

NORTH CORNWALL TOWNSHIP

RESOLUTION NO. 2024 - 10

A RESOLUTION OF NORTH CORNWALL TOWNSHIP, LEBANON COUNTY, PENNSYLVANIA, ESTABLISHING NEW POLICIES TO FACILITATE REQUESTS FOR PUBLIC RECORDS OF THE TOWNSHIP OF NORTH CORNWALL PURSUANT TO THE RIGHT-TO-KNOW LAW, PROVIDING FOR THE USE OF UNIFORM FORMS FOR REQUESTS AND RESPONSES, AND ESTABLISHING A FEE SCHEDULE FOR DUPLICATION AND CERTIFICATION OF PUBLIC RECORDS OF THE TOWNSHIP OF NORTH CORNWALL.

WHEREAS, the Township of North Cornwall (“Township”), Lebanon County, Pennsylvania is a municipal government organized under and governed by the Pennsylvania Second Class Township Code, as amended and supplemented, 53 P.S. § 66140, *et. seq* (the “Code”); and

WHEREAS, the Township desires to adopt this policy pursuant to Section 504(a) of the Right-to-Know Law, 65 P.S. §§ 67.101-67.3104 (“RTKL”) and to establish a reasonable fee schedule associated therewith; and

WHEREAS, on January 5, 2009, North Cornwall Township adopted Resolution 2009-8 establishing policies to facilitate requests for access to public records of the Township and procedures for disseminating such records; and

WHEREAS, on October 7, 2014, North Cornwall Township adopted Resolution 2014-24, amending Resolution 2009-8; and

WHEREAS, the Board of Supervisors of North Cornwall Township wishes to update its RTKL policy to follow the guidelines and best practices recommended by the Pennsylvania Office of Open Records.

THEREFORE, BE IT RESOLVED and it is hereby resolved, that the Board of Supervisors of North Cornwall Township, Lebanon County, Pennsylvania, adopts the following policy.

I. Definitions

All of the definitions set forth in the RTKL are incorporated into this policy by reference. *See* 65 P.S. § 67.102.

Business day. The regular business hours of the Township are **Monday through Friday from 7:00 a.m. to 4:00 p.m.** Business days exclude Saturday and Sunday and any weekday on which the Township is closed for business.

II. Township Website

The Township maintains a public website at **nctown.org**. Many of the records commonly requested from the Township are available on the website. The following information shall be posted and maintained on the Township's website: Open Records Officer contact information; contact information for the Pennsylvania Office of Open Records and any another applicable appeals officer; a form which may be used to file a RTKL request; and a copy of this policy.

III. Submitting a RTKL Request to the Township

A. *Open Records Officer.* The Township hereby designates an Open Records Officer and an Alternate Open Records Officer to respond to RTKL requests, with contact information as follows:

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| Agency Open Records Officer: | Township Manager |
| Alternate Agency Open Records Officer: | Office Manager/Assistant Manager |
| By mail or in person: | North Cornwall Township Administrative Building 330 South 18 th Street Lebanon, PA 17042 |
| Phone: | (717) 273-9200 |
| Fax: | (717) 274-0466 |
| Email: | jthompson@nctown.org ; surban@nctown.org |

North Cornwall Township hereby appoints the Open Records Officer and Alternate Open Records Officer to receive RTKL requests, direct requests as appropriate within the Township, track request progress in responding, and issue interim and final responses to requestors.

B. *Requests.* Requests must be submitted in writing using the RTKL Uniform Request Form available on the Township website and must be addressed to the Open Records Officer. If a requester chooses not to use the RTKL Uniform Request Form, the request will be considered an informal request, not subject to the RTKL. This means the requester cannot pursue the relief and remedies provided for in the RTKL. To allow the Township to locate requested records and determine whether those records are public, requests for records should be specific and concise and

clearly identify, as precisely as possible, the records sought. Requesters should clearly indicate the preferred method of access – paper copies, electronic copies, or by inspection. A requester should retain a copy of the request.

- C. *Verbal requests.* The Township will respond to verbal requests for records at its discretion. Requesters submitting verbal requests for records should be aware that they may not pursue the remedies available to a requester under the RTKL.
- D. *Anonymous requests.* The Township will not respond to anonymous requests for records.

IV. Township Response to RTKL Requests

- A. The Township shall respond to all RTKL requests in accordance with the RTKL. Response deadlines shall be calculated in accordance with 65 P.S. § 67.901.
- B. The Township is permitted to take an additional 30 calendar days to respond to any request for the reasons set forth in Section 902 of the RTKL, 65 P.S. § 67.902.
- C. The Township may grant a request, partially grant and partially deny a request, or deny a request in its entirety. The final response of the Agency will be in writing.
- D. North Cornwall Township hereby authorizes the use of the standard Right-to-Know Response Form(s), as provided on the Pennsylvania Open Records website, which is currently www.openrecords.pa.gov.
- E. North Cornwall Township hereby acknowledges that it shall charge fees consistent with the RTKL Fee Structure established by the Pennsylvania Office of Open Records, available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>.

V. RTKL Appeals

- A. Appeals from the denial, partial denial, or deemed denial of a request for Township records shall be filed using the Office of Open Records appeal form, available at <http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>, or by contacting the Office of Open Records at the following address:

Office of Open Records
Commonwealth of Pennsylvania
333 Market Street, 16th Floor
Harrisburg, PA 17101-2234
openrecords@pa.gov

B. Appeals from the denial of a request or portion thereof on the basis that records were withheld because they are related to criminal investigative records shall be filed by contacting:

District Attorney of Lebanon County
RTKL Chapter 11 Appeals Officer
Lebanon Municipal Building, Room 11
400 S. Eighth Street
Lebanon, PA 17042-6794
(717) 228-4403
www.lebcounty.org

C. Appeals shall be filed in accordance with 65 P.S. § 67.1101(a)(1).

D. The Township shall notify third parties on appeal in accordance with 65 P.S. § 67.1101(c).

VI. Additional Information

Additional information about the RTKL, the request process, and the appeal process is available on the Office of Open Records website at <http://www.openrecords.pa.gov>.

VII. Repealer


This Resolution shall repeal and replace Resolutions 2009-8, 2014-24, and any other resolution or portion thereof inconsistent with this Resolution.

THIS RESOLUTION DULY ADOPTED this 6th day of February, 2024, to be effective immediately.

ATTEST:

NORTH CORNWALL TOWNSHIP
BOARD OF SUPERVISORS


Justin Thompson, Secretary

By: 
Michael Wahmann, Chairman

(SEAL)

