The Environmental Advisory Council Handbook

Guidance for Establishing and Operating EACs in Pennsylvania

WeConservePA
EAC NETWORK

Any township, borough, city, or town in Pennsylvania may establish an environmental advisory council (EAC) to tap the skills and volunteer energy of its citizens. Consisting of three to seven members appointed by the local governing body, the tasks undertaken by an EAC are determined by the needs of the municipality. An EAC may research issues, develop policy proposals, and advise local government officials to help inform decision-making regarding the environment. It may also plan and implement on-the-ground projects and educational efforts.

This handbook is intended to help users understand how to establish and structure an EAC. It provides guidance on operating an EAC and describes potential activities for an EAC to engage in and how to interact with municipal governing bodies and communities.

You can locate additional resources via the EAC page at WeConservePA.org including WeConservePA's extensive library of sample EAC ordinances, bylaws, and more. The same site provides you access to an even broader collection of guides and documents related to conservation and local government.

Finally, many EAC members around the state are willing and eager to share their knowledge and wisdom with you and your fellow EAC members. As a participant in the EAC Network, which you can join at WeConservePA.org, you'll have access to the network's forum that allows you to easily connect with EAC volunteers and supporters across Pennsylvania. You'll also receive the latest news on EAC-related training, networking, and other happenings.

The EAC Network

140 EACs operate in the Commonwealth as of 2021. The EAC Network managed by WeConservePA helps the volunteers serving with these EACs help one another, provides technical assistance, and supports the establishment of new EACs. The network provides opportunities for the people involved in EACs to bounce ideas off each, share experiences and lessons learned, solve problems, and collaborate on a multi-municipal basis. It provides in-person and digital forums. Learn more at WeConservePA.org.

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What Is an Environmental Advisory Council?

Introduction

Pennsylvania's municipal environmental advisory councils are officially created, appointed arms of municipal government that focus exclusively on environmental conservation and improvement. The tasks undertaken by an EAC are determined by the particular circumstances of the municipality it serves (within the limits set by state law).

An EAC may research issues, develop policy proposals, and advise local government officials, including the governing board and planning commission, to help inform decision-making regarding the environment; it does this strictly in an advisory rather than decision-making role. An EAC may also undertake an array of on-the-ground conservation projects, planning of new conservation initiatives, and environmental education efforts.

EACs provide municipal governments a pool of local talent and volunteer energy to draw upon whether that is for scientifically-sound, in-depth analysis about environmental resource issues or for designing or implementing environmental conservation projects.

The formation of an EAC is an option available to municipalities; state law does not require it. It is up to the individuals interested in seeing one established, whether they be municipal officials or residents, to propose establishment to members of the municipality's governing body. If a municipality's governing body chooses to create an EAC, it must do so by passing an ordinance. The governing bodies of neighboring municipalities may choose to form regional, multi-municipal EACs.

Essential Tips for EAC Members

- 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 EAC 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 as a unified council. Stand behind your EAC's official opinions.
- Respect differing points of view and approaches to a problem. Keep detailed, organized records.
- Follow the Sunshine Act. Welcome anyone wishing to sit in on EAC meetings. Allow for public comment.
- Inform people about the EAC's 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.

Authority to Create EACs

Act 148 of 1973 authorizes Pennsylvania's townships, boroughs, cities, and town to establish EACs by ordinance. [Act 177 of 1996](#) amended this act. Act 148, as amended, is simply referred to as Act 148 in this handbook.

Mandated Responsibilities

Act 148 requires each EAC to keep records of meetings and activities and issue an annual report, which should be distributed with the municipality's annual report or made available to the public in other ways.

Powers of EACs

Act 148 states that "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."

Multi-Municipal EACs

Individual municipalities may join with neighbors to form regional, multi-municipal EACs. Multi-municipal EACs provide a mechanism for neighboring municipalities to cooperate on issues that transcend municipal borders. For example, protection of aquifer recharge areas and streams, stormwater management, air quality, open space and greenways, and myriad other environmental matters bear no geographic relationship to local government juridictions. The perspective offered by a multi-municipal EAC can help establish a cohesive, long-term vision for natural resource protection in the region. For a sample multi-municipal EAC ordinance and by-laws, see appendix 4 and 5.

What Don't EACs Do?

