

WILLIAMS TOWNSHIP
BOARD OF SUPERVISORS

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE TOWNSHIP OF WILLIAMS,
NORTHAMPTON COUNTY, PENNSYLVANIA,
ADOPTING A POLICY FOR INSPECTION AND
DUPLICATION OF PUBLIC RECORDS IN
ACCORDANCE WITH THE PENNSYLVANIA
RIGHT-TO-KNOW LAW, ACT 3 OF 2008

RESOLUTION 2008- 22

WHEREAS, the Township is a local agency as that term is defined in the Pennsylvania Right-to-Know Law, Act 3 of 2008, Title 65 P.S. Sections 66.1-66.9;

WHEREAS, Section 504 of the Right-to-Know Law provides that the Township may adopt a policy to implement the Right-to-Know Law and to establish procedures for inspection and duplication of public records; and

WHEREAS, the Board of Supervisors desires to adopt a written policy for processing of requests for inspection and duplication of public records under the Right-to-Know Law.

NOW THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Williams Township, Northampton County, Commonwealth of Pennsylvania, as follows:

Section 1. The Board of Supervisors hereby appoints the Township Manager as the Township Open-Records Officer.

Section 2. The Board of Supervisors hereby adopts the policy for requests for inspection and duplication of public records attached hereto as Exhibit "A" and incorporated herein.

Section 3. In the event any provision, section, sentence, clause, or part of this Resolution shall be held to be invalid, illegal, or unconstitutional

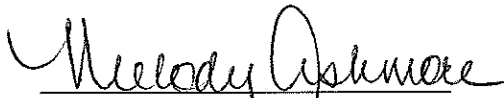
by a court of competent jurisdiction, such invalidity, illegality, or unconstitutionality shall not affect or impair the remaining provisions, sections, sentences, clauses, or parts of this Resolution, it being the intent of the Board of Supervisors that the remainder of the Resolution shall be and shall remain in full force and effect.

Section 4. This Resolution shall take effect and be in force immediately.

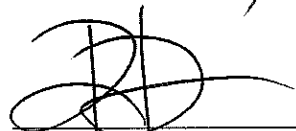
RESOLVED, ADOPTED, AND APPROVED, this 10th day of December, 2008, at regular public meeting of the Board of Supervisors of Williams Township.

ATTEST:

**WILLIAMS TOWNSHIP
BOARD OF SUPERVISORS**


Melody Ashmore, Secretary


Sally Hixson, Chairman


Robert Doerr, Vice-Chairman

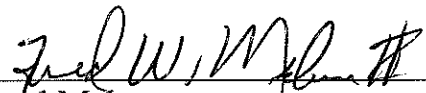

Fred Mebus

EXHIBIT "A"

TOWNSHIP OF WILLIAMS
PUBLIC RECORDS INSPECTION AND DUPLICATION POLICY

In accordance with the Pennsylvania Right-to-Know Law, Act of February 14, 2008, P.L. No. 3, hereinafter referred to as the "Law", the following is the policy for requests for inspection and duplication of public records of the Township of Williams.

I. SUBMISSION OF REQUEST.

All requests to inspect or duplicate public records of the Township shall be presented to:

Open Records Officer
Township of Williams
655 Cider Press Road
Easton, PA 18042

Requests may be made in person at the Township office at 655 Cider Press Road, Easton, Pennsylvania, during normal business hours (Mondays through Fridays from 8:30 a.m. until 4:30 p.m.); by mail to 655 Cider Press Road, Easton, PA 18042; or by fax to (610) 258-6080; or e-mail to dpatterson@williamstwp.org.

Requests may be made in writing. The Township has prepared a form to assist in processing requests.

All requests for inspection and/or duplication of public records must provide sufficient and specific information to allow the Township staff to identify the requested records. The following information is the minimum necessary to enable the Township staff to identify the public records sought:

1. Type of record, e.g., ordinance, resolution, meeting minute, permit, Zoning Hearing Board Decision, etc.
2. Approximate date of record, e.g., minutes of the Board of Supervisors meeting of January, 2001. The approximate date of

the record must be within three to six months of the actual date of the record. The Township cannot respond to requests which state that the record was created within a multi-year period.

