



# The EAC Handbook

A Guide for Pennsylvania's  
Environmental Advisory Councils

The EAC Network

**An EAC** is a group of community residents, appointed by the elected officials, to advise them and other municipal officials about the protection, conservation, management, promotion and use of natural resources.

### Additional Resources for EACs:

#### [EACNetwork.org](http://EACNetwork.org)

A collection of resources for Environmental Advisory Councils, including:

- sample ordinances
- EAC success stories
- training and networking events
- join the EAC Network Listserv

#### [ConservationTools.org](http://ConservationTools.org)

A comprehensive resource with summary and in-depth guidance at your finger tips:

- comprehensive guidance on conservation, recreation and land use topics
- model ordinances and legal documents
- conservation expert database with references

### PA Department of Conservation & Natural Resources (DCNR) Publications

#### [dcnr.state.pa.us](http://dcnr.state.pa.us)

- Creating Sustainable Community Parks & Landscapes, 2nd Edition
- Community Recreation & Parks Handbook
- Financing Municipal Recreation and Parks, 2nd Edition
- Greenscaping: How Demand for Sustainable Landscapes Practices Creates New Opportunities
- Greening Parks & Sustainable Practices

### Governor's Center for Local Government Services (DCED) Publications

#### [new.pa.com/local-government/publications](http://new.pa.com/local-government/publications)

- Citizen's Guide to PA Local Government
- Elective Office Local Government
- Open Meetings
- Planning Series

For more information and to become a member of the EAC Network please visit our website at [www.eacnetwork.org](http://www.eacnetwork.org)

## A Note of Acknowledgement...

The first EAC Handbook was published in 1996 by the Pennsylvania Environmental Council (PEC). Over the years, many individuals representing state and local agencies, local environmental non-profits, educational institutions, environmental advisory council members and volunteers have contributed to the EAC Handbook's development and content. There are simply too many people who have played a role in the past and present editions of the handbook to thank them all individually, but you know who you all are, and your efforts have gotten the EAC Network to where it is today. The EAC Network has also benefited from the support of a number of funders who have committed to the success of the program. The Pennsylvania Department of Conservation and Natural Resources is chief among these. We thank them, along with the Pennsylvania Department of Environmental Protection and the William Penn Foundation for their ongoing commitment and dedication.

In late 2013, the EAC Network administration transferred from PEC to the Pennsylvania Land Trust Association. In an age when information is more readily available via digital media, this edition represents a modified and streamlined version which provides the essential information for EAC members to continue their good work throughout the state. More detailed information is available at [eacnetwork.org](http://eacnetwork.org) (administered by the Pennsylvania Land Trust Association), including networking opportunities, examples of EAC projects, land use and conservation tools as well as additional resources.

***For everyone who has worked on the EAC Network since its beginnings, who have contributed to versions of this handbook, who have collaborated and put effort into making the Pennsylvania EACs what they are, thank you. And keep up the good work!***

## Purpose

This handbook is intended for those who wish to understand how Environmental Advisory Councils may affect the policies and decisions made by Pennsylvania municipalities. This handbook contains information on what EACs are, how they are formed and run, and how they interact with their governing boards and their communities.



**pennsylvania**  
DEPARTMENT OF CONSERVATION  
AND NATURAL RESOURCES



Funding for this handbook update was provided in part by a grant from The Environmental Stewardship Fund administered by The Pennsylvania Department of Conservation and Natural Resources, Bureau of Recreation and Conservation.

January 2014

*Please note that no liability is assumed with respect to the use of information contained in this handbook. Laws may be amended or court rulings made that affect a particular situation, procedure, issue, or interpretation. The authors assume no responsibility for errors and omissions nor any liability for damages resulting from the use of the information contained herein. Please contact your local solicitor or lawyer for legal advice.*

This updated handbook was compiled and edited by PEC staff with assistance from Rebecca Kennedy, Watershed Coalition of Lehigh Valley; Jeanne Ortiz, Audubon Pennsylvania; and Nicole Faraguna and Andy Loza, PALTA.

Maxfield Design

# A Guide for Pennsylvania's Environmental Advisory Councils

## 1. What is an Environmental Advisory Council?

Page 5



## 2. Establishing an Environmental Advisory Council

Page 8

Page 9

## 3. Structure and Operation of an Environmental Advisory Council

## 4. Municipal Governance and EACs

Page 12



## 5. Projects for Environmental Advisory Councils

Page 16



Appendix I.	STATE ENABLING STATUTE	26
Appendix II.	SAMPLE EAC ORDINANCE	28
Appendix III.	SAMPLE RESOLUTION ESTABLISHING AN EAC	30
Appendix IV.	SAMPLE MULTI-MUNICIPAL EAC ORDINANCE	34
Appendix V.	SAMPLE MULTI-MUNICIPAL EAC BYLAWS	36



Cover: Tree planting project in Mauch Chunk Park, Northampton County, a cooperative project between the City of Easton Environmental Advisory Council, the DCNR, and Lehigh Valley Greenways Conservation Landscape which is administered by the Delaware & Lehigh National Heritage Corridor. Trees were donated by WDIY.

## **Pennsylvania's Environmental Amendment**

The people have a right to clean air, pure water, and to the preservation of the natural, scenic, historic and esthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people.

(Article 1, Section 27 of the Constitution of the Commonwealth of Pennsylvania)



Polk Valley Park, Lower Saucon Township, Northampton County.

## CHAPTER 1

# What is an Environmental Advisory Council?

**Pennsylvania's municipal environmental advisory councils (EACs) are officially created, appointed arms of municipal government that focus exclusively on environmental conservation and improvement.** EACs act as advisors to the governing boards that appoint them, and to the local planning commissions, giving municipal governments a pool of "hometown talent" to draw upon when they make decisions affecting the environmental resources in their communities. EACs undertake a wide variety of projects and information-gathering tasks, providing energy and objective, in-depth analysis about environmental resource issues. Since municipal ordinances and decisions based upon sound science withstand the tests of scrutiny and time, EACs can be a huge benefit to the communities that create them. Any municipality or group of municipalities in Pennsylvania may create an EAC by ordinance.



Left: City of Easton, Environmental Advisory Council, 2013. Left to right: Ian Kindle, Tess Mondello, Pat Janssen, Sarah Berg, Caroline Bissell, William Dohe and Charles Elliot.

## The EAC Network

In 1990, to both strengthen existing EACs and encourage the creation of new ones, the Pennsylvania Environmental Council created *The EAC Network*, to offer assistance and programs specifically for EACs. In late 2013, the administration of the EAC Network was transferred to the Pennsylvania Land Trust Association. The EAC Network provides EACs with opportunities to communicate with each other, share information and collaborate on a multi-municipal basis.

As more and more communities establish EACs and become a part of The EAC Network, the cumulative effect of local environmental awareness benefits individual communities, regions, and the entire state.

## Essential Tips for Successful EACs

**The EAC Mission:** to advise on matters dealing with the protection, conservation, management, promotion and use of natural resources located within your municipality.

- The EAC is an official government council. Work with your municipality, not against it.
- Understand your local government structure and who works within it. Establish relationships with other municipal officials.
- Be positive and constructive.
- Attend other municipal meetings to provide EAC input and presence.
- Share EAC minutes with other boards. Ask them to reciprocate.
- Prioritize your projects. Evaluate your progress. Do a few projects well – rather than leave many unfinished.
- Be familiar with your local ordinances.
- Gain the support of your elected officials early on in your project development process.
- EAC membership is a commitment. Come to meetings. Share the work.
- Research, analyze, come to consensus and then speak. Stand behind your EAC's official opinions.
- Respect differing points of view and approaches to a problem.
- Keep excellent, organized records.
- Understand the Sunshine Law. Welcome anyone wishing to sit in on EAC meetings. Allow for public comment.
- Inform your community about your accomplishments and recommendations.
- Work with other groups in your community (e.g., schools, civic groups and businesses) to gain more volunteers.
- Share ideas with and support other EACs regionally and across the state.

**“EACs advise the local government agencies, including, but not limited to, the planning commission, recreation and park board and elected officials on matters dealing with the protection, conservation, management, promotion and use of natural resources located within the municipality’s territorial limits.”**

— State Enabling Statute



### **Who should be an EAC member?**

While EAC members often represent a wide variety of backgrounds, it is always helpful to recruit members with educational and professional expertise in areas such as planning, environmental science, and policy and development. EACs may also have associate members, if provided for in the municipal enabling legislation. Associate membership can be a valuable addition to EACs, providing expertise and a pool for new EAC members.

## **Authority for Creation of an EAC**

In 1973, the Pennsylvania General Assembly passed Act 148 authorizing any municipality or group of municipalities to establish, by ordinance, an EAC. In 1996, Act 177 was passed, which amended Act 148. This State enabling statute, Act 148 of 1973, as amended in 1996 by Act 177, is included in Appendix I. For the remainder of this handbook, Act 148 as amended, will be simply referred to as “Act 148.”

## **Specific Powers**

**Act 148 empowers EACs to:**

- Identify environmental issues and recommend plans and programs to the appropriate municipal agencies for the promotion and conservation of natural resources and for the protection and improvement of the quality of the environment within its territorial limits.
- Make recommendations for the use of open land areas.
- Promote a community environmental program.
- Keep an index of all open space, 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.
- Advise the appropriate local government agencies, including the planning commission and recreation and park board and the elected governing body, on the acquisition of property, both real and personal.

## **Multi-Municipal Collaboration**

EACs and local governments are most effective when they are able to work on a multi-municipal basis. Our natural resources are divided up among the over 2,500 local governments in the state. EACs are an effective means for neighboring communities to collaborate on water resource protection, stormwater, air quality, open space and greenways and myriad other environmental matters that transcend municipal boundaries. By working together, EACs can help establish relationships between local governments and maintain connections between our natural resources.

Act 148 gives individual municipalities the authority to join with neighbors to form regional, multi-municipal EACs. Multi-municipal EACs are desirable and effective because they provide a mechanism for neighboring local governments to join together to focus on natural systems such as watersheds, forests or aquifer recharge areas as units rather than as fragments. The regional perspective offered by a multi-municipal EAC establishes a cohesive, long-term vision as the group plans for natural resource protection. For a sample multi-municipal EAC ordinance and by-laws, see Appendix IV and V.

Upper left: Kutztown Borough, Berks County, EAC Chair Jeri Carroll (left) and Secretary Tara Erney (right) host a booth at a community event. Photo courtesy of Karen Feridun.

## Membership and Terms

Act 148 stipulates that an EAC may be composed of 3 to 7 members, who serve without compensation and are appointed to staggered three-year terms. EACs with three members can function effectively, however, a full complement of seven members enables access to a wider range of expertise and the ability to undertake more projects.

Members are appointed by the local governing body. In the case of multi-municipal EACs, each participating municipality appoints an equal number of members to serve on the council. Act 148 states that “whenever possible, one member shall also be a member of the municipal planning board.” This cross-representation is an important factor in the effectiveness of an EAC.

## Officers

The governing body selects the chair of a council, except in the case of a multi-municipal EAC, where the council itself selects the chair. The enabling legislation does not mention the election of other officers, but the general practice in Pennsylvania is to provide for the election of other officers, such as vice chair or recording secretary, at the January meeting.

## Funding

Act 148 enables local governments to appropriate funds for the operation of EACs to cover administrative, clerical, printing and legal service costs. The amount of the appropriation is to be determined by the local governing body. All or part of any funds appropriated in a year may be expended, placed in a conservation fund or allowed to accumulate from year to year.

## Budget

Act 148 does not mandate that EACs have designated funding; therefore, EACs in Pennsylvania operate on whatever funds are designated for them by the governing body, in addition to any grants, project funds, and fundraising is done. A governing body may want to consider a minimum budget (\$500 to \$1000) to cover the basic operating expenses that will enable a council to function effectively. It is advisable for an EAC to prepare an annual budget report to submit to the local governing body. Expense and income reports may be included as well. To keep the EAC informed regarding the budget, the treasurer should report on the status of funds at each meeting.

