

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.

“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.”

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.



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.