

West Brandywine Township

Board of Supervisors

John W. Cassels, Jr. – *Chairman*

Joseph M. Morris – *Vice-Chairman*

O. Douglas Smith – *Member*

Dale Barnett – *Township Manager*

TOWNSHIP OF WEST BRANDYWINE CHESTER COUNTY, PENNSYLVANIA TRAILS COMMISSION BY LAWS

ARTICLE I: NAME OF AGENCY

The name of the organization shall be the West Brandywine Township Trails Commission (a.k.a. Township Trails Commission).

ARTICLE II: AUTHORIZATION

The authorization for the establishment of this trails advisory commission is set forth in the second class township code and the Pennsylvania municipalities planning code, 53 p.s. 10201, et seq., Powers and duties are delegated to the Township Trails Commission by the Board of Supervisors by Ordinance 2016-06 in accordance with the above referenced enabling law.

ARTICLE III: PURPOSE

West Brandywine Township contains opportunities to create a number of valuable public trails, including some along historic roads or railways many miles long. These opportunities may be lost in coming years to subdivision and development if not secured. Converting these opportunities into protected public trails will afford Township residents with many opportunities for outdoor recreation and enjoyment (including but not limited to hiking, horseback riding, biking and cross-country skiing); they preserve the rural and communal atmosphere of the Township; and they enhance the Township's sense of community and well-being.

West Brandywine Township recognizes the creation and continued operation of the West Brandywine Trails Commission as a planning agency of the Township (being in addition and supplemental to the various other planning agencies, including but not limited to the Planning Commission and the Historical Commission). The Trails Commission shall be an advisory agency of the Township subject to the regulations set forth herein, which does not possess the independent authority to exercise power on behalf of the Township. The Trails Commission is tasked with providing the Township Planning Commission and the Board of Supervisors with: recommendations as to trail creation and improvements throughout the Township; recommendations as to trails and trail networks occasioned by proposed subdivision and land development applications; recommendations as to ordinances relating to trails or their use; and

to monitor the condition and maintenance of existing public trail networks throughout the Township.

ARTICLE IV: MEMBERSHIP

Section 1:

The Township Trails Commission initially consists of three (3) members, which number may be adjusted by the Board of Supervisors from time to time. The term of office of members shall be three (3) years or until a successor is appointed. The initial members of the Trails Commission have been appointed for staggered terms such that the terms for such appointees do not expire on the same year. Appointments to fill expired or vacant positions on the Trails Commission shall be considered by the Board of Supervisors at a duly-advertised public meeting. Terms shall expire on December 31 of the applicable year.

The members of the Trails Commission shall serve without compensation, and the Chair of the Trails Commission shall promptly notify the Board of Supervisors of any vacancies thereon, with such vacancy to be filled for the unexpired term by said Board of Supervisors.

In the event of vacancies, the Township Trails Commission may submit recommended appointments, by nominations seconded by the remaining members, to the Board of Supervisors for its consideration. The Board of Supervisors shall appoint a township resident as a member to fill the unexpired term. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

All members of the Township Trails Commission shall be residents of West Brandywine Township Chester County, Pennsylvania at the time of appointment and for the duration of the term of their appointment. Members of the Trails Commission may not concurrently serve as members of the Township's Zoning Hearing Board.

If the Board of Supervisors determines it beneficial to increase the number of members, the additional members shall be appointed as provided in this Article. Additional members should be appointed by the Board of Supervisors at its Organization Meeting in January. If the Board of Supervisors shall determine to decrease the number of members, the decrease shall occur by allowing those next to expire terms to expire and by making no new appointments to fill the vacancy.

Section 2:

Any member of the Trails Commission, once qualified and appointed, may be removed from office for malfeasance, misfeasance or nonfeasance in office or for other just cause by a majority vote of the Board of Supervisors taken after the member has received fifteen (15) days advance notice of the intent to take such a vote. A hearing shall be held in connection with the vote if the member shall request it in writing. Any appointment to fill a vacancy created by removal shall be only for the unexpired term. It is noteworthy that the instant provision does not apply to a decision by the Township Board of Supervisors to not re-appoint a member of the Trails Commission at the conclusion of their appointed term.

ARTICLE V: OFFICERS

Section 1:

The officers of the Township Trails Commission shall consist of a Chairperson, Vice - Chairperson and Secretary and shall create and fill such other offices as it may determine are warranted. Such officers shall serve annual terms and may succeed themselves without limitation. All meetings of the Trails Commission must be duly advertised pursuant to the Pennsylvania Open Meetings Law, and must be held at the Township Building (or some other accessible, public venue within the Township approved by the Board of Supervisors). The Secretary of the Trails Commission shall be responsible for preparing Minutes for all meetings of the Trails Commission, which must be provided to the Township upon adoption. The Trails Commission is obligated to comply with all applicable provisions of the Second Class Township Code, the Pennsylvania Municipalities Planning Code, the Pennsylvania State Ethics Act, the Pennsylvania Right to Know Act, the Pennsylvania Open Meetings Act, as well as the Township Ordinances and Regulations adopted from time to time. All records of the Trails Commission shall be maintained and preserved at the Township Building.

