

CONSERVATION ADVISORY COUNCILS AND BOARDS

A Guide to the Organization and Operation of
Local Environmental Advisory Councils



Westchester County Environmental Management Council

Fall 1991
(Revised 1997)

WESTCHESTER COUNTY DEPARTMENT OF PLANNING
Gerard E. Mulligan, AICP, Commissioner

**WESTCHESTER COUNTY
ENVIRONMENTAL MANAGEMENT COUNCIL**

The Westchester County Environmental Management Council (EMC) is a citizen board whose chief function is to provide advice and assistance to Westchester County government on matters affecting the environment.

The EMC was established in 1972 in a Council/Agency form, but was re-established by the County Board of Legislators in its present Council form in 1977, pursuant to Chapter 342 of the County Charter.

Westchester's EMC is one of 34 in New York State established in conformance with Article 47 of the New York State Environmental Conservation Law, known as the Local Environmental Protection Act. Most of the 34 EMCs are members of the New York State Association of Environmental Management Councils (NYSAEMC) which seeks to promote and enhance the work of county and regional EMCs.

The EMC is guided by an Executive Committee whose members are appointed by the County Executive, with staff assistance provided by the Department of Planning. The Council has several standing committees headed by Executive Committee members which carry out its programs, as designated by the Chair, as well as ad-hoc committees to accomplish particular tasks.

The EMC carries on its program throughout the year, providing information, advice and training on environmental issues, and is the focal point for the citizen advisory role in County government. For further information, please contact:

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I. INTRODUCTION

Conservation Advisory Councils (CACs) have been in existence in Westchester County since 1968. These agencies of local government are comprised of volunteers who have a concern for the protection, enhancement and management of the environmental aspects of their community.

During the past several years, there has been a growing concern for establishing good working relationships between the Conservation Advisory Council and other local advisory boards. Critical to this objective is the understanding of the basic framework of the CAC and its role within the local government structure.

The purpose of this guide is to provide a framework for the new member of a CAC, for those CACs that have not been successful in establishing cooperative relationships with other local boards, and for those municipal officials and interested citizens who want to learn about the functions of CACs.

State enabling legislation uses the term Conservation Advisory Council and Advisory Board for local environmental advisory bodies. Since, in practice, there is a great variation in the formal name of these organizations, the term “Conservation Advisory Council,” or CAC, is used here in its generic sense.

Evolution of CACs

Conservation commissions in New York State date back to 1968 when various towns in Long Island and Westchester County established CACs under local home rule authority. (Home rule allows local governments to pass laws, create agencies and commissions, and make policy initiatives in areas of concern not pre-empted by the state.) It was not until 1967 through the concerted effort of environmentalist Priscilla Redfield Roe, Long Island Assemblyman Peter Duryea, and Suffolk County Assemblyman Peter Costigan, that a State bill was passed establishing town Conservation Advisory Councils. Although the bill, Section 64-b of the New York State Town Law, was considered a victory by environmentalists, it did not allow CACs to operate with any authority. It was not until the passage of Section 239-x of Article 12-F of the General Municipal Law in 1970 that CACs were authorized with specific responsibilities. This new law abolished Section 64-b, encompassed cities and villages as well as towns, and delegated responsibility to the newly established New York State Department of Environmental Conservation to handle promotional and servicing responsibilities for the new commissions. That same year, Article 47 of the Environmental Conservation Law (“Local Environmental Protection Act”) authorized the establishment of County Environmental Management Councils (EMCs). Among the original purposes of the EMC was to help organize CACs.

II. PURPOSE AND STRUCTURE

State Enabling Legislation

The State Enabling Legislation is the basis for the existence of municipal CACs. It is through these laws that the CACs derive their responsibilities, duties, activities and support systems from which they operate. As previously mentioned, Article 12-F of the General Municipal Law and more

specifically Section 239-x authorizes the establishment of Conservation Advisory Councils. According to 239-x, the local legislative body of any city, town or village ‘may create a Conservation Advisory Council, thereafter called the council, to advise in the development, management and protection of its natural resources.’ The law lists the kinds of activities a council is sanctioned to perform. These include: land research, including open space, wetlands and natural resource inventories and maps; advising, cooperating and working with other unofficial bodies and official municipal agencies involved in similar activities; publishing informational and educational literature, and preparation of an annual report. The law also includes basic membership provisions.

CACs possess no inherent formal power by law, and **are strictly an advisory body**. The main function of a CAC is to make recommendations based on its research concerning proposed land developments affecting the environment. The “power” to operate in this manner is derived from hard work and the ability to communicate and establish working relationships with decision-makers. Suffice it to say that this is easier said than done and will be elaborated on in subsequent sections. (Article 12-F is included in the Appendix.)

Establishing a CAC

A local legislative body may create a council in one of three ways: A resolution can be drafted pursuant to Section 239-x to establish a council; a council can be created by ordinance or by local law. Many communities in Westchester have utilized the local law procedure quite effectively. Since adopting a proposed local law requires a public hearing, the new council will be provided with much needed community visibility. It will allow members a chance to explain to public officials and the community the purpose and usefulness of a conservation council. The local law process also shows the significance the legislature attributes to the new council. Once the law is adopted, it becomes part of the local laws of the municipality and is officially filed by law with the Secretary of State.

Local laws are also subject to public hearings when they are to be changed or abolished. Thus, the local law process provides a mechanism for a CAC and community to be heard if the council’s existence is threatened.

Creating a Conservation Board

In 1971, a year after 239-x was passed, New York State amended the legislation concerning conservation councils to insert Section 239-y. This section authorized the designation of a CAC as a “conservation board” or CB. The CB’s responsibilities are basically the same as those of a CAC with the addition of authority to review development applications. In order to gain board status, a current operating CAC authority must prepare an open space inventory (OSI) and open space maps and have them approved by the municipal legislative body as the official open space index of the municipality.¹ Once approved, the CB must review any proposed land use application affecting any open areas listed in the open space index.

¹ Definitions of “open space” :open area inventory,” “open area map,” and “open area index” are provided in Section 239-x of the State enabling legislation.

The legislation states that a conservation board shall “review each application received by the local legislative body or by the building department, zoning board, or other administrative body, which seeks approval for the use or development of any open area listed in the open space index...” The members of many successful CACs believe that becoming a board will not significantly alter the effectiveness of a CAC. This may be true, but in gaining CB status, a board is authorized to review all proposals. CB status also carries a certain amount of prestige since it denotes the accomplishment of the OSI and the support and acceptance of a CB as a valid agency of municipal government. For those CACs which have not yet completed an OSI, doing so will allow them to gather essential information and help strengthen the factual and credible stature of their presentations and recommendations.