## Other Sources of Revenue

Act 148 does not specifically address the issue of an EAC raising funds for its activities; however, this is a common function of an EAC. Because they are a part of local government, EACs can receive state and federal grant funding from various government sources by applying through their municipalities. The PA DCNR Funding Guide is a great resource for finding grant opportunities. This guide is available on DCNR’s website.

Other ways to fund EAC projects include securing gifts, holding fundraisers and partnering with other groups to access funds not typically available to governmental units (e.g., foundations).

## Mandated Responsibilities

The enabling legislation requires each council to keep records of meetings and activities and to issue an annual report, which should be distributed with the municipality’s annual report or made available to the public in other ways.

## Possible Operating Expenses

- Printing of literature
- Courses and conferences for council members
- Office supplies and postage
- Compensation for municipal secretarial assistance
- Sponsorship of educational programs for local residents
- Dues for affiliation with environmental, educational and planning organizations
- Publication and distribution of a council newsletter
- Organization of park or town cleanup programs
- Public relations/outreach

## CHAPTER 2

# Establishing an Environmental Advisory Council

Act 148 gives municipalities the authority to establish EACs by ordinance. These ordinances must be consistent with Act 148 and should include details on subjects such as officers, budget and duties. Since Act 148 does not mandate that Pennsylvania local governments establish an EAC, it is up to residents and stakeholders within a community to suggest the establishment of an EAC to their elected officials.

The wording of the statute is general enough to make it easily adapted by individual municipalities for their own ordinances. An example of this type of ordinance from Paradise Township, Monroe County, is included in Appendix II.

The establishment of an EAC can be incorporated into another environmentally based initiative of a municipality, with the powers and duties of the EAC then related to the goals of that initiative. In the example of Lower Makefield, Bucks County, the township passed a resolution to identify and preserve open space within its boundaries. The establishment of an EAC was included in this resolution as one of the means by which its goals would be accomplished. A copy of this resolution is included in Appendix III. It should be noted that in this example, the EAC was created without making use of the enabling statute.

*The establishment of an EAC can be incorporated into another environmentally based initiative of a municipality, with the powers and duties of the EAC then related to the goals of that initiative.*



Above: Nockamixon Township, Bucks County, EAC on their annual quarry tour. Photo: Sharon Mendelson.

## How to Get Started

To find out if there is an EAC in your community, call your municipal offices or your local officials. If there is no EAC and you are interested in establishing one in your municipality, you can:



Above: City of Easton, PA Environmental Advisory Council.

*An EAC can develop in-depth information on natural resources and environmental issues for the comprehensive planning process.*

- Visit [EACnetwork.org](http://EACnetwork.org) to understand the role of EACs. Here you will find EAC case studies, sample ordinances, guidelines and much more.
- Join the EAC Network discussion at [EACNetwork.org](http://EACNetwork.org).
- Get to know your local elected officials.
- Attend several municipal meetings to understand how the meetings work and to gauge views on local issues.
- Attend training for EACs or elected officials - find training opportunities at [EACnetwork.org](http://EACnetwork.org)
- Educate the governing body on the role of EACs. Some local officials may be concerned that the establishment of an EAC will create a new layer of bureaucracy when, in fact, EACs are only charged with advising and informing elected officials regarding environmental issues.
- Underscore the resource an EAC can be for local officials. For example, an EAC can develop in-depth information on natural resources and environmental issues for the comprehensive planning process and report on the environmental impacts of specific land use proposals.

## CHAPTER 3

# Structure and Operation of an Environmental Advisory Council

Once your municipality has passed an ordinance enabling the creation of a municipal EAC and appointed members, your EAC will have to establish an organizational structure.

## Bylaws

Your council should develop a set of bylaws as one of its first actions in order to provide detail on the council's organization and operation. Bylaws can include information on membership, attendance, meetings, order of business and other details. See Appendix V for a sample set of bylaws (this example is for a multi-municipal EAC; however, it can be modified for a single municipality).

## Committees

Organization of standing and special committees may enable EACs to be more effective, by allowing a smaller group to focus on a particular issue. Standing committees relating to specific municipal functions, such as land use, parks and public open space, water resources and areas of ongoing interest, such as public education, may also be useful.

## Associate Members

Act 148 allows up to seven members on an EAC. To include more people, consider the establishment of an associate members program. Associate members do not vote but may participate in all other council activities and serve on standing and special committees. It may be desirable to have an associate member serve as recording secretary for the council to ensure that all appointed voting members will be able to fully participate in meetings. Associate members can be an important source of expertise, and should be given high priority for appointment to the EAC when vacancies occur. Associate members may be drawn from the community, watershed associations, schools, and other environmental organizations.

## Multi-Municipal EACs

Act 148 also gives individual municipalities the authority to join with neighbors to form regional, multi-municipal EACs. Multi-municipal EACs are desirable and effective because they provide a mechanism for neighboring local governments to join together to focus on natural systems such as watersheds, forests or aquifer recharge areas as units rather than as fragments. The regional perspective offered by a multi-municipal EAC establishes a cohesive, long-term vision as the group plans for natural resource protection. See Appendix IV and V for sample ordinances.

## Scheduling Meetings

EAC meetings need to be scheduled on a regular basis, usually monthly, in a public place, on a day that does not conflict with other municipal meetings.

Right: Lower Makefield Township, Bucks County, EAC, Community Day.  
Left to right: Lisa Grayson, Geoff Goll, Alan Dresser, Laura Brandt and Jim Bray.

## The Sunshine Law

The Pennsylvania Sunshine Law requires all public agencies, including EACs, to present all official actions and conduct all deliberations leading up to official actions at advertised public meetings. Under the law, municipalities must:

- **Post notice of scheduled public meetings** at the municipal building, or the location of the offices of the municipality's governing body.
- **Advertise scheduled public meetings** in a local newspaper at least three days prior to the date of any meetings.
- **File notice of public meetings** with the municipal secretary, manager or county clerk.

With the ability to communicate electronically by sending emails to several recipients, or even to "chat," it is important to remember that the discussion of issues or revisions to proposed documents over the internet could be construed as deliberation outside a meeting and should be avoided.



## Priorities

The first few EAC meetings are often “brainstorming” sessions, where members discuss their interests and backgrounds, and determine what issues need immediate attention. Over subsequent early sessions, a prioritized plan should evolve to include a list of projects and activities to address. Section 5 is devoted to this topic.

## Meeting Organization

Even if you choose to run your meetings in an informal manner, as many EACs do, consider using **Roberts Rules of Order** to guide the overall organization of meetings and voting procedures. In many cases, informal discussion and decision by consensus will suffice—but you may want to be prepared to handle contentious or complex issues with a standard format. An easy guide to Roberts Rules can be found at the EmPower LA™ website: [empowerla.org](http://empowerla.org).

## Meeting Agenda

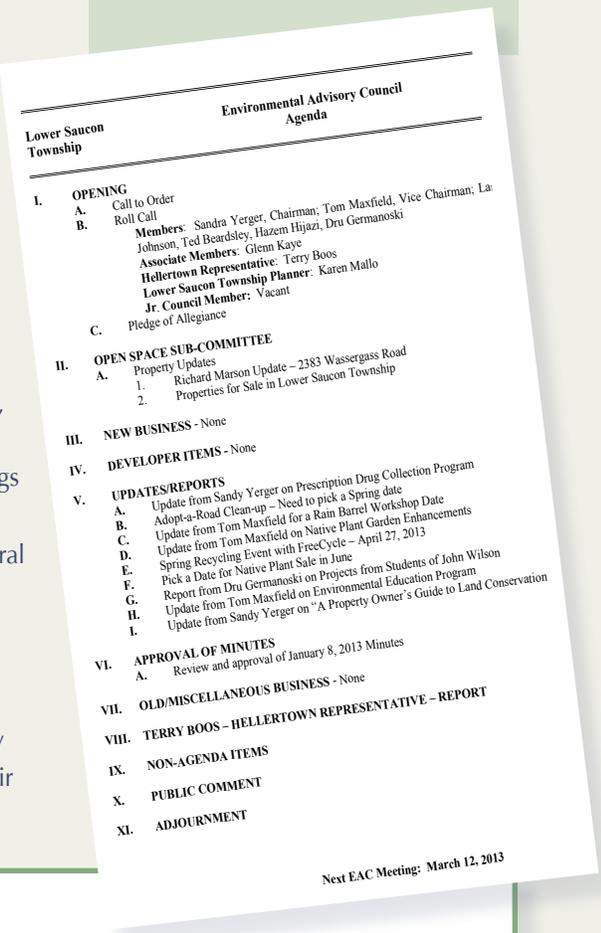
**An agenda is an important tool for running an effective meeting.**

Keep the following guidelines in mind:

- Use a printed agenda, preferably agreed to at the conclusion of the last meeting and added to by members in the interim between meetings.
- Send the meeting agenda to members in advance of the meeting date, both as a reminder of the meeting and to enable them to prepare for discussion of agenda items.
- Make agenda length reasonable. Except when there are extenuating circumstances, long late-night meetings are not productive.
- If individual meeting agendas are frequently lengthy due to pressing business, the council may want to choose between long meetings, or shorter, more frequent meetings. In any case, it is the chair’s responsibility to keep the meetings focused on agenda items and to conduct business in a timely manner.
- Agendas should always allow time for public comment, new business and general comments from members.

## Record Keeping

For those new to municipal government, it is essential to understand that keeping accurate records and providing meeting minutes in a timely way is extremely important. Even the most effective, energetic EAC will have problems within their municipality if they fail at this very basic municipal responsibility.



## Minutes

Minutes are an important tool in operating an effective council. Keep the following points in mind:

- Designate a secretary. Some EACs use the municipal secretary, and others designate or elect an EAC member.
- No matter who is designated recording secretary, he/she should attend every council meeting to take minutes.
- Minutes generally include the date, time and location of the meeting, members present, subjects considered, decisions made, actions taken and tasks assigned.
- Minutes are most useful when they are sent to members, with the agenda of the upcoming meeting, within a reasonable time following the meeting.
- To facilitate communication, consider sending your minutes to designated contacts on the governing body, planning commission, recreation and park board and other appropriate government agencies.
- Minutes posted on the EAC website or municipal website, a public bulletin board, in the municipal building or public library can promote communication with the public.
- The secretary of the EAC should maintain a file of EAC minutes, and one copy of the minutes should be kept by the municipal secretary as a permanent record.



Abington Township, Montgomery County, Environmental Advisory Council community booth.

## Communicating with the Public

**The EAC is a component of local elected government, and is therefore charged with being responsible and responsive to the community it serves.** It is therefore important that EACs have effective communication with their citizens, in both directions: educating and informing the public of issues of environmental and ecological importance, while also ensuring that the EAC members understand the concerns and opinions of local residents on natural resource issues. Some ideas for EAC/community communication include:

- Carry out a survey asking residents what they believe to be the most important environmental issues facing their community. Remember that the way questions are asked on a survey can greatly influence results; the EAC may wish to consider seeking professional input on the design of survey questions.
- Speak one-on-one to municipal governing body members to find out where their environmental concerns and considerations lay.
- Connect with the local community watershed association(s) to find out what projects and issues they consider to be important for the EAC to know about.
- Make sure that EAC members are listed on the municipal website and, if possible, have EAC meeting minutes posted on the website as well.
- Consider developing a separate webpage for the EAC linked to the municipal website.
- Write press releases for major EAC events and initiatives. Make sure to notify local press about your events and provide articles for them to use afterwards.



## Anatomy of an EAC:

Although Act 148 sets the basic parameters for the structure of an EAC, each EAC is different, as each municipality differs.

