

WASHINGTON TOWNSHIP
NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA

ORDINANCE NO. 257

AN ORDINANCE OF WASHINGTON TOWNSHIP,
NORTHAMPTON COUNTY, PENNSYLVANIA,
CREATING AN ENVIRONMENTAL ADVISORY
COUNCIL, ESTABLISHING MEMBERSHIP CRITERIA,
PROVIDING OPERATING PROCEDURES AND
ENUMERATING THE POWERS AND DUTIES

WHEREAS, Washington Township, as a Township of the Second Class within the County of Northampton, Commonwealth of Pennsylvania, is ~~the~~ ^{17.97 SQUARE MILES} largest township (by way of land area) within the aforesaid county and is one of the ^{LARGER} ~~largest~~ townships (also by way of land area) within the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Municipalities Planning Code, permits townships to establish an Environmental Advisory Council (hereinafter abbreviated "EAC") to advise a township (and its various elected and appointed officials) on matters dealing with the protection, conservation, management, promotion and use of natural resources (including air, land and water resources) located within the Township including the acquisition of both real and personal property; and

WHEREAS, substantial open space exists within Washington Township along with several unique natural features including inter alia sensitive soils,

steep slopes, aquifers and wells for Nestle' Waters which provide drinking and potable water and several other sensitive areas within the Township, including floodplains, swamps and other areas; and

WHEREAS, it is believed that the creation and establishment of a EAC for Washington Township would be in the best interests of the Township and will promote the health and welfare of the Township and its residents (53 P.S. Section 66506); and

WHEREAS, the Board of Supervisors of Washington Township desires to establish an EAC and is authorized to do so by Act No. 148 of December 21, 1973, P.L. 425, 53 P.S. 11501, et seq. repealed and re-enacted by Act No. 177 of December 19, 1996, P.L. 1158, 53 Pa. C.S.A. Sec. 2322, et seq.

NOW THEREFORE, be it ORDAINED by the Board of Supervisors of Washington Township and it is hereby ENACTED and ORDAINED by authority of same as follows:

SECTION 1. All recitals are herein incorporated by reference.

SECTION 2. ESTABLISHMENT OF THE EAC

An advisory council to be known as the Washington Township Environmental Advisory Council (hereinafter abbreviated "EAC") is hereby established for Washington Township, Northampton County, Pennsylvania.

SECTION 3. PURPOSES OF THE EAC

The purposes of the EAC shall be to advise local governmental agencies including, but not limited to, the Township's Board of Supervisors, the Planning Commission and the Township Recreation Board on matters dealing with the protection, conservation, management, promotion, acquisition and use of natural resources including air, land, water and open space resources located within or affecting Washington Township.

SECTION 4. MEMBERSHIP

- A. The EAC shall be composed of five (5) members.
- B. Five (5) members shall be residents of Washington Township who shall be appointed by the Board of Supervisors. 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 EAC.
- C. The Board of Supervisors shall appoint any and all members of the EAC and shall also fill all vacancies.
- D. If possible, members shall be from different regions of the Township so that there is a broad representation of the interests of the Township on the EAC.

SECTION 5. TERMS OF OFFICE

- A. An EAC member's term of office shall expire on the first Monday in January following the last year of his/her term in office.

B. 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) year.

C. Any resident appointed to the EAC - who is not a member of a board or commission affiliated with the Township - shall be appointed for a five (5) year term. Said terms shall be staggered for all members so appointed to the EAC and the initial appointments shall also be staggered so that each of these memberships shall expire each year and the terms of their successors shall be five (5) years each.

D. Members of the EAC may resign at any time with written notice to the Board of Supervisors and the EAC.

E. Members may be removed by the Board of Supervisors, with or without the recommendation of a majority of the other EAC members, for misfeasance, malfeasance, nonfeasance, neglect, the failure to diligently perform any of their duties or other just cause. Failure to attend either three (3) consecutive regularly scheduled EAC meetings or four (4) regularly scheduled EAC meetings during a consecutive twelve (12) month period shall constitute neglect. Said removal shall be at the sole discretion of the Board of Supervisors and is not appealable.

F. The board of Supervisors shall appoint successors to EAC members (who resign or who are removed) to serve for the remaining term of the resigned or removed member or members.

