



August 21, 2009

Via Facsimile & U.S. Mail

Ms. Josephine M. Patton
Open Records Officer for Carroll Township
555 Chestnut Grove Road
Dillsburg, PA 17019

RE: AP 2009-0728, Weaver v. Carroll Township ("Township")

Dear Ms. Patton:

I received the appeal filed by Deana Weaver with the Office of Open Records (OOR) of the Township's denial of access to the revised traffic impact study, a revised stormwater report and architectural design standards sought pursuant to the Right-to-Know Law, 65 P.S. §§67.101 *et seq.* ("RTKL").

The Township asserted a single exception, Section 708(b)(10), as its grounds for denying access to the three records. As the Township bears the burden of proving its asserted exception by a preponderance of the evidence, kindly explain any and all factual and legal bases for withholding these records under the "internal predecisional deliberative" exception. The OOR deems its Final Determinations on other matters to be binding, and has established a three-part test, which includes as the primary element, whether the record in question is "deliberative in character." In your submission, please address how the records satisfy each of the elements.

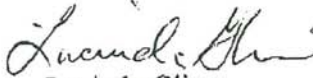
To the extent that your Denial relies upon any facts not already of record in the appeal, please supplement the record to substantiate such facts, such as through sworn statement by one with personal knowledge of their accuracy or other documentary material.

Please be advised that I may consult with agency counsel as needed, and that I may request additional material from either party to clarify or supplement the record.

Kindly include docket no. **AP 2009-0728** on all submissions related to this appeal, and always copy the opposing party. Kindly supplement the record as requested so your submission is *received by August 31st*. Please note that submissions via facsimile are preferred.

Thank you for your anticipated cooperation throughout this process.

Very truly yours,


Lucinda Glinn
Appeals Officer

cc. Ms. Deana Weaver

Commonwealth Keystone Building | 400 North Street, 4th Floor
Harrisburg, Pennsylvania 17120-0225
(717)346-9903 | (717) 425-5343 (Fax)
<http://openrecords.state.pa.us>