The fact that most CACs in Westchester have already completed and are currently utilizing an open space inventory and maps, makes the transaction more procedural than substantial. It becomes a legislative task of accepting the previous open space work done by the council. Since it is unlikely the legislature will take the initiative themselves, any council seeking board status should initiate the proposal and outline the specific changes and benefits to the community. Municipal governing bodies may be either unaware or unwilling to confer board status to a CAC unless informed of the necessity for the change. CACs should educate the residents as to why becoming a CB will benefit the environmental concerns of the community. Without such support, the conversion to board status is improbable.

III. ORGANIZATION AND OPERATION

Membership Requirements

Section 239-x states that CACs “shall consist of not less than three nor more than nine members who shall be appointed by the local legislative body and serve at the pleasure of such body for a term not exceeding two years. Such local legislative body may, notwithstanding any inconsistent provision of law, appoint up to two members to the council who are between the ages of sixteen and twenty-one.”

The single most important aspect of a conservation council is its membership. Councils possess no formal power; the success of its functioning is dependent upon the abilities of its members. The most critical exercise in establishing and maintaining an effective council is choosing the right people.

Do not wait for the administration to appoint representatives if vacancies occur. Locate potential members for the CAC and approach your administration with a list of recommended candidates. Make the appointment process easier for your administration.

There are several advantages to this approach. The potential problem with members who are uninterested political appointees, concerned with enhancing their resumes, can be avoided. The CAC should function as a non-political entity, avoiding partisan politics. This is no easy task. The group’s overall success is based on its ability to research a subject and present the results to government officials. This involves communication, dialogue and negotiating. Finding interested, well-qualified and supportive candidates for the CAC is an important part of this process.

The CAC may request that prospective members attend several meetings prior to seeking appointment to the council. This will give the CAC time to assess how well the potential member will fit in. It also enables the applicant to understand the type of work and time commitment that is required of a CAC member.

A CAC may also inform the administration that a letter of recommendation may be written for prospective members who are considered suitable to be on the council. A letter and the applicant's interview or resume will aid in the appointment process.

It is important for the prospective member to realize that the CAC is an advisory body, and, as such, has no formal authority. The key to an effective CAC is establishing good working relationships with the approval authorities.

The appointment of other government agency members for whom a conflict of interest may arise should be avoided. A number of communities have agency personnel serving on the council, for example, the sanitation commissioner, or the water commissioner, or attorney. Each brings particular expertise which can be useful to the functioning of the CAC. However, the intent of Section 239-x&y was that the council be a citizen-based advisory body, a point which should be kept in mind with regard to CAC memberships. Local agency representatives can be "advisors: but should not be part of the local statutory membership count.

Group Size and Composition

The size of the CAC should be related to the ability of the CAC to do its job. New CACs may want fewer people for control purposes while thriving councils may need up to nine members to handle the workload.

Based on discussion with CAC representatives, most councils operating successfully in Westchester contain between seven and nine members. Once CACs are functioning at "full" capacity, the ability to operate with any less than seven people becomes increasingly difficult. Councils must not fall below three or climb above nine members at any given time, or risk non-compliance with State law.

Although striving for an ideal group size may be important, diversity among members is equally significant. A well-represented council will have a wide range of varying backgrounds and viewpoints. However, the individual members, regardless of their personal expertise, must be willing to cooperate and work as a unified body.

Many active councils have combined the services of retired professionals and unemployed on-professionals concerned with the natural environment. Retired or unemployed members make great community "watchdogs" and have time during the day to conduct site inspections. They will also be able to make daytime contact with other municipal officials, and County and State agencies to obtain information and seek advice. Through these non-working members, much of the information-gathering process and general logistics can be handled prior to the formal meetings. This can save councils valuable time in getting down to business and making recommendations based on adequate research.

Membership Qualifications

There is no minimum professional qualification for a CAC member. There are professions which would be useful for the CAC to draw upon. Rounding out a balanced council are a number of mid-career people. These can include ecologists, environmental scientists, planners, architects, engineers, biologists, botanists, chemists and lawyers. A conservation council with member expertise in one or more of these categories provides a strong nucleus for a successful organization.

Another important discussion between members is geographic diversity. It is important to have a good cross-section of membership covering the entire geographic area of the community. Generally speaking, individuals are more knowledgeable and aware of activities occurring in their own neighborhoods. Assembling a council with representatives from the various sectors of a municipality establishes a geographically knowledgeable group with respect to the environment. This also provides a simple and effective way of delegating referrals and site inspections for review.

Please understand that these are general guidelines and not required qualifications for membership. Eagerness and interest are of prime importance.

Although individualism and democracy are encouraged, members should never lose sight the need for group cohesiveness. The whole of the council must be greater than the sum of its parts. The council should function as a unified body and every presentation and statement made by a member should be in accordance with group positions. Any disagreements concerning policy should be handled behind closed doors and rectified before “going public.” Any sign of group conflict or contradiction weakens an already inherently powerless council and jeopardizes the credibility and future of the CAC. “Going Public” with opinions detrimental to the council should be addressed and discontinued. Work should proceed on the basis of consensus, not on bare majorities, which are divisive. A “sense of the meeting” agreement is desirable.

Above all, the most important factor to consider when choosing members is a willingness to work. There is much more involved in creating a successful council than attending a monthly meeting. Activities such as site inspections, special meetings, proposal review and research, conferences and speaking engagements require personal dedication for completion. All successful CACs have hard-working members who contribute much time and effort to the good of the group. Since budgets are limited, if existent at all, and most CACs have no staff support, CAC members must handle all the logistics and research for most of these activities by themselves. It is imperative that CACs recruit individuals who are willing to work and give their time to make the council a success. (See section on Common Problems.)

It is important to remember that the objectives of a CAC can take a long time to achieve, as many active councils will attest to. Thus, patience and perseverance are also needed when serving on a CAC.

Junior Members

The State enabling legislation allows for the appointment of two junior members between the ages of 16 and 21. These young members function in all aspects as regular members of the CAC. Young members can add fresh viewpoints and ideas to the group and keep the council in touch with the environmental future of the community. As a result, councils should consider encouraging interested young people to participate.

Associate Members

One technique to secure new membership is to create an associate membership category. Associate membership allows interested citizens to unofficially participate (as non-voting members) in all council business. Associate members attend meetings, become educated in environmental matters and CAC activities, and participate in the discussion and implementation of CAC proposals. An associate membership program can also provide councils with qualified individuals to replace departing members.

Since there is direct positive correlation between successful councils and length of service of council members, the longer members serve on councils, the more knowledgeable, interest and professional they become. Length of service increases their effectiveness as members, thus adding to the overall capability of the group. An associate membership program is a way to enhance this process and promote the longevity of membership. It is also a means of expanding the capability of the CAC to accomplish short-term or long-term goals. (See section on Common Problems.)

Removal of Members

The State enabling legislation includes a provision concerning the removal of members and states, “the local legislative body shall have authority to remove any member of said council so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as an original appointment.”

