

Chapter 1

Administration and Government

Part 1 Planning Commission

- §1-101. Authority of Planning Commission Established
- §1-102. Constitution, Powers and Duties of Planning Commission

Part 2 Township Supervisor Compensation

- §1-201. Compensation of Supervisor

Part 3 Appointed Officials

A. Township Manger

- §1-301. Creation of Office
- §1-302. Appointment; Removal
- §1-303. Qualifications; Residency Requirements
- §1-304. Bond
- §1-305. Compensations; Conditions of Employment
- §1-306. Powers and Duties
- §1-307. Board of Supervisors Procedures
- §1-308. Disability or Absence of Manager

B. Delinquent Tax Collector

- §1-311. Appointment of Tax Collector

Part 4 Open Records Policy

- §1-401. Purpose
- §1-402. Open Records Policy

Part 1**Planning Commission****§1-101. Authority of Planning Commission Established.**

Be it enacted and ordained by the Township Supervisors of the Township of Cumberland, Adams County, Pennsylvania, and it is hereby enacted and ordained by the authority of the Township Supervisors of the Township of Cumberland, Adams County, that a Township Planning Commission is hereby created in and for the Township of Cumberland, Adams County, Pennsylvania.

(*Ord. 2, 5/11/1959, §1*)

§1-102. Constitution, Powers and Duties of Planning Commission.

Said Planning Commission shall be composed of five members, appointed as provided by law, 53 P.S. §10202. The Planning Commission shall perform all duties and may exercise all powers conferred by law upon municipal planning agencies; provided, the Planning Commission previously created in and for Cumberland Township shall constitute the tenure of any of the members thereof, with any and all vacancies in said Commission hereafter occurring to be filled in the manner and for the term provided in the law governing municipal planning commissions in effect at the time of the happening of said vacancy.

(*Ord. 2, 5/16/1959, §2; as amended by Ord. 05-112, 7/26/2005; and by Ord. 09-128, 2/24/2009, §1*)

Part 2**Township Supervisor Compensation****§1-201. Compensation of Supervisors.**

1. Each Supervisor of Cumberland Township elected or appointed to office on or after the effective date of this Part shall receive compensation as a Supervisor in the annual amount of \$2,500.

2. Such compensation shall be paid in monthly or quarterly installments.

(Ord. 87, 12/28/1996, §1-2)

Part 3**Appointed Officials****A. Township Manager****§1-301. Creation of Office.**

The office of Township Manager is hereby created by Cumberland Township.
(*Ord. 02-102, 1/22/2002, §1*)

§1-302. Appointment; Removal.

The Township Manager shall be appointed for an indefinite term by a majority of all members of the Board of Supervisors. The Manager shall serve at the pleasure of the Board and may be removed, with or without cause, at any time by a majority vote of all its members. At least 30 days before such removal is to become effective, the Board shall furnish the Manager with a written statement stating its intention to remove him or her.

(*Ord. 02-102, 1/22/2002, §2*)

§1-303. Qualifications; Residency Requirements.

1. The Township Manager shall be chosen solely on the basis of executive and administrative abilities, with special reference to training and experience in municipal management. During his or her tenure, the Township Manager shall not hold any elective office.

2. A Bachelors Degree in Public Administration, Business Administration, Civil Engineering or an equivalent degree and appropriate experience shall be required.

3. The Manager need not be a resident of the Township at the time of his or her appointment. However, within 6 months of his or her appointment as Township Manager, the Township Manager shall reside within a 20 mile radius of the Cumberland Township municipal building.

(*Ord. 02-102, 1/22/2002, §3*)

§1-304. Bond.

Before entering upon his duties, the Manager shall give a bond, in the sum established annually pursuant to a resolution of the Board of Supervisors, with a bonding company as surety, to be approved by the Board of Supervisors, conditioned upon the faithful performance of his duties, the premium for said bond to be paid by Cumberland Township.

(*Ord. 02-102, 1/22/2002, §4*)

§1-305. Compensation; Conditions of Employment.

The Board of Supervisors may enter into an employment agreement with the Township Manager setting forth the terms and conditions of the Township Manager's employment. The Manager's salary shall be established by resolution of the Board of

Supervisors at the annual meeting or, if such Manager shall be appointed after the annual meeting of the calendar year of initial appointment, at any public meeting of the Supervisors.

(Ord. 02-102, 1/22/2002, §5)

§1-306. Powers and Duties.

The Manager shall be the chief administrative officer of Cumberland Township and shall be responsible to the Board of Supervisors as a whole for the proper and efficient administration of the affairs of Cumberland Township placed in his charge. The powers and duties for administration of all Township business shall be vested in the Manager, unless expressly imposed or conferred by statute or ordinance upon other Township officers. The specific duties and powers of the Township Manager shall be determined by a separate resolution adopted by the Board of Supervisors.

(Ord. 02-102, 1/22/2002, §6)

§1-307. Board of Supervisors Procedures.

1. In the relationship between the Board of Supervisors and the Township Manager, the Board of Supervisors shall act as a body in all its dealings with the Manager. Individual members of the Board of Supervisors shall refrain from interfering with the Manager or employees of the Township in the performance of their duties, except for the purposes of inquiry. Administrative matters shall be dealt with solely through the Township Manager.

2. Nothing herein shall prevent the Board of Supervisors from establishing a committee of its own to review the operations and legislative needs of the Township departments or from assigning its members to liaison relationships with boards, commissions and authorities.

(Ord. 02-102, 1/22/2002, §7)

§1-308. Disability or Absence of Manager.