- EACs do not make land use and other regulatory decisions. They may only advise on regulatory matters.

- EACs do not take the place of nor should they compete with planning commissions or park and recreation boards; rather they can closely work with them and constructively augment their efforts.

- EACs are not independent environmental advocacy groups. They are part of the local government and generally will be most effective when they maintain positive and productive working relationships with other municipal officials.

Establishing an EAC

Draft and Enact an Ordinance

To establish an EAC, the municipality's governing body must enact an ordinance. Many examples of ordinances used to create EACs are posted in the [WeConservePA.org library](). One or more of these can be customized to meet the particular circumstances of a municipality.

Membership and Terms

Act 148 stipulates that an EAC may be composed of three to seven 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 governing body.

Act 148 states that "whenever possible, one member shall also be a member of the municipal planning board." This cross-representation can be an important factor in the effectiveness of an EAC.

In the case of multi-municipal EACs, each participating municipality appoints an equal number of members to serve on the council.

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. Act 148 does not mention the election of other officers, but the general practice is to provide for the election of other officers, such as vice chair or recording secretary, at the first meeting of the year.

How to Get Started

Since Act 148 does not mandate the establishment of an EAC, it is up to a municipality's residents and stakeholders to suggest the formation of an EAC to their elected officials.

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

- Read this handbook and check out the other resources at WeConservePA.org.
- Join the EAC Network forum at WeConservePA.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 EAC events at WeConservePA.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.

Funding EAC Operations

Act 148 enables local governments to appropriate funds for the operation of EACs to cover "administrative, clerical, printing and legal services." The amount of the appropriation is to be determined by the local governing body and should be at least enough to cover basic expenses that enable a council and its members to function effectively. Examples of EAC expenses include printing, travel, conference registration fees, and dues for affiliation with organizations (e.g., conservation, educational, or planning) that help them in accomplishing their work.

Act 148 provides that: "[t]he 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."

> **Create an EAC as Part of Establishment of a Conservation Program**
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> 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. For example, Lower Makefield Township (Bucks County) passed a resolution that established an open space protection program and created an EAC to help support the program.

Other Sources of Revenue

Act 148 does not specifically address the issue of an EAC raising funds outside of a local government appropriation for its activities; however, fundraising is not an unusual activity for an EAC. Because they are a part of local government, EACs may receive state and federal grant funding from various government sources by applying through their local governments. Other ways to fund EAC projects include requesting donations from community members, holding fundraisers, and partnering with other groups to access funds not typically available to governmental units (e.g., foundations).

> **Who should be an EAC member?**
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> Any resident of the municipality may be appointed. If you have an interest in serving and are willing to invest time in an EAC's work, you are probably a good candidate.
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> With that said, depending on the intended tasks for the EAC, it may be helpful for some members to have expertise in areas such as planning, environmental science, public policy, and development. The members of an EAC often come from a wide variety of backgrounds, and this diversity can serve the council well.
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> **Associate Memberships**
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> If provided for in the municipality's EAC ordinance, the EAC may also have associate members. These associates can be chosen to provide additional volunteer energy and expertise, broaden the diversity of views brought to the council, and serve as a pool for new EAC members.
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> A high school student or college intern can make a great associate member. Young people bring another perspective and voice to communities.

Structuring EAC Operations

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 in which to operate.

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. Many examples of bylaws used by organized EACs are posted in the WeConservePA.org library. One or more of these can be customized to meet the particular circumstances of the EAC.

> **The First Meetings**
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> The first few meetings of an EAC are often brainstorming sessions, where members discuss their interests and backgrounds, and determine what issues need immediate attention. Over these and subsequent early sessions, EAC members may develop a plan that includes a prioritized list of activities and projects to pursue.

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, if their service as associates has been satisfactory, strong candidates for appointment to the EAC when vacancies occur. Associate members, like voting members, can be drawn from the community, watershed associations, schools, and other environmental organizations.

Scheduling Meetings

EAC meetings are typically scheduled on a regular basis, usually monthly, in a public place, on a day that does not conflict with other municipal meetings. Notice of meetings must be made in comformance with Pennsylvania's Sunshine Act.

Meeting Organization

Even if you choose to run your meetings in an informal manner, as many EACs do, consider using Robert's 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. Many simplified versions of Robert's Rules may be found by searching on the web for "Roberts Rules of Order Simplified."

