



LOWER NAZARETH TOWNSHIP

BOARD OF SUPERVISORS

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Board of Supervisors

Alan V. Dilsaver, Chairman
Eric E. Nagle, Vice Chairman
Ricky T. Johnson, Supervisor
Robert S. Kucsan, Supervisor
Patrick J. Murphy, Supervisor

Timm A. Tenges, Manager

RESOLUTION LNT-41-08

Open Records Policy

WHEREAS, Lower Nazareth Township, Northampton County, is a Second Class Township within the Commonwealth of Pennsylvania and;

WHEREAS, Lower Nazareth Township is assuring compliance with Act 3 of 2008, The Pennsylvania Right-to-Know Law, as amended in order to assure public access to public records of Lower Nazareth Township and;

WHEREAS, the Board of Supervisors of Lower Nazareth Township, Northampton County, Pennsylvania intend to comply with Act 3 by establishing an Open Records Policy and;

NOW, THEREFORE BE IT RESOLVED that in conformance with Act 3 of 2008, Lower Nazareth Township does hereby adopt the following Open Records Policy:

Section I. Purpose

The purpose of this policy is to assure compliance with Act 3 of 2008, The Pennsylvania Right-to-Know Law, as amended in order to assure access to public records of Lower Nazareth Township and to preserve the integrity of Lower Nazareth's records.

Section II. Designated Open Records Officer

The Board of Supervisors designates the Township Secretary as the township Open Records Officer. The Open Records Officer is responsible for assuring compliance with The Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

- A. The Open Records Officer may designate certain employee(s) to process public record requests.
- B. It is the policy of Lower Nazareth Township to require the presence of a designated employee when public records are examined and inspected.

Section III Requests

- A. All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours Monday through Friday, with the exception of weekends and holidays.
- B. Requests shall be in writing and directed to the Open Records Officer. Written requests shall be submitted on the appropriate form in person, by mail, by fax machine or by electronic means and include the date of the request, the name, address and telephone number of the requester, and a clear decisive description of the record(s) sought. Verbal and/or anonymous requests will not be fulfilled.
- C. All requests for public records of Lower Nazareth Township under this policy shall be specific in identifying and describing each public record requested. In no case shall Lower Nazareth Township be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which Lower Nazareth Township does not currently compile, maintain, format or organize the public record.
- D. The Open Records Officer may be reached at:
- Address: 306 Butztown Road, Bethlehem, PA 18020
 - Facsimile: 610-746-3317
 - E-mail: recordsrequest@lowernazareth.com
 - Website contact page: www.lowernazareth.com
- Any questions regarding Open Record requests may be directed to the Open Records Officer or their designee at 610-759-7434, however, no record requests will be taken over the telephone.

Section IV. Fees

Standard black & white 8½ x 11 copies will be \$0.25 per page per side.

Specialized documents: for example, but not limited to, blue prints, color copies, non-standard sized documents – Actual Cost (only if it exceeds \$0.25)

Certification of a Record: \$1.00 per record (certification fees do not include notarization fees).

Facsimile/Microfiche/Other Media: Actual Costs

Redaction Fee: None

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(s) to be duplicated in the more expensive medium. (Sec. 1307(e)).

Postage Fees: Actual Costs

Section V. Payment

Once a request is fulfilled and prepared for release, Lower Nazareth Township will obtain the cost of the record(s) prior to releasing the record(s).

A requirement to prepay an estimate of the fees is required to fulfill the request if expected to exceed \$100.00.

Section VI. Response

The Township will make a good faith effort to determine whether the record(s) requested is a public record(s), and to respond to the request as promptly as possible. The Open Records Officer shall review all written requests for access to public record(s). As soon as possible but no later than 5 business days after receiving a written request to access public record(s), the Open Records Officer shall respond to all such requests in a manner consistent with Right to Know Act 3 of 2008, the Open Records Law, signed February 14, 2008.

If the Open Records Officer denies a request in full or in part, the written denial will include the following:

- The date of the response.
- A description of the record(s) requested.
- The specific reason for the denial and cite the law supporting the decision.
- The name, address, telephone number, and signature of the Open Records Officer.
- Instructions on how to appeal the denial.

If an exception to the time requirement applies, the response will explain that the request is being reviewed, the reason for the review, and a reasonable date that a response is expected to be provided. This response is only permitted where one of the following exceptions applies:

- a. The request requires redaction;
- b. The documents must be retrieved from a remote location;
- c. Cannot respond due to "bona fide and specified" staffing limitations;
- d. A legal review is necessary to determine whether the record(s) requested is a public record;
- e. Non-compliance with Township policies regarding access to record(s); or
- f. Refusal to pay applicable fees.

Even if one of the above exceptions applies, the anticipated "final" response date must be within 35 days of the original request. If the response is expected to or actually takes longer than 35 days, the response is treated as a denial.

Section VII. Contact Information for Appeals

If a written request is denied or deemed denied, the requester may file an appeal in writing to Terry Mutchler, Executive Director, Office of Open Records, Commonwealth Keystone Building 400 North Street, Plaza Level, Harrisburg, PA 17120-0225.

Section VIII. Appeals Process

The appeal shall be filed within 15 business days of the mailing date of the township's response or within 15 business days of a deemed denial. The appeal shall state the grounds upon which the requester asserts the records is a public record and shall address any grounds stated by the township for delaying or denying the request.

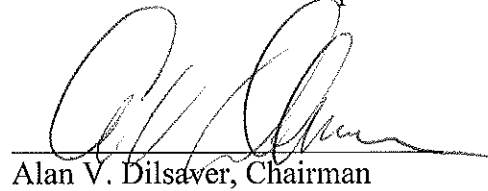
The Board of Supervisors of Lower Nazareth Township does hereby approve, adopt and place into immediate effect the Open Records Policy plan of Lower Nazareth Township. This plan shall be reviewed at a minimum of every year to make certain that it conforms to the requirements of the Pennsylvania Right-to-Know Law.

ADOPTED AND APPROVED this 17th day of December 2008, at a regular public meeting. Motion made by Eric Wagle and seconded by Ricky Johnson The motion carried unanimously.

ATTEST:


Timm A. Tenges, Secretary

BOARD OF SUPERVISORS
Lower Nazareth Township


Alan V. Dilsaver, Chairman