Chairperson Selection

The chairperson is appointed by the legislature in accordance with Section 239-x which states, “The presiding officer or chairman of the council shall be designated by the local legislative body from the members so appointed to the council.” The selection, therefore, must be among current council members, narrowing the range of candidates to those group members willing to fill the position. This also assures that the prospective chairperson has spent time on the council, and is familiar with the group and its role in the local government and community. (Obviously, for newly formed groups, this would not apply since members and the chairperson would be chosen for the first time.) As with membership selection, councils can recommend an individual to the legislature for the chairperson position.

When reviewing potential chairs, certain qualifications such as dedication, leadership ability and accessibility should be considered. Because CACs possess no inherent power, having an influential, persuasive leader is important. A longstanding, well-respected community resident who can

effectively fill the role of group leader and spokesman makes an attractive candidate. The chairperson must take the council's research, information and recommendations and diplomatically present them to the governing body on behalf of the group. Learning the art of politics is essential for survival. Creating an adversarial relationship with other government bodies and representatives can result in repeated rejection, causing group ineffectiveness and the ultimate demise of the council.

Besides functioning as group ambassador, chairs can also formulate internal continuity and harmony. The chairperson should organize the workload and delegate projects in accordance with specific interests, expertise and geographic familiarity. Members should be encouraged to attend other municipal meetings and, when possible, present proposals they have prepared. Encouraging group participation creates a positive atmosphere in which contributing members elicit a sense of individual accomplishment, an important aspect of membership maintenance. As a result, members will cease being spectators and begin participating, transforming the CAC into "their" group, not just a government agency. Involvement of all members in CAC activities will also facilitate the process of a change in leadership, if and when necessary.

Designating a Vice-Chair

There is little need for officers within the CAC structure, with perhaps the exception of the position of vice-chair. Councils which are small and not active in the environmental review process may not need a vice-chair position. However, chairs of active CACs may find it important to designate a vice-chair, particularly if the chairperson is away from the municipality frequently or for long periods of time. Emergency situations do occur and if a vice-chair has been designated, the council's work can continue without interruption.

The vice-chair position is a useful way of training a successor to the chair providing for a smooth transition when or if the position of chair becomes vacant.

Meetings

As a rule, councils usually meet one or twice a month on set dates (for example, on the first and third Tuesday of the month). The meetings are usually held in municipal buildings, at times and in rooms set up by the chairperson in accordance with other municipal activity. Meetings are used as a formal means of communicating council concerns, discussing current projects, new activities, and conducting administrative tasks. Since CAC members may be active in other community activities as well, it is important that a routine schedule be set for CAC business.

Allowing input from all members and interested citizens at meetings is important, but meetings should be conducted according to an agenda. Agendas should be set in advance by the chairperson based on current CAC activities, and are used as a guide for meeting structure, as well as for continuity of future subject matter which must be addressed. Constant switching of topics and redundant conversation can be a recurring problem at CAC meetings. In order to complete the agenda and assure that everyone arrives home before sunrise, it is important that the chairperson facilitate pertinent conversation and not allow members to stray from the topic.

Some councils have created standardized agenda forms which include certain basic categories such as: chair's reports, communications received, meetings, reports, land use reviews and administrative matters. Activities falling within these categories are discussed in order and completed before adjourning. Not only does this help in organizing activities, but also in establishing a comfortable pattern of conducting business in a timely fashion. A sample agenda is included in the Appendix.

As an official agency of local government, the CAC is subject to the provisions of the NYS Open Meeting Law, which provides that every meeting of a public body shall be open to the public except when an executive session is called to discuss certain subjects that are listed in the law. A meeting is defined as the "formal convening of a public body for the purpose of officially transacting public business." A public body is an entity for which a quorum is required in order to transact business, and which consists of two or more members performing a governmental function. Posting the agenda a week in advance on the municipal hall bulletin board is a good way to publicize the upcoming meeting.

By-Laws

Another helpful means of structuring and organizing CAC business is to establish a set of by-laws to govern the council. These are laws conceived to define the uniformity of group functions. Included could be rules and procedures covering meeting activities and protocol such as attendance. Some councils have expressed concern with apathetic and truant members who insist on serving through the duration of their terms.

By-laws can be drafted and approved through majority vote by CAC members. Legislative approval is not required. A council experiencing difficulties with organizational matters might consider adopting by-laws. A sample set of by-laws is included in the Appendix.

Minutes, Records & Files

A final note with respect to meetings concerns the maintenance of minutes and other council information and records. As official municipal government agencies, CAC are expected to take and maintain minutes at their formal meetings in compliance with Section 239-x, which states that CACs "shall keep accurate records of its meetings and actions..." If possible, councils should have secretarial support to take and transcribe meeting minutes for the record, and prepare reports. Many CACs are able to have secretarial support with other municipal agencies. Councils can keep the minutes themselves, utilizing members on a rotating basis.

Either way, minutes should be reviewed and approved at every meeting and stored or filed in the municipal building. (Appropriate storage locations might be in the clerk's office or municipal manager's office, or in the planning department or planning board office. **CAC chairs should not store records in their homes except as a short-term solution to temporary lack of space at a municipal building.**

Funding for CACs

Developing a Budget

Operating budgets can serve many functions for CACs and should be constructed with great detail. Obviously, a well-prepared budget is the basis of fiscal support for the council. Budgets can also be a very effective policy tool outlining CAC goals and objectives and structuring activities. In order to assure that their budgets are considered, CACs must operate within the annual municipal budget cycle in their community. Municipal department heads usually submit their budgets by the middle of September, sometimes earlier, allowing a month for deliberation and alteration before the budget is adopted. CACs preparing a budget must be sympathetic to this schedule and be punctual in their application. Make sure to find out the exact date for the budget submittal and its adoption within your community.

The first step in drafting a budget is to obtain the necessary forms from the local budget officer. The budget officer is usually the clerk or the municipal administrator. Make sure to obtain these forms within plenty of time of the prescribed deadlines. Once the forms are in hand, develop a proposed preliminary operating budget outline for the year. This should include every possible program, project or activity, current or pending, and the estimated cost of each. When drafting this outline, councils should formulate an overall mission for the group and establish program goals and objectives with respect to the State enabling legislation, and current and future needs within the community. The types of activities which might be undertaken and which would require budget funds include, but are not limited to, the following:

1. preparation, printing and distribution of newsletters, reports and other publications;
2. audio-visual programs requiring purchase of films, raw film and equipment;
3. creation of a basic environmental library for use by the council and the public, including periodical subscriptions;
4. public conferences sponsored by the council;
5. preparation of maps, aerial photographs and other materials and services relating to the conduct of a natural resource inventory and open space inventory;
6. preparation of legal studies, such as an evaluation of local laws or development of new local laws;
7. review of environmental impact studies and SEQR review;
8. preparation of various research studies, surveys or plans;
9. development of in-service training for council members.