Anatomy of an Environmental Advisory Council: the Lower Saucon Township EAC

Each EAC is different, as each municipality differs. Here is a look at one, the Lower Saucon Township Environmental Advisory Council (Northampton County):

The 12-person council is appointed by the township manager and supervisors/council and includes:

- seven voting members (three-year terms; staggered)
- five associates, or non-voting members (one-year terms)
- one high school student serving as a junior council member (non-voting member, one-year term)
- one representative from the neighboring borough (non-voting)

EAC members include one supervisor, two planning commissioners, the township historian, and watershed association members. Although not required by the municipal ordinance, 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 subcommittee of three voting members makes up the **Open Space Committee**, which 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 the municipality's dedicated earned income tax for open space protection.

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

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Running an EAC

Chairing Meetings

The conduct of the meeting chair has a huge bearing on the effectiveness of meetings and the energy level of EAC members. It can be intensely frustrating and demoralizing for EAC members to have to endure poorly managed meetings. Conversely, well run meetings can boost member enthusiasm and productivity. If the appointed chair does not have substantial prior experience chairing meetings, they are well advised to study for the position. Numerous online video tutorials and guides can help. Even seasoned chairs can benefit from the wealth of online instruction.

Meeting Agenda

An agenda is an important tool for running an effective meeting. Keep the following guidelines in mind:

- A municipality may have an established system for posting or distributing advisory committee agendas. Coordinate with municipal staff to understand deadlines and procedures for issuing agendas.
- 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 basic municipal responsibility.

The EAC is also required to produce an annual report, which is to be included in the muncipality's annual report (if one is produced).

Minutes

Minutes are important for the effective operation of a 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.

Respectful Deliberation and Resolution

A healthy EAC is one in which differing views and priorities can be presented and received in a respectful atmosphere. The chair has a responsibility to keep the group focused and help it resolve differences of opinion in a consistent and effective manner so that the group does not get bogged down. For this reason, some formality is important. At some point, discussion must end and, if called for, a decision made with an official vote.

In a well-functioning EAC, the EAC members respect the finality of a vote and stand behind the council once a decision is made, no matter their individual preferences on a subject.

Pennsylvania's Sunshine Act

The Sunshine Act, 65 Pa.C.S. §§ 701-716, Pennsylvania's open meetings law, requires the official actions of public agencies, and the deliberation regarding those actions, to be held at public meetings. The law defines official actions to include recommendations made by an agency pursuant to statute.

Among the laws requirements are the providing of notice of regular meetings at least three days in advance of the first regularly scheduled meeting of the year along with all further scheduled meetings for that year. Notice must be both posted at the meeting location and printed in a paid newspaper in general circulation.

The law does not apply to every gathering of EAC members, for example, purely social gatherings or project work days where official actions are not being considered.

A full discussion of the Sunshine Act's applicability to EACs and its requirements is beyond the scope of this handbook. Your municipal solicitor can provide guidance as to your particular circumstances.

Although the state's Office of Open Records does not address EACs specifically, it does provide a summary of the Sunshine Act at its website.

Roles, Relations, and Communications

An EAC is 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. Given its purely advisory nature, its success in influencing the local government's policies, decisions, and other actions depends upon the ability of its members to work constructively with other municipal officials and staff on an on-going basis. Building and maintaining relationships with others in local government is crucial.

To be effective advisors, it is important for EAC members to understand the structure and function of local government, including how elected officials, appointed boards and commissions, and staff function and interact. Every municipality does business in a slightly different way, which requires EAC members to spend some time familiarizing themselves with how their municipality functions.

Activism and the EAC

EACs are established by the local governing board via ordinance; EAC members are appointed by the board. EACs are a part of the local government and help improve their local municipalities from within this structure.

When people have an interest in affecting environmental policy in their municipality, there are two main routes that can be taken. One is from the outside government: individuals and groups may seek to influence local government officials and staff with emails, social media posts, public comment, and other activities. The other route is to become part of the government itself and work from within. By choosing to be part of an EAC, one is deciding to work with rather than against the municipal government to effect the policies, decisions, and other municipal actions one would like to see.

