

RESOLUTION NO. 03-2025-3

**A RESOLUTION OF THE TOWNSHIP OF MIDDLE SMITHFIELD, MONROE COUNTY, PENNSYLVANIA ESTABLISHING AND REVISING RULES FOR RIGHT-TO-KNOW REQUESTS IN ACCORDANCE WITH THE PENNSYLVANIA RIGHT-TO-KNOW LAW.**

*WHEREAS*, the Pennsylvania Right-to-Know Law is found at 65 P.S. §§ 67.101, et seq. “hereinafter referred to as the “Right-to-Know Law”) and the Township of Middle Smithfield intends to and shall comply with the requirements of the Right-to-Know Law; and

*WHEREAS*, requests for public records addressed to the Township of Middle Smithfield (“Township”) shall be governed by this Resolution and the Right-to-Know Law; and,

*WHEREAS*, the Township hereby intends to adopt this policy pursuant to 65 P.S. § 67.504 in accordance with the Right-to-Know Law.

*NOW THEREFORE*, be it resolved by the Board of Supervisors of the Township of Middle Smithfield that the following rules regarding requests for public records under the Right-to-Know Law are adopted:

**SECTION 1.                    INFORMATION REQUEST FORM.**

1. Requests must be submitted in writing to the Township’s Open Records Officer using the Township’s request form or the Pennsylvania Office of Open Records’ Standard Right-to-Know Request Form. If a requester fails to use the Township’s request form or the Pennsylvania Office of Open Records’ Standard Right-to-Know Request Form, the request will be considered an informal request and shall not be subject to the Right-to-Know Law. A requester shall describe the records being requested with sufficient specificity in accordance with the Right-to-Know Law. Anonymous or verbal requests will not be considered.
2. Requests shall be in writing on the above-referenced form and directed to the Township’s Open Records Officer at the Township Municipal Building, 147 Municipal Drive, East Stroudsburg, PA 18302.

**SECTION 2.                    OPEN RECORDS OFFICER.**

1. The Township hereby designates Christopher Rain as the Township’s Open Records Officer in accordance with the Pennsylvania Right-to-Know Law and said Open Records Officer shall receive requests submitted to the Township under the Right-To-Know Law, direct requests to other appropriate persons within the Township or to appropriate persons in another agency, track the Township’s progress in responding to requests, and issue interim and final responses.
2. The Township hereby designates Joan Woisin as the Township’s alternate Open Records Officer.

**SECTION 3.                    ACCESS; TIME FOR RESPONSE EXCEPTIONS.**

1. Upon receipt of a written request for a public record, the Township shall make a good faith effort to respond as promptly as possible under the circumstances existing at the time of the request. The response should not exceed five (5) business days from the date of the written request unless the Township exercises its right to a time extension as set forth in the Right-to-Know Law. The Township may exercise its right to a 30-day time extension pursuant to the Right-to-Know Law by notifying the requester in writing.
2. If a response is not provided within the initial five-day period and/or the 30-day time extension, the request shall be deemed denied unless an additional time extension is agreed to by the requester in writing.

**SECTION 4.                    DENIAL OF ACCESS.**

If the request is denied, the following will be included with the written denial:

1. Description of the record requested;
2. Specific reasons for the denial, including a citation of supporting legal authority;
3. Typed or printed name, title, business address, business telephone number and signature of the open records officer on whose authority the denial was issued;
4. Date of response; and
5. The procedure to appeal the denial.

**SECTION 5.                    APPEAL PROCEDURE.**

If the request is denied or deemed denied, the requester may file an appeal with the Pennsylvania Office of Open Records or judicial, legislative or other appeals officer designated under the Right-to-Know Law within fifteen (15) business days of the mailing date of the Township's response or deemed denial. The appeal shall proceed in accordance with the Right-to-Know Law at 65 P.S. §§ 67.1101 and 67.1102. The appeal shall state the grounds upon which the requester asserts that the record is a public record and shall address any grounds stated by the Township for denying or delaying the request. Those requesters intending to file an appeal should visit the Pennsylvania Office of Open Records website at [www.openrecords.pa.gov](http://www.openrecords.pa.gov) for additional information on filing an appeal.

**SECTION 6.                    FEE SCHEDULE.**

1. The fees associated with and charged for requests shall be consistent with the Right-to-Know Law Fee Structure available at <http://www.openrecords.pa.gov/RTKL/FeeStructure.cfm>. In particular, paper copies shall be \$0.25 per page per side for black and white copies up to the first 1,000 pages, \$0.20 per page for black and white copies above 1,000 pages, and \$0.50 per page for color copies. The certification of a record shall be an additional \$5.00 per record. Specialized documents, including but not limited to blueprints, other media, and nonstandard-sized documents, shall be charged the actual cost of production. If mailing is required, the cost of postage will be charged. All fees must be paid before any documents are released. Prepayment is required if the total fees are estimated to exceed \$100.00.
2. Any and all of the above-referenced fees associated with requests under the Right-to-Know Law may be amended from time to time by way of the Township's annual fee schedule resolution.

**SECTION 7. SEVERABILITY.**

In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such invalidity shall not affect or impair any remaining provisions, section, sentence, clause or part of this Resolution, it being the intent of the Board of Supervisors that the remainder of the Resolution shall remain in full force and effect.

**SECTION 8. REPEALER.**

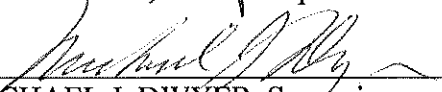
All resolutions, parts of resolutions, and/or any prior Right-to-Know Law policies of the Township which are inconsistent herewith are hereby repealed and replaced.

*SO RESOLVED* this *13<sup>th</sup>* day of *March*, A.D., 2025.

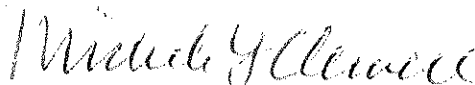
**TOWNSHIP OF MIDDLE SMITHFIELD**

  
ANNETTE ATKINSON, Chairperson

  
MARK ONEY, Vice Chairperson

  
MICHAEL J. DWYER, Supervisor

(SEAL)

  
Michele L. Clewell, Secretary