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Article I — Planning Commission

§ 4-101 Commission Created.

The Borough of Alburytis hereby creates a Planning Commission, to be known as the “Alburytis Planning Commission.”

§ 4-102 Purpose, Function, and Powers.

The purpose, function, and powers of the Alburytis Planning Commission shall be to perform such services as directed from time to time or requested on behalf of the Borough Council within the scope of the Pennsylvania Municipalities Planning Code, 53 PA. STAT. ANN. § 10101 *et seq.*

§ 4-103 Membership; Terms of Office.

The Alburytis Planning Commission shall be comprised of no less than five (5) members. Of the initial members, two (2) members shall serve for two (2) years; two (2) members shall serve for three (3) years; and one (1) member shall serve for four (4) years. Following the expiration of the initial terms, each term of appointment shall be for a period of four (4) years.

Article II — Park and Recreation Commission

§ 4-201 Establishment.

Council hereby establishes the Alburtis Park and Recreation Commission pursuant to the authority granted in sections 1202(74) and 2708 *et seq.* of the Borough Code, 53 PA. STAT. ANN. §§ 46202(74), 47708 *et seq.*

§ 4-202 Composition of Commission.

The Alburtis Park and Recreation Commission shall consist of five (5) persons who shall be residents of the Borough. Each member shall be appointed by Council to serve for a term of five (5) years. The terms of the members shall be staggered so that the term of one (1) member shall expire each March 4 (the anniversary of the creation of the Commission). In the event of a vacancy on the Commission, Council shall appoint a qualified individual to serve for the remainder of the term (even if the position was previously appointed by the School Board of the East Penn School District). Members of the Park and Recreation Commission shall serve without pay.

§ 4-203 Organization of Commission.

The members of the Park and Recreation Commission shall elect their own Chairman, Secretary, and such other officers as they deem necessary. Each officer shall serve for a period of one (1) year. The Commission may adopt rules and regulations for the conduct of its business.

§ 4-204 Duties and Powers.

The Park and Recreation Commission shall supervise, equip, operate, and maintain public parks, parkways, playgrounds, playfields, swimming pools, public baths, bathing places, indoor recreation centers, and/or gymnasiums owned or leased by the Borough, subject to the restrictions of § 4-205, promote recreational opportunities for Borough residents, and advise Council on matters relating to parks, recreation, and open space. In the exercise of these powers, the Park and Recreation Commission shall:

- (a) Expand and help others to expand the range and variety of recreational programs available in the Borough.
- (b) Help promote existing Borough recreation organizations.
- (c) Encourage existing Borough recreation organizations to become more involved in meeting the leisure needs of Borough residents.

(d) Develop a master site plan which explores the feasibility of curing some or all of the facility deficiencies identified in the Alburtis Parks, Recreation, and Open Space Plan.

(e) Explore mechanisms for assisting quasi-public Borough recreation organizations in upgrading and maintaining their properties.

(f) Work with Lehigh County and the Lehigh County Wildlands Conservancy to improve existing recreational resources which are under their control.

(g) Continue to review plans and make recommendations to Borough Council with respect to Borough requirements that developers and subdividers dedicate suitable recreation land or pay fees in lieu of such dedication.

(h) Establish and maintain an annual maintenance calendar for all Borough-owned or leased park, recreation, or open space land.

(i) Prepare an annual recreation newsletter for distribution to Borough residents describing recreation activities in and around the Borough.

(j) Re-evaluate the Alburtis Parks, Recreation, and Open Space Plan at least annually.

(k) Submit an annual report to Council in connection with the preparation of the Borough budget, which shall include an analysis of community recreation areas, facilities, and leadership, with particular reference to the extent or adequacy of the programs and their effectiveness in view of the public expenditures involved and public needs.

(l) Perform all other duties necessary or convenient to carry out its powers, or to provide helpful and timely advice and recommendations to Council on matters relating to parks, recreation, and open space within the Borough or for the benefit of Borough residents. The enumeration of specific duties in subsections (a) through (k) above shall not be construed as being an exhaustive list of the functions to be performed by the Alburtis Park and Recreation Commission.

§ 4-205 Limitations.

The Park and Recreation Commission shall not employ any persons, engage any consultants, expend any funds, or enter into any obligations unless such actions have been authorized by Council. Council may authorize Borough employees to assist in executing the duties of the park and Recreation Commission. However, all Borough employees assigned any duties or responsibilities in connection with the supervision, equipment, operation, and maintenance of Borough recreation places shall remain subject at all times to their regular supervisors and, ultimately, Council, and shall not be directed by the Park and Recreation Commission or any of its members. Council reserves the right to rescind any action taken by the Park and Recreation Commission at any time.