In addition, most councils require a certain amount of routine expense in order to function. At a minimum, monies for stationary, postage, books or periodical and travel expenses will be necessary for the council to begin functioning. Later as the council becomes more active, funds for the purchase of equipment and supplies, dues for membership in statewide or national organizations, and expenses for travel to workshops, conferences and meetings may be needed.

Funds for secretarial help, whether part-time or full-time, should be considered, as well as consultant fees, if needed, for technical project work.

Once this complete inventory of possible activities is listed, councils must set priorities and narrow the possibilities down to a feasible range. Setting priorities will help the council to study its overall mission for the year as certain projects may be considered more valuable than others.

Keep in mind that obtaining a budget for your CAC is not an easy task, nor is achieving an increase in the budget. The CAC must be able to explain the significance of a budget item and defend any budget request by being convincing and persuasive in its arguments. The benefits to the community and the CAC's functioning must be demonstrated to the budget officer and legislature.

Councils may also explore the availability of private, state and federal funding to support proposed programs or projects.

Functioning with Little or No Budget

If the CAC is not successful in obtaining a budget, there are other avenues to consider to support council projects which require little or no monies. College students make great human resources for CACs to consider.

Working with college students (i.e., senior or graduate students in the fields of environmental studies, biology, geology, hydrology and outdoor recreation) can be mutually beneficial. The CAC is obtaining expert help in areas of concern for relatively no cost while students can gain practical experience and fulfill their academic requirements. Activities in which students might participate include natural resource inventories, water analyses, land use plans, and public relations and promotions. Many successful programs have resulted from these efforts. Remember that students are usually operating under time constraints (projects should be designed around the normal 12-15 week semester schedule) so projects should be well-organized and include specific guidelines for completion.

Volunteer organizations within the community may be of assistance in conducting a project. The CAC might contact civic or service organizations or property owners' associations for their interest in conducting a cooperative project effort. The advantage may be shared expense as well as expertise. Donations from business and industry might also be a mechanism for obtaining a small amount of project start-up money. Demonstrating to the legislative body that the CAC can do a project with its own limited resources is a way to obtain budget support for future work.

Remember, the success of the council is annually evaluated during the budget cycle. The significance of a well thought through and prepared budget, no matter how monetarily insignificant, cannot be overemphasized.

IV. FUNCTIONS AND RESPONSIBILITIES

The "official" duties and responsibilities of Conservation Advisory Councils are given in the state enabling legislation, Section 239-x. These include the following:

Conduct land use research, coordinate and cooperate with other official municipal bodies active in the area of community planning; advertise, prepare, print and distribute necessary books, maps, charts

and other plans; prepare and keep open space inventories and maps; maintain and file accurate records of meetings and actions; and prepare an annual report of activities.

There are also specific functions for conservation boards included under Section 239-y, the principal responsibility being to “review each application received by the local legislative body or by the building department, zoning board, planning board, or other administrative body, which seeks approval for the use or development of an open area listed in the open space index.” (To obtain board status, a CAC must prepare an open space inventory and map which are accepted by the governing body as the open space index of the municipality.)

Both CACs and CBs may request assistance from the NYS Department of Environmental Conservation in obtaining resources, counseling and information needed to perform its objectives. (See Section 239-x&y.)

Advising and Reviewing

The State enabling legislation outlines the types of activities and responsibilities of CACs; however, it does not explain how a council goes about completing these tasks and performing these duties in an effective manner. The general outline of duties given to councils through Section 239-x is “to advise in the development, management and protection of natural resources.” The key word is advise. Although we speak of official powers and duties, councils are an advisory unit of municipal government possessing no formal authority. Their role is to produce pertinent environmental information concerning local government activities and provide this data to the governing body to aid them in the decision-making process. The only power the council has in this regard is its ability to influence the legislators. The most effective councils are those which can successfully persuade the governing body in favor of the council’s recommendations.

Six Elements of Success

Although some legislative decisions may be predetermined based on factors independent of the environment, there are certain techniques and actions councils can consider when building the credibility needed to be effective. Essentially, there are six elements of success:

organization
hard work
common sense
diplomacy
education/information/communication
timeliness: awareness of other boards’ deadlines

Organization and Hard Work

Organization and hard work can be discussed together since they usually go hand-in-hand. Probably the most important step councils can take in this regard is to begin or continue to attend planning, zoning and legislative meetings, since there is no quicker or more efficient method to foster communication and establish and maintain contacts. Many councils have developed liaisons with

various boards, particularly the planning board, in order to report on each other's activities. This can help establish formal lines of communication and lessen the tensions often associated with related agencies.

Assigning liaisons to other boards or community associations can be very beneficial. It is important to maintain open communication with other groups.

Ask the various boards to place the CAC on the distribution list for meeting agendas. Not all subjects related to the duties of the legislative body may be relevant to the CAC's work. Having the agenda in advance allows members to be selective in attendance at other meetings. Also, distribute the CAC's meeting schedule to other boards.

Attending these meetings will also help CACs to better understand the role and functions of these various boards as well as aid in obtaining the information and referrals needed to operate. Council members should rotate attendance at various board meetings in order to gain a broad perspective of issues. Members can attend legislative meetings to support local laws deemed advantageous to the environment of the community. Once enacted, councils should take an active role in the implementation of these laws to make them work.

Once the desired contacts and information are secured, organizing these resources for successful review is the next step. The caliber of the research and recommendations made by the CAC will be the single most important factor in determining CAC credibility, and ultimate position within the hierarchy of municipal agencies. The most effective means of achieving these objectives is through old-fashioned hard work. Councils should thoroughly research projects in order to be knowledgeable and well-prepared for any discussion.

Common Sense and Diplomacy

Common sense and diplomacy are also needed in promoting CAC objectives. Councils must not be so determined to achieve a particular goal that they push too hard to win the battle but eventually lose the war. The credibility and professionalism of the council is continually in jeopardy and caution is often the better part of valor. Try to be diplomatic, and compromise as much as possible without undermining your effort; also avoid adversarial situations whenever possible. Remember too that in order to be effective, the council should maintain good relationships with other boards and councils.

Councils must also be astute enough to seize the opportunity and take advantage of situations which could enhance their position. Many municipalities in northern and southern Westchester are engaged in additional land use, zoning and planning considerations due to the increase in development. The environment will be a major variable studied in a number of large development and long-range zoning and community planning proposals. This can provide an opportunity for CACs to make an important contribution to environmental issues within the community. If done correctly, a council can emerge as a valuable source of environmental knowledge and, as such, the CAC may become an integral part of the land use planning program of the community.

New councils attempting to build credibility may find a small project to undertake which is both important and visible, and one which immediately demonstrates the CAC's ability. Once your "foot

is in the door,” maintain the credibility and positive relationships by utilizing the “six elements of success.”