Section 2:

The Chairperson shall preside at all meetings and hearings of the Township Trails Commission and shall have the duties normally conferred by parliamentary usage on such officers.

Section 3:

The Vice-Chairperson shall act for the Chairperson in his/her absence or in the event of a conflict of interest as referenced in Article XIV.

Section 4:

The Secretary shall keep the Minutes and records of the Township Trails Commission, and with the assistance of a Recording Secretary and/or such staff as is available, shall prepare the agenda of the regular and special meetings under the direction of the Chairperson, provide notice of all meetings to members, arrange proper and legal notice of hearings, and attend to general correspondence of the Township Trails Commission and such other duties as are normally carried out by a Secretary. Minutes shall be prepared for distribution within ten (10) days after a meeting.

ARTICLE VI: ELECTION OF OFFICERS

Section 1:

The annual organization meeting shall occur during the first regular meeting of the Township Trails Commission.

Section 2:

Nominations shall be made from the floor at the annual organization meeting and election of officers, as specified in Section 1 of Article V, shall follow immediately thereafter.

Section 3:

A candidate receiving a majority vote of the entire membership of the Township Trails Commission shall be declared elected and shall serve for one (1) year or until his/ her successor shall take office.

Section 4:

Vacancies in Office shall be filled immediately by the election process referenced in Section 2 and Section 3, above.

ARTICLE VII: MEETINGS

Section 1:

Meetings shall be held on the fourth Thursday of each month at 6:00 P.M., unless otherwise advertised, in the West Brandywine Township Building, 198 Lafayette Road, West Brandywine, PA 19320.

The fourth Thursday shall be for the purpose of conducting regular business. The regular meeting schedule shall be advertised annually at the beginning of the year. Work sessions may be scheduled from time to time as necessary and public notice will be advertised.

In the event of a conflict with holidays or other events, a majority of the members at any meeting may change the date of said meeting.

Section 2:

A quorum shall consist of a majority of the members of the Township Trails Commission. For example, while the Trails Commission consists of three (3) members, two (2) Members of the Township Trails Commission constitutes a quorum and the number of votes necessary to transact business. A record of the action shall be kept in the Minutes, including the number for; the number against; and the number of abstentions by name.

Section 3:

Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting, when requested to do so by a majority of members of the Township Trails Commission. All meetings must be proceeded by notice to the public in accordance with the Sunshine Law.

Section 4:

All meetings of the Township Trails Commission shall be open to the public and in accordance with the Sunshine Law of 1986, as amended.

Section 5:

Unless otherwise specified, Robert's Rules of Order shall govern the proceedings at the meetings of the Township Trails Commission.

Section 6:

Members are expected to attend all meetings of the Trails Commission, including work sessions. Excessive absences from meetings, defined as not attending more than two (2) consecutive regular monthly Board meetings (fourth Thursday, except in the event of a holiday) two times during any calendar year may be cause for the Chairperson to request that Member submit his/her resignation from the Commission.

ARTICLE VIII: ORDER OF BUSINESS

Section 1:

The Order of Business at regular meetings shall be:

- a. Call to Order
- b. Procedural Business of Trails Commission (for Organization, Resignations...)
- c. Motion on Minutes of previous meeting(s) - (Motion)
- d. Report of Actions of Board of Supervisors from previous meeting(s)
- e. Notices and Announcements
- f. Reports of Officers and Committees (as necessary)
- g. Pending Applications
- h. Other/New Business including Public Comment
- i. Adjournment – (Motion)

Section 2:

A motion from a member of the Township Trails Commission must be made, seconded and passed to dispense with any item of business on the agenda.

ARTICLE IX: POWERS AND DUTIES

Section 1:

The Trails Commission shall serve in an advisory capacity to provide recommendations to the Township Board of Supervisors and Planning Commission on those matters as set forth in Article III. Recommendations from the Trails Commission shall be provided to the Supervisors and Planning Commission at their respective scheduled meetings, with due consideration to the time constraints imposed on the Township by the Pennsylvania Municipalities Planning Code and otherwise. It bears mention that the unwarranted delay or absence in the Township Board of Supervisors' receiving a recommendation from the Trails Commission on a duly submitted application or project shall not serve as a basis for delay of any decision by the Township Board of Supervisors of such project.

