

TOWNSHIP OF WARWICK

Lancaster County, Pennsylvania

RESOLUTION NO. 12-17-08-08

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP OF WARWICK, LANCASTER 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.

WHEREAS, the Township is a local agency as that term is defined in the Pennsylvania Right-to-Know Law, Act of February 14, 2008, P.L. _____, No. 3; and

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 AND IT IS HEREBY RESOLVED by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, as follows:

Section 1. The Board of Supervisors hereby appoints Daniel L. Zimmerman 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.

DULY ADOPTED this 17th day of December, 2008, by the Board of Supervisors of the Township of Warwick, Lancaster County, Pennsylvania, in lawful session duly assembled.

TOWNSHIP OF WARWICK
Lancaster County, Pennsylvania

Attest: D. L. Z. —
~~(Assistant)~~ Secretary

By: [Signature]
~~(Vice)~~ Chairman
Board of Supervisors

[TOWNSHIP SEAL]

TOWNSHIP OF WARWICK
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 Warwick.

I. SUBMISSION OF REQUEST.

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

Open Records Officer
Warwick Township
315 Clay Road
P. O. Box 308
Lititz, PA 17543-0308

Requests may be made in person at the Township office at 315 Clay Road, Lititz, Pennsylvania, during normal business hours (Mondays through Fridays from 8:00 a.m. until 4:30 p.m.); by mail to 315 Clay Road, P. O. Box 308, Lititz, PA 17543-0308; or by fax to (717) 626-8901; or by e-mail to _____.

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 requester 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 a 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.

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 Office of Open Records. 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.

Warwick Township
315 Clay Road
P. O. Box 308
Lititz, PA 17543-0308
(717) 626-8900

REQUEST FOR INSPECTION AND/OR DUPLICATION OF PUBLIC RECORDS

Requests for inspection and/or duplication of public records shall be made to the Open-Records Officer. Requests may be made in person at the Township office at 315 Clay Road , Lititz, Pennsylvania, during normal business hours (Mondays through Fridays from 8:00 a.m. until 4:30 p.m.); by mail to 315 Clay Road, P. O. Box 308, Lititz, PA 17543-0308; or by fax to (717) 626-8901; or by e-mail to _____.

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.

Name (Optional): _____

Address (Optional): _____

City/State (Required): _____

Daytime Telephone Number (Optional): _____

Fax Number (Optional): _____

I am submitting this request (circle applicable) By Mail By Fax In Person E-mail

It is the intent of the Township to comply in all respects with the Pennsylvania Right-to-Know Law. In order to process a request for inspection and/or duplication of a public record, the Township requires sufficient and specific information to identify the record. The Township may deny a request if there is inadequate information for the Township to identify the specific record requested. Please provide as much of the following requested information as possible:

Type of document (e.g. ordinance, resolution, meeting minutes, etc.): _____

Subject of document (e.g. sewage system ordinance, building permit for a specifically identified property, Zoning Hearing Board decision, etc.): _____

Approximate date or dates of documents (should be within a three to six month time frame): _____

Please state any other information which you believe would assist the Township in identifying the public record which you seek: _____

I wish to examine this public record at the Township office: Yes No

I wish to obtain a copy of this public record: Yes No

Unless otherwise requested, the Township will provide (1) a reference to the web site address when the requested record is available on a web site or, (2) if not available on the Internet, paper photocopies of public records. The Township does not guarantee a requested record is available or can be made available in any other format.

I wish a copy of the public record in the following format or media if possible:

I wish the Township to mail a copy of this public record to me: Yes No

I wish the public record to be mailed to the following address: _____

The name and contact information for the Warwick Township Open-Records Officer is as follows:

Warwick Township
315 Clay Road
P. O. Box 308
Lititz, PA 17543-0308
(717) 626-8900

The hours of the Open-Records Officer are Mondays through Fridays from 8:00 a.m. until 4:30 p.m.

I acknowledge that the Township may impose fees pursuant to Section 1307 of the Right-to-Know Law to fulfill this request. I acknowledge that the Township does not have to provide me with the copies (if any) I have requested until I pay the fees in full. If the fees required to fulfill the request are expected to exceed \$100.00, I acknowledge that the Township may require that I prepay an estimate of the fees prior to granting my request for access in accordance with the Right-to-Know Law.

Date: _____

Signature (Optional if requesting to examine documents or pick up documents; Mandatory if requesting documents be mailed)

For Township Use Only

Date of Receipt: _____

Computation of Expiration of five-day period to respond: _____

A copy of this request shall, pursuant to Section 502(b)(2)(iii) of the Law, be maintained until the request has been fulfilled. If the request is denied, a copy of shall be maintained for thirty (30) days or, if an appeal is filed, until a final determination is issued under Section 1101(b) of the Right-to-Know Law or the appeal is denied.