

BOROUGH OF TOPTON  
BERKS COUNTY, PENNSYLVANIA

Ordinance No. 4-2018

AN ORDINANCE OF THE BOROUGH OF TOPTON, BERKS COUNTY, PENNSYLVANIA, CREATING A BOROUGH RECREATION COMMITTEE; ESTABLISHING THE NUMBER AND TERMS OF MEMBERS; AND DESIGNATING DUTIES AND POWERS OF THE RECREATION COMMITTEE

BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Tipton, and it is hereby ordained and enacted by the authority of the same:

Section 1. Establishment - Pursuant to the authority granted under the Borough Code of the Commonwealth of Pennsylvania, it is the considered judgment of the Borough Council of the Borough of Tipton that adequate public recreation programs and facilities for the Borough of Tipton ("Borough") would be best advanced by the establishment of a Recreation Committee ("Committee").

Section 2. Composition of Committee. The Committee shall consist of nine (9) voting members to be appointed as follows:

Nine (9) voting members shall consist of the following:

- Borough Council Member
- Recreation Director
- Borough Manager
- Representative of Brandywine Youth Baseball Association as appointed by its Board
- Representative of Brandywine Girls Softball League as appointed by its Board
- Representative of Tipton Torpedoes swim team as appointed by its Board
- Representative of Brandywine Community Task Force as appointed by its Board

- One (1) member-at-large, who is a resident of the Borough, who shall be nominated by the Borough Manager to be appointed by the Borough Council to serve.
- One (1) member-at-large who is a member of the School Board or other resident of the Brandywine Heights School District, who is nominated by the President of the Brandywine Heights School Board, and appointed by Borough Council to serve.
- Non-voting members may be established and asked to attend as needed.
- All voting members shall be over the age of eighteen (18)

Section 3. Terms.

(a) Members shall serve terms as follows:

- The two (2) members-at-large shall serve for a term of three (3) years;
- The Borough Council representative shall serve for a term of two (2) years;
- The Brandywine Community Task Force representative shall serve for a term of two (2) years;
- The representatives of the Topton Torpedoes swim team, the Brandywine Girls Softball League, and the Brandywine Youth Baseball Association shall each serve for a term of two (2) years; and,
- The Borough Manager and the Borough Recreation Director shall serve as long as they are employed in those respective capacities by the Borough.

(b) All persons appointed shall serve their full term unless they voluntarily resign or are removed by a majority vote of either the appointing body (e.g., Borough Council, School Board, or voluntary association) or Borough Council for malfeasance, misfeasance, or nonfeasance in office or for other just cause after the member has received fifteen (15) days advance notice of the intent to take such a vote. Any appointment made to fulfill a vacancy shall be only for the unexpired term.



Section 4. Officers. At the January regular meeting, or the first scheduled meeting of an even year, the Committee shall elect from its voting members, a Chair and Secretary, who shall serve for a twenty four (24) month period beginning at the January regular meeting and running through the end of their stated term or until such time as a successor has been appointed. The Chair will preside over all meetings. The Secretary shall be responsible for establishing the agenda for all meetings and keeping minutes of meeting activities, discussions, and actions.

Section 5. Compensation. Committee members shall serve without compensation but may be reimbursed by the Borough or their appointing municipality, board, or organization for expenses incurred in performing their duties, based upon the Committee By-Laws and the laws and regulations of the appointing body.

Section 6. By-Laws. The By-Laws of the Committee are attached hereto as Exhibit "A" and are incorporated herein as the governing regulations for the existence and operations of the Committee. Additionally, the Committee may adopt rules and regulations which are not inconsistent with its By-Law and with this Ordinance for the conduct of all business within its jurisdiction.

Section 7. Donations, Grants, Gifts. The Committee may not apply for or accept any grant, or accept any gift, bequest, donation of services, equipment, real estate, or money from any individual or group, to be used as specified by the donor, by the terms of acceptance or contract without the approval of the Borough Council. The Committee shall have no authority to incur any obligation binding upon the Borough.

Section 8. Reporting. The Committee shall keep minutes of its meetings which shall be submitted to the Borough Council. The Committee shall not in any manner obligate the Borough Council for the payment of any funds unless they are so appropriated by the governing bodies.