Article III — Pension Committee

§ 4-301 Establishment.

The Borough Council hereby re-establishes the Borough of Alburdis Pension Committee to advise Borough Council on matters relating to retirement benefits for employees of the Borough, and to perform such other duties and have such other powers and responsibilities as has been or shall be determined, from time to time, by Ordinance or Resolution of Borough Council. *See, e.g.*, Chapter 17 (relating to Police Pension Plan) and Chapter 18 (relating to Nonuniformed Employees Pension Plan).

§ 4-302 Membership.

The Borough of Alburdis Pension Committee shall consist of five (5) members, as follows:

- (a) One member shall be the President of Borough Council, *ex officio*;
- (b) Two members shall be members of Borough Council;
- (c) One member shall be a full-time non-uniformed employee of the Borough; and
- (d) One member shall be a full-time police officer of the Borough.

§ 4-303 Appointment; Term of Service.

All members of the Borough of Alburdis Pension Committee, except the President of Borough Council who serves *ex officio*, shall be appointed by Borough Council. Members shall continue to serve on the Borough of Alburdis Pension Committee without annual or other periodic reappointment until the earliest of the following events:

- (a) the death or resignation of the member;
- (b) the first day the member fails to remain qualified under § 4-302 for the position to which the member was appointed;
- (c) the removal of the member by action of Borough Council; or
- (d) the appointment of a successor to the member by action of Borough Council.

§ 4-304 Quorum; Necessary Vote.

Three members of the Borough of Alburdis Pension Committee shall constitute a quorum. No action shall be taken by the Borough of Alburdis Pension Committee without the concurrence of three members.

§ 4-305 Organization; Conduct of Business.

Borough Council shall, from time to time, appoint one of the three Committee members who are members of Borough Council to serve as the Chair of the Borough of Alburdis Pension Committee. The Committee may appoint, from time to time, such other and further officers and subcommittees, and establish, from time to time, such rules and regulations for the conduct of its business as it shall deem appropriate, subject to the provisions of any Ordinance or Resolution of Borough Council.

Article IV – Environmental Advisory Council

§ 4-401 Environmental Advisory Council Created.

The Alburdis Environmental Advisory Council is hereby created and shall continue to function until this Article is revoked.

§ 4-402 Members of Environmental Advisory Council.

(a) **Qualification.** All members of the Alburdis Environmental Advisory Council shall be residents of the Borough of Alburdis throughout their terms of office.

(b) **Number of Members.** There shall be three (3) members of the Alburdis Environmental Advisory Council.

(c) **Term of Office.** The terms of the first three members of the Alburdis Environmental Advisory Council shall be as follows:

- (1) One member shall be appointed for a term ending May 28, 2003;
- (2) One member shall be appointed for a term ending May 28, 2004; and
- (3) One member shall be appointed for a term ending May 28, 2005.

Thereafter, the term of each member of the Alburdis Environmental Advisory Council shall be three (3) years, ending on the May 28th which is three years after the expiration of the preceding term.

(d) **Appointment.** All members of the Alburdis Environmental Advisory Council shall be appointed by Borough Council. In the event any position on the Alburdis Environmental Advisory Council shall become vacant, Borough Council shall appoint a qualified individual to serve for the remainder of the unexpired term. If, at any time an appointment is being made (whether for a full term or to fill a vacancy), none of the other members of the Alburdis Environmental Advisory Council is also a member of the Alburdis Planning Commission, Borough

Council shall appoint at least one member of the Alburdis Planning Commission to the Alburdis Environmental Advisory Council.

(e) **Chair.** The Borough Council shall, from time to time, designate the Chair of the Alburdis Environmental Advisory Council.

(f) **Compensation.** Members of the Alburdis Environmental Advisory Council shall receive no compensation for their services, but may be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.

(g) **Meetings.** The Alburdis Environmental Advisory Council shall meet at the call of its Chair, two (2) other members of the Alburdis Advisory Council, or the Borough Council. Each member shall be given at least five (5) calendar days notice of each meeting. The Alburdis Environmental Advisory Council shall keep minutes of its meetings and forward a copy of the same to Borough Council.

§ 4-403 Advisory Role.

The Alburdis Environmental Advisory Council is strictly an advisory organization, and shall coordinate all of its functions with the Borough Council and, as appropriate, the Alburdis Planning Commission, the Alburdis Park and Recreation Commission, or the Alburdis Zoning Hearing Board.

§ 4-404 Duties and Powers.