Working within government does not mean that individual EAC members have to agree with any paricular policy, decision, or action by the local government. It does mean that EAC members must remember that the only way the EAC can effect change for the better is for the EAC to be respected by decision-makers. Respect can be achieved by EAC members fostering good person-to-person relations with others in governmet, successfully delivering on EAC projects, and delivering impartial recommendations.

An EAC that establishes itself as an objective entity that gives advice only after researching an issue, learning the facts, and being able to clearly articulate and back up advice, is an EAC that will more likely be heeded by others within government. 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, emotion-driven beliefs. Otherwise, an EAC will more likely come to be viewed as a faction that can be ignored by all those who disagree; its opinions will lose their value to the decisionmakers. An EAC that demonstrates that it has done its research and is informed about advantages and disadvantages of a certain action is more likely to be respected. With increased respect will come increased responsibility and more accomplishments.

Establishing Connections

It is important for the EAC—most likely through the chair—to regularly communicate with the municipal secretary or manager to keep informed on municipal news that might be relevant to the EAC's work. It is likewise important for an EAC to open and maintain lines of communication with commissions or boards and staff members with whom the EAC will interact. To facilitate its advisory role, the EAC chair usually takes 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 and 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. The EAC is more likely to be productive if it is integrated into the local government team and maintains 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. This is also a good time to solicit thoughts 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.

The EAC and Planning Commission

In Pennsylvania, planning commissions assist in defining how the community will 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, gather data to help the planning commission make decisions, help develop an open space and greenway plan for the municipality, and carry out other environment-related tasks. The EAC can provide the planning commission with information about the environmental consequences of both land use plan decisions and ordinance wording. 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.

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 residents on natural resource issues. Some ideas for EAC communication with the community include:

o 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.
o Speak one-on-one to municipal governing body members to understand their environmental concerns and considerations.
o Connect with the local watershed association(s) to find out what projects and issues they consider to be important for the EAC to know about.
o Make sure that EAC members are listed on the municipal website and, if possible, have EAC meeting minutes posted on the website as well.
o Consider developing a separate webpage for the EAC linked to the municipal website.
o 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.

Repositories of Knowledge
Whenever the elected officials or staff of a municipality change, there is risk that key knowledge about the municipality will be lost with the departure of the individuals. The members of an environmental advisory council provide an additional repository of institutional knowledge to guard against such losses.

Working in Cooperation

By choosing to be part of an EAC, one is making a decision to work with rather than against the municipal government to better the community.

Local Government Basics

To be effective in serving the municipality regarding land use and environmental policy issues, EAC members are well-advised to familiarize themselves with the structure and mechanics of Pennsylvania local government as well as the core municipal ordinances that set the rules for land use and development. This chapter provides a brief introduction to these matters.

More detailed information may be found in the [publications of the Department of Community and Economic Development](#) and the [guides published by WeConservePA](#).

Local Government Structure

Unlike many states, all of Pennsylvania is incorporated into local municipalities: 2,561 cities, boroughs, townships, and home-rule municipalities in all. The state is also divided into 67 counties. By constitutional and common law, the Commonwealth has authority over the state's land and water resources, but the General Assembly has delegated the power to regulate land to local government. The specific powers held by a municipality depends upon its particular classification under state law. Other government bodies in the Commonwealth include school districts as well as special purpose authorities, such as water, sewer, and stormwater authorities.

The [Citizen's Guide to Pennsylvania Local Government](#), published by the Pennsylvania Department of Community and Economic Development, provides a comprehensive overview of local government structure in Pennsylvania.

Municipalities Planning Code

Pennsylvania's [Municipalities Planning Code](#) (MPC) (Act 247 of 1968, P.L. 805, as reenacted and amended, 53 P.S. § 10101, et seq.) gives local government units exclusive authority—and considerable leeway—to plan and regulate land use. The MPC does not require local governments to plan or zone, but does require each county to adopt a comprehensive plan.

The MPC does not assign a state agency to administer any of the land use powers in the event a unit of local government fails to exercise a delegated power. In other words, either the local government performs the function, or no-one does.

The more than 100 pages of the MPC provide a uniform framework for planning and establishing land use laws for all of Pennsylvania's municipalities and counties with the exception of the cities of Philadelphia and Pittsburgh.

No ancillary regulations accompany the MPC, but there is also a large body of case law regarding the MPC to consider when engaging in land use regulation.

