

**TOWNSHIP OF FRANKLIN**  
**BEAVER COUNTY, PENNSYLVANIA**

**RESOLUTION NO. 3-2014**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THIS TOWNSHIP  
ESTABLISHING A RIGHT-TO-KNOW POLICY FOR FRANKLIN TOWNSHIP AS  
PER ACT 3 of 2008.**

**RIGHT-TO-KNOW POLICY**

**SECTION 1. Open Record Officer**

The township hereby designates Shannon Schlosser as the township Open Records Officer.

The Open Records Officer may be reached at the Franklin Township Municipal Building, 897 State Route 288, Fombell, Pennsylvania, 16123 The telephone number is 724-758-9702. The fax number is 724-758-2414. The e-mail address is [twpsecretary@zoominternet.net](mailto:twpsecretary@zoominternet.net). The township does have a website with all of the above information as well at <http://franklintownshipbeavercounty.com>.

**SECTION 2. General**

All documents deemed public records by Act 3 of 2008 shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours from 8:30 a.m. to 3:30 p.m. Monday through Friday with the exception of holidays.

**SECTION 3. Requests**

Requests shall be made in writing to the township Open Records Officer on a form provided by the township. (See attached form)

**SECTION 4. Fees**

*Paper copies Black and White* shall be 25 cents per page per side. The certification of a record is \$1 per record. Specialized documents including, but not limited to blue prints, color copies, and non-standard sized documents shall be charged as follows:

*Paper color copies* shall be as follows:

8-1/2x11	\$ .35 cents per page per side
8-1/2 x 14	\$1.00 per page per side
11x17	\$2.00 per page per side

*Xerox wide document copies black and white* shall be \$0.50 per square foot.

18x24	\$1.50
24 x 36	\$3.00
36x48	\$6.00

*Police reports*      \$15.00

*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.

If mailing is requested, the cost of postage will be charged.

*Statutory Fees.* If a separate statute authorizes a township to charge a set amount for a certain type of record, the township may charge no more than that statutory amount.

*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 township shall redact the non-public information. The township may not charge the requester for the redaction. However, the township 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.

*Fee Limitations.* Except as otherwise provided by statute, the law states that no other fee may be imposed unless the township necessarily incurs costs of complying with the request, and such fees must be reasonable. No fee may be imposed for a township'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. A township may not charge staff time or salary for complying with a Right-To-Know request.

*Prepayment.* Prior to granting a request for access in accordance with this Act, the township shall 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.

## **SECTION 5. Township's Response**

Upon receipt of a written request for access to a record, the Township shall make a good faith effort to determine if the record requested is a public record and whether the Township has possession, custody or control of the identified record. When doing so, the Township will respond as promptly as possible under the circumstances existing at the time of the request. Under the Right-to-Know Law, the Township must send a response within five (5) business days of receipt of the written request for access, or else the written request shall be deemed denied. For purposes of this policy, a business day is any Monday, Tuesday, Wednesday, Thursday or Friday, except those days when the Township's office is closed for all or part of a day. The response will indicate: (1) the request for access to public records has been approved, (2) further

review of the request is necessary, as set forth below, or (3) the request for access has been denied.

Upon receipt of a written request for access, the Officer shall determine if one of the following applies:

- (a) The request for access requires redaction of a record in accordance with the Right-to-Know Law;
- (b) The request for access requires the retrieval of a record stored in a remote location;
- (c) A timely response to the request for access can not be accomplished due to bona fide and specified staffing limitations;
- (d) A legal review is necessary to determine whether the record is a record subject to access under the Right-to-Know Law;
- (e) The requester has not complied with the Township's policies regarding access to records;
- (f) The requester refuses to pay applicable fees authorized by the Right-to-Know Law; or
- (g) The extent or nature of the request precludes a response within the required time period of five (5) business days.

Upon a determination that one of the factors listed above applies, the Officer shall send written notice to the requester within five (5) business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided, and an estimate of applicable fees owed when the record becomes available. Information which the Township redacts in accordance with the Right-to-Know Law shall be deemed a denial.

If the date that a response is expected to be provided is in excess of thirty (30) days, following the five (5) business days allowed for above, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the Township has not provided a response by that date.

For purposes of this policy, the "mailing date" shall be the date affixed to a: (1) response from the Officer to a request, which is to be the date the response is deposited in the U.S. mail; (2) final determination from the Officer, which is to be the date the final determination is deposited in the U.S. mail.

#### **SECTION 6. 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.

#### **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 are public record and

shall address any grounds stated by the township for delaying or denying the request.


**SECTION 8. Effective Date**


This policy shall take effect on January 6, 2014.

**DULY RESOLVED** this 6th day of January, 2014, by the Board of Supervisors of Franklin Township, Beaver County, Pennsylvania, in lawful session assembled.

BOARD OF SUPERVISORS OF  
FRANKLIN TOWNSHIP

ATTEST:

  
Shannon Schlosser  
Secretary

  
James M. Norton Sr.,  
Chairman