSUED AND MAILED: October 22, 2026

/s/ Blake Eilers

Blake Eilers, Esq.

Senior Appeals Officer

Delivered via e-file portal to: Mark Hudak; Judy Mustard; Idan Ghazanfari, Esq.

³ *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).