Here is a look at the structure of one EAC:

### Lower Saucon Township Environmental Advisory Council

- twelve person volunteer board
- appointed by the Township Manager and Supervisors/Council
- seven voting members (three year terms; staggered)
- five are associates, or non-voting members (one year terms)
- one high school student serves as a Junior Council Member (non-voting member, one year term)
- one representative from the neighboring borough (non-voting)

EAC board members include one supervisor, two planning commissioners, the township historian, and watershed association members. Although not specifically required, the inclusion of these dedicated volunteers serves as an important communication link to the other township boards and helps to bring a level of knowledge to EAC that can be very useful.

**A Special Committee** of three voting members makes up the Open Space Committee, who works in conjunction with a land conservationist (consultant) to review properties under consideration for preservation. The subcommittee makes recommendations to the EAC.

**Successes:** 340+ acres were preserved through 10 years of resident supported Earned Income Tax dedication (Open Space Referendum).

#### Responsibilities:

- involved in local and regional environmental issues on many levels
- meet monthly and discuss a variety of environmental issues facing the township and provide advice and recommendations to the Council
- plan review, public education, research, promotion of programs such as preservation of natural areas and water quality
- planning for a viable approach to natural resource protection
- partners with local watershed association for outreach programs
- holds annual electronics recycling event, annual native plant sale, native plant demonstration garden, Community Day educational booth

## CHAPTER 4

# Municipal Governance and EACs

Once an EAC is formed, it becomes part of the municipality's local government structure in much the same way as a planning commission, park and recreation board or other appointed volunteer body. Its purely advisory function depends upon the ability of its members to work together closely with other municipal officials and staff in an on-going, interactive way. Building and maintaining relationships with others in local government is critical.

*The establishment of comfortable, working relationships within the municipal government structure is essential to EAC effectiveness.*

Above:  
Lower Makefield Township EAC representatives award resident Kim Wodzanowski with LMT's prestigious Environmental Stewardship Award.



## First Steps, First Impressions

### “Know Who Does What”

To be effective advisors, it is essential to understand the structure and function of local government, including how elected officials, appointed boards and commissions, and administrative employees function and interact. However, every municipality does business in a slightly different way, and it is essential that you learn as much as you can about how your municipality works. If the EAC wants to start a recycling project, for example, who should be approached first — the manager, secretary, elected officials, the director of public works? As a first step, the EAC Chair can designate a member to obtain or compile a list of local government officials, both elected and appointed, and their responsibilities. In most cases, the municipal secretary or county secretary can provide such a list. The list can be distributed to EAC members for reference, and will serve as a valuable resource.

In addition, it is important to identify the main municipal contact for the EAC as soon as possible. The EAC Chair should be able to regularly communicate with the municipal secretary or manager for updates on local current events, especially those with which the EAC is involved.

### Local Government in Pennsylvania

There are five major categories of municipal government in Pennsylvania: boroughs, townships, cities, counties, and home rule municipalities. There are 2,563 cities, boroughs, and townships in Pennsylvania as of February 2013. There are 67 counties. By constitutional and common law, the Commonwealth has authority over the state's land and water resources, but the power to regulate land use is delegated to the local and county levels of government. The specific powers held by each different municipality depends upon its founding legislation. Other government bodies in the Commonwealth include school districts as well as special purpose authorities, such as water and sewer authorities.

For a comprehensive overview of local government structure in Pennsylvania, EAC members should review the *Citizen's Guide to Pennsylvania Local Government* published by the PA Department of Community and Economic Development. The newest edition (2010) of this guide can be found online.

## Municipal Ordinances, Plans, and Maps

EAC members cannot be effective in guiding natural resource management if they are not familiar with the local governing documents: the ordinance creating the EAC; the municipal comprehensive plan; zoning ordinance; subdivision and land development ordinance; open space and/or recreation plan; and the stormwater management ordinance. It is also important to have a working knowledge of the Pennsylvania Municipalities Planning Code and the applicable Borough, Township or City Code. An excellent resource is the [Citizen's Guide to Pennsylvania Local Government](#).

### The Pennsylvania Municipalities Planning Code

The Pennsylvania Municipalities Planning Code (MPC) is the primary local government enabling authority for controlling land use and managing growth. Only the Cities of Philadelphia and Pittsburgh have their own separate enabling legislation to set their rules or procedures governing land use planning and zoning matters.

The MPC enables local governments to engage in comprehensive planning and to enact a variety of land use related codes and ordinances. It provides for the appointment of planning commissions, allows for the preparation of capital improvement programs, and encourages coordination of future development with the availability of infrastructure such as public water, sewer, and transportation facilities. The newest edition of the MPC may be downloaded from the [Department of Community and Economic Development's website](#).

### Municipal Ordinances, Plans and Maps Municipal and Multimunicipal Comprehensive Plans

The municipal comprehensive plan lays the foundation for a municipality's future. It provides guidance for future conservation and growth and sets aside areas appropriate for each. Each comprehensive plan (single municipality or multi-municipality) is required to include certain specific elements, among these are: Community Development Goals and Objectives, Land Use Plan, Housing Needs Plan, Transportation Plan, Community Facilities Plan, a plan for the protection of natural and historic resources, a statement of the interrelationships among the various plan components, and short-and long-range plan implementation strategies. EACs can be particularly helpful in providing information related to the protection of natural resources. For more information on comprehensive planning please check with your municipal zoning officer, or municipal planner or the county planning commission.

### Zoning Ordinance

Municipalities can implement their comprehensive plans through the development and enactment of a zoning ordinance. Zoning ordinances manage growth and conservation by designating appropriate land uses throughout the municipality and setting standards relating to density, building area, height and location, and dedicated open space. The zoning ordinance works together with the subdivision and land development ordinance to establish zoning districts, which designate the development design and layout and further specifying the types of structures and uses that can be developed. These ordinances also establish other performance criteria for the preservation of natural and historic features.

### Sub-division and Land Development Ordinance

A subdivision and land development ordinance (SALDO) applies any time a land owner proposes to subdivide a tract of land for any use or development involving a group of two or more residential or nonresidential buildings or a single nonresidential building. Such provisions regulate the submission and approval of plats, design and construction standards for streets, curbs, sidewalks or walking paths, street lights, fire protection, adequate provision of on-lot and/or public water and sewer facilities, lot layout and design, standards and conditions for dedication or fees in lieu of dedication of lands for recreational purposes and requirements for public dedication of streets.

#### Important Documents for Municipal Governance

- Municipal Comprehensive Plan
- Parks/Recreation and Open Space Plans
- Municipal Directory
- EAC By-laws
- EAC Creation Ordinance
- PA Municipalities Planning Code (MPC)
- Borough, Township or City Code
- Zoning Ordinance
- Official Maps
- Subdivision and Land Development Ordinance (SALDO)
- Stand Alone Ordinances

[Citizen's Guide to Pennsylvania Local Government](#)

## Establishing Connections

**An important early step is to open the lines of communication with commissions or boards and staff members with whom the EAC will interact.** To facilitate its advisory role, the EAC Chair should take the lead in maintaining regular contact with the governing body. Ideally, an EAC will have a member on the planning commission who will serve as a liaison. Some municipalities have also included in the EAC membership an elected official and members from other boards and commissions, such as the planning commission, recreation and parks, open space, shade tree commission and historic/cultural groups. It can also be effective to hold EAC meetings prior to the planning commission meeting, and send a liaison to report on the work of the EAC. Copies of EAC minutes should be sent to other committees and reciprocity should be requested. It is critically important that the EAC be integrated into the local government team and maintain regular contact.

Once up and running, members of newly-formed EACs will want to attend other municipal meetings and introduce themselves to both elected officials and other appointed committee members. Prepare and distribute a short fact sheet about the EAC explaining the enabling ordinance and the function of the EAC, as well as what issues the EAC plans to engage. At these meetings, solicit feedback as to what other municipal groups see as the most pressing environmental priorities facing the municipality. EACs benefit greatly from having good working relationships with other municipal groups such as planning commissions, zoning hearing boards and parks and recreation committees; these relationships provide the basis for solid collaboration and partnership, and open the door to creating an effective, dynamic and productive EAC.

### **Open lines of communication:**

Lower Makefield Township EAC, submits a year-end report to all township boards and committees, keeping each member in the critical information loop and sharing successes and plans:

*“Since year-end 2006, it has become a practice for the LMT EAC to prepare a year-end review of the noteworthy projects the Council has completed and/or worked on throughout the year. In addition, this review also contains a list of projects we hope to tackle in the current 2010 year.*

*We have had another successful year. And this is due not only to the dedicated EAC members, but to the positive environmental vision of the Board of Supervisors, as well as to the many Township residents who volunteered during the year to help advance our programs. An engaged citizenry is the key to success; we thank you one and all.”*

— excerpt from LMT EAC’s year-end report.

## The EAC and the Planning Commission

In Pennsylvania, planning commissions assist in defining how the community should grow, review subdivision and land development plans and assume primary responsibility for developing the ordinances necessary to guide future growth. A planning commission acts as an advisor to the governing body on matters of community growth and development.

The EAC promotes long-term natural resource conservation in every aspect of its activities. The EAC has time to look at the big picture with regard to environmental impacts, to gather data to help the planning commission make decisions, help develop an open space and greenway plan for the municipality, and carry out other environmental projects. The EAC can provide the planning commission with information about the environmental consequences of both land use plan decisions and ordinance wording. For this reason, plan reviews and land use policy recommendations should be undertaken, but are not the primary function of EACs. It is also important to note that the EAC does not recommend approval or rejection of plans, but simply makes comments available to the governing body or planning commission.

When reviewing subdivision or land development plans, the EAC should confine its comments to those portions of the ordinance that specifically relate to natural resources. A range of items fall into this category, including sewage treatment, well placement, stormwater management, wetland encroachment, landscape buffers, hillside development, among others. The EAC should create a checklist of ordinance sections that specifically relate to EAC interests, and provide the governing body or the planning commission with a written report once EAC consensus is reached. Comments should be specific and cite the section of the ordinance that is not met. General comments may also occasionally be offered, for example, “not consistent with the Township Comprehensive Plan.” The EAC can also contribute by delving deeper for background information relating to the environmental impact of plan particulars and providing the governing body or planning commission with information it would not otherwise receive.

## Relations Within the EAC

A healthy EAC is one in which differing views and priorities can be presented and received in a respectful atmosphere. Differing points of view and approaches to a problem often result in more discussion, and should be welcome within an EAC as long as they are constructive. The EAC Chair has a responsibility to keep the group focused, and deal with controversy in a consistent and effective manner, so that the group does not get bogged down. For this reason, some formality is very important. At some point during discussions, a decision must be made, and an official vote must finalize the contents of an EAC recommendation. Once the formal decision is made, the group can put any internal controversy behind it and move on to the next issue.

Regardless of any disagreement within the group, the final decisions that are communicated to others must come from the EAC as a whole. EAC members must respect the finality of a vote and stand behind the council once the decision is made. With even limited power and influence comes the responsibility to compromise.

## Activism and the EAC

EACs are a part of the local government, and thus, are working from within the municipal government.

When an individual or group of individuals has an interest in altering environmental policy in their municipality, there are two main routes that can be taken. One is to try to influence the governing body and boards to change their approach with letters, public comment and local activities promoting a different point of view. Another method is to become part of the government itself and work from within. By choosing to be part of an EAC, one is making a decision to work with rather than against the municipal government to facilitate the changes one would like to see.

The most effective method of accomplishing goals and gaining respect is for the EAC to establish itself as an objectively oriented entity that gives advice only after researching an issue, learning the facts and being able to clearly articulate and back up advice. This is not to say that members must be scientists, but that members must approach issues in a manner which is not biased by unsupported, personal beliefs. If advice is given because of personal beliefs or emotional reaction, the EAC will create an ill-defined role between private activist group and government council that no one will understand. The result can be that the EAC will be viewed as a faction, and will be ignored by all those who disagree. Its opinions will lose their value to the decision-makers. An EAC that demonstrates that it has researched regulations and is informed about advantages and disadvantages of a certain action will be respected. With increased respect will come increased responsibility and more accomplishments.

