



RESOLUTION 2024-17

WHEREAS, the Pennsylvania Open Records Law (Act 3 of 2008) requires that Perkiomen Township have an established written Open Record Policy;

WHEREAS, the Board of Supervisors desires to revise and update the Public Record Access Policy that it had adopted on October 16, 2015, by Resolution 2015-22.

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED, that the Perkiomen Township Public Record Access Policy, as revised, shall be and become the established policy for access to all public records of Perkiomen Township. Further, all previous public record access policies are repealed and replaced hereby.

ADOPTED this 6th day of August, 2024.

**BOARD OF SUPERVISORS
PERKIOMEN TOWNSHIP**

Attest: _____


Adam A. Doyle, Chairman

Attest: _____


Cecile M. Daniel, Secretary



**OPEN RECORDS POLICY
OF PERKIOMEN TOWNSHIP**

SECTION 1. This Policy shall govern all requests made for access to, and copies of, public records of Perkiomen Township (the "Township"), and shall repeal any previous Policy adopted by the Township.

SECTION 2. For the purpose of this Policy, the term "public record" shall have the meaning given under Pennsylvania Act 3 of 2008 (the "Act"), also known as the "Right-to-Know Law", as amended, to the date of adoption of this Policy, including a financial record, that: (a) is not exempt under Section 708 of the Act; (b) is not exempt from being disclosed under any Federal or State Law or Regulation or Judicial Order or Decree; or, (c) is not protected by a privilege.

SECTION 3. The Township designates the Township Manager, Cecile M. Daniel, or her successor, to act as the Open Records Officer ("ORO") of the Township. For purposes of this assignment, Mrs. Daniel's contact information is as follows:

Mailing Address:

Perkiomen Township
1 Trappe Road
Collegeville, Pennsylvania 19426
Telephone: 610-489-4034
Fax: 610-489-4918
E-mail: cdaniel@perktwp.org

SECTION 4. Requests for copies or inspection of public records can be made by any person who is a legal resident of the United States. Anonymous requests will not be fulfilled. All record requests shall be in writing and shall be submitted on the Township's form or on the Pennsylvania Office of Open Records Standard Right-to-Know request form. Verbal requests will not be fulfilled. Written requests for access to records may be submitted in person, by mail, by e-mail or by facsimile. The Township's Request form shall be posted on the Township's website (www.perkiomentownship.org) and will also be available at the Township Office. All written requests must be addressed to the ORO. In the event that a written request

for records is addressed to a Township employee other than the ORO, that Township employee shall promptly forward such request to the ORO.

SECTION 5. If a requested public record is copyrighted, the ORO will make arrangements with the requester for an in-person inspection of the requested record. Neither the requester nor the Township shall photograph, photocopy, scan, or otherwise duplicate any copyrighted document or material.

SECTION 6. All applicable fees shall be paid prior to receiving access to, or copies of, the record requested. The following fees are hereby established by the Township:

<u>Record Type</u>	<u>Fee</u>
Copies: 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.	\$0.25 Per Page
Certification of a Record	\$1.00 per record, not per page. Certification fees do not include notarization fees.
Specialized Documents: For example, but not limited to, blueprints, color copies, non-standard sized documents.	Actual cost
Facsimile/Microfiche/Other Media	Actual cost
Redaction Fee	No redaction fee may be charged.
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.
Prepayment:	Prior to granting a request for access in accordance with this Act, the Township 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 \$100.00.

Payment at Delivery: Once the request is fulfilled and prepared for release, the Township should obtain the cost of the records prior to releasing the records.

SECTION 7. Upon receipt of a written request, the Open Records Officer shall determine if the request for access requires redaction of a record, requires a legal review to determine whether the record is subject to access under the Act, or if one of the other reasons exist which would allow an extension of time for response under Section 902 of the Act. Otherwise, the time for response shall not exceed five (5) business days from the date the written request is received by the Open Records Officer. If the Township fails to send the response within five (5) business days, the written request for access shall be deemed denied. If the agency's response is a denial, the denial shall be issued in writing, and shall include the information required by Section 903 of the Act.

SECTION 8. If a written request for access of a record is denied, or deemed denied, the requester may file an Appeal with the Office of Open Records within fifteen (15) business days of the mailing date of the Township's response or the deemed denial. The written appeal should be sent to:

Office of Open Records
Commonwealth Keystone Building
400 North Street, Fourth Floor
Harrisburg, Pennsylvania 17120

The Office of Open Records website is:
www.openrecords.state.pa.us

SECTION 9. Nothing in this Policy or in the Right-to-Know Law shall be construed to require access to any computer of the Township, or that of an individual or employee of the Township.

SECTION 10. If a public record request involves both information subject to public access and information not subject to public access, the Township shall grant access to those portions subject to public access. The Township shall remove or redact any record or portion not subject to public access. The Township shall remove or redact only the record or portion thereof not subject to public access.

SECTION 11. The Township shall notify the person, agency, or entity seeking access as to when the records are available for inspection. Inspection shall be made at the Township Building: One Trappe Road, Collegeville, Perkiomen Township, Pennsylvania, 19426, unless the Township designates an alternative location where the records can be reviewed. Inspection shall be made between 9:00 A.M. and 4:00 P.M. during any weekday, except public holidays or days when the Township's offices are not otherwise open for business. The Township shall not designate an alternative location unless the above location is not available, or unless some or all of the requested records are being kept at a location other than the above location, or unless another sound reason exists for the designation of an alternative location.

SECTION 12. It is the intent of the Township to comply with all applicable laws, including all statutes and regulations, which apply to the matters covered in this Policy. This includes all Federal, State, County, municipal or other law binding on the Township. To the extent anything in this document shall be inconsistent with or prohibited by any provision of any applicable statute or regulation bearing on these matters and binding on the Township, then the provisions of this Policy shall be deemed to be amended to the extent necessary for these policies to not be in violation of any statute or regulation. To the extent any portion of this Policy shall be inconsistent with or in violation of any applicable statute or regulation, and there is more than one possible method by which the policies could be altered so as to remove such inconsistency or violation, then this Policy shall be deemed amended in the manner which results in the least possible change while still resulting in this Policy being in compliance with all applicable statutes and regulations, it being the intention that if more than one change in this Policy would cure how this Policy would otherwise be in violation of any statute or regulation, then this Policy shall be deemed amended in this manner so that after such deemed amendment, this Policy remains as close as possible to the terms and intent of the Policy as adopted by the Township.

SECTION 13. If there is any question or uncertainty as to the interpretation or effect of this Policy, a written request for an interpretation or explanation or clarification shall be sent to either:

Perkiomen Township
One Trappe Road
Collegeville, Pennsylvania 19426
Fax: (610) 489-4918
E-mail: cdaniel@perktwp.org

or the Township's Solicitor:

Kenneth E. Picardi, Esquire
YERGEY•DAYLOR•ALLEBACH•SCHEFFEY•PICARDI
1129 High Street
P. O. Box 776
Pottstown, Pennsylvania 19464-0776
Fax: (610) 323-4660
E-mail: kepicardi@ydasp.com

SECTION 14. This policy shall be in effect for all requests for public records made on or after this policy is adopted by Resolution by the Board of Supervisors of Perkiomen Township.