Section 9. Repealer. Any other Ordinance or parts thereof which are inconsistent with this Ordinance are hereby expressly repealed.

Section 10. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is

hereby declared as the intent of the Borough Council of the Borough of Topton that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 11. Effective Date. This ordinance shall become effective on the earliest possible date after adoption.

ORDAINED AND ENACTED by the Borough Council of the Borough of Topton in regular session duly assembled this 11th day of June, 2018.

BOROUGH OF TOPTON  
BERKS COUNTY, PENNSYLVANIA

By:   
K. Ray "Kap" Stauffer, President

Attest:   
Marcus V. Dolny, Secretary

Approved as an Ordinance this 11<sup>th</sup> day of June, 2018:

By:   
Thomas Biltcliff, Mayor

Exhibit A

By-Laws

**BOROUGH OF TOPTON PARKS AND RECREATION COMMITTEE**  
**BYLAWS & RULES OF PROCEDURE**

**Article I - Name**

1.1 Borough of Topton Parks & Recreation Committee

**Article II - Purpose**

The Parks and Recreation Committee shall be an advisory body to the Topton Borough Council for the following:

- 2.1 Overview of Park Management, Recreational Fields, Community Resources and Recreational Facilities; including the coordination of scheduling their use.
- 2.2 Advising the Borough Office on Business Plan and Supporting Budget to be presented to Borough Council as part of the inclusion of the annual general budget.
- 2.3 Development of recommendations to the Topton Borough Council regarding expenditures and program enhancements.
- 2.4 Development and advisement to all grant proposals related to the Borough's recreational facilities and/or operations.
- 2.5 Advisement and review of a rolling five year Parks and Recreation Master Plan.
- 2.6 Development and facilitation of agreements with schools and community groups, e.g. scouts, charitable and not-for-profit organizations, etc., to undertake cooperative programs, projects and events.
- 2.7 Marketing of various recreational programs to the community-at-large.
- 2.8 Oversight for programmatic development and use of the recreational facility.
- 2.9 Working closely with the Borough's Public Safety Measures (Police, Security, EMS and Fire) to ensure that residents receive the proper level of protection during the time they are using the Borough's Parks and Recreation facilities.



2.10 Working with Volunteer based organizations, individuals and groups who use Parks and Recreation facilities to obtain important feedback about their experiences and suggestions for improvement and usage.

### Article III – Membership and Term of Membership

3.1 Voting Members. The Committee shall consist of nine (9) voting members. All members are volunteer and shall be appointed by the Borough Council or respective boards according to these Bylaws. The nine (9) voting members shall consist of the following persons, all of whom shall be over the age of eighteen at the time of appointment:

- Borough Council Member
- Recreation Director
- Borough Manager
- Representative of Brandywine Youth Baseball Association as appointed by their Board
- Representative of Brandywine Girls Softball League as appointed by their Board
- Representative of Topton Torpedoes swim team as appointed by their Board
- Representative of Brandywine Community Task Force as appointed by their Board
- One (1) member at-large, who is a resident of the Borough, who shall be nominated by the Borough Manager to be appointed by the Borough Council to serve.
- One (1) member who is a member of the School Board or other resident of the Brandywine Heights School District, who is nominated by the President of the Brandywine Heights School Board, and appointed by Borough Council to serve.

3.2. Terms of Voting Members. Voting members of the Committee shall be appointed to serve terms as follows:

- The two (2) members-at-large shall serve for a term of three (3) years;
- The Borough Council representative shall serve for a term of two (2) years;
- The Brandywine Community Task Force representative shall serve for a term of two (2) years;
- The representatives of the Topton Torpedoes swim team, the Brandywine Girls Softball League, and the Brandywine Youth Baseball Association shall each serve for a term of two (2) years; and,
- The Borough Manager and the Borough Recreation Director shall serve as long as they are employed in those respective capacities by the Borough.

3.3 Non-Voting Members. Non-voting members may be appointed by the Committee or Borough Council or the Borough Manager to serve on the Committee on as needed basis with no set term of membership. These non-voting members shall include:

- Public Works Supervisor
- Public Safety Representatives
- Other Organizational Representatives pertaining to usage and events relating to the Borough's Community and Recreational offerings

3.4 Removal. Any member may be removed by a majority vote of their respective board for whatever reason.

3.5 Expenses. Expenses incurred by members relating to attendance at recreational related seminars, conventions, or other meetings or the development or implementation of programing must be pre-approved by the Borough Council.