*“By choosing to be part of an EAC, one is making a decision to work with rather than against the municipal government to facilitate the changes one would like to see.”*



Members of the Lower Saucon Township EAC work with the local watershed association, conservation district officials, representatives from a neighboring borough (Hellertown) and city (Bethlehem) and an active citizen's group to plan a Saucon Creek Watershed cleanup. It is important for EAC members to remember they are “ambassadors” for their municipality and to become effective liaisons for groups of all kinds. As a result of this partnership, over 22 illegal dump sites were cleaned up in four municipalities.

## CHAPTER 5

### Typical EAC Activities

In general, an EAC should develop programs and products to:

- Assist local officials in making policy decisions that relate to natural resource conservation.
- Educate the public on natural resource protection and other environmental issues.
- Coordinate activities to physically improve the municipality's environment.

Listed on the following pages are a selection of different types of typical projects undertaken by EACs across Pennsylvania, from the most basic, through more involved projects, to complicated, long term projects that require significant resources.



### EAC Capacity Considerations

Before launching any projects, an EAC should always assess its capabilities and the demands of proposed projects. Setting unrealistic goals or over-extending is not a good practice, particularly when the key players are volunteers. There is a range of projects that can be undertaken and tailored to meet the capabilities of every council. All councils should strive to establish a reputation for being able to undertake and complete worthwhile projects and demonstrate that the council can make a difference. This is necessary to sustain the interest of volunteer members and to gain the confidence of the elected officials and appointed boards the council advises.

Above: Stream cleanup and invasive plant removal, Lower Saucon Township, Northampton County. Right: Abington Township, Montgomery County, riparian corridor native tree planting in Roslyn Park, Earth Day event.

## Environmental Education

EACs are well suited to host workshops and speakers on a wide range of environmental topics and issues. Programs can provide specific information for citizens to use in adopting environmentally sound practices, such as composting, or information on environmental issues or programs, including growth management, and hazardous waste. Climate change, wildlife, forestry, and invasive species concerns are also viable topics. Events can be publicized through websites, posters, press releases and notices to schools and civic and neighborhood organizations. Co-sponsoring events with other local organizations can help boost attendance.

Sponsoring a photo or essay contest can encourage citizens to take pride in their local environment. EACs can also place educational signage or kiosks in the community. A simple sign that identifies the name of a river, trail or park could help gain recognition and appreciation for these areas.

EACs can help school districts to achieve environmental science learning goals by offering enrichment of topics that are now required by the Pennsylvania Department of Education. Topics included in the new standards are: Watersheds and Wetlands; Renewable and Nonrenewable Resources; Environmental Health; Agriculture and Society; Integrated Pest Management; Ecosystems and Their Interactions; Threatened, Endangered and Extinct Species; Humans and the Environment and Environmental Laws and Regulations.

The EAC can work with the school district, teachers, local nature centers and environmental organizations to design programs. For more information about the Academic Standards for Environment and Ecology, visit [www.pde.state.pa.us](http://www.pde.state.pa.us).

## Pennsylvania Land Choices

PA Land Choices is a comprehensive program about community character, civic responsibility, and conservation of natural resources. It is administered by the PA DCNR, Bureau of State Parks and supported by the Pennsylvania Land Trust Association and DCNR's Bureau of Recreation and Conservation. It is a collection of activities developed for use by educators and community leaders to help teach citizens how to become involved in their local community and conserve their natural resources. EACs can request a program be delivered in their community or use some of the activities for development of their own projects. A copy of the guide can be found on [DCNR's website](http://DCNR's website).

## Youth Projects

There are many ways to incorporate youth in projects. These could include:

- Tree planting
- Trail maintenance projects
- Sponsorship of School Environmental Clubs
- Nature Walks
- Annual Park Clean-ups
- Annual Earth Day and June Rivers Month observance, Township Community Day or other municipal event

Many school districts either encourage or require service learning hours for their Junior and Senior High School Students. Volunteering for the many environmental projects listed above can provide opportunities for students to earn their service learning hours, help the environment and improve their community resources.

Educational Signage at Longswamp Township Community Park, Berks County, PA. Photographs courtesy of Kate Harms and Longswamp Township EAC.



## Open Space and Greenway Funding and Open Space Bond Referendum

An EAC can be the ideal group for researching funding opportunities for open space and greenway projects. A number of grant sources are available from county, state and federal funding sources. In a number of areas, there are local foundations whose objectives support open space and environmental protection. By tapping into these sources, local contributions can be matched, leveraging money dedicated by the community or approved by referenda.

EACs can help provide in-kind match via organization of volunteers for certain projects. An EAC can also be instrumental in helping their municipality run a bond referendum campaign for open space and greenway funding. Community education and awareness are critical for a referendum to pass. EACs can assist in this effort by arranging public meetings or forums, creating newsletters or pamphlets, posting information on its website or creating a website specifically for the campaign, creating public displays for meetings, and writing articles or editorials for local newspapers. The Upper Makefield Township EAC, Bucks County, managed a successful campaign to get a second open space bond referendum passed in 2000. This was based on the EAC's Plan to Preserve Upper Makefield's Farmland and Open Space, which received the Governor's Award for Environmental Excellence.

## EAC Newsletter, Web Site and other Social Media

One of the best ways for an EAC to reach a broad audience is through the publication of a newsletter that may be a stand-alone publication, or an insert or column in the township newsletter. There are other low-cost distribution methods, including giving bulk quantities to schools for students to take home and placing stacks of newsletters in public places such as train stations, restaurants and stores. EAC members can write the articles or arrange for others to do so. Articles can be submitted to the local newspaper for use as an EAC column. EACs can establish FaceBook Page, blogs and twitter accounts to enhance communication, as long as they commit to updating these accounts on a regular basis.

## Written Reports on Environmental Issues

Let the governing body know that you are available to provide them with comments on environmental issues that come before the municipality. Respond promptly with well-prepared reports when comments are solicited. Also be proactive and identify issues to bring to the attention of the governing body, planning commission or recreation and park board. Write concise reports explaining the issues and suggesting courses of action.

**Websites are a popular tool for distributing environmental information, promoting programs, recruiting volunteers and providing photos and links to activities and projects.**

Some EACs list their events as part of their municipality's website, while others have developed separate sites, linked to the municipal site.

Below: Abington Township EAC's own web page and Plumstead Township EAC's page on the municipal website.



## Keep Pennsylvania Beautiful

*Keep Pennsylvania Beautiful* is a nonprofit organization with programs that revolve around cleanups, education, adoptions, beautification and proper disposal. The organization works in partnership with local volunteers and communities. EACs can participate by adopting a road, greenway or other area, reporting illegal dumpsites or participating in the CleanWays Communities Program. Participation requires support from the municipality, an annual community-wide clean up and proclamation and an educational component, among other things. It is an excellent way to involve the community and to promote community pride while removing potential pollution and promoting beautification. For more information visit [www.keppabeautiful.org](http://www.keppabeautiful.org).



Northampton County Conservation District Watershed Specialist, Jim Wilson samples stream water with Watershed Specialist, Rebecca Kennedy.

## Water Quality Monitoring

Monitoring activities provide important water quality information. The EAC can partner with a watershed association, which already may be actively protecting local water resources. Involve school environmental clubs, civic and neighborhood organizations and interested citizens as stream monitors. A monitoring project can involve testing of water in specific places several times a month or simply checking for debris, erosion, runoff, fish kills and discharges. It is important to make sure that volunteers are trained to collect reliable and consistent data. Training programs may be available through local environmental organizations or educational institutions. Contact the water quality section of the PADEP or your local County Conservation District. In addition, if the waterways or water bodies you choose to monitor flow through or extend into neighboring municipalities, consider contacting their EACs to propose working cooperatively.

## Alternative Energy Usage

Recent global events have pushed energy conservation to the forefront of the environmental agenda and many incentives exist for municipalities to take action. Among them are improved air quality and better health conditions for residents, potential cost savings and positive publicity benefits, reducing carbon footprint and reducing dependence on non-renewable resources. Municipalities can improve their energy usage, and an EAC is an appropriate group to encourage and educate municipalities about the many available options.

## Statutory Authority for EAC Involvement in Land Use Recommendations

Act 148 gives EACs the power to advise municipal governments on “matters dealing with the protection, conservation, management, promotion and use of natural resources, including air, land and water resources.” It also recommends that “whenever possible, one member [of the EAC] shall also be a member of the municipal planning board.” Because planning commissions deal exclusively with issues relating to land use, it may be inferred from these two provisions of the Act that the General Assembly intended EACs to advise local governments on land use as it relates to the protection of natural resources.

### Interaction with the Planning Commission: Site Plan and Subdivision/Land Development Review

**EACs can play two distinct roles in the site plan and subdivision/land development review process.** An EAC may serve as an independent reviewer of site plan or subdivision/land development proposals, making recommendations to the municipal governing body or planning commission relating to a proposal’s environmental impact.

They may also serve on the planning commission, with one member of the EAC appointed by the governing body to serve on both the planning commission and the EAC, fostering significant interaction between the two bodies. Alternatively, a planning commission member can serve on the EAC, which is the practice in several communities.

In order to perform site plan and subdivision/land development review effectively, it is important that the EAC have a solid understanding of the Pennsylvania Municipalities Planning Code and various state and federal regulatory programs.

### Development or Updating of Natural Resource Protection Ordinances

**The Pennsylvania Municipalities Planning Code, Act 247, enables municipalities to zone for the protection of natural resources. EACs can assist in developing or updating natural resource protection ordinances or provisions within a zoning ordinance and subdivision/land development ordinance for consideration by the planning commission and governing body.** These ordinances can require that certain delineated natural features be preserved in whole or in part when development occurs. Such ordinances must be based on solid scientific data and information, precisely describing the areas and why they are important.

Natural resource areas that can be targeted for ordinance protection include: prime agricultural soils, wetlands, aquifers, riparian buffers, woodlands, steep slopes, and floodplains. Unique habitat areas can also be targeted for protection and include those listed as Audubon Important Bird Areas, PA Important Mammal Areas and priority areas listed in County Natural Area Inventories, watershed conservation plans, and local open space plans. Natural resource protection ordinance provisions must be based on solid science, and must be generally consistent with the municipal comprehensive plan.

Before developing a draft ordinance or reviewing an existing ordinance, an EAC can obtain copies of sample ordinances prepared in other communities relating to the same resource to serve as a guide. The Pennsylvania Land Trust Association also provides land use ordinance samples at [conservationtools.org](http://conservationtools.org). Many county planning commissions also maintain ordinance samples and guidance documents. The Pennsylvania Department of Community and Economic Development - through the e-library system and the Governor’s Center for Local Government Services ([www.newpa.com](http://www.newpa.com)) provide links to ordinances and comprehensive plans on their websites.

### Growing Greener: Conservation by Design

*Growing Greener: Conservation by Design* is a collaborative program of the DCNR and Natural Lands Trust, a regional land conservancy. The program provides information on how municipalities can use the development process to their advantage to protect interconnected networks of open space: natural areas, greenways, trails and recreational lands.

Conservation Design rearranges the development on each parcel as it is being planned so that half (or more) of the buildable land is set aside as open space. Conservation subdivisions have proven to be an effective tool for municipalities wishing to manage their growth. EACs can help promote this type of program to municipal appointed and elected officials and assist in advocating for its use. EACs can also help educate the public about these concepts, while working closely with municipal staff and elected officials in crafting “conservation subdivision” ordinances.

For more information visit the Natural Lands Trust Website at: [www.natlands.org](http://www.natlands.org).

## Watershed or River Conservation Plans

Watershed plans provide excellent ideas for EAC implementation projects. To determine if a watershed plan has been developed for the major creeks and rivers in your community, check the rivers registry at the [PA DCNR website](#). These plans typically include natural resource inventories and maps which provide detailed information on land use, geology, topography, surface and groundwater resources, soils, agricultural lands, woodlands, wetlands and floodplains. In addition, watershed plans also include lists of recommended actions to be implemented locally.

