

## **Chapter 107**

### **RECORDS, PUBLIC ACCESS TO**

**§ 107-1. Purpose and scope.**

**§ 107-2. Designation of records access officer; responsibilities.**

**§ 107-3. Designation of fiscal officer.**

**§ 107-4. Location of records.**

**§ 107-5. Hours for public inspection.**

**§ 107-6. Requests for access to records.**

**§ 107-7. Denial of access to records.**

**§ 107-8. Fees.**

**§ 107-9. Posting of public notice.**

**[HISTORY: Adopted by the Town Board of the Town of Hartland 5-9-1985 by resolution. Amendments noted where applicable.]**

**§ 107-1. Purpose and scope.**

- A. The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society.
- B. These regulations provide information concerning the procedures by which records may be obtained from the Town of Hartland.

- C. Town personnel shall furnish to the public information and records required by the Freedom of Information Law,<sup>1</sup> as well as records otherwise available by law.
- D. Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

**§ 107-2. Designation of records access officer; responsibilities.**

- A. The Town Clerk of the Town of Hartland is responsible for ensuring compliance with the regulations herein and is hereby designated as records access officer. The following persons are designated as assistant records access officers in their respective areas of responsibility:
  - (1) Supervisor.
  - (2) Receiver of Taxes.
  - (3) Assessor.
  - (4) Highway Superintendent.
  - (5) Chairman of Zoning Board of Appeals.
  - (6) Chairman of Planning Board.
  - (7) Building Inspector.
  - (8) Justice Court Clerk.
  - (9) Water Department Superintendent.
- B. The records access officers are responsible for assuring that town personnel:
  - (1) Assist the requester in identifying requested records, if necessary.

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1. **Editor's Note: See Public Officers Law §§ 84 et seq.**

§ 107-2 RECORDS, PUBLIC ACCESS TO § 107-3

- (2) Upon locating the records, take one of the following actions in accordance with §§ 107-6 and 107-7:
  - (a) Make records available for inspection; or
  - (b) Deny access to the records, in whole or in part, and explain in writing the reasons therefor.
- (3) Upon request for copies of records:
  - (a) Make a copy available upon payment of established fees in accordance with § 107-8; or
  - (b) Permit the requester to copy these records.
- (4) Upon request, certify that a record is a true copy.
- (5) Upon failure to locate records, certify that:
  - (a) The Town of Hartland is not the local custodian for such records; or
  - (b) The records of which the Town of Hartland is a local custodian, after diligent search, cannot be found.

**§ 107-3. Designation of fiscal officer.**

- A. The Supervisor is designated the fiscal officer, who shall certify the payroll and respond to requests, in accordance with § 107-6, for an itemized record, setting forth the name, public address, title and salary of every officer or employee of the town.
- B. The fiscal officer shall make the payroll items listed available to any person, including bona fide members of the news media, as required under the Freedom of Information Law.

**§ 107-4. Location of records.**

Records shall be available for public inspection and copying at the Town of Hartland offices, 8942 Ridge Road, Gasport, New York, or at the location where they are kept.

**§ 107-5. Hours for public inspection.**

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are as follows:

- A. Town office: 9:00 a.m. to 4:00 p.m.
- B. Town Clerk: 1:00 p.m. to 4:30 p.m.

**§ 107-6. Requests for access to records.**

- A. Where a request for records is required, such request shall be in writing.
- B. A request for access to records should be detailed to identify the records. Where possible, the request should supply information regarding dates, titles, file designations or other information which may help identify the records. However, a request for any or all records falling within a specific category shall conform to the standard that records be identifiable.
- C. No records may be removed by the requester from the office where the record is located.
- D. Within five business days of the receipt of a written request for a record reasonably described, the records access officers must make the record available, deny access in writing pursuant to § 107-7 or furnish a written acknowledgment of receipt of the request and a statement of the approximate date when the request will be granted or denied.

**§ 107-7. Denial of access to records.**

- A. Denial of access to records shall be in writing, stating the reason therefor and advising the requester of the right to appeal to the individual or body established to hear appeals.
- B. If requested records are not provided as required in § 107-6, such failure shall also be deemed a denial of access.
- C. The Town Board of the Town of Hartland shall hear appeals for denial of access to records under the Freedom of Information Law.
- D. The time for deciding an appeal by the Town Board shall commence upon receipt of written appeals, identifying:
  - (1) The date of the appeal.
  - (2) The date and location of the requests for records.
  - (3) The records to which the requester was denied access.
  - (4) Whether the denial of access was in writing or was by failure to provide records as required by § 107-6.
  - (5) The name and return address of the requester.
- E. The Town Board shall inform the requester of its decision, in writing, within 30 days of receipt of an appeal.
- F. A final denial of access to a requested record, as provided for in Subsection E of this section, shall be subject to court review as provided for in Article 78 of the Civil Practice Law and Rules.

**§ 107-8. Fees.**

Except where a different fee is otherwise prescribed by law:

- A. There shall be no fee charged for:
- (1) Inspection of records.
  - (2) Search for records.
  - (3) Any certification pursuant to this chapter.
- B. Copies of records shall be provided at a cost of \$0.25 per page up to 8 1/2 inches by 14 inches or the actual cost of reproduction of larger size pages.

**§ 107-9. Posting of public notice.**

A notice containing the job title or name and business address of the records access officers and fiscal officer, a statement that the Town Board is the appeal body and the location where records can be seen or copied shall be posted in a conspicuous location wherever records are kept.