

**Resolution #10-55  
Adopted January 4, 2010**



### **OPEN RECORDS LAW**

**A RESOLUTION OF THE TOWNSHIP OF HARBORCREEK, COUNTY OF ERIE, COMMONWEALTH OF PENNSYLVANIA, REVISING RESOLUTION NO. 02-23, TO ASSURE COMPLIANCE WITH THE OPEN RECORDS LAW TO PRESERVE THE INTEGRITY OF THE TOWNSHIP FILES AND TO MINIMIZE THE FINANCIAL IMPACT TO RESIDENTS OF THE TOWNSHIP REGARDING THE RESOURCES CONSUMED.**

**WHEREAS**, the purpose of this policy is to assure compliance with the Public Records Law, to preserve the integrity of the Township files and to minimize the financial impact to the residents of the Township regarding the resources consumed.

**WHEREAS**, it is the policy of Harborcreek Township to require the presence of a designated employee when files are examined and to charge a fair and equitable rate for copying of Township files, and

**WHEREAS**, this resolution updates the previously adopted Resolution 02-23, pertaining to the Public Record Law, and

**THEREFORE, BE IT RESOLVED**, that it is the Board of Supervisors of Harborcreek Township's responsibility to assure compliance to the Open Records Law, Act 100 of 2002, according to the following guidelines:

1. Requests shall be in writing and directed to the Chairperson, or in their absence, Vice Chairperson of the Board of Supervisors, 5601 Buffalo Road, Harborcreek, PA 16421. Written requests shall include the date of the request, the name and address of the requester and a clear description of the record(s) sought. If the record(s) sought is/are determined to be a public record(s), the Township Secretary or a designated employee will process the request for the record(s).
2. The Township Secretary shall be responsible to minimize the financial impact to the Township regarding the resources utilized in the retrieval and copying of Public Record(s) requests.
3. Employees, designated by the Township Secretary, shall cooperate fully with those requesting the review and/or duplication of original Township public records while taking reasonable measures to protect Township public records from the possibility of theft and/or modification. Township employees will assure the protection of the requested public record, including witnessing the review of any public record.

4. The Township will respond as promptly as possible after a record is determined to be a public record. A written request for a public record will be answered in five business days with the following exceptions as stated in the Open Records Act 100 of 2002:
  - a. If the request for access requires redaction of a public record in accordance with section 3.2
  - b. If the request for access requires the retrieval of a record stored at a remote location
  - c. If a timely response to a request for access cannot be accompanied due to a bona fide and specified staffing problem
  - d. If a legal review is necessary to determine whether the record is a public record subject to this act
  - e. If a requester has not complied with the Township policies regarding access to public records
  - f. If the requester refuses to pay applicable fees
5. In the event the estimated cost of fulfilling a written request for public record(s) submitted under this resolution is expected to exceed \$100.00, the Township Secretary is directed by the Board of Supervisors to require a requester to prepay an estimate of the fees authorized in this Resolution to avoid unwarranted expense of Township resources.
6. The Board of Supervisors shall facilitate a reasonable response to a request for Township public records. In no case shall the Township be expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with Township administrative responsibilities and consistent with the requirement of the Open Records Law.
7. Requests for Township documents under the Open Records Law shall be specific in naming the document(s) that the individual is requesting, in no case shall the Township Secretary be obligated to undertake research for the purpose of compiling information or data to satisfy a request for public record(s).

**THEREFORE, BE IT RESOLVED**, that the following procedures shall guide this process to obtain public records pursuant to the Open Records Law:

1. Forms for request of records are available at Harborcreek Township Municipal Building:

Hours of Operation: Monday through Friday  
8:00 am to 4:00 pm  
\*\*With the exception of Holidays

Municipal Building Address: 5601 Buffalo Road  
Harborcreek, PA 16421

2. The Township Secretary, or their appointee, shall review each request to assure compliance and completeness with the Open Records Law.

The Board of Supervisors of Harborcreek Township sets the following schedule of charges for the copying of public record(s).

1. Twenty cents (\$.20) per side of page.
2. \$2.00 Certification Fee is to officially certify the record as an official public record(s).
3. Postage Fee is the actual cost of mailing public record(s) to requester.
4. Copies of plans or prints are the actual cost of duplication by outside contractor.
5. Copies of electronic public record(s) are the actual cost of duplication at \$1.00 per disk.

### **Appeals Process**

If a written request is denied or deemed denied, the requester may file exceptions with the Harborcreek Township Board of Supervisors within 15 business days of the mailing date of the Township's denial. The exceptions shall state grounds on which the requester asserts that the record(s) denied is/are a public record and shall address any grounds stated by the Township in denying the request.

The Harborcreek Board of Supervisors shall make a "final determination" on the exceptions within 30 days of the mailing date of the exceptions. The Board of Supervisors may hold a hearing on the issue during the 30 days. If the Board determines that the denial was correct, it will provide a written explanation to the requester.

The requester may appeal a "final determination" to the Common Pleas Court or District Justice within 30 days of the "final determination" or denial.

Harborcreek Township Board of Supervisors

\_\_\_\_\_  
Dean S. Pepicello, Chairperson

\_\_\_\_\_  
Joseph D. Peck, Supervisor

\_\_\_\_\_  
Timothy J. May, Supervisor

ATTEST:

\_\_\_\_\_  
Cynthia S. Williams, Assistant Secretary