## Greenway, Trails and Open Space Planning and Acquisition

EACs across Pennsylvania are very involved in greenway and trail development and helping their communities acquire open space. This assistance may be in the form of helping to inventory and map resources, develop or update municipal open space plans, promote open space funding, and develop or update municipal parks and recreation plans. Some EACs work closely with local or regional land trusts and county planning commission staff to assist in county greenway plans. EACs can identify the status of their county and community greenway and open space planning documents by contacting their county planning commission. For EACs interested in greenway and trail projects, technical resources are available at both the [PALTA website](#) and [PA DCNR website](#).

For technical assistance related to the many tools of land protection including acquisition, conservation easements, dedication of lands and others, contact PALTA at <http://conserveland.org> for a listing of land trusts in your county and to review PALTA's in depth guidance on conservation and land use tools at [conservationtools.org](#). This site provides summary and in-depth guidance on conservation topics and the ability to browse hundreds of library items.

The screenshot shows the homepage of the Conservation Tools .org website. The header features the site's logo, a search bar, and a navigation menu with links for HOME, GUIDES, MODEL DOCUMENTS, LIBRARY, EXPERTS, GLOSSARY, and CONSERVATION ORGANIZATIONS. The main content area is titled "Match conservation and land use planning tools to your needs." and includes several key sections: "Shortcuts to Guides" with links to various topics like Land Use Ordinances and Financing Conservation; a central message about finding summary and in-depth guidance on 82 topics and browsing hundreds of library items; "Featured Resources" highlighting model documents and liability reduction; and a "Site Updates" section listing recent publications such as "Levy Model Easement Buffer Protection Agreement and Commentary, 2nd Edition" and "Levy Model Preliminary Agreement Regarding Conservation Easement Donation and Commentary".

## Community Supported Agriculture Initiatives

EACs may develop and/or promote community based agricultural initiatives such as Community Supported Agriculture (CSA).

CSA reflects an innovative and resourceful strategy to connect local farmers with local consumers, develop a regional food supply and strong local economy, maintain a sense of community, encourage land stewardship and honor the knowledge and experience of growers and producers working with small- to medium-sized farms. CSA is a partnership of mutual commitment between a farm and a community of supporters that provides a direct link between the production and consumption of food. It has sometimes been called “subscription farming.”

For more information about starting a CSA in your community, visit these sites:

[www.nesare.org](http://www.nesare.org)

[www.farmtocity.org](http://www.farmtocity.org)

[www.nal.usda.gov](http://www.nal.usda.gov)



Casa Bianca Farms CSA, Mount Bethel. Photo Credit: BFBL-GLV

***CSA reflects an innovative and resourceful strategy to connect local farmers with local consumers.***



Lexy Rodriguez and Sophia Feller, Easton Urban Farm, Northampton County, PA.  
Photo Credit: BFBL-GLV

## Community Gardens

EACs may contribute to the development and planning of community gardens to help improve existing open space areas and to encourage active involvement of students, seniors, garden clubs, civic associations, Parent-Teacher Associations, and local lawn and garden and landscape suppliers. EACs can help identify local land resources for these gardens and help build community awareness and support. For more information on starting a community garden see: [www.nal.usda.gov](http://www.nal.usda.gov). For additional technical assistance, EACs should consider partnering with local master gardeners. To locate a master gardener in your community go to: [www.extension.psu.edu](http://www.extension.psu.edu).

***EACs may contribute to the development and planning of community gardens to help improve existing open space areas and to encourage active involvement of many residents and businesses.***

## Stormwater Management Education and Outreach

As understanding of good stormwater management improves and enhanced regulations follow, EACs can play a pivotal role in providing a conduit of information for municipal officials and facilitating public understanding. Municipalities have a critical responsibility in facilitating the stormwater management goals of their county, state and federal government, but local officials often have workloads that do not allow them to absorb all they need to develop perspective on stormwater issues and the connections between these issues and the decisions they make. They may not be able to attend information sessions and workshops that are designed to provide this perspective. EACs can represent municipalities at planning sessions and workshops, can become informed and then report back to their elected officials. EACs can also serve as an interface between watershed organizations and municipalities to promote sound policy and the flow of information about good management practices affecting their local waterways and help municipalities meet regulatory requirements.

### MS4 Permits - Role of EACs

Stormwater runoff is commonly transported through Municipal Separate Storm Sewer Systems (MS4s), and then discharged, without any treatment to remove pollutants, into local waterbodies. These are the familiar storm sewers whose grates drain street runoff, and the associated culverts and pipes that take the stormwater from the streets and roads to the local streams (“receiving waters,” in technical language). What municipality qualifies as an “MS4” depends upon population density as determined by the most recent census.

Two stormwater best management practices that are particularly appropriate for EACs are rain gardens and rain barrels. Rain gardens are small, planted depressions designed to hold water for a day or two after a rainfall, and then filter or drain water slowly, after the storm peak has passed. Rain gardens are often the best, most easily constructed practice to control stormwater runoff on individual residential and municipal properties. They can be constructed inexpensively, and are often constructed and planted in a day or two with the assistance of a group. There is a wealth of information available on rain garden construction, and many EACs across the state have taken on rain garden building as a primary focus. Rain barrels are large drums that are designed to hold roof runoff, and store that rainwater to use for watering gardens later on. They have become very popular in recent years. Rain barrels can be easily constructed from barrels used for food storage, or can be purchased in bulk at a discount and sold to municipal residents.

Contact your county extension for information on rain gardens and rain barrels or contact other EACs who are experienced running these programs via the EAC network.

***EACs can help municipalities satisfy MS4 requirements by developing and implementing public education and public participation programs.***

For more information on MS4s and what an EAC can do: begin at the general [DEP website](#) and click on DEP Keywords “Water Topics”; from the drop down list, choose “Stormwater Management.”



Above: Longswamp Township, Berks County, demonstration rain garden. Signage explains that that rain gardens are designed to absorb and filter off pollutants carried by stormwater.

Below: Kutztown EAC holds a rain barrel workshop.



## Partnering with Watershed Associations

Durham Township, Bucks County, received \$86,000 from the Department of Conservation and Natural Resources and the U.S. Environmental Protection Agency to complete a watershed conservation plan for the Cooks Creek Watershed. One of the plan's elements was to monitor the water quality. The work was completed by EAC members and members of the Cooks Creek Watershed Association. More than 700 volunteer hours were contributed to the project, educating the volunteers about water quality in the area. This plan was approved by DCNR and placed on the Pennsylvania Rivers Registry. This funding also allowed the township to acquire stream-monitoring equipment and to set up a geographic information system database to capture the data and put it to use in future plans and ordinances.

In some cases, EACs may help to establish watershed groups. For instance, in Montgomery County, the Horsham Township EAC helped interested residents and business owners form the Park Creek Watershed Association. The EAC was the catalyst behind the formation of this group, which includes representatives from Montgomery, Lower Gwynedd, Upper Dublin and Warrington Townships.

Additionally, the Upper Southampton Township EAC, Bucks County, started the Upper Southampton Watershed Association, a group whose objectives were to preserve the township's riparian areas and to educate residents on their watershed impact and on the regulations concerning maintenance of creek beds. The watershed association completed many educational projects including tree plantings and an educational video, which won the "2003 Communication Award of Distinction" by the National Academy of Television Arts and Sciences.



Lower Saucon Township EAC, Northampton County, partners with the local watershed association to hold rain barrel workshops.

## Regional EAC Networking

When EAC members are asked what types of assistance they need, often the reply is the opportunity to network with other EACs. EACs benefit from sharing experiences and resources and can align their activities to have a greater impact. Networking can happen a few different ways, such as through the EAC listserv and EAC conferences. Where there are numerous EACs in a region or county, EACs can also meet regularly to address close-to-home issues. For the past several years, for example, the Berks Conservancy has hosted quarterly events for the EACs. Often with guest speakers, meetings have focused on sharing EAC projects and ordinances, fundraising, and watershed protection. Audubon Pennsylvania also convenes Northampton County EACs quarterly, where open space protection is of utmost concern to the EACs. The EACs stay abreast of local and county open space funding and share experiences administering open space programs. They also have collaborated on GIS mapping with Lafayette College and hosted a presentation on grasslands. Multi-municipal gatherings such as these exemplify how EACs can reach out beyond their borders to collaborate with each other, county conservation districts, open space and farmland preservation officials, and local colleges and universities on topics of regional significance.

## Cheltenham Township Environmental Advisory Council

The Cheltenham Township EAC has been advising the Board of Commissioners on environmental matters since 2007. Recent contributions include drafting policies and guidelines on herbicide applications that were adopted by the Board to help safeguard efforts by both Township personnel and contractors endeavoring to eradicate invasive plants in Township parkland and replace them

with native species. Many EAC members provide hands-on assistance at these ongoing plantings, often located in riparian buffers. The EAC also helped draft a new ordinance that regulates the use of lands adjacent to waterways throughout the Township. In fact, Cheltenham Township won the **2013 Municipal Leader Award** from the Tookany/Tacony-Frankford (TTF) Watershed Partnership, Inc., for the Township's commitment to watershed issues.

In 2013, the EAC took on a major new assignment under Sustainable Cheltenham, the new multi-year, Township-wide initiative designed to guide the community to become more environmentally friendly and resilient. A first of its kind in Montgomery County, the plan established ten goals and objectives that are applicable to all organizations, institutions and individuals in the community. The EAC will take the lead on overseeing the Township's sustainability efforts and monitoring all progress.

The EAC hosted a reception to launch Sustainable Cheltenham in April 2013. The event recognized the volunteers and officials who developed the plan and fostered greater awareness about it. The EAC is currently developing a Sustainability Awards Program to recognize individuals, institutions, businesses and community groups according to the Sustainability Goals. Members are also working on a Green Purchasing Policy for use by all Township departments.

Finally, the EAC continues to sponsor public events on environmental topics. The EAC annually orchestrates and promotes about a dozen Earth Day activities across the Township and partners with the School District for an Earth Day Festival that features student projects and vendor booths every year. Other recent endeavors include a community-based effort to promote a walkable/bikeable Cheltenham by examining potentially problematic intersections, an Energy Saving Expo co-sponsored with Abington and Jenkintown EACs, and an Open House showcasing a platinum-level LEED residential property in the Township.



Lorna Rosenberg, chairperson of the Cheltenham EAC, outlines the EAC's leadership role in the implementation of the new Sustainability Plan during a reception to launch the Township-wide endeavor held in April 2013 at the Township Administration Building.

## Final Thoughts

This handbook was prepared to help you understand how to form an EAC in your community, how to run meetings, work with your community officials and understand the way in which our local governments operate within Pennsylvania. There are many additional resources available to you via the references included in this handbook including the land use, environmental and planning tools on the PALTA website, and additional links on EACNetwork.org. Finally, there are many EAC members around the state who are willing and eager to share their knowledge and wisdom with you and your fellow EAC members. As a member of the EAC Network, you'll have access to the network listserv, which allows you to promote your projects and find out what types of programs are occurring in your region and beyond. Being a volunteer member of an Environmental Advisory Council can be a rewarding and challenging opportunity for you to connect with your neighbors and focus on the issues that are of interest to you and many others in your community.

# Appendix I.

## STATE ENABLING STATUTE

Act 148 of 1973, which allows the establishment of EACs, was amended in 1996 as P.L. 1158, No. 177. The most common reference to Act 177 is “Act 148 as amended.”