The Alburdis Environmental Advisory Council shall have the following duties and powers, consistent with § 4-403 (relating to Advisory Role) and § 4-406 (relating to Limitations):

(a) To identify environmental problems and recommend plans and programs to the appropriate Borough agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the territorial limits of the Borough of Alburdis;

(b) To make recommendations as to the possible use of open land areas of the Borough;

(c) To promote a community environmental program;

(d) To keep an index of all open areas, publicly or privately owned, including flood-prone areas, swamps, and other unique natural areas, for the purpose of obtaining information on the proper use of those areas;

(e) To advise Borough Council and, as appropriate, the Alburdis Planning Commission or the Alburdis Park and Recreation Commission, in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise, or lease, in matters relating to the protection, conservation, management, promotion, and use of natural resources and the protection and improvement of the quality of the environment;

(f) To prepare an annual report of its activities and present the same to Borough Council in or about October of each year. The report shall be printed in the annual report of the Borough, if any; otherwise, it shall be made known and available; and

(g) To undertake such other environmental tasks as requested from time to time by Borough Council.

§ 4-405 Initial Project.

Borough Council authorizes and directs the Alburdis Environmental Advisory Council to apply for a grant(s) from Commonwealth and/or other public or private agencies in order to develop a GIS-based environmental resource inventory—a compilation of maps and accompanying text showing and explaining the natural characteristics and environmental features of the Borough of Alburdis. No Borough funds shall be expended for or committed to this project without specific authorization from Borough Council.

§ 4-406 Limitations.

(a) The Alburdis Environmental Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency.

(b) The Alburdis Environmental Advisory Council shall not employ any persons, engage any consultants, expend any funds, or enter into any obligations unless such actions have been authorized and funds appropriated by Borough Council. Borough Council may authorize Borough employees to assist in executing the duties of the Alburdis Environmental Advisory Council, but all Borough employees shall remain subject at all times to their regular supervisors and, ultimately, Borough Council, and shall not be directed by the Alburdis Environmental Advisory Council or any of its members.

(c) Borough Council reserves the right to rescind any action taken by the Alburdis Environmental Advisory Council at any time.

Appendix

¶ 4-A Disposition of Ordinance 166.

<u>Ordinance 166</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ I	§ 12-1	§ 4-101
§ II	§ 12-2	§ 4-102
§ III	§ 12-3	§ 4-103

¶ 4-B Disposition of Ordinance 177.

<u>Ordinance 177</u>	<u>1981 Code (prior to Ord. 387)</u>
§ I	§ 23-1
§ II	§ 23-2
§ III	§ 23-3
§ IV	§ 23-4
§ V	§ 23-5

¶ 4-C Disposition of Ordinance 326.

<u>Ordinance 326</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1	never codified to 1981 Code	§ 4-301
§ 2	“	§ 4-302
§ 3	“	§ 4-303
§ 4	“	§ 4-304
§ 5	“	§ 4-305

¶ 4-D Disposition of Ordinance 399.

<u>Ordinance 399</u>	<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 1	never codified to 1981 Code	§ 4-401
§ 2	“	§ 4-402
§ 3	“	§ 4-403
§ 4	“	§ 4-404
§ 5	“	§ 4-405
§ 6	“	§ 4-406

¶ 4-E Disposition of 1981 Code, Chapter 12.

<u>1981 Code</u>	<u>2003 Codified Ordinances</u>
§ 12-1	§ 4-101
§ 12-2	§ 4-102
§ 12-3	§ 4-103

¶ 4-F Disposition of 1981 Code, Chapter 23 (after Ord. 387).

<u>1981 Code, after Ord. 387</u>	<u>2003 Codified Ordinances</u>
§ 23-1	§ 4-201
§ 23-2	§ 4-202
§ 23-3	§ 4-203
§ 23-4	§ 4-204
§ 23-5	§ 4-205

¶ 4-G Source Ordinances.

Ordinance 166	03-04-1974
Ordinance 184	02-09-1977
Ordinance 215	11-11-1981
Ordinance 326	01-31-1996
Ordinance 387	07-25-2001
Ordinance 399	05-29-2002
Ordinance 415	10-29-2003

¶ 4-H Prior Ordinances Concerning Related Subject Matter.

Ordinance 177	02-11-1976
Ordinance 276	12-27-1989

¶ 4-I Cross-Reference.

Certain other boards and commissions are provided for under other Chapters of the Codified Ordinances, including:

<u>Board/Commission</u>	<u>2003 Codified Ordinances</u>
Zoning Hearing Board	§ 21-1801 <i>et seq.</i>
Civil Service Commission	§ 13-401 <i>et seq.</i>