

BOARD OF SUPERVISORS
WEST VINCENT TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. 99-1999

AN ORDINANCE CREATING THE WEST VINCENT TOWNSHIP OPEN SPACE REVIEW BOARD PURSUANT TO THE OPEN SPACE LANDS ACQUISITION AND PRESERVATION ACT, AS AMENDED BY ACT 153 OF 1996 (32 P.S. §5001, ET SEQ.), AND PROVIDING FOR PROCEDURES FOR REVIEWING OPEN SPACE PROPERTY INTERESTS TO BE CONSIDERED FOR ACQUISITION BY WEST VINCENT TOWNSHIP.

Under and by virtue of the authority of The Open Space Lands Acquisition and Preservation Act, as above referenced, the Board of Supervisors of West Vincent Township, Chester County, Pennsylvania, does hereby ENACT and ORDAIN as follows:

Section 1. Organization

Section 1.1. Establishment; Membership. There is hereby created the West Vincent Township Open Space Review Board which shall consist of five (5) members appointed by the Board of Supervisors of West Vincent Township and which shall include within its membership, (i) one member of the Township Board of Supervisors, (ii) one member of the Township Planning Commission, and (iii) one member of the Township Environmental Advisory Council.

Section 1.2. Terms.

A. The term of membership shall be five (5) years, except as originally established herein.

B. The initial members of the Open Space Review Board shall be appointed to terms of office as follows:

- (i) A member who shall, at the time of appointment, be a member of the Township Board of Supervisors, for a term to expire 12/31/00;
- (ii) One member who, at the time of appointment, shall be a member of the Township Planning Commission, for a term to expire 12/31/01
- (iii) One member who shall, at the time of appointment, be a member of the Township Environmental Advisory Council, for a term to expire 12/31/02;
- (iv) One member for a term to expire 12/31/03; and
- (v) One member for a term to expire 12/31/04.

Section 1.3. Vacancies. When a member of the Open Space Review Board appointed as a member of the Board of Supervisors, Planning Commission or Environmental Advisory Council shall no longer be a member of such board, commission or council, such member shall nevertheless continue as a member of the Open Space Review Board until the expiration of his or her term of appointment. When vacancies shall occur in the membership of the Open Space Review Board, the Board of Supervisors shall fill such vacancies in the membership for the remaining unexpired term.

Section 1.4. Chairperson; Secretary.

A. The chairperson of the Open Space Review Board shall be appointed by the Board of Supervisors until such time as the Open Space Review Board members, by majority vote, shall elect their own chairman, and all other necessary officers, including a secretary. All officers shall be elected for a period of one year, that period of office to be co-terminus with

the calendar year. The Open Space Review Board shall reorganize as the first order of business in its initial meeting of each calendar year.

B. The secretary shall keep minutes of all meetings of the Open Space Review Board and make a copy of those minutes available to the Board of Supervisors as a matter of course.

Section 1.5. Rules and Regulations; Meetings. The Open Space Review Board shall adopt rules and regulations for the conduct of its own meetings and business. Said rules and regulations shall comply with all applicable statutory regulations, including but not limited to the Pennsylvania Sunshine Law. The Open Space Review Board shall establish regular meeting dates and criteria for the calling of special meetings.

Section 1.6. Compensation and Reimbursement of Expenses. All members of the Open Space Review Board shall serve without compensation, but may be reimbursed for necessary and reasonable expenses as approved by the Board of Supervisors.

Section 2. Powers and Responsibilities.

Section 2.1. General Powers and Responsibilities. The Open Space Review Board shall have the following general powers and responsibilities:

A. To identify, review, evaluate, and rate the relative desirability of parcels of real estate; to make recommendations with respect to the price that the Township would pay for particular parcels of real estate; to submit recommendations to the Board of Supervisors for its consideration to acquire such interests in real property.

B. To recommend to the Board of Supervisors procedures for (i) reviewing various open space property interests; (ii) rating the relative desirability of interests in

particular parcels of real property; and (iii) establishing the recommended price for the Township to pay for acquisition of real property interests.

Section 3. Reports and Recommendations. The Open Space Review Board shall submit the following information and reports to the Board of Supervisors and unless otherwise indicated herein:

A. An annual report to the Board of Supervisors not later than March 31 following the year for which the report applies, said report to include a summary of the activities of the Open Space Review Board, with particular reference to the extent and adequacy of the program and its effectiveness in view of the public expenditure involved and the public objectives to be met.

B. Periodic recommendations to the Board of Supervisors regarding the following:

(i) Types of real property interests to be acquired (such as fee simple, conservation easement, restrictive covenant agreement, or other).

(ii) Type of use of real property to be considered (such as active recreation, passive recreation, agricultural lands preservation, natural resources preservation, or other).

(iii) Documentation to achieve the objectives for use and/or preservation of specific parcels of real property.

(iv) Proposals for the purchase of specific open space property interest, including but not limited to installment or other deferred basis.

C. Review proposed ordinance provisions that relate to the protection, preservation and management of open space in the Township.

D. Coordinate with the Environmental Advisory Council and Planning Commission by evaluating any property being considered for active recreation, passive recreation, or other open space preservation uses.

Section 4. Procedures

Section 4.1. Review, Rating and Evaluation of Interests in Open Space Lands. The Open Space Lands Acquisition and Preservation Act, as amended by Act 153 of 1996 (32 P.S. §5001, et seq.) requires local government units to establish procedures for the review, rating, and evaluation of interests in open space lands, reflecting the relative preservation desirability of perspective open space parcels. The Open Space Review Board, while authorized to establish such procedures, shall incorporate the following procedures and/or recommendations into its protocol:

A. The Board shall give due consideration to the Township's Comprehensive Plan, the Township Open Space, Recreation and Environmental Resources Plan, other Township plans and studies related to land use and planning for the Township, and the Chester County Comprehensive Land Use Plan (known as the "Landscapes" Plan), as each may be from time to time amended.

B. The Board shall retain qualified professional independent appraisers as the need for such expertise may arise.

C. The Board and the Township Board of Supervisors shall record any and all interests in the real property acquired by the Township at the Chester County Recorder of Deeds Office.

D. The Board shall maintain such records as are appropriate, including but not limited to records of all interests in real property which have been acquired by the Township.

E. The Board shall submit to the Owen J. Roberts School District, in compliance with the Act, a certified copy of all deeds reflecting acquisition by the Township of open space property interests pursuant to the Act.

F. The Board shall recognize that under the provisions of the Act, the Township is not entitled to exercise the power of eminent domain.

G. The Board shall recognize the obligations of the Township for the resale of fee simple interests in open space acquired pursuant to the Act and this Ordinance.

H. The Board shall recognize compliance with all other mandatory provisions of the Act.

Section 5. Miscellaneous.

Section 5.1. Severability. If any sentence, clause, section or other 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 to be the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

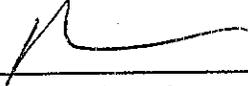
Section 5.2. Repealer. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

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Section 5.3. Effective Date. This Ordinance shall become effective five (5) days after its enactment.

ENACTED AND ORDAINED by the West Vincent Township Board of Supervisors this 26 day of July, 1999.

BOARD OF SUPERVISORS
WEST VINCENT TOWNSHIP







Attest: Cinda M. Cloaver