Key Municipal Ordinances

Comprehensive Plan

The municipal comprehensive plan, if done well, can lay a solid foundation for a municipality's future. 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 for plan development related to the protection of natural resources.

For information on the status of a municipality's comprehensive planning, check with the municipal zoning officer, a municipal planner or the county planning commission.

While a plan lays the groundwork for developing zoning and other land use ordinances, it does not regulate land use. Plans depend on local land use ordinances to implement the concepts and recommendations set forth in them.

For more information, see the handbook *The Comprehensive Plan in Pennsylvania* provided by the Governor's Center for Local Government Services and the library topic Land Use Planning and Community Visioning.

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.

For more information, see *Zoning: Planning Series #4* provided by the Governor's Center for Local Government Services.

Subdivision 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.

For more information, see *Subdivision and Land Development in Pennsylvania: Planning Series #8* provided by the Governor's Center for Local Government Services and the WeConservePA guide *Public Dedication of Land and Fees-in-Lieu for Parks and Recreation: A Guide to Using Section 503(11) of the Pennsylvania Municipalities Planning Code*.

Official Map

A municipality may more effectively provide for future trails, parks, networks of open space, road improvements, or other public uses by identifying the location of key public grounds and infrastructure in advance of the public's need and reserving the necessary land on an official map. By reserving the land, the municipality expresses its intent to acquire that specific land at some future date. This expression of intent does not affect existing property ownership; landowners still own and control their land. However, the owners are constrained in building on, subdividing or otherwise developing the reserved land until (1) they receive a special encroachment permit or (2) they provide written notice of intent to develop and then allow the municipality up to a year to acquire the land from them.

For more information, see *The Official Map: A Handbook for Preserving and Providing Public Lands and Facilities*, a joint publication of WeConservePA and the Commonwealth of Pennsylvania.

Overarching Strategies for Advancing Sensible Land Use

WeConservePA provides guidance on protecting specific natural resources in a community through land use regulation and development design. WeConservePA also provides information on overarching strategies for developing land wisely and conserving forest, farmland, and other land important to communities. These strategies are described briefly below.

Conservation by Design

By making several small but significant changes to three municipal documents—the comprehensive plan, zoning ordinance, and subdivision and land development ordinance (SALDO)—Conservation by Design ensures that conservation becomes institutionalized in the development process. Conservation by 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. Without controversial downzoning, the same number of homes can be built in a less land-consumptive manner, allowing the balance of the property to be permanently protected and added to an interconnected network of community green spaces. This density-neutral approach provides fair and equitable treatment to landowners and developers. Conservation by Design can apply to a range of residential development options, from single-family homes to mixed-use communities.

Transfer of Development Rights

Transfer of Development Rights (TDR) is a zoning technique used to permanently protect land with conservation value (such as farmland, community open space, or other natural or cultural resources) by redirecting development that would otherwise occur on this land (the sending area) to an area planned to accommodate growth and development (the receiving area).

TDR programs financially compensate landowners for choosing not to develop some or all of their land. These landowners are given an option under municipal zoning to legally sever the development rights from their land and sell these rights to another landowner or a real estate developer for use at a different location. The land from which the development rights have been severed is permanently protected through a conservation easement or a restrictive covenant. The development value of the land where the transferred development rights are applied is enhanced by allowing for new or special uses; greater density or intensity; or other regulatory flexibility that zoning without the TDR option would not have permitted.

Traditional Neighborhood Development

Traditional Neighborhood Development (TND) is a development strategy designed to create complete neighborhoods and communities that mimic those built in pre-1950s America before the shift to low-density, automobile-dependent suburban developments. Several features characterize TNDs: concentrated density, mixed housing types, interconnected street grids, a discernable center (like a town square or plaza), and a variety of commercial establishments to meet the needs of residents. With sidewalks, traffic calming measures, hidden parking, and access to public transportation, TNDs reduce dependence on cars and create safer streets for pedestrians and cyclists. TNDs also emphasize access to schools, parks, churches, civic buildings, and other community spaces.

EAC Projects and Activities

Before embarking on a new activity or project, an EAC should weigh its capabilities against the demands of the endeavor. You will not sustain the interest of volunteer members or gain the confidence of the governing body and community by setting unrealistic goals or overextending the demands on people's time and energy.

Success breeds success. A council that establishes a reputation for being able to successfully undertake activities and complete projects will attract more support and capacity to further improve its community.