3. If applicable, subject matter of record, e.g., sewage system ordinance, Zoning Hearing Board decision concerning a specifically identified property, building, permit for specific property, etc.
4. If the requestor desires a written response or mailing of information, name and address to which the Township should address a response to the request.
5. Whether the requester desires to inspect or whether the requestor desires a copy of the document. If the requestor desires a copy of the document, specify the preferred media or format.

The Township is not required to and will not compile lists, prepare summaries, or create documents that do not exist. The Township will provide access to and duplication of existing Township records which are public records under the Right-to-Know Law.

The Township recognizes its obligation to make public records available to any legal resident of the United States. The Township acknowledges that it may not deny a request for access to a public record on the basis of the intended use of the public record, and the Township will not require any person to disclose his or her purpose or motive in requesting access to public record.

II. CONSIDERATION OF REQUEST FOR INSPECTION OF PUBLIC RECORDS.

The Township shall make a good faith effort to respond to any request for inspection and/or duplication of public records as promptly as possible. Unless circumstances prevent, the Township will respond to a written request for a public record within five (5) business days from the date it is received. Any request for a public record submitted within one hour of the close of business shall be considered received on the following business day.

If the requester has provided his/her name and address, the Township shall send written notice to the requester within five (5) business days from the receipt of the request if the Township determines that any of the following are applicable to the request:

1. The request requires a redaction of the record. Records will be redacted if they contain information which is not subject to public access as well as information which constitutes a public record.
2. The request requires retrieval of records stored outside of the Township municipal building.
3. The Township cannot respond due to a specific staffing issue. For example, the Township staff is limited, and if the Township Secretary is on vacation it may not be possible to respond within five (5) business days.
4. The Township believes that it is necessary to consult with the Township Solicitor to determine whether the requested record is a public record under the Right-to-Know Law.
5. The requester has not complied with Township policies concerning access to public records.
6. The requester has refused to pay any applicable fee.
7. The extent or nature of the request precludes a response within the required time period.

If the Township cannot respond within five (5) business days to a request, the Township will provide the reason why response is delayed, estimated date by which it anticipates it may make its response, and an estimate of any fees.

If the requester desires to remain anonymous, the Township shall provide such information when the requester returns to the Township office.

If the requester desires to review Township files, ordinances, or resolutions in person, this shall be accomplished in the presence of a Township employee.

III. FEES.

Any person who requests the duplication of public records shall pay for the duplication in accordance with the Township's adopted fee schedule or with the fees established by the Commonwealth of Pennsylvania Office of Open Records. A true and correct copy of the Fee Schedule as of the date of enactment of this Policy is attached hereto, incorporated herein by reference and marked Exhibit "A". If the Township estimates that the cost to fulfill the request will exceed \$100.00, the Township will require prepayment of the fee prior to granting a request for access.

IV. RESPONSE TO REQUEST FOR A PUBLIC RECORD.

The Right-to-Know Law does not require the Township to compile lists, prepare summaries, or create documents that do not exist. The Township will provide access to and duplication of only existing Township records which are public records under the Right-to-Know Law.

If the Township determines that the record requested is a public record, the Township will allow its inspection or will notify the requester that the record is available electronically through publicly accessible means, providing the internet address at which such record is available, or will provide a copy of the record in the format requested if the Township has the capability to produce such a format. If the Township does not have the capability to duplicate the public record in the format requested, the Township will provide a paper copy of the record. If the requester is unwilling or unable to access the record electronically, the requester may, within 30 days, submit a written request for a paper copy of such record.

If the Township informs the requester that copies of the requested records are available at the Township office and the requester fails to retrieve the records within sixty (60) days of the Township's response, the Township may dispose of the copies and retain all fees.

If the Township denies a written request to inspect and/or duplicate records in whole or in part, the Township shall provide a written denial. This written denial will identify the record and the specific reason for the denial of the request, including a citation to supporting authority. The written response shall also include the name, title, business address, business telephone number and signature of the Open-Records Officer who has denied the request, the date of the denial, and the procedure to appeal the denial.