### TITLE 53

#### PENNSYLVANIA CONSOLIDATED STATUTES MUNICIPALITIES GENERALLY

### PART III. GOVERNMENT AND ADMINISTRATION

#### SUBPART D. AREA GOVERNMENT AND INTERGOVERNMENTAL COOPERATION

### CHAPTER 23

#### GENERAL PROVISIONS

#### Subchapter

- A. Intergovernmental Cooperation
- B. Environmental Advisory Councils
- C. Regional Planning

**Enactment.** Chapter 23 was added December 19, 1996, P.L. 1158, No. 177, effective in 60 days.

### SUBCHAPTER B

#### ENVIRONMENTAL ADVISORY COUNCILS

#### Sections

- 2321. Scope of subchapter.
- 2322. Establishment of Environmental Advisory Council.
- 2323. Composition and organization of council.
- 2324. Powers and duties of council.
- 2325. Records and reports.
- 2326. Appropriations for expenses of council.
- 2327. Status of existing agencies unaffected.
- 2328. Assistance from State Conservation Commission.
- 2329. Assistance from Department of Community and Economic Development.

#### § 2321. Scope of subchapter.

This subchapter applies to all municipal corporations.

#### § 2322. Establishment of Environmental Advisory Council.

The governing body of any municipal corporation or group of two or more municipal corporations may by ordinance establish an environmental advisory council to advise other local governmental agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources, including air, land and water resources, located within its or their territorial limits.

#### § 2323. Composition and organization of council.

- (a) **Composition.**—An environmental advisory council shall be composed of no less than three nor more than seven residents of the municipal corporation establishing the council, who shall be appointed and all vacancies filled by the governing body. Where two or more municipal corporations jointly establish an environmental advisory council, the members shall be appointed in the same manner by each of the respective municipal corporations establishing the council, each constituent municipal corporation to have equal membership on the joint council.
- (b) **Term of office.**—Council members shall serve for three years except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year, the terms of their successors to be of three years each.

- (c) **Compensation and expenses.**—Members shall receive no compensation for their services but shall be reimbursed for the expenses actually and necessarily incurred by them in the performance of their duties.
- (d) **Chairman .**—The appointing authority shall designate the chairman of the council except that in joint councils the chairman shall be elected by the duly selected members. Whenever possible, one member shall also be a member of the municipal planning board.

**§ 2324. Powers and duties of council.**

- (a) **General rule.**—An environmental advisory council shall have the power to:
  - (1) Identify environmental problems and recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within its territorial limits
  - (2) Make recommendations as to the possible use of open land areas of the municipal corporations within its territorial limits.
  - (3) Promote a community environmental program.
  - (4) 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.
  - (5) Advise the appropriate local government agencies, including the planning commission and recreation and park board or, if none, the elected governing body or bodies within its territorial limits, in the acquisition of both real and personal property by gift, purchase, grant, bequest, easement, devise or lease, in matters dealing with the purposes of this subchapter.
- (b) **Limitation .**—An environmental advisory council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency.

**§ 2325. Records and reports.**

An environmental advisory council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual report of the municipal corporation or, if none, otherwise made known and available.

**§ 2326. Appropriations for expenses of council.**

The governing body of any municipal corporation establishing an environmental advisory council may appropriate funds for the expenses incurred by the council. Appropriations may be expended for those administrative, clerical, printing and legal services as may be required and as shall be within the limit of funds appropriated to the council. The whole or any part of any funds so appropriated in any year may be placed in a conservation fund and allowed to accumulate from year to year or may be expended in any year.

**§ 2327. Status of existing agencies unaffected.**

This subchapter shall not be construed to require a municipal corporation to abolish an existing commission with a related responsibility or to prevent its establishment.

**§ 2328. Assistance from State Conservation Commission.**

The State Conservation Commission shall establish a program of assistance to environmental advisory councils that may include educational services, exchange of information, assignment of technical personnel for natural resources planning assistance and the coordination of State and local conservation activities. (May 5, 1998, P.L. 301, No 50, eff 60 days)

**§ 2329. Assistance from the Department of Community and Economic Development.**

The Department of Community and Economic Development shall establish a program of assistance to environmental advisory councils in planning for the management, use and development of open space and recreation areas. (May 5, 1998, P.L. 301, No. 50, eff. 60 days)

## Appendix II. SAMPLE EAC ORDINANCE

### ORDINANCE NO. 132

AN ORDINANCE OF THE TOWNSHIP OF PARADISE, MONROE COUNTY, PENNSYLVANIA,  
CREATING AN ENVIRONMENTAL ADVISORY COUNCIL,  
PROVIDING OPERATING PROCEDURES AND STATING THE POWERS OF THE COUNCIL.

WHEREAS, The Board of Supervisors of Paradise Township, Monroe County, Pennsylvania deems it to be in the best interest and the general welfare of the citizens and residents of Township to be advised as to: environmental issues within the Township; the protection and preservation of natural resources within the Township; possible uses of open land in the Township; creating inventories of natural areas with unique feature within the Township; and

WHEREAS, Section 1506 of the Second-Class Township Code, Act of May 1, 1933, P.L. 103 No. 69, as amended by the Act of Nov. 9, 1995, P.L. 350, No. 60, found at 53 P.S. section 66506, entitled "General Powers", authorizes the Board of Township Supervisors to make and adopt ordinances necessary for the proper management, care and control of the township and the maintenance of peace, good government, health and welfare of the township; and

WHEREAS, Section 11501 of the Act of Dec. 21, 1973, P.L. 425, No. 148, Chapter 30C - Environmental Advisory Councils - authorizes the governing body of any township to establish, by ordinance, an Environmental Advisory Council to advise other local government agencies, including, but not limited to, the planning commission, park and recreation boards and elected officials, on matters dealing with protection, conservation, management, promotion and use of natural resources including air, land and water resources, located within its territorial limits.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Board of Supervisors of Paradise Township, Monroe County, Pennsylvania, and it is hereby ordained and enacted by the authority of the same, to wit:

#### CHAPTER 6

**Section 1.** An advisory council to be known as the Paradise Township Environmental Advisory Council, is hereby created and shall continue to function until this ordinance is revoked.

**Section 2.** The Environmental Advisory Council shall be composed of five residents of this municipality.

**Section 3.** Council members shall be appointed in accordance with the following procedures:

- (1) All council members shall be appointed by the Governing Body of the political subdivision.
- (2) Council members' terms of office shall expire on the first Monday in January following the last year of their term of office.
- (3) Duly appointed council members shall serve a term of three years, except that initial appointments shall be so staggered that the terms of approximately one-third of the membership shall expire each year.
- (4) Whenever possible, one member shall also be a member of the local planning commission.

**Section 4.** Council members 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.

**Section 5.** The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials, planning commission and other such local governmental agencies.

**Section 6.** The governing body shall designate the chairman of the council.

**Section 7.** The Environmental Advisory Council shall have the following powers:

- (1) Identify environmental problems.
- (2) Recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the area of this municipality.
- (3) Make recommendations as to the possible use of open land areas of this municipality.
- (4) Promote a community environmental program.
- (5) Keep an index of all open areas, publicly or privately owned, including, but not limited to, flood prone areas, swamps, and other unique natural areas.
- (6) Advise the appropriate local governmental agencies in the acquisition of property, both real and personal.
- (7) To undertake such environmental tasks as requested by the governing body of this municipality.

**Section 8.** The Environmental Advisory Council shall keep records of its meetings and activities and shall make an annual report which shall be printed in the annual municipal report (if applicable) or otherwise made known available. Minutes of each meeting shall be forwarded to the governing body.

**Section 9.** The governing body of this municipality may, from time to time, appropriate funds for the expenses incurred by the Council.

ENACTED AND ORDAINED ON this \_\_\_\_\_day of \_\_\_\_\_,2002.

This ordinance shall become effective five (5) days after adoption.

\_\_\_\_\_  
Theresa Merli, Chairman

\_\_\_\_\_  
John H. Bowman, Jr., Vice- Chairman

\_\_\_\_\_  
Charles DePue, Supervisor

(Township Seal)

\_\_\_\_\_  
Reda Briglia, Secretary/Treasurer

## Appendix III. SAMPLE RESOLUTION ESTABLISHING AN EAC

### RESOLUTION NO. 882

A RESOLUTION OF THE TOWNSHIP OF LOWER MAKEFIELD, BUCKS COUNTY, PENNSYLVANIA  
ESTABLISHING A PROCEDURE FOR THE IDENTIFICATION AND PRESERVATION OF OPEN SPACE  
TO BE KNOWN AS THE LOWER MAKEFIELD OPEN SPACE INITIATIVE.

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space adds to the aesthetic beauty and value of the community, and maintains its rural character;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space can increase property values and, consequently, tax revenues;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space can provide Township residents with a variety of active and passive recreational opportunities;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that open space serves a variety of necessary functions including stormwater management and flood control, agricultural use, composition of natural debris, and limits the impact of development;

WHEREAS, the Board of Supervisors of Lower Makefield Township recognizes that preservation of open space is in the Township's interest and is necessary to preserve the quality of life for Township residents; and

WHEREAS, Article XIX of the Second Class Township Code specifically authorizes the Board of Supervisors to preserve and acquire open space for the public benefit.

NOW, THEREFORE, be it RESOLVED that Lower Makefield Township shall undertake the Open Space Initiative as set forth herein:

#### SECTION ONE: OBJECTIVE

To identify available open space and important natural resources, advise the Township of opportunities to acquire or otherwise preserve open space and the resources therein, and set forth guidelines for the acquisition or preservation of open space within the Township's means.

#### SECTION TWO: DEFINITIONS

The definitions in this section shall be limited in their application to this Resolution and shall not be construed to restrict or expand the definitions of the same or similar terms found in other Township ordinances, resolutions, codes or the Comprehensive Master Plan:

**"Open Space"**- Those lands located in Lower Makefield Township which remain in a natural state, or are used for agricultural or recreational purposes, and are not owned, possessed or controlled by a real estate developer or subject to a real estate development agreement. Open Space does not include land occupied by structures, roads, rights-of-way, parking lots or stormwater detention basins.

**"Environmental Advisory Council"**- Five (5) member Township committee which shall explore preservation options and make recommendations to the Board of Supervisors.

**"Open Space Fund"**- Moneys set aside by the Township for the purpose of acquiring or preserving open space.

**"Open Space Preservation Plan"**- Any preliminary or final plan for the acquisition or preservation of a parcel of open space in the Township.

**"Real Estate Developer"**- Any person or entity engaged in the business of residential, commercial or industrial development of real estate for profit.

**“Real Estate Development Agreement”**- Any binding legal contract or agreement to option or sell real estate between a landowner and a real estate developer.

**“Supervisors”**- The Board of Supervisors of Lower Makefield Township.

**“Township”**- The Township of Lower Makefield.

### **SECTION THREE: CREATION OF AN ENVIRONMENTAL ADVISORY COUNCIL**

- (1) The Board of Supervisors shall appoint a five (5) member Environmental Advisory Council (EAC) to explore all options for the acquisition and /or preservation of open space and make recommendations to the Board on feasible alternatives for acquisition or preservation.
- (2) The Board of Supervisors will utilize its best efforts to appoint to the EAC, as members, one (1) member of the Board of Supervisors, one (1) member of the Planning Commission, and one (1) member of the Park and Recreation Board. The terms of office for any member of the EAC, who also serves as a member of another board or commission of the Township, shall be for one (1) calendar year commencing with their appointment by the Board of Supervisors. Any person appointed to the EAC who is not a member of a Board or Commission affiliated with the Township shall be appointed for a three (3) year term which said terms shall be staggered for all members at large appointed to the EAC so that the first person shall be appointed for an initial three (3) year term, the next for an initial two (2) year term and the last for an initial one (1) year term. Prior to the expiration of the term of appointment, the Board of Supervisors, the Planning Commission, and Park and Recreation Board shall provide the Board of Supervisors, in writing, with a recommendation for one of their members to be appointed to the EAC but the Board of Supervisors shall make the final determination as to the membership of the EAC. In addition, the Board of Supervisors may also appoint a representative of a recognized conservancy or land trust to act as a consultant to the committee, including but not limited to, the agencies noted in Appendix “A” to this Resolution.
- (3) The EAC shall endeavor to meet monthly as the need arises.