If the Township Manager becomes ill, disabled, or is absent from the Township for any reason, a qualified person designated by the Board of Supervisors shall perform the duties of the Manager during the absence, illness or disability.

(Ord. 02-102, 1/22/2002, §8)

B. Delinquent Tax Collector**§1-311. Appointment of Tax Collector.**

1. The Board of Supervisors of Cumberland Township hereby appoints its elected Tax Collector as the delinquent tax collector for the Township.

2. The delinquent tax collector so appointed shall have the same powers, rights, privileges, duties and obligations as set forth in 24 P.S. §6-686 of the Public School Code of 1949.

(Ord. 02-101, 1/8/2002)

Part 4**Open Records Policy****§1-401. Purpose.**

The purpose of this policy is to assure compliance with Act 3 of 2008, the Pennsylvania Right-to-Know Law, as amended; to provide access to public records of Cumberland Township; to preserve the integrity of Cumberland Township's records; and to minimize the financial impact to the residents of the Township regarding the resources utilized in the receipt of processing of public record requests and the retrieval and copying of public records.

(Ord. 08-126, 12/16/2008, §1)

§1-402. Open Records Policy.

It is the policy of the Township to require the presence of a designated employee when public records are examined and inspected and to charge reasonable fees for duplication of public records of the Township. Cumberland Township designates the Township Manager as the Open Records Officer, responsible for assuring compliance with the Pennsylvania Right-to-Know Law, in accordance with the following guidelines:

A. The Township Manager may designate certain employee(s) to process public record requests.

B. The Township Manager is responsible for minimizing, where possible, the financial impact to the Township regarding the resources utilized in the receipt and processing the public record requests and the retrieval and copying of public records.

C. All requests for public records of the Township under this policy shall be specific in identifying and describing each public record requested. In no case shall the Township be required to create a public record which does not exist or to compile, maintain, format or organize a public record in a manner in which the Township does not currently compile, maintain, format or organize the public record. All requests for public records shall be submitted in writing and include the date of the request; requestor's name, address, and telephone number; certification of United States residency; signature of requestor; and if duplication is requested, appropriate payment.

D. The designated employee shall make a good faith effort to determine whether each record requested is a public record.

E. The Township shall facilitate a reasonable response to a request for Cumberland Township's public records. In no case is the Township expected to provide extraordinary staff to respond to the request, but will respond in a manner consistent with the Township's administrative responsibilities and consistent with the requirements of the Pennsylvania Right-to-Know Law.

F. The designated employee shall respond to the requester within 5 business days from the date of receipt of the written request. If the Township does not respond within 5 business days of receipt thereof, the request is deemed denied.

G. The response provided by the Township shall consist of (1) approval for access to the public record; (2) review of the request by the designated employee; or (3) denial of access to the record requested.

H. If access to the public record requested is approved, the public record shall be available for access during the regular business hours of the Township. The designated employee shall cooperate fully with the requester, while also taking reasonable measures to protect Township public records from the possibility of theft and/or modification. The presence of a designated employee is required when public records are examined and inspected.

I. Fees for duplication of public records shall be as established by the Commonwealth's Office of Open Records. The Township may at its discretion waive fees.

J. In the event the estimated cost of fulfilling a request submitted under this policy is expected to exceed \$100, the designated employee(s) shall obtain the expected cost in advance of fulfilling the request to avoid unwarranted expense of Township resources.

K. If the request is being reviewed, the notice provided by the Township shall be in writing and include the reason for the review and the expected response date, which shall be within 30 days of the notice of review. If the Township does not respond within 30 days thereof, the request is deemed denied. Review of the request is limited to situations where:

(1) The record requested contains information which is subject to access, as well as information which is not subject to access that must be redacted prior to a grant of access. The redacted information is considered a denial as to that information.

(2) The record requires retrieval from a remote location.

(3) A timely response cannot be accomplished due to staffing limitations.

(4) A legal review is necessary to determine whether the record requested is a public record.

(5) The requester has failed to comply with the Township's policy and procedure requirements.

(6) The requester refuses to pay the applicable fees.

(7) The extent or nature of the request precludes a response within the required time period.

Upon a determination that one of the factors listed above applies, the Township shall send written notice to the requester within 5 business days of receipt of the request for access. The notice shall include a statement notifying the requester that the request for access is being reviewed, the reason for the review, a reasonable date that a response is expected to be provided and an estimate of applicable fees owed when the record becomes available. If the date that a response is expected to be provided is in excess of 30 days, following the 5 business days allowed for, the request for access shall be deemed denied unless the requester has agreed in writing to an extension to the date specified in the notice. If the requester agrees to the extension, the request shall be deemed denied on the day following the date specified in the notice if the agency has not provided a response by that

date.

L. If access to the record requested is denied, the notice provided by the Township shall be in writing as indicated on the form attached hereto entitled "Denial of Request to Review and/or Duplicate Cumberland Township Records."

M. If the request is denied or deemed denied, the requester may file an appeal with the Commonwealth's Office of Open Records within 15 business days of the mailing date of the Township's notice of denial, or within 15 days of a deemed denial. 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 agency for delaying or denying the request.

N. Within 30 days of the mailing date of the final determination of the appeals officer, the requester or Township may file a petition for review or other document as required by rule of court with the Court of Common Pleas of Adams County. The decision of the court shall contain findings of fact and conclusions of law based upon the evidence as a whole. The decision shall clearly and concisely explain the rationale for the decision. A petition for review under this Section shall stay the release of documents until a decision is issued.

O. This policy shall be available for review at the Township office.

(Ord. 08-126, 12/16/2008, §1)