#### Article IV - Officers

- 4.1 Selection. At the January regular meeting, or the first scheduled meeting of an even year, the Committee shall elect from its voting members, a Chairperson and Secretary, who shall serve for a 24-month period beginning at the January regular meeting and running through the end of their stated term or until such time as a successor has been appointed. The Chairperson will preside over all meetings. The Secretary shall be responsible for establishing the agenda for all meetings and keeping minutes of meeting activities, discussions, and actions.

#### Article V - Meetings

- 5.1 Meeting Notices. All regularly scheduled and special meetings shall be advertised in a newspaper of general circulation in the Borough, posted at the Topton Borough Hall by the Borough staff, and shall otherwise comply with the requirements of the Pennsylvania Sunshine Law.
- 5.2 Meetings. Committee meetings shall be held quarterly as deemed necessary or more frequently as needed.
- 5.3 Special Meetings. Special meetings may be called by the Borough Manager, the Chairperson of the Committee or by a majority of the voting members of the Committee.
- 5.4 Quorum. In order for the Committee to conduct business or take any official action, a quorum consisting of the majority of all the voting members serving on the Committee must be present. When a quorum is not present, no official action may take place. The members of the Committee may discuss matters of interest

or informational matters, but can take no action until the next regular or special meeting.

5.5 Voting. An affirmative vote of the majority of the quorum shall be required for the approval of any requested action or motion placed before the Committee. Voting shall ordinarily be by voice vote; provided, however, that a roll call vote shall be required if requested by any Committee member or directed by the Chairperson. If a roll call vote is taken, the individual vote, yea or nay, of each Committee member must be recorded in the minutes of the meeting.

5.6 Order of Business. A written agenda for all meetings shall be prepared as follows. The order of business shall be:

- i. Call to Order
- ii. Approval of the Minutes
- iii. Public Comment
- iv. Old Business
- v. New Business
- vi. Adjournment

5.7 Rules of Order. All meetings of the Committee shall be conducted in an orderly manner in accordance with Roberts Rules of Order, edition to be determined by the Committee.

## Article VI - Duties and Responsibilities

6.1 Duties and Responsibilities. The duties and responsibilities of the Committee shall be as follows:

- i. Planning to define specific strategies and objectives to fulfill long and short-term goals

- ii. Helping promote programs to the community through distribution of materials
- iii. Liaison with the community and Borough Council on matters involving recreation activities and programs
- iv. Conducting activities.
- v. Serving as a forum to discuss new ideas, programs, policies, and procedures

#### **Article VII - Minutes**

- 7.1 Committee minutes shall be prepared by the Secretary. The minutes shall contain a brief synopsis of the meeting, including a complete restatement of all motions and record of votes; and record of attendance. All communications, actions and resolutions shall be attached to the minutes. The official records shall be deposited with the Borough Manager and be retained in the Borough Office.

#### **Article VIII - Open Meetings and Right-to-Know Law Compliance**

- 8.1 All Committee meetings shall be open to the public, in compliance with the terms and provisions of the Pennsylvania Sunshine Law.
- 8.2 The records of and documents of the Committee are subject to public access under the Pennsylvania Right-to-Know Law.

#### **Article IX - Conformity with Laws, Ordinances, Rules, and Regulations**

- 9.1 The Committee shall at all times comply with all laws, ordinances, rules, policies, and regulations as may be adopted from time to time.



9.2 The Board shall be provided with a copy of the By-Laws and all amendments

**Article X - Non-Discrimination**

10.1 The Committee shall not discriminate in any manner against any person by reason of race, color, national origin, religious creed, ancestry, age, sex, disability, political affiliation, or any other class or status prohibited by law.

**Article XI - Amendments**

11.1 These Bylaws may be amended from time to time by the Topton Borough Council. The Committee, by a majority vote, may submit any recommended amendments to the Borough Council for its approval.

**THESE BYLAWS AND RULES OF PROCEDURE ARE ORIGINALLY ADOPTED THIS 11<sup>TH</sup> DAY OF JUNE, 2018:**

  
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President (Vice) Borough Council

Attest:   
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Mayor