

TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA

RESOLUTION NO. 2015-5

A RESOLUTION OF THE TOWNSHIP OF TULPEHOCKEN, BERKS COUNTY, PENNSYLVANIA, APPOINTING CHRISTY FLAHERTY AS OPEN RECORDS OFFICER FOR TULPEHOCKEN TOWNSHIP AND ADOPTING A REVISED OPEN RECORDS POLICY FOR TULPEHOCKEN TOWNSHIP

WHEREAS, the Pennsylvania Second Class Township Code, Article VI, Section 607, charges Supervisors with the governance of the township, the authority to employ persons as may be necessary for the general conduct of township business, and to perform duties and exercise powers as may be imposed or conferred by law or the rules and regulations of any agency of the Commonwealth; and

WHEREAS, the Pennsylvania Right-To-Know Law, 65 P.S. Section 502(a) provides for the establishment of an Open Records Officer in each township, and Section 504 thereof provides for the adoption and posting of the regulations, policies and procedures in each township; and

WHEREAS, it is essential to the proper operation of the government of Tulpehocken Township, as well as to assure that the laws are faithfully enforced, that there be an appointment of an Open Records Officer; and

WHEREAS, Christy Flaherty is employed by Tulpehocken Township as the Township Secretary Treasurer; and

WHEREAS, the Board of Supervisors desires to appoint Christy Flaherty as the Open Records Officer for Tulpehocken Township; and

WHEREAS, the Pennsylvania Right-To-Know Law, 65 P.S. Section 504 provides for the adoption and posting of the regulations, policies and procedures in each local agency; and

WHEREAS, it is essential to the proper operation of the government of the Tulpehocken Township, as well as to assure that the laws are faithfully enforced, that there be adopted a revised Open Records Policy.

NOW, THEREFORE, BE IT RESOLVED, that the following appointment be made to a Tulpehocken Township appointive office, with the appointee to hold such office until her removal from such office or until her successor shall have been appointed by the Board of Supervisors:

Christy Flaherty is hereby appointed to the office of Open Records Officer of Tulpehocken Township and shall fulfill the duties of Township Open Records Officer set forth in the Pennsylvania Right-To-Know Law.

FURTHER RESOLVED, that such appointee shall serve at the pleasure of the Board of Supervisors of Tulpehocken Township and for an indefinite term in such appointive office.

FURTHER RESOLVED, that the attached Open Records Policy be adopted for the Township of Tulpehocken.

FURTHER RESOLVED, that the above-stated appointment and Open Records Policy shall take effect immediately.

FURTHER RESOLVED, that if any provision, sentence, clause, section, or part of this Resolution shall for any reason be found to be unconstitutional, illegal or invalid, such determination shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Resolution, and it is hereby declared to be the intent of the Board of Supervisors of Tulpehocken Township that this Resolution would have been adopted had such unconstitutional, illegal or invalid provision, sentence, clause, section or part not been included herein.

FURTHER RESOLVED, that all Resolutions or parts of Resolutions inconsistent with this Resolution are hereby superseded.

FURTHER RESOLVED, that the Township Secretary shall deliver a certified copy of this Resolution to the appointee.

IN WITNESS WHEREOF, the Board of Supervisors of Tulpehocken Township has adopted this Resolution in lawful session this 11th day of February, 2015.

BOARD OF SUPERVISORS
TOWNSHIP OF TULPEHOCKEN,
BERKS COUNTY, PENNSYLVANIA

By:

Mary A. Lee
Chairman

Robert H. Fitch
Member

Richard A. Kramer
Member

Attest:

Christy Flaherty
Secretary

CERTIFICATE

I hereby certify that the foregoing is a true and accurate copy of a resolution of the Board of Supervisors of TULPEHOCKEN TOWNSHIP, Berks County, Pennsylvania, which was fully adopted at a public meeting held pursuant to notice as required by law on the 11th day of February, 2015.

Christy Flaherty
Secretary of Tulpehocken Township

Dated: February 11, 2015

**TOWNSHIP OF TULPEHOCKEN
BERKS COUNTY, PENNSYLVANIA**

Open Records Policy

Open Records Officer

The Township of Tulpehocken ("Township") Open Records Officer, Christy Flaherty, may be reached at:

Tulpehocken Township
22 Rehrersburg Road
PO Box 272
Rehrersburg PA 19550
Phone: 717-933-5747 Fax: 717-933-2014
tulpytwp@comcast.net

General

All documents deemed public records shall be available for inspection, retrieval, and duplication at the Municipal Building during established business hours, generally 7:00 A.M. to 3:30 P.M. on Monday, Tuesday, and Thursday, with the exception of holidays.

Requests

Requests shall be made in writing to the Township Open Records Officer on a form provided by the Township or the form provided by the Pennsylvania Office of Open Records. (See attached form)

Fees

Paper copies 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 the actual cost of production. If mailing is requested, the cost of postage will be charged. The Township shall require prepayment if the total fees are estimated to exceed \$100.

Response

The Township shall make a good-faith effort to provide the requested public record(s) as promptly as possible. The Open Records Officer shall cooperate with those requesting records to review and/or duplicate original Township documents while taking reasonable measure to protect township documents from the possibility of theft, damage, and/or modification.

The Open Records Officer shall review all written requests for access to public records. As soon as possible, but no later than five business days after receiving a written request to access public records, the Open Records Officer shall respond to such requests in writing consistent with Act 3 of 2008, the Right-to-Know Law.

If access to a record is denied, the response shall include a reason for denial as stipulated in Act 3 of 2009, the Right-to-Know Law.

Contact Information for Appeals

If a written request is denied or deemed denied, the requester may file an appeal in writing to:

Executive Director
Office of Open Records
Commonwealth Keystone Building
400 North Street, Plaza Level
Harrisburg, PA 17120-0225

Appeals of criminal records shall be made in writing to the District Attorney of Berks County:

John T. Adams, Esq.
Berks County Services Center
633 Court Street, 5th Floor
Reading, PA 19601
Phone: (610) 478-6000

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 record is a public record and shall address any grounds stated by the Township for delaying or denying the request.

Tulpehocken Township
22 Rehrersburg Road
PO Box 272
Rehrersburg PA 19550
Phone: 717-933-5747 Fax: 717-933-2014
tulpytpw@comcast.net

TULPEHOCKEN TOWNSHIP RIGHT-TO-KNOW REQUEST FORM

DATE REQUESTED: _____

REQUEST SUBMITTED BY: U.S. MAIL FAX IN-PERSON

NAME OF REQUESTOR: _____

STREET ADDRESS: _____

CITY/STATE/COUNTY (Required): _____

TELEPHONE (Optional): _____

RECORDS REQUESTED:

*Provide as much specific detail as possible so the agency can identify the information.

DO YOU WANT COPIES? YES or NO

DO YOU WANT TO INSPECT THE RECORDS? YES or NO

DO YOU WANT CERTIFIED COPIES OF RECORDS? YES or NO

RIGHT TO KNOW OFFICER:

DATE RECEIVED BY THE AGENCY:

AGENCY FIVE (5)-DAY RESPONSE DUE:

**Public bodies may fill anonymous verbal or written requests. If the requestor wishes to pursue the relief and remedies provided for in this Act, the request must be in writing. (Section 702.) Written requests need not include an explanation why information is sought or the intended use of the information unless otherwise required by law. (Section 703.)