Education/Information/Communication

CACs should become the experts on any given environmental issue and inform and educate the local government and interested citizens as to the pros and cons of the various alternatives. Be as factual, fair, objective and well-prepared as possible when reviewing and discussing proposals. Show, through careful consideration of the facts, that your recommendation is the best for the environment and the community.

Find opportunities to provide education or information to your public officials and the community at large on a particular issue, topic or on the CAC and its role. Try to conduct CAC business in a professional manner and, most of all, guard against irrationality, special interest lobbying and grandstanding at public hearings. Become a professional “advocate” of the legislators and other agency members, not an environmental obstructionist.

Timelines and Awareness of Deadlines

It is important for CACs to be aware of the deadlines for submission of comments on projects, such as within the State Environmental Quality Review (SEQR) process, or simply to other local boards. IN particular, it is important to know the deadlines for the Planning and Zoning Boards, as well as the legislative body of the municipality, in order to offer advice or comments relevant to specific issues or projects. Keep in touch with the local newspaper and become aware of the deadlines for submitting articles or letters, as well as any municipally published newsletters which go to all local residents. Credibility of the CAC hinges on its attitude of professionalism, not the least of which is manifested by its awareness of “how things work” within the community.

Other Techniques

There are other techniques available for councils to utilize in establishing and maintaining their advisory role in local government. CACs provide an opportunity for effective training for future assignments to other boards. Councils can recommend CAC members as members of the planning board or other municipal agencies. If the CAC is a part of the governmental process, CAC members are logical choices to sit on other boards. They are familiar with local government structure and agency roles, operations and membership, as well as the officials and the community. Having environmentally sensitive and knowledgeable individuals on other municipal boards can promote the objectives of the CAC.

V. BASIC TOOLS OF CONSERVATION ADVISORY COUNCILS AND BOARDS

The Natural Resource Inventory

The natural resource inventory (NRI) is implicitly required by State enabling legislation for Conservation Advisory Councils (Section 239x General Municipal Law). An NRI is one of the most important and basic tools of a CAC. As a database, local NRIs have two purposes: 1) to serve as

local planning and project review tools, and 2) to be used as building blocks for comprehensive and long-range planning for the community.

The inventory process provides an awareness and understanding of the interrelationships among environmental processes. The data provided through the NRI is used to predict impacts of development on natural resources. The users of a natural resource inventory will be as varied as the committees which complete them. The inventory is an important tool of the CAC since it enables a council to provide advice and recommendations which are based on sound data, rather than conjecture.

If community planning and zoning are to consider natural resources, the natural resource inventory should be developed and presented to the local governing body for adoption as an official community guide. Community plans and zoning ordinances which are resource-based will insure that review of development proposals takes into account impact on sensitive or unique areas, or areas of severe limitations for development.

The NRI can also be used to evaluate if and why an environmental impact statement (EIS) should be prepared on a proposed development and help in scoping the subjects to be addressed in the EIS as well as in assessing the need for mitigation of potential impacts.

Presentation of inventory information at public meetings, or organizations, and in schools can help develop community understanding of an area's natural systems, and engender greater respect and appreciation for the land and the community's dependence on it. Therefore, the public relations value of a natural resource inventory is an important tool for the CAC. Reports of progress and finding will make the community aware of the CAC and alter the citizens to the availability of the NRI as a tool for better planning.

Elements of the Inventory

Preparation of a natural resource inventory involves collecting, field checking and mapping locally relevant data such as : topography, geology, soils, surface and groundwater, land use, vegetation, wetland and wildlife. Charts and maps developed in the natural resource inventory must be based on reliable and accepted sources of information: soil surveys of the Natural Resources Soil Conservation Service; groundwater reports from the U.S. Geological Survey and aerial photographs. All the factors should be considered equally in order to produce an objective and well-rounded assessment of the area's resources. Greater detail and other categories for example, historic and archaeological sites and scenic areas, may be added as information becomes available, if it is relevant to the specific locality.

The NYS Department of Environmental Conservation's publication, *Natural Resource Inventory: A Guide to the Process*, describes the basic inventory process, basic approaches for assembling and utilizing the data, as well as sources of information. Although currently out of print, a copy of this publication is on file in the Westchester County Environmental Management Council office.

An NRI should not be a static, finite document. As new and revised data become available, the inventory should be updated and refined to insure its accuracy. Remember that the NRI must be

comprehensive enough to serve as a planning tool and, furthermore, must be sufficiently reliable for the defense of decisions based on it.

Application of the NRI will be determined by the community. The degree and types of development, political court, present problems and environmental consciousness of the municipality will in part determine how the inventory is applied as well as, to a certain extent, what factors are identified and evaluated?

Open Space Inventory

The State enabling legislation also directs CACs to “keep an inventory and map of all open areas within the municipality...” The terms “open space” and “open areas” are often considered interchangeable; however, Section 239-y of the General Municipal Law defines “open area” as:

“Any area characterized by natural beauty or whose existing openness, natural Condition or present state of use, if preserved, would enhance the present or Potential value of abutting or surrounding development or would offer Substantial conformance with the planning objectives of the municipality or Would maintain or enhance the conservation of natural or scenic resources.”²

But if the environmental conservation law is examined, the definition of “open area” conveys a more precise meaning of undeveloped or comparatively undeveloped land.

While the definition stresses natural or undeveloped aspects, it should be remembered that “openness” and “beauty” are also important. The open space in the urban environmental can be a small reserve for benches and landscaping which provides a rest for the eye and a place to relax or recreate. Although these areas are not “natural” in the traditional concept of open space, they do fulfill the open space function of providing physical and psychological relief from the concentrated aspects of the densely settled urbanized areas.

The identification of open space areas to be surveyed should be carefully defined since this information can control the eventual scope of the open area program. The following are examples of categories that may be surveyed:

- Recreational areas, from tot-lots and blacktop basketball courts to regional parks.
- Features that shape development, including topography too steep for construction, floodplains, wetlands and shorelines.
- Areas used for education in the natural sciences, such as conservation education areas and wetland study areas.
- Natural resources, including agricultural land, watersheds and unique scenic, physical and biological areas.
- Cultural resources, such as historical sites and structures.

² NYS Department of Environmental conservation, *Natural Resource Inventory. A Guide to the Process*, July 1975. Albany, NY

Many of these features may have multiple uses and can be classified under several categories. While this may pose a problem in designing an orderly typology, it can become a decided benefit when developing justifications for open space acquisitions. Multiple-purpose areas will often be much easier to justify in an acquisition program than single-value areas.³

Annual Report

Section 239-x of the General Municipal Law requires the filing of an annual report with the local legislative body of the municipality on or before December 31 of each year. The filing of the report as close after the end of the year as practicable may be more realistic given holidays and other year-end obligations. The annual report should be addressed to the local government, not New York State or the County. The language for CACs is mandatory but in the strict interpretation of Section 239-y, pertaining to Boards, the language by reference to Section 239-x functions and responsibility is permissive.