Section 2:

The Trails Commission shall also provide review and recommendations on maintenance of Township-owned trails, organize township volunteers to assist with trail maintenance, and coordinate with and assist custodians of non-Township-owned public trails, such as homeowners associations, conservancy groups, and neighboring township trails groups.

ARTICLE X: APPROPRIATION AND EXPENDITURE OF TOWNSHIP FUNDS

Section 1:

The Trails Commission does not have any authority to expend Township funds. The Board of Supervisors may appropriate funds on an annual basis to support activities of the Trails Commission. Any expenditures recommended by the Trails Commission shall conform to the Township budget as well as all applicable Township ordinances, Township resolutions, and state and federal laws governing purchases and expenditures. All expenditures shall be subject to pre-approval by the Township Board of Supervisors.

ARTICLE XI: EMPLOYEES

Section 1:

Within the limits of the funds authorized by the Board of Supervisors for its use, the Trails Commission may employ such staff personnel and/or consultants, as it deems necessary to perform its duties. Appointments shall be made by a majority vote of the entire Township Trails Commission.

Section 2:

The Township Solicitor shall be used, when necessary and duly authorized by either the Board of Supervisors or the Township Manager as legal counsel to the Trails Commission.

ARTICLE XII: HEARINGS

Section 1:

In addition to those meetings required by law, the Township Trails Commission may hold public hearings when it decides that such hearings will be in the public interest.

Section 2:

Notice of the time and place of such hearings shall be published once a week for two (2) successive weeks in the newspaper of record for the Township. The first notice shall not be more than 30 days and the second notice shall not be less than 7 days from the date of the hearing as required by statutes of the Second Class Township Code governing the proceedings of the municipality.

Section 3:

A Member of the Township Trails Commission, staff personnel or consultant as designated by the Chairperson shall present the matter before the Township Trails Commission in summary, and parties in interest shall have the privilege of the floor.

Section 4:

A record shall be kept of those speaking before the Township Trails Commission at such hearings. That record may, but need not be, a stenographic record.

ARTICLE XIII: AMENDMENTS

These By laws may be amended by a majority vote of the entire membership of the Township Trails Commission.

ARTICLE XIV: ADDITIONAL PROCEDURAL PROVISIONS

Section 1:

Any Member having an inherent or potential conflict of interest on any matter pending before the Township Trails Commission, shall give notice at a public meeting and excuse herself/himself from any action requiring a formal vote on the matter in question. If there is uncertainty concerning whether a conflict of interest exists, the Township Solicitor shall be consulted in accordance with Section 6 of this Article.

Section 2:

It is the policy of the Township to not recommend to anyone coming before the Township Trails Commission at a public meeting, any individual, company, or organization for performing any services or providing work of any kind.

Section 3:

Members who have a question on any matter before the Township Trails Commission and that may require the services of a paid Township consultant (engineer, solicitor, land planner...) shall first consult with the Chairperson for approval and then notify the Township Manager to receive authorization prior to engaging the consultant.

Section 4:

All Members are encouraged to attend annually at least one (1) seminar or workshop designed to instruct and otherwise educate Trails Commission Members in their role and responsibilities on the Commission. Such training, upon approval by the Board Chairperson, may be reimbursable by the Township, including registration fees, meals and mileage but under no circumstances shall any reimbursement be authorized or made for claims of lost compensation.

Section 5:

In the event of a proposed trail easement, right of way, or acquisition in fee by the Township for trail purposes, the Secretary shall issue a township trail review number (i.e., TR^{YR} # 1, 2, 3,...).

Section 6:

Members should physically inspect the route of proposed trails under consideration by the Commission provided the subject property owner has given authorization.

Section 7:

Members shall be responsible for notifying the Commission Secretary or Chairperson in advance of any meeting for which that Member will not be in attendance. Members are responsible for picking up correspondence on a regular basis at the Township Building for review prior to meetings.

Section 8:

The Township Trails Commission shall not take action by formal vote on recommendations for acquiring interests in real property at work sessions. Administrative actions may occur at work sessions, including, but not limited to minor procedural actions such as authorization for consultant review.

Section 9:

Members and volunteers working with the Trails Commission shall comply with Township Resolution No. 13-2016 relating to the Pennsylvania Child Protective Services Law. Such compliance shall include a background check for any member or volunteer who has direct volunteer contact with children as defined in the Law, and any subsequently required reporting.

ARTICLE XV: VOLUNTEER ACKNOWLEDGMENT AND RELEASE

Volunteers working with the Trails Commission must sign form provided by the Township releasing the Township from liability.

ADOPTED THIS 23rd DAY OF MARCH, 2017.

ATTESTED:

TOWNSHIP OF WEST BRANDYWINE
TRAILS COMMISSION



Linda Formi

TOWNSHIP SECRETARY



George Mark

TRAILS COMMISSION CHAIR