### **SECTION FOUR: ESTABLISHING AN OPEN SPACE FUND**

The Township may establish a fund as permitted by law for the purpose of acquiring or preserving open space and the important natural resources located therein.

### **SECTION FIVE: IDENTIFICATION**

- (1) The EAC shall identify and map all areas of open space and important natural resources in the Township.
- (2) The EAC shall attach priority to each area of open space. A priority of one (1) shall indicate the lowest level of desirability for preservation. A priority of ten (10) shall indicate the highest level of desirability for preservation. When setting priorities, the EAC shall consider the following factors:
  - a. presence of protected natural resources and other natural features of the open space including but not limited to the presence of wetlands, the location of open space within a watershed area or flood plain, and the presence of species of flora and fauna of special concern;
  - b. suitability for use for agricultural purposes;
  - c. suitability for use for recreational purposes;
  - d. suitability for other uses consistent with the character of the land as open space;
  - e. aesthetic value to the community;
  - f. negative features such as the known presence of environmental hazards or contaminants, nuisances or other dangers;
  - g. the danger or likelihood of imminent development;
  - h. presence of historical structures;
  - i. presence of archaeological sites or other features of importance to the preservation of the heritage of Lower Makefield;
  - j. linkage of adjoining areas of protected open space that may be protected in the future; and
  - k. importance to the free movement of wildlife through the area.

- (3) The EAC shall present its findings to the Board of Supervisors. The EAC, with approval of the Board of Supervisors, may alter the priorities as circumstances warrant.
- (4) The identification, mapping and prioritizing should be completed within eight (8) to twelve (12) months of the formation of the EAC. The identification, mapping and prioritizing shall be the first phase of a comprehensive Environmental Resource Inventory of the Township that shall be revised and expanded as necessary to reflect changing conditions in the Township.
- (5) The Board of Supervisors hereby authorizes expenditure of funds not to exceed \$1,000.00 to match available grants for supplies and professional assistance in the identification, mapping and prioritizing process.

#### **SECTION SIX: NOTICE**

- (1) The Board of Supervisors shall send a letter via first class mail to all owners of open space designated as a priority of five (5) or higher by the EAC advising them of the Township's interest in acquiring and/or preserving open space. The letter shall request the landowner's voluntary cooperation in notifying the Township should they consider the sale or transfer of all or any portion of their open space.
- (2) From time to time, but no more than twice in any calendar year, the Board of Supervisors may send a follow-up letter to all owners of open space designated as a priority of five (5) or higher by the EAC advising them of the Township's continued interest in acquiring and/or preserving open space and requesting their continued voluntary cooperation.
- (3) The Board of Supervisors may also send a letter to local realtors and real estate agencies advising them of the Township's interest in acquiring and/or preserving open space, and requesting their voluntary cooperation in notifying the Township of opportunities for acquisition and/or preservation of open space once they arise.
- (4) The Board of Supervisors or the EAC may also initiate personal contact with landowners when deemed appropriate.

#### **SECTION SEVEN: ADOPTING AN OPEN SPACE PRESERVATION PLAN**

- (1) Upon notification of the availability of open space for acquisition or preservation, the EAC shall appoint one or more of its members to meet with the landowner or his/her agent. The EAC may request the participation of representatives of a land trust or conservancy in the discussions with the landowner or his/her agent.
- (2) Within sixty (60) days after appointment, the EAC representative(s) shall meet with the landowner or his/her agent, and shall report back to the EAC regarding possible methods of acquiring or preserving the parcel. The EAC shall then make a recommendation to the Board at its next regularly scheduled public meeting.
- (3) The EAC and Board of Supervisors may consider all methods for acquiring or preserving the open space that are permitted.
- (4) If the Board of supervisors deems that acquisition or preservation of the parcel is feasible, it shall authorize the EAC to draft a preliminary open space preservation plan. The plan shall specify:
  - a. identity of all parties to be involved in the transaction
  - b. the intentions of the parties with regard to the parcel
  - c. the size and location of the parcel
  - d. natural and historic features of the parcel
  - e. the intended use of the parcel
  - f. possible methods of acquisition or preservation
  - g. possible sources of funding

- (5) Not later than sixty (60) days after receiving authorization from the Board of Supervisors, the EAC shall present a preliminary open space preservation plan to the Board of Supervisors. The Board of Supervisors shall approve, conditionally approve, or reject the plan.
  - a. If the plan is approved as presented, or with changes or conditions, the Board of Supervisors shall direct the EAC to finalize the plans with the landowner or his/her agent, and incorporate the changes or conditions, if any.
  - b. If the plan is rejected, the Board of Supervisors may direct the EAC to meet with the landowner or his/her agent in an effort to develop an alternative preliminary open space preservation plan. If the landowner and the EAC develop a new preliminary open space plan, the procedures set forth in this paragraph shall be followed.
- (6) Upon approval of the preliminary open space preservation plan, the Board of Supervisors shall retain an environmental consultant to evaluate the open space for potential environmental hazards and contamination.
- (7) Upon approval of the preliminary open space preservation plan, the Board of Supervisors shall also authorize a title search for the parcel.
- (8) Not later than sixty (60) days after approval or conditional approval of the preliminary open space preservation plan, the EAC shall present to the Board of Supervisors at a regularly schedule public meeting a final open space preservation plan. The plan shall meet the requirements of paragraph four (4) (a)-(e) above, but shall identify the final source(s) of funding and the chosen method(s) of acquisition and/or preservation. At the meeting, the Board of Supervisors shall review the environmental consultant's evaluation of the parcel and the title search. After a hearing, the Board of Supervisors shall vote to approve or reject the final open space preservation plan.
- (9) Upon approval of the final open space preservation plan, the Board of Supervisors shall take the actions required by the plan within a reasonable time.

#### **SECTION EIGHT: REFUND OF REALTY TRANSFER TAX**

In lieu of acquiring or preserving open space through its own funds, the Township may facilitate the transfer of open space from the landowner to a third party desiring to keep the land in its natural state by refunding the Township percentage of the realty transfer tax. In return, the deed shall bear a restriction to run with the land prohibiting future development except for agricultural or recreational uses.

#### **SECTION NINE: SERVERABILITY**

If any section, paragraph, sub-section, clause or provision of this Resolution shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Resolution as a whole or any part thereof other than that portion specifically declared invalid.

#### **SECTION TEN: EFFECTIVE DATE**

This Resolution shall become effective in accordance with the provisions of the Second Class Township Code of the Commonwealth of Pennsylvania.

**RESOLVED**, this 15th day of August, 1994

**BOARD OF SUPERVISORS OF LOWER MAKEFIELD TOWNSHIP**

# Appendix IV.

## SAMPLE MULTI- MUNICIPAL EAC ORDINANCE

### ARTICLE 153

#### Sections

- 153.01 Creation and membership.
- 153.02 Compensation and expenses.
- 153.03 Chair.
- 153.04 Advisory function and limitation.
- 153.05 Meetings.
- 153.06 Duties of the council.
- 153.07 Funds and accounting.

#### **153.01 Creation and membership.**

- (A) The City of Meadville hereby creates an Environmental Advisory Council, jointly with the municipalities of the Township of Vernon and the Township of West Mead.
  - (B) The Environmental Advisory Council shall be composed of six members, two residents representing each of the three municipalities.
  - (C) Council members shall be appointed in accordance with the following procedures:
    - (1) Each governing body shall appoint two members of the council, each of whom shall be a resident of the appointing municipality.
    - (2) Whenever possible, one member appointed by each participating municipality shall also be a member of the municipal planning board or commission of that municipality.
    - (3) Council members' terms of office shall expire on the first Monday in January following the last year of their term of office, provided, however, that members shall continue to serve until their successors are appointed by the appropriate municipality(ies) in the event successors are not appointed as of the first Monday in January following the last year of their term.
    - (4) Members of the Council shall serve terms of three years, except that the terms of the initial members shall be so staggered that the terms of one-third of the membership shall expire each year. Terms of the initial members shall be staggered after the appointment of the initial six members of the council through the drawing of lots among them or other method acceptable to the members at their organization meeting. Members shall continue to serve until their successors are duly appointed by the appropriate participating municipality(ies).
- (Ord. 3511 § 1, 1998)

#### **153.02 Compensation and expenses.**

Members 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 when, as and to the extent that the Environmental Advisory Council may have funds available for such purposes. The participating municipalities may, from time to time, elect in their sole discretion to make appropriations to or on behalf of the Environmental Advisory Council. The Environmental Advisory Council may accept funding from public or private sources to further its activities. The adoption of the ordinance codified in this article does not in any way commit the adopting municipality to make any appropriation or payment to or for the benefit of the Environmental Advisory Council. (Ord. 3511 § 1m 1998)

#### **153.03 Chair.**

A chair of the Environmental Advisory Council shall be elected annually during the month of January by the members of the Council. (Ord. 3511 § 1, 1998)

**153.04 Advisory function and limitation.**

(A) The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials of the participating municipalities and with appropriate agencies of the participating municipalities, including, but not limited to, their planning commissions and their park and recreation boards, on matters dealing with protection, conservation, management, promotion and use of natural resources, relating to French Creek and its tributaries.

(B) The Environmental Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency. (Ord 3511 § 1, 1998)

**153.05 Meetings.**

Meetings of the Council shall be held at the call of the chair and at such other times as the Council shall determine. All meetings of the Council shall be open to the public, except for meetings which may be held in executive session under applicable law for the purpose of preparing and delivering advice to the governing bodies of the participating municipalities concerning the acquisition or disposition of real estate. The Council shall keep records of its meetings and activities and shall make a written annual report to the governing bodies of the three municipalities. To the extent that any of the municipalities publish or file annual reports of their activities, the annual report of the Environmental Advisory Council shall be included in that municipality's annual report. If any of the participating municipalities do not publish or file an annual report, such municipality(ies) shall make appropriate arrangements to have the annual report of the Environmental Advisory Council made known and available to its citizens. (Ord. 3511 § 1, 1998)

**153.06 Duties of the council.**

The Environmental Advisory Council shall have the following duties relating to French Creek and its tributaries:

- (A) To advise the appropriate governmental agencies concerning the benefits of, potential for, methods of accomplishing and other facts relevant to the creation of a "greenway" adjacent to French Creek and its tributaries in each of the participating municipalities; and
- (B) To identify environmental problems, issues, and trends affecting the participating municipalities; and
- (C) To recommend plans and programs to the appropriate agencies of the municipalities for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within the corporate boundaries of the three municipalities; and
- (D) To make recommendations as to the appropriate use of open land areas; and
- (E) To develop, recommend, and, when authorized, promote a community environmental program designed to enhance public awareness of environmental issues affecting the municipalities, the alternatives available to address such issues and the impact each alternative may have upon the environment and the development of the region; and
- (F) To work cooperatively with public, private, commercial, and industrial entities in the area to develop a better understanding of the potential environmental impacts of public and private sector actions and to coordinate activities to minimize any negative impact arising therefrom; and
- (G) To keep an index of all open areas, publicly or privately owned, including but not limited to flood-prone areas, wetlands, and other unique natural areas; and
- (H) To advise the appropriate local government agencies in the acquisition of property, both real and personal, whether by gift, purchase, grant, bequest, easement, devise or lease; and
- (I) To undertake such additional environmental tasks as requested by the joint action of the governing bodies of the three participating municipalities. (Ord. 3511 § 1, 1998)

**153.07 Funds and accounting.**

To the extent that the Environmental Advisory Council receives public or private funding, all such funds shall be held, administered, and paid on behalf of the Environmental Advisory Council by the finance officials of (municipality) under and in accord with the (hold for agency name which covers city/township combinations) generally accepted accounting practices applicable to municipalities (Ord. 3511 § 1, 1998)

# Appendix V.

## SAMPLE MULTI- MUNICIPAL EAC BYLAWS

### THE FRENCH CREEK ENVIRONMENTAL ADVISORY COUNCIL BYLAWS

#### **ARTICLE 1 NAME OF COUNCIL**

The name of this organization shall be the French Creek Environmental Advisory Council.