Preparation of an annual report need not be an onerous task. Of accurate minutes of CAC meetings have been maintained during the year, the basis of the report already exists. However, the report should not be simply a collection of minutes, but rather a summation of the accomplishments of the year as described by the projects or reviews which the CAC conducted. It can also point out subject area of concern which have been identified during the year, as well as objectives or goals for the next year. It need not be long, fancy in form, or glossy in its visual appearance.

The annual report can be an important opportunity to communicate to public officials not only accomplishments but stumbling blocks to your successful functioning and “recommendations.” The report can also be a communication vehicle to the community at-large by informing the residents about the CAC, its functions, responsibilities and activities. It can thus serve as a publicity tool in attracting new members, gaining support for projects and programs, and building and maintaining credibility.

The annual report is written for the legislative body but should also be sent to the Commissioner of the State DEC, as well as the County Environmental Management Council.

VI. OTHER TOOLS AND ACTIVITIES OF THE CAC

SEQR and the Environmental Review Process

The NYS Environmental Quality Review Act (SEQR) is a review process that introduces the consideration of environmental factors into the early planning stages of actions that are directly undertaken, funded or approved by local, regional and state agencies. First implemented in 1978, and most recently updated in 1995, this legislation is intended to ensure that environmental factors be given the same consideration as social and economic factors in the decision making process, and provides a means of formal coordination between governmental agencies, as well as the private sector.

³ The publication “Local Open Space Planning: A Guide to the Process,” published by NYSDEC is a valuable resource which may be obtained from the DEC Office of Natural Resources, 50 Wolf Road, Albany, NY 12233.

The statewide implementing rules and regulations for SEQR are found in Part 617 of the Official Codes, Rules and Regulations of New York State. The NYS Department of Environmental Conservation, Division of Environmental Permits, monitors the implementation of the state law.

The SEQR process involves specialized requirements including a number of steps and timelines which must be followed in order to insure full compliance with the law. Local governments have either adopted the State regulations or their own SEQR law. Because it is an advisory body only, the CAC cannot take the lead in the local implementation of SEQR. However, since the CAC may be involved in the review of environmental impact statements, environmental assessment forms and local SEQR regulations, it is useful to be familiar with the SEQR process and requirements.

The SEQR process is fully described in *The SEQR Handbook*, published by the NYS Department of Environmental Conservation in 1992 and distributed to all local governments. This document should be consulted for specific procedures and the timelines involved with full SEQR compliance. The Westchester County Environmental Management Council published an *EIS Primer* (1989) which describes the SEQR process and how to review impact statements. Assistance in understanding SEQR can be obtained from the DEC or any County EMC office (see Appendix for references).

Environmental Reviews

Reviewing development proposals and other matters referred to the CAC by the planning board and legislative body are important ongoing activities of a CAC. Once a local database or NRI and OSI have been completed, the CAC is in a better position to demonstrate its ability to advise on various project proposals before other local boards. Achieving a cooperative relationship with other agencies such as the planning board is a key element in the CAC's ability to participate in their review process. Establishing a formal and automatic referral process is not easy and, in communities with a great deal of development potential, the referral process can quickly overtax the council's ability to respond in a timely manner. Nevertheless, participation in the land use planning process of the community by providing recommendations on environmental conditions and impacts should be part of the CAC's work program.

Becoming proficient in the review process can be learned with assistance from local experts and with practice or experience. The County EMC can be called on to assist in reading maps, interpreting site plans, recognizing impacts through on-site inspections, and in obtaining data and information on permits and regulations.

Many of the activities of the CAC will include field work. Field inspections are critical to the work of the CAC and are important to determine actual environmental impacts of a development, or to verify actual environmental conditions of a site or area.

There are some do's and don'ts to conducting field inspections. Among the don'ts are:

- don't trespass on private property (get the landowner's permission; and
- don't climb on rocks, cliffs or trees, or into streams or marshes.

The do's include:

- wear proper clothing, shoes and boots;

- notify the police and carry identification; and
- take pictures of significant features, if possible.

Most of the more active CACs, those which participate in the land use review process, meet twice a month reserving one meeting for the site inspections project proposals and/or general inventory-type field work.

Special Projects

A number of other projects and activities can be undertaken by the CAC given time, energy and interest. The type of project will vary from community to community, based on local need. The local legislative body may also assign special tasks or projects to the CAC which can be an opportunity to enhance the CAC's value and credibility within the community.

CACs have been instrumental in the preparation of wetland ordinances and local SEQR ordinances within their community or in drafting major revisions to outdated versions of these laws. Some CACs have developed tree preservation ordinances applying both to municipal street trees and those on private property.

CACs in coastal communities have been involved in the development of local waterfront revitalization programs underway in their communities in conjunction with the NYS Department of State's coastal management program. Recycling programs have benefited from the involvement of many local CACs active in program development and implementation. Councils with a large number of lakes, ponds, streams and rivers in their communities have been active in water quality monitoring of these resources.

Education

One of the first tasks of the council should be the education of its members. This may be obvious for newly formed councils, but is also important for existing councils to keep in mind, since there are always periods where vacancies occur and new members are added. Assessing the group's need for education and training is the first step and will depend on whether the members have local government experience, knowledge or expertise in environmental management, or related professions.

Field trips, tours and workshop meetings can be arranged periodically as part of a member training program. New members may not be familiar with the terms, contacts and procedures which are followed in the course of the CAC's work. Having a list of common acronyms, key municipal and other government resource persons, as well as an outline of CAC procedures used in reviewing environmental matters can be part of the member's orientation package.

Once the council is confident of its own abilities, there are many opportunities for the CAC to use its knowledge to educate other members of the local government, civic groups and the community at large.

Councils may also become involved in the public school system in their community to help educate children in environmental concerns. Giving lectures, coordinating workshops and establishing programs in the schools can yield a number of positive results. It will allow CACs to meet the young adults of the community and introduce them to the CAC's objectives. School outreach programs can help to promote environmental issues and inform future generations of the concerns for environmental protection and how they can be part of the process in their community. School children also present vast untapped resources of potential help in CACs. They can aid councils in numerous areas, from exploring and indexing natural resources and open spaces, to simply conducting tests of drinking water quality in local reservoirs. Teachers are usually very responsive to CAC requests, always looking for new subject matter. Schools are just one area where the CAC can make a contribution to the community while obtaining needed assistance. Adult groups, neighborhood associations, clubs and service organizations are other areas where the CAC can provide a useful role in educating the community.

Information Source

Among its various other roles, CAC should act as information sources on the environment. According to Section 239-x, a council "may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work." Councils can educate citizens about their natural surroundings and environmental habitat by producing materials for use by the public.