In general, EACs may:

o Assist municipal officials in making policy decisions that relate to natural resource conservation.
o Educate the public on natural resource protection and other environmental issues.
o Plan, coordinate, and implement activities to protect or improve the municipality's environment.

Examples of community environmental projects spearheaded by EACs are addressed below.

Energy

Clean Energy Committee
In 2018, the Tredyffrin Township Board of Supervisors adopted a resolution supporting a 100% renewable energy future by 2050. To achieve this goal, the Clean Energy subcommittee of the **Tredyffrin Township EAC** works on different initiatives, including the creation of a clean energy plan and receiving bronze status through SolSmart, a national designation program designed to recognize communities that have taken key steps to address local barriers to solar energy.

Ready for 100
Ready for 100 is a movement of the Sierra Club to transition cities and towns throughout the US to 100% clean, renewable energy by 2050. **Cheltenham Township EAC** discussed *Ready for 100* with the Township's Public Works Committee to consider and recommend to the Board of Commissioners to adopt a resolution that would commit Cheltenham Township to developing an energy transition plan to help the Township transition to 100% clean, renewable electricity by 2030 and 100% clean, renewable energy across all sectors, including transportation, by 2050. With the resolution was passing in 2019, Cheltenham Township EAC has been working with other municipalities in Montgomery County who have passed similar resolutions to develop a transition plan including interim milestones, strategies, financial impacts, equity metrics, and potential financing mechanisms, with the goal of reducing the cost of developing and implementing a plan to achieve the renewable energy goals.

Reuse and Recycling

Junk Fair

Since 2010, **Bethel Township EAC** has provided prize money to the winners of the Bethel Elementary School's Annual Junk Fair. Sixth grade students construct projects from materials which might otherwise be discarded. There is one winner, chosen by the student body, in each of three categories – Beauty, Practical and Functional. Bethel Township EAC awards $50 to the winner of each category.

Single-Use Plastics

In 2016, the Environment and Recreation Committee of Doylestown Borough Council and the **Doylestown Borough EAC** began discussing and researching the impacts of single-use, non-recyclable plastics including straws, bags, and food containers. During the two years that followed, the EAC met with business owners, hosted a presentation on sustainable restaurant practices, researched life-cycle analyses, encouraged participation in "No-Straw November," and considered viability of alternatives to single-use plastics. The Borough Council's Environment and Recreation Committee tasked the EAC with assembling their findings into a recommendation, and the EAC recommended that the Borough Council gather public feedback and consider adopting an ordinance to ban the distribution of certain single-use plastics. Along with the recommended ordinance, the EAC proposed measures to educate the public and to support the business community.

Sustainability

Go Green Awards

To foster sustainability practices among members of the community, **Abington Township EAC** established the Go Green Rewards Card program. Credits are awarded through established sustainability actions and participation in EAC events, such as attending EAC meetings, participating in an EAC rain barrel workshop, volunteering on EAC projects, and more. Participants who earn ten credits receive discount coupons to local businesses.

Green Radnor & The Sustainability Series

Radnor Township EAC sees one of its major roles as "educator' to provide the citizens of Radnor Township with useful information that will help to maintain and improve the environment. In pursuing the charge of promoting community environmental education and awareness, the EAC created "Green Radnor", which provides an online single point of entry for citizens interested in environmental and sustainability information. Additionally, Radnor Township EAC created *The Sustainability Series*, a broadcasted series that covered issues in Sustainable Living and Growth in Radnor Township.

Tree Planting at Paterson Farm

In 2020, the **Lower Makefield Township EAC**, in conjunction with the Board of Supervisors, Parks & Recreation, and Public Works, and 100 community volunteers, planted 246 shrubs and trees at Patterson Farm. The planting stretched over approximately 400 feet of a headwater to Buck Creek, which exerts a strong influence on the integrity of downstream waters. The plantings along the banks

of the Buck Creek headwater are anticipated to stabilize the banks minimize erosion, filter and retain stormwater runoff, and expand and promote interconnectedness with nearby habitats and open space. This project is a riparian zone enhancement and restoration site that interacts and contributes to regional efforts and the quality of the overall watershed.