V. APPEAL FROM DENIAL OF REQUEST FOR INSPECTION OR COPYING OF RECORDS.

The Law provides that a requester who disagrees with a denial of his or her written request for inspection and/or duplication of records may file an appeal to:

Commonwealth of Pennsylvania
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

Pursuant to Section 1101(a) of the Law, the appeal must be in writing, must be filed within fifteen (15) business days of the date of the Township's response or date of a deemed denial; must state the grounds on which the requester asserts that the record is a public record; and must address any grounds stated by the Township in denying the request.

FEE STRUCTURE

<u>Record Type</u>	<u>Fee</u>
Copies:	.25 per page
<i>(A "photocopy" is either a single-sided copy or one side of a double-sided black-and-white copy of a standard 8.5" x 11" page)</i>	
Certification of a Record:	\$1 per record, not per page. Please note that certification fees do not include notarization fees.
Specialized documents: For example, but not limited to, blue prints, color copies, non-standard sized documents	Actual Cost
Facsimile/Microfiche/Other Media:	Actual Cost
Redaction Fee:	No Redaction Fee May be Imposed
Conversion to Paper:	If a record is only maintained electronically or in other non-paper media, duplication fees shall be limited to the lesser of the fee for duplication on paper or the fee for duplication in the original media unless the requester specifically requests for the record to be duplicated in the more expensive medium. (Section 1307(e))
Postage Fees:	Fees for Postage May Not Exceed the Actual Cost of Mailing

EXHIBIT "A"

- **Statutory Fees:** If a separate statute authorizes an agency to charge a set amount for a certain type of record, the agency may charge no more than the statutory amount. For example, a Recorder of Deeds may charge a copy fee of 50 cents per uncertified page and \$1.50 per certified page under 42 P.S. §21051. Police departments have the authority to charge up to \$15 per report for providing a copy of a vehicle accident report, 75 Pa.C.S. §3751(b)(2). Philadelphia police may charge up to \$25 per copy. *Id.* at (b)(3). State Police are authorized to charge “\$5 for each copy of the Pennsylvania State Police full report of investigation.” 75 Pa.C.S. §1956(b).

- **Inspection of Redacted Records.** If a requester wishes to inspect rather than receive a copy of a record and the record contains both public and non-public information, the agency shall redact the non-public information. An agency may not charge the requester for the redaction. However, the Agency may charge for the copies it must make of the redacted material in order for the requester to view the public record. The fee structure outlined above will apply. If, after inspecting the records, the requester chooses to obtain the copies, no additional fee may be charged.

- **Enhanced Electronic Access:** If an agency offers enhanced electronic access to records in addition to making the records accessible for inspection and duplication by a requester, the agency may establish user fees specifically for the provision of the enhanced electronic access, but only to the extent that the enhanced electronic access is in addition to making the records accessible for inspection and duplication by a requester as required by this Act. The user fees for enhanced electronic access may be a flat rate, a subscription fee for a period of time, a per-transaction fee, a fee based on the cumulative time of system access or any other reasonable method and any combination thereof. **The user fees for enhanced electronic access must be reasonable, must be pre-approved by the Office of Open Records and shall not be established with the intent or effect of excluding persons from access to records or duplicates thereof or of creating profit for the agency.** Please submit any request to the

Office of Open Records
400 North Street
Harrisburg, PA 17120

- **Fee Limitations.** Except as otherwise provided by statute, the law states that **no other fees may be imposed** unless the agency necessarily incurs costs for complying with the request, and such fees must be reasonable. No fee may be imposed for an agency's review of a record to determine whether the record is a public record, legislative record or financial record subject to access in accordance with this Act. No fee may be charged for searching for or retrieval of documents. An agency may not charge staff time or salary for complying with a RTK request.

- **Prepayment:** Prior to granting a request for access in accordance with this Act, an agency may require a requester to prepay an estimate of the fees authorized under this section if the fees required to fulfill the request are expected to exceed \$100.
 - Once the request is fulfilled and prepared for release, the Office of Open Records recommends that the agency obtain the cost of the records prior to releasing the records. This recommendation is designed to avoid situations in which the agency provides the records and the requester fails to submit payment.