

Chapter 132

RECORDS, PUBLIC ACCESS TO

- § 132-1. Designation and duties of records access officer,
- § 132-2. Designation and duties of fiscal officer.
- § 132-3. Location of records,
- § 132-4. Hours for public inspection.
- § 132-5. Requests for public access to records.
- § 132-6. Denial of access to records: appeals.
- § 132-7. Fees,
- § 132-8. Public notice.

[HISTORY; Adopted by the Town Board of the Town of Shawangunk 5-18-76 by resolutions 133-SBU) and 132-IMD amended during codification; see Ch. 1. General Provisions. Art II, Other amendments noted where applicable,]

§ 132-1. Designation and duties of records access officer.

The Town Board hereby designates the Town Clerk of the Town of Shawangunk as records access officer, which officer shall have the duties of coordinating response to public requests for access to records and who shall:

- A, Maintain an up-to-date subject matter list
- B. Assist the requester in identifying requested records, if necessary.

13201

- C, Upon locating the records, take one of the following actions
 - (1) Make records promptly available for inspection.
 - (2) Deny access to the records in whole or in part and explain in writing the reasons therefor.
- D. Upon request for copies of records, make a copy available upon the payment of or offer to pay established fees.

E. Upon request, certify that a transcript is a true copy of records copied,

F. Upon failure to locate records, certify that

- (1) The town is not the legal custodian for such records.
- (2) The records for which the town is the legal custodian cannot be found.

| 132-2. Designation and duties of fiscal officer,

The Town Board hereby designates the Town Supervisor of the Town of Shawangunk as the fiscal officer who shall respond to requests for an itemized record setting forth the name, address, title and salary of every officer or employee of the town and who shall make payroll items available to any person as required under § 88 of the Public Officers Law.

§ 132-3. Location of records.

The Town Board hereby designates the Town Hall in the hamlet of Wallkill, Town of Shawangunk, New York, as the location where records shall be available for public inspection and copying.

§ 132-4. Hours for public inspection.

The Town of Shawangunk shall expect requests for public access to records and produce records during all hours in which the office of the Town Clerk is regularly open for business.

13202

I 132-5 ' RECORDS, PUBLIC ACCESS TO § 132-5

| 132-5. Requests for public access to records,

A, The Town of Shawangunk shall respond promptly to a request for records except under extraordinary circumstances, and such response shall be made no more than five (5) working days after receipt of the request by the Town Clerk, whether the request is oral or in writing. If for any reason more than five (5) days are required to produce records, the Town Clerk shall acknowledge receipt of the request within five (5) working¹ days after the request is received. This acknowledgement shall include a brief explanation of the reason for delay and an estimate of the date production or denial will be forthcoming,

B. Subject matter list

- (1) The Town Clerk shall maintain and make available for public inspection a current list, by subject matter, of all records produced, filed or first kept after September 1, 1974. The list shall be sufficiently detailed to permit the requester to identify the file category of the record sought. Such lists shall be made available by the Town Clerk.»

(2) The subject matter list, shall be updated periodically and the date of the most recent updating shall appear on the first page. The updating of the subject matter list shall not be less than semiannual

C. In order that Town, of Shawangunk personnel can locate records within a reasonable period of time, a request for to records should be sufficiently detailed to identify the records. Where possible, the requester should supply information regarding titles, file designations, dates or other information which may help identify the records, A request for any or all records falling within a specific category shall conform to the standard that records be identifiable.

D, No records may be removed by the requester from the office where the record is located without the permission of the Town Clerk.

Amended during Mdfiarfa*: me Ch. t. General
Prwrisid***, Art, fl.

13203

§ 182-6

SHAWANGUNK CODE

§ 132-7

§ 132-6. Denial of access to records; appeals,

A. The Town Board shall hear appeals from denial of access to records under the Freedom of Information Law,

B, Denial of access shall be in writing, stating the reason therefor and advising the requester of his right to appeal to the Town Board.

C, The time for deciding as appeal by the Town Board shall commence upon receipt of written appeal identifying:

- (1) The date and location of the request for records,
- (2) The records to which the requester was denied access,
- (3) The name and return address of the requester.

D. The Town Board shall inform the requester of its decision within seven (7) business days of receipt of an appeal.

§ 132-7, Fees.

A. There shall be no fee charged for the following:

- (1) Inspection of records,
- (2) Search for records.
- (3) Any certification pursuant to this chapter.

B, The Town Clerk shall charge fees for copies of records as follows:

- (1) The fee for copying- records shall be as set forth from time to time by resolution of the Town Board for photocopies not exceeding eight and one-half by fourteen (8*4 x 14) inches/

- (2) The fee for copies of records not covered by Subsection B(1) shall not exceed the actual copying cost, which is the average unit cost for copying a record excluding fixed of the town such as operator's salary.

⁴ Editor's Note: Amended during eadiketiMi: ««* Ch, 1.
<G«n*rsiJ Ptwickws, An. 11.

13204

I RECORDS, PUBLIC ACCESS TO § 132-8

| 132-8, Public notice.

The Town Clerk shall post a notice on the signboard maintained in the Town Hall specifying that public records shall be made available for public inspection and copying by the Town Clerk during business hours and setting forth, the telephone number of the office of the Town Clerk and the right to appeal by any requester denied access to a record for whatever reason and the mailing address of the Town Board to whom any appeal is to be directed.

13*205