Water Quality Education

Chesapeake Bay Drainage Awareness

To raise awareness that stream runoff within the Township flows into the Chesapeake Bay, **Bethel Township EAC** undertook the task of identifying drainage infrastructure within the Township and painted the concrete storm drain boxes and bridge walls blue. These were then stenciled with the words "DRAINS TO CHESAPEAKE BAY" so that township residents could see that their community and water sources are connected to the Chesapeake Bay.

Clean Stream, Clean Water Campaign

In 2012, **Ambler Township EAC** kicked off a multi-year Rain Garden Campaign with the installation of three residential rain gardens. Volunteers, homeowners and EAC members designed, built, and planted rain gardens on several properties in Ambler Borough. Once the native plants became established, the rain gardens added beauty and function to properties. Since this campaign's inception, stormwater management and stewardship has become an increasing priority in Ambler Borough.

Ambler EAC also secured a "Growing Greener" Grant through the Department of Environmental Protection to help residents actively participate in implementing stormwater features to decrease the quantity of water flowing into storm drains and increase the quality of water entering the Borough's creeks.

Clean Water Keepers

Kidder Township EAC partnered with Trout Unlimited to provide training to Citizen Scientists to learn how to monitor local streams for water quality.

Known as the Kidder Township Clean Water Keepers, volunteers monitor selected streams monthly to keep track of sediment deposits, stream width, pH, TDS (total dissolved solids- too much of these can clog gills and raise the temperature of the water), turbidity (cloudiness of the water), temperature and conductivity (measures the water's ability to pass an electrical current; more particles in the water lead to higher conductivity). Collected data is with TU's National Database and Kidder Township's EAC will keep spreadsheets to monitor any changes in the streams in the coming years.

Water Quality Education Day

With the help of a Consortium for Scientific Assistance to Watersheds grant administered by the Alliance for Aquatic Resource Monitoring (ALLARM), **Bethel Township EAC** conducted a Water Quality Education Day for middle school students. The seminar consisted of collecting and identifying aquatic macroinvertebrates and conducting chemical tests from the water of a local stream for nitrates, pH and alkalinity.

Other

Agricultural Best Management Practices (BMPs)

Bethel Township is largely rural, and agriculture is the township's biggest business. Since early after **Bethel Township EAC's** formation, the EAC has served as a liaison between the Berks County Conservation District (BCCD) and local farmers to help farmers comply with BMPs and E & S (erosion and sedimentation) control.

Graduation Award

Each year the **Churchill Area Environmental Council**, along with its member municipalities (Chalfant, Churchill, Forest Hills, and Wilkins), sponsors a graduation award for a high school senior living in the Woodland Hills School District (WHSD). Applicants for this monetary award must complete a project that makes an active, tangible contribution to environmental conservation, education, legislation, or research – particularly within the school district or the communities it serves.

Working with Outside Organizations

Partnering with one or more non-partisan organizations focused on the environment can be a way for EACs to extend their reach and work collaboratively with other EACs and municipalities. This is particularly important for smaller councils with limited resources but can be useful for even the most robust EACs since environmental problems are rarely confined to one geographical area. Local organizations such as watershed associations and land trusts can be good partners. Specific initiatives of national organizations—the Sierra Club's Ready for 100 campaign, for instance, or the Arbor Day Foundation's Tree City USA program—can provide access to planning tools and other resources that can greatly enhance a council's impact.

EAC Enabling Statute

Act 148 of 1973 authorized the establishment of EACs. Act 177 of 1996 (P.L. 1158, No. 177) amended Title 53 (Municipalities Generally) of the Pennsylvania Consolidated Statutes, including the provisions of Act 148. Act 148 as amended is simply referred to as Act 148 in this handbook.

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

SUBCHAPTER B
ENVIRONMENTAL ADVISORY COUNCILS

Sections

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§ 2322.   Establishment of environmental advisory council
§ 2323.   Composition and organization of council
§ 2324.   Powers and duties of council
§ 2325.   Records and reports
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§ 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)

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Prior editions of "The EAC Handbook," as the guidance was previously known, were published by the Pennsylvania Environmental Council from 1996 to 2014.

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The latest version of this handbook and related resources are posted at WeConservePA.org

v. 6/2/2021

WeConservePA

Constitution of the Commonwealth Of Pennsylvania

Article 1

DECLARATION OF RIGHTS

Section 27

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.

WeConservePA
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