

**PUBLIC RECORD ACCESS POLICY
OF UPPER FREDERICK TOWNSHIP**

SECTION 1. This Policy shall govern all requests made for access to the public records of Upper Frederick 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 to such term 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, Jackie Tallon, or her successor, to act as the Open Records Officer of the Township. Ms. Tallon's contact information is set forth below:

Mailing Address: Jackie Tallon
Upper Frederick Township
P. O. Box 597
Frederick, Pennsylvania 19435
Telephone: 610-754-6436
Fax: 610-754-6828
E-mail: jtallon@twp.upper-frederick.pa.us

SECTION 4. Requests for public records can be made by any person who is a legal resident of the United States and also by other local agencies. The Township may permit an oral request for a public record, or require the request to be in writing. However, if the requester wishes to pursue the relief and remedies provided for in the Right-to-Know Law, the request for access to records must be a written request. A written request for access to records may be submitted in person, by mail, by e-mail or by facsimile. The form which may be used to file a request is posted at the Township Office and, if the Township does develop an internet website, at that website. All written requests must be addressed to the Open Records Officer. In the event that a written request for records is addressed to a Township employee other than

the Open Records Officer, the Township employee is hereby directed to promptly forward such request to the Open Records Officer.

SECTION 5. All applicable fees shall be paid in order to receive access to 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, an agency 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 6. The time for response shall not exceed five (5) business days from the date the written request is received by the Open Records Officer.

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 a record 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 within fifteen (15) days of a deemed denial. The written appeal should be sent to:

Terry Mutchler, Executive Director
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 any record or portion not subject to public access.

SECTION 11. The Township shall notify the person or entity seeking access as to when the records are available for inspection. Inspection shall be made at the Township's offices: 3205 Big Road, Obelisk, Upper Frederick Township, Pennsylvania, 19492, 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 (Monday through Friday), except public holidays or days when the Township's offices are not otherwise generally available and 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 (1) 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 (1) 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 closely 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:

Upper Frederick Township
P. O. Box 597
Frederick, Pennsylvania 19435
Fax: (610) 754-6828

or the Township's Solicitor:

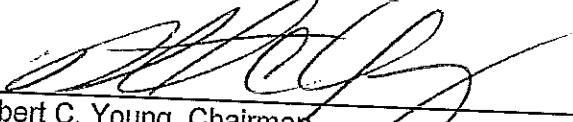
David L. Allebach, Jr., Esquire
YERGEY•DAYLOR•ALLEBACH•SCHEFFEY•PICARDI
1129 High Street
P. O. Box 776
Pottstown, Pennsylvania 19464-0776
Fax: (610) 323-4660

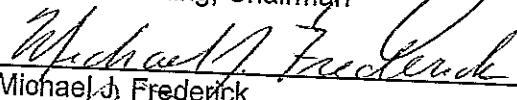
SECTION 14. These policies shall be in effect for all requests of public records made on or after the policies are adopted by a Resolution by the Board of Supervisors of Upper Frederick Township.

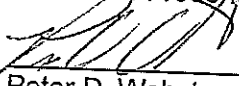
SECTION 15. A copy of this Policy must be posted prominently at the Township Office.

This Public Record Access Policy of Upper Frederick Township has been adopted by a Resolution of the Township adopted at a public meeting of the Township on the 5th day of January, 2009.

UPPER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS


Robert C. Young, Chairman


Michael J. Frederick


Peter D. Webster

UPPER FREDERICK TOWNSHIP
P. O. Box 597
Frederick, Pennsylvania 19435

RIGHT-TO-KNOW REQUEST FORM

Date Requested: Month: _____ Day: _____ Year: _____

Requested By: _____ E-mail _____ U.S. Mail _____ Fax _____ In Person

Name of Requester: _____

Street Address: _____

City/State/Zip Code: _____

Telephone No.: _____

Records Requested: (Provide as much specific detail as possible so the Township can identify the information.)

Do you want copies? _____ Yes _____ No

Do you want to inspect the records? _____ Yes _____ No

Do you want certified copies of records? _____ Yes _____ No

To be completed by the Township:

Right-to-Know Officer: Jackie Tallon

Date received by the Township: _____

Township's five (5)-day response due: _____

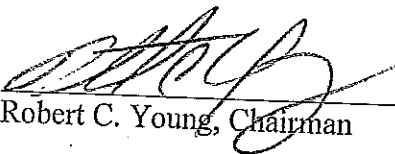
RESOLUTION NO. 2009-01

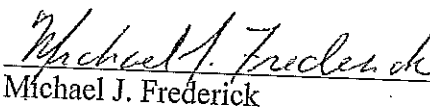
WHEREAS, the Pennsylvania Open Records Law (Act 3 of 2008) requires that the Township have an established written Open Record Policy.

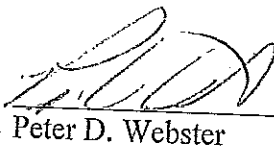
NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, that the attached Public Record Access Policy is established by Upper Frederick Township for access to all public records of the Township and all previous policies are hereby repealed.

ADOPTED, this 5th day of January, 2009.

UPPER FREDERICK TOWNSHIP
BOARD OF SUPERVISORS


Robert C. Young, Chairman


Michael J. Frederick


Peter D. Webster