#### **ARTICLE 2 AUTHORIZATION**

The authorization for the establishment of this Advisory Council is set forth in Act 148 of 1973, authorizing the creation of an Environmental Advisory Council, the Pennsylvania Municipalities Planning Code, Act 247 of 1968, as amended, and the Seventh Class County Code, \_\_\_\_\_, \_\_\_\_\_, P.L. \_\_\_\_\_; 19\_\_ P.L. \_\_\_\_\_ as amended, P.S. Section \_\_\_\_\_ et seq.

#### **ARTICLE 3 PURPOSE**

The French Creek Environmental Advisory Council (FCEAC, EAC, Advisory Council, or Council) organized under these bylaws shall have power to identify environmental problems and recommend plans and programs to the appropriate agencies for the promotion and conservation of the natural resources and for the protection and the improvement of the quality of the environment within its territorial limits; and shall advise the appropriate governmental agencies, including but not limited to the county planning commission, local planning commissions and recreation and park boards, and to elected governing body or bodies within its territorial limits.

#### **ARTICLE 4 MEMBERSHIP**

**Section 1** – The EAC shall be comprised of six appointed persons, two of whom shall be residents of the City of Meadville, two of whom shall be residents of the Township of West Mead, and two of whom shall be residents of the Township of Vernon. Additional members who are not appointed as identified by this section shall be considered “associate members”. Individuals who periodically advise the EAC and/or periodically attend meetings for the purpose of advisement are not considered EAC members.

**Section 2** – All members, appointed and associate (see Article 4, Section 1, above) are expected to attend scheduled, routine meetings. The EAC Chairperson on his/her own may, or a majority of the members present at any scheduled EAC meeting may vote to “notify” (as defined below) any EAC member who is absent from any four consecutive regular monthly Environmental Advisory Council meetings or who is absent from six regular monthly meetings during any twelve month period without reasonable cause.

The notification shall: (1) be written; (2) include a summary of the member’s attendance record; and (3) request the member to reply in writing within twenty calendar days or appear in person at the next regular monthly EAC meeting, whichever occurs later.

If a member notified as above fails to respond, or if the member’s reply in the judgment of the EAC members present at a regular meeting indicates nonfeasance in office, the municipalities of the City of Meadville, Township of West Mead, and the Township of Vernon, as the appointing authority, shall be notified giving the relevant facts in the matter with a recommendation from the EAC to remove such EAC member from office for nonfeasance according to Section 208 of the Municipalities Planning Code.

#### **ARTICLE 5 OFFICERS**

**Section 1** – The officers of the EAC shall consist of a Chairperson, Vice-Chairperson, and Secretary. The office of Chairperson and Vice-Chairperson must be resident members of the EAC as identified in Article 4, Section 1.

**Section 2** – The Chairperson shall preside at all meetings and hearings of the EAC, and shall have the duties normally conferred by parliamentary usage of this officer. He/she shall be an ex-officio member of all committees.

**Section 3** – The Vice-Chairperson shall act as Chairperson in the Chairperson's absence.

**Section 4** – The Secretary, with the assistance of such staff as is available, shall keep the minutes and records of the Council, shall prepare the agenda of regular and special meetings under the guidance of the Chairperson, provide notice of all meetings to EAC members, arrange proper and legal notice of hearings, attend to correspondence of the EAC and such other duties as are normally carried out by a Secretary.

#### **ARTICLE 6 TERMS & ELECTION OF OFFICERS**

**Section 1** – An annual organization meeting shall be held in the month of January of each year at the time, on the date, and at the place designated by the EAC for a regular meeting. The initial terms of the six (6) resident members (see Article 4, Section 1) of the EAC shall be as follows: two (2) members shall serve until the reorganization meeting of the municipalities of the City of Meadville, Township of West Mead, and the Township of Vernon in 2000, two (2) until the reorganization meeting in 2001, and two (2) until the reorganization meeting in 2002. Their successors shall thereafter serve for a term of three (3) years. The position of any member of the EAC residing within the member's appointed municipality at the time of appointment who thereafter moves his/her residence from that municipality shall be automatically considered vacant. An appointment to fill a vacancy shall be only for the unexpired portion of the term.

**Section 2** – Nominations shall be made from the floor at the annual organizational meeting and election of the officers specified in Article 5, Section 1 shall follow immediately.

**Section 3** – A candidate receiving a majority vote of the voting membership of the EAC shall be declared elected and shall serve one year or until his/her successor shall take office.

**Section 4** – Vacancies in office shall be filled immediately by regular election procedure.

#### **ARTICLE 7 MEETINGS, VOTING & QUORUMS** (See Article 4, Section 2 on Meeting Attendance.)

**Section 1** – Regular meetings will be held by the EAC on a periodic, recurring basis. The EAC shall establish the time(s) of day, date(s), and place(s) where the regular meetings will be held by official action. It shall be presumed that the EAC will hold all of its regular meetings at the time, on the date, and at the place designated unless a meeting is canceled by the Chairperson for cause and notice given to EAC members. In the event of a conflict with holidays or other events, a majority vote at any meeting may change the date and place of a regular meeting.

**Section 2** –

- a. A quorum shall consist of a simple majority of the total EAC resident (appointed) membership, including officers. An associate member (as defined by Article 4, Section 1) may only represent a portion of the quorum if he/she is an officer. Non-officer associate members may not comprise the quorum, nor do they have voting privileges.
- b. A simple majority of the total EAC resident (appointed) membership, including officers who may be associate members, is required to transact business in which persons have an interest, there is widespread community interest in the three member municipalities, or the action is likely to affect the longterm future development of the member municipalities such as, but not limited to, the adoption of plans, official maps, regulations, review of subdivision plans and land developments, and action on zoning matters and planned commercial and industrial developments.

**Section 3** – Special meetings may be called by the Chairperson. It shall be the duty of the Chairperson to call a special meeting within seven days when requested to do so by a majority of members of the EAC. The Secretary shall notify all members of the EAC in writing no less than three days in advance of such special meetings.

- Section 4** – All meetings or portions of meetings at which official action is taken shall be open to the public. However, the EAC may meet in closed session for discussion purposes, pursuant to “The Sunshine Act of 1987.”
- Section 5** – Unless otherwise specified, Robert’s Rules of Order shall govern the proceedings at meetings of this Council.
- Section 6** – All meetings not called to order for any reason within fifteen minutes of the time designated may be canceled
- Section 7** – The Chairperson may appoint committees for specific purposes as necessary.

## **ARTICLE 8 ORDER OF BUSINESS**

- Section 1** – The order of business at regular meetings shall be:
  - a. Roll call
  - b. Review of minutes of previous meeting and action thereon
  - c. Report of officers and committees
  - d. Old business
  - e. New business
  - f. Public Comment
  - g. Adjournment
- Section 2** – A motion from the floor must be made and passed in order to dispense with any item on the agenda.

## **ARTICLE 9 HEARINGS**

- Section 1** – In addition to those required by law, the EAC may hold public hearings when it decides that such hearings will be in the public interest.
- Section 2** – Except as required by law, notice of the time and place of such hearings, when on matters of wide-spread interest, shall be published in at least one newspaper of general circulation in the territorial jurisdiction of the hearing, not earlier than two weeks prior to the hearing. For matters of limited territorial interest, notice shall be given in such manner as is deemed appropriate by the EAC.
- Section 3** – The matter before the EAC shall be presented in summary, by some person designated by the Chairperson, and parties in interest shall have privilege of the floor.
- Section 4** – No record or statement shall be recorded or sworn to by the EAC as evidence for any Court of Law without notice to the parties mentioned in the record or statement.
- Section 5** – A record shall be kept of those speaking before the EAC at such hearings.

## **ARTICLE 10 AMENDMENTS**

These bylaws may be amended by a majority vote of the voting membership of the EAC. Each member of the EAC shall receive written notice of any proposed amendments a minimum of seven days prior to taking action.

## **ARTICLE 11 REPEALER**

Any bylaws that previously may have been adopted and approved by the EAC are hereby repealed<?>153.04 Advisory function and limitation.

- (A) The Environmental Advisory Council is to be advisory to and shall coordinate its activities with the elected officials of the participating municipalities and with appropriate agencies of the participating municipalities, including, but not limited to, their planning commissions and their park and recreation boards, on matters dealing with protection, conservation, management, promotion and use of natural resources, relating to French Creek and its tributaries.
- (B) The Environmental Advisory Council shall not exercise any powers or perform any duties which by law are conferred or imposed upon a Commonwealth agency. (Ord 3511 § 1, 1998)



Comprehensive guidance, sample ordinances and model legal documents

## Land Use Ordinances & Development Standards

- [Agricultural Protection Zoning](#)
- [Agricultural Security Areas](#)
- [Build-Out Analysis](#)
- [Community Visioning](#)
- [Development Threat Analysis](#)
- [Growing Greener: Conservation by Design](#)
- [Lighting Ordinance](#)
- [Local Regulation for Historic Preservation](#)
- [Official Map](#)
- [Planning & Land Use Ordinance Basics](#)
- [Public Dedication of Land and Fees-in-Lieu for Parks and Recreation](#)
- [Riparian Buffer Protection via Local Government Regulation](#)
- [Sign Ordinance](#)
- [Steep Slope Ordinance](#)
- [Street and Sidewalk Design](#)
- [Timber Harvest Ordinance](#)
- [Traditional Neighborhood Development](#)
- [Traffic Calming](#)
- [Transfer of Development Rights](#)
- [Tree Ordinance](#)
- [Urban Growth Boundary](#)

## Acquiring Land & Conservation Easement

- [An Introduction to Stewardship Funding Arrangements](#)
- [Closing: Finalizing the Real Estate Transaction](#)
- [Conservation Easement](#)
- [Conservation and Preservation Easements Act](#)
- [Costs of Conservation Easement Stewardship](#)
- [Costs of Due Diligence in Conservation Acquisitions](#)
- [Due Diligence](#)
- [Holders, Beneficiaries and Backup Grantees: Defining Roles and Relationships to Achieve Conservation Easement Objectives](#)
- [Model Conservation Easement](#)
- [Model Legal Documents](#)
- [Mortgage Subordination](#)
- [Options to Sell](#)
- [Pennsylvania's Recreational Use of Land and Water Act: Statutory Protection for Property Owners Who Open Their Land to the Public](#)
- [Purchase Options: Gaining the Right Without the Obligation to Acquire Property Interests](#)
- [Purchase and Sale Agreements](#)
- [Reducing Liability Associated with Public Access](#)
- [Reversionary Interest](#)
- [Riparian Buffer Protection Agreement](#)
- [Trail Easements](#)
- [Who Has Standing?: Conservation Easements in Pennsylvania Courts](#)

## Public Access, Parks & Trails

- [Creating Sustainable Community Parks](#)
- [Indemnity Agreements and Liability Insurance: Protection From Claims Brought by Third Parties](#)
- [Multi-Municipal Partnerships for Recreation & Parks](#)
- [Outdoor Access & Programming](#)
- [Pennsylvania Trail Design and Development Principles: Guidelines for Sustainable, Non-Motorized Trails](#)
- [Pennsylvania's Recreational Use of Land and Water Act](#)
- [Public Access Policies and Practices for Land Trusts: Survey Results in Pennsylvania](#)
- [Reducing Liability Associated with Public Access](#)
- [Trail Accessibility for People with Disabilities: Design, Management, Ethical and Legal Considerations](#)

## Plus

- Financing Conservation: Revenue Options for Local Governments
- Conservation Benefits & Challenges
- Landowner Incentives
- Research & Education

Visit [ConservationTools.org](https://www.ConservationTools.org) to stay up to date on land use and conservation topics.



A project of the Pennsylvania Land Trust Association

**EAC**  
NETWORK.org