SECTION 6. COMPENSATION

Members of the EAC shall receive no compensation for their services but they may be reimbursed for reasonable expenses actually and necessarily incurred by them in the performance of their duties, provided that the incurring of said expenses has had the prior approval of the Board of Supervisors.

SECTION 7. POWERS OF THE EAC

The EAC shall have the following specific powers:

- A. Identify environmental problems.
- B. Recommend plans and programs to the Board of Supervisors and other Township agencies for the promotion and conservation of the natural resources and for the protection and improvement of the quality of the environment within Washington Township.
- C. Make recommendations as to the possible use of open land areas within Washington Township.
- D. Promote a community environmental program.
- E. Keep an index of all open space and environmentally sensitive areas, publicly or privately owned, including but not limited to flood-prone

areas, wetlands and other unique natural areas for the purpose of obtaining information on the proper use of such areas.

F. Advise the Board of Supervisors and other Township agencies as to the acquisition of property, both real and personal and rights thereto, by gift, purchase, grant, bequest, easement, devise or lease in matters consistent with the purposes of this enabling ordinance.

G. Consult with the Pennsylvania Department of Environmental Protection, the Department of Conservation and Natural Resources, the United States Environmental Protection Agency, Environmental Advisory Councils (or their equivalents) in neighboring municipalities or states and any other appropriate county, state and federal agencies and non-governmental organizations on environmental issues affecting Washington Township.

H. Undertake environmental tasks as requested by the Board of Supervisors but not to exercise any powers or perform any duties which by law are conferred or imposed upon an agency of the Commonwealth of Pennsylvania or the United States of America.

SECTION 8. ORGANIZATION AND MEETINGS.

A. The Chairperson of the EAC shall be appointed annually by the Board of Supervisors. The EAC may select its own Vice-Chair and Secretary.

B. The EAC shall meet at least monthly and at other times as may be directed by the Board of Supervisors. Said meetings shall be advertised and open to the public.

C. The EAC shall keep written records of its meetings and activities and shall make a written ^{MONTHLY AND SUMMARY} annual report to the Board of Supervisors, which ^{ANNUAL SUMMARY} report shall be made part of the annual municipal report; or, if none, such written report shall be made known and available to the public for review and copying.

SECTION 9. APPROPRIATIONS

The Board of Supervisors may appropriate funds for the reasonable and necessary expenses incurred by the EAC in accordance with an annual budget. Appropriations may be expended for such administrative, clerical, printing and legal services as may (from time to time) be incurred and approved by the Board of Supervisors and shall be within the limits of the annual budget. The whole or any part of any funds so appropriated in any year may, with the approval of the Board of Supervisors, be placed in a conservation fund and allowed to accumulate from year to year or be expended in any year.

SECTION 10. SEVERABILITY

The terms, conditions and provisions of this Ordinance are severable. If any such term, condition or provision of this Ordinance is, for any reason, found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

invalidity shall not affect or impair any of the remaining terms, conditions or provisions of this Ordinance; and it is hereby declared to be the intent of the Township that this Ordinance would have been adopted and enacted had such unconstitutional, illegal or invalid term, condition or provision not been included herein.

SECTION 11. REPEAL

The terms, conditions and provisions of any other ordinances which are inconsistent herewith shall be deemed vacated and/or repealed; but, any other terms, conditions and provisions of that or any other Washington Township ordinance which are not inconsistent herewith shall remain in full force and effect.

SECTION 12. EFFECTIVE DATE

Pursuant to the Second Class Township Code, the ordinance takes effect five (5) days after its adoption as permitted by 53 P.S. Section 66601(a).

THIS ORDINANCE being duly presented by motion and duly seconded, was carried and adopted by the Board of Supervisors of Washington Township at a public meeting held on the 10th day of October, 2007.

WASHINGTON TOWNSHIP
BOARD OF SUPERVISORS

By: _____
David Hess, Chairman

By: _____
David Renaldo

By: _____
Daniel Crafa

ATTEST:

By: _____
Lori Dobson, Secretary

APPROVED AND CERTIFIED this 10th day of October, 2007.

By: _____
David Hess, Chairman

ATTEST:

By: _____
Lori Dobson, Secretary