Councils might consider submitting articles to their local newspaper on various topics of interest of concern. The article could be in the form of a monthly column in which local environmental issues are discussed, and basic information and instructional pieces included. Seasonal topics such as how to effectively dispose of fallen leaves through composting, or how to identify poison ivy in the spring, are examples. The local municipal government newsletter provides another opportunity to disseminate information at no cost to the CAC budget. Both newspapers and governments are usually receptive to these ideas, and councils should utilize them whenever possible.

Seminars, classes and other kinds of program presentations provide other means by which CACs can educate the community. Once the seminars are organized and documented, they can be presented frequently with a minimal amount of effort.

Publicizing and Promoting

In order to gain recognition, councils can perform a certain amount of publicity and promotion. This may become an extremely valuable tool in creating a positive profile, and defining the role and authority of the council to the community. There are a number of ways councils can obtain positive publicity. The first and most obvious means is through the local press. The press can assist the CAC in making the community aware of the council and its activities, and to continually reinforce the idea of the CAC and its role and function. It is important, however, to insure that your public officials are aware of and understand the CAC's contact with the press. Since there may be a local policy or guidelines with regard to contact with the media, it is advisable to discuss press contact before it takes place. It is also important that the CAC observe prudent operating techniques when promoting and publicizing its objectives.

When addressing the press, CAC members are reminded that they are speaking as representatives of the CAC, not individuals. They should project a unified voice consisting of CAC policy toward the specific subject. Ad-hoc comments by a council member printed in the newspaper will be identified as the CAC's position, and may be detrimental.

Don't get caught in the middle of someone else's dispute by taking one side or another unless it is the CAC's position and, remember, keep it factual not personal. Don't use the press as a springboard to expose certain issues in opposition to the governing body or other agencies. As an advisory group, pressing municipal agencies, particularly the governing body, to act through media exposure, may result in the loss of credibility and recognition. In fact, councils would be well advised to include the governing body and other agencies in any CAC coverage whenever the situation merits.

Good press coverage can also serve to inform interested citizens that there is a government agency which can be contacted concerning environmental questions or problems. This not only raises the awareness level of the community, but keeps the council in touch with community concerns, increasing their knowledge.

One final word of caution with regard to the press. The press is an extremely influential and powerful media form. They can be instrumental in either advancing or damaging the credibility and objectives of the CAC. Councils are advised to work with, not against, the press in order to secure favorable results.

WARNING TO CACs: "Don't bit off more than you can chew." You don't have to do all these things mentioned all at once. Leave some issues for next year!

Remember Your Charge!

It's important for CACs and CBs to remember that they are official agencies of local government and, as such, CACS and CBs have basic responsibilities to their municipalities. **Information, education and community awareness are important but should not be the CAC's only objective. The expertise which a council or board has should be put to good use in developing advisory recommendations, reviewing land development proposals, and developing databases for use by other municipal agencies.**

VII. COMMON PROBLEMS

Building Credibility

Establishing credibility is probably the single most important variable in the success of Conservation Advisory Councils. Throughout this document, there has been an abundance of discussion concerning the importance of councils acting in a credible and professional manner. With the risk of sounding redundant, the time devoted to this topic cannot be overemphasized. As advisory groups, councils need the respect and support of the governing body and community if they are to be an integral part of the decision-making process.

There are many steps a CAC can take to build credibility. These steps include: undertaking a project which can be completed successfully, is needed by the community, or is valuable to your municipal officials. (See sections on Basic Tools and Other Activities.)

Being Part of the Communication Network

As previously mentioned, an efficient method of fostering effective relations is through attendance at other municipal meetings. CAC members will observe other municipal boards in action, and gain a better understanding of their functions, responsibilities and activities. Through the process of networking, council members can develop a rapport with other public officials based on the knowledge of each other's role within the community. Attending other municipal meetings demonstrates an interest and willingness to become part of the overall municipal function rather than being a separate group which functions outside the municipal structure.

Since receiving needed information and proposals from other municipal agencies is frequently cited as a major problem and cause for inefficiency, attending these meetings provides the opportunity to obtain pertinent information on project reviews.

It is extremely important that CACs fully understand their role as an advisory body to the local legislature and attempt to operate within the same system as other municipal agencies. CACs should not view themselves as an environmental special interest group lobbying for a cause, **but rather as an integral part of the local government responsible for environmental issues.**

Recruitment and Membership Maintenance

In order to perform effectively within the community, CAC members need to be dedicated, hard-working volunteers. This, however, often is not the case. Since the inception of Conservation Advisory Councils in the 1960s, obtaining and maintaining membership has been a principal impediment to progress. Many CACs complain of the difficulties in finding and convincing qualified individuals to fill positions on the council. Unfortunately, there is no simple method or pool of candidates from which CACs may choose.

Like everything else, hard work, promotion and an impressive reputation are the best tools for the job. There are, however, certain valid means by which councils can systematically perform the task of recruitment. Once again, attend other municipal meetings. There is no better way to meet citizens interested in community affairs who might be potential CAC candidates. The networking, contacts and word-of-mouth information available at these meetings also is indispensable. Similarly, CAC members can attend and participate in environmental-related organizations and meetings to find and network with others with similar interests.

Not only is this an educational opportunity to learn of current environmental issues within the area, but it may also prove fruitful in locating and contacting potential members. By simply being available and talking to people, names and contacts may emerge which prove useful in the recruitment process.

Councils may also develop educational/informational programs to inform potential members about the council and its activities. Chairs and members can volunteer for public speaking engagements and presentations at conservation conferences, local environmental functions and school-related affairs. Publishing a weekly newspaper article on CAC concerns and “advertising” in the municipal newsletter are also effective methods of education and recruitment. The more people know about the council, its projects and past accomplishments, the better chance the CAC has in recruiting interested individuals for the positions. When potential members are located, councils can persuade them to join by emphasizing their potential value to the council in accomplishing programs and tasks, and persuading them that they can make a difference in the quality of the environment for themselves and future generations.

By staying active, visible and accessible, councils can identify potential candidates who may become interested members, thereby promoting the successful future of the CAC.

Apathy & Burnout

Once the council is complete with capable, willing members, the task at hand is to delegate the workload to guard against apathy. Councils have complained in the past of members losing interest and responsiveness, stagnating the progress of the group. Signs of apathy and burnout are lack of interest, anger, poor attendance and loss of creativity. If apathetic members began as energetic citizens, the chairperson and council need to re-evaluate their operation. If the major responsibility of a member is to attend and participate in monthly CAC meetings at municipal hall, chances are some will eventually lose interest. Although these meetings are important, councils must provide tangible programs to take advantage of the interests and expertise of the membership. Group participation and equality should be emphasized.

Neither the chairperson nor any one member should dominate the council and control its functions. There should be equal representation throughout, with each member possessing the authority and ability to carry out council policy. Work should be interesting and membership participation actively encouraged. Strive to create visible products and accomplishments for the CAC and its members. Allow members, if they wish, to take part in the more enjoyable aspects of council activity, such as walking sites or giving presentations at public hearings, municipal meetings and schools. Giving members a function and purpose is important to maintaining interest. Members should also have the ability to undertake certain projects of interest to them and advantageous to the council and the community. By allowing members to explore independent pursuits while encouraging group effort through a team approach, CACs will instill a sense of worth and accomplishment, protecting against inefficiency due to indifference.

Frustration and burnout can also be a result of being too successful. CACs in communities experiencing development pressures may find that members are burdened with too many reviews and site visits to complete in too short a time.

Changing Tactics

If the members experience frustration and burnout as a result of being overworked, try a change in tactics. Set priorities for projects. A priority can be based on the importance of a project or its value

to the community; the priority might be based on the amount of time required to complete the project, or the availability of expertise to do a good job. Councils should not allow themselves to become overloaded. The work that is performed must be performed well in order to maintain CAC credibility. Don't get bogged down with small projects and unrelated issues.

Reassignments might be considered as a means of broadening expertise and interests and increasing variety in member activity. Find a fun, positive, short-term project for the member or group which has immediate results. Examples might be to sponsor a school contest, hold a cleanup day at a local park, adopt a stream, or begin a beautification project. Expand the groups' interests and contacts by working jointly with a community or civic group.

Bringing in new members is another way of overcoming burnout as a result of being too successful. (Remember, however, there are limits to the number of official voting members of the CAC in the state enabling legislation.) Add associate or emeritus members in order to increase the CAC's ability to accomplish its tasks. Do a project jointly with a community or other outside group which is supportive of the objectives of the CAC as well as the municipality. Remember, negativism and non-productivity can be catching and thus need to be addressed as soon as the signs occur. It's much easier to deal with one negative person than a whole group.

Lack of Money

The most frequently cited fundamental problem of Conservation Advisory Councils involves the lack of a budget or inadequate budgets. As an advisory group, CACs have traditionally operated without budgets and those fortunate to have an annual allocation have usually fought vigorously for it. The following are some points to consider when securing needed funds and accomplishing council goals and objectives without the aid of large budgets.

1. *Start Small, Think Big*

CACs should have an overall mission for their council that can be accomplished within a specified time frame. This will help keep the purpose of the group in proper perspective. Don't risk the council's credibility by initially pushing for large budget allocations for major projects. Learn the system and the CAC's role before pursuing more grandiose ambitions.

2. *Choose a Highly Visible Project*

These projects should require limited funds and allow the council to make a successful initial impact in their municipality.

3. *Utilize Volunteers and Students to Their Full Capacity*

Locate and solicit willing volunteers and interested students of all ages to help the council undertake and complete important projects at a nominal cost.

4. *Solicit Funds Through Private Grants*

There is a provision in Section 239-x which states that "When authorized by resolution of the local legislative body, a council may accept by gift, grant, bequest, or otherwise, money or other personal property in the name of the municipality, for use in furtherance of the provisions of this act." CACs can take advantage of this provision by targeting private companies or businesses

who may benefit from a proposed project. It may be advantageous for a company to aid the council financially to secure a more detailed study. By educating such companies, CACs may obtain private grants on a broader scale to help them functioning their general capacity. This practice is usually considered good public relations by private firms who are always interested in promoting positive community relations.

5. *State Matching Funds*

Formerly, councils could apply for a reimbursement of expenditures through the NYS Department of Environmental Conservation's Local Environmental Assistance Program (LEAP). This program was discontinued in 1994, but may be reinstated in the future.

Adversarial Advocates

This phase, probably considered a euphemism for obstructionist by many developers and government officials, is meant to signify the council's apparent role and subsequent dilemma in functioning as the "devil's advocate." CACs have traditionally been viewed as anti-development, special interest groups concerned with protecting the environment at all costs. Councils can guard against this stereotype by striving to become an important part of the local government process within their community. By working with, not against, the governing body within the framework of the legislative system, CACs should be able to gain influence and operate effectively.

Government officials and CAC members can disprove this generalization by working hard at building a worthwhile and successful conservation council. Those CACs which are successful have either had the backing and support of their elected officials from the beginning, or at least following the first successful accomplishment. While positive actions of the CAC can achieve this support, the governing body can facilitate the success of the CAC as an agency of local government through its positive support.

You're Not Alone

Remember, other councils have had the same or similar problems. How they have overcome a particular problem may be useful to you depending on the circumstances. Maintaining contact with your counterparts in neighboring communities both as a learning process and a sharing of issues, concerns and resources may be enlightening as well as rewarding. Attend EMC meetings such as the four Quarterly meetings, Executive Committee meetings held on a monthly basis, Roundtables, and other special meetings sponsored by the EMC.

The Annual Conference on the Environment, sponsored by the State-level EMC (NYSAEMC) and CAC (NYSACC) is an excellent forum at which to learn and network with CACs from all over new York State. Also, the EMC-sponsored regional roundtables which are held on an as-needed basis, are an excellent way to meet and learn from neighboring CACs.

VIII. CHAIR'S DILEMMA – WHEN TO STEP DOWN

There is no magic number of years when a chairperson should or must step down. This is an individual choice which is properly based on many considerations related to what is in the best interest both of the CAC and the chairperson.

If the decision is yours, providing for a smooth transition of leadership is an important element to keep in mind. Find and train your successor. Leadership, even on a temporary basis, during a transition period will insure that the CAC continues as a functioning group when the chairperson steps down. Planning for an orderly transition is another reason for the CAC to have a vice-chair position. However, if there is no one to train as a successor, share jobs and responsibilities among the members to help insure that activities will continue when you are no longer there to guide them.

If the CAC does not have municipal office space, unburden your home filing cabinet. Your successor needs your help and your files. Too often, CAC chairs resign without leaving important information and files for the CAC's use. Much of what is sent to the CAC from other government levels and environmental organizations is not replaceable, except at additional time and expense to the CAC and to the issuing agency.

Contact those agencies which routinely send information to the CAC through the chairperson to give them the name and address of your successor or a contact person. (Use the municipal hall address in case your successor is temporary.) This will save you time in forwarding information that can be used by your council members. Do not wait for your community to notify agencies, or for those agencies to update their mailing lists. Your council will miss out on much useful information.

APPENDIX

RELATIONSHIPS WITH OTHER AGENCIES AT THE LOCAL LEVEL

The Planning Board

Among the various boards and commissions with which CACs interact, none is more important than the planning board.

Like conservation councils, planning boards are authorized and empowered by State enabling legislation to act in an advisory capacity to the local legislature, and other agencies and boards on matters affecting community development. However, unlike CACs, planning boards have distinctive legislative authority. The planning board is authorized to prepare a comprehensive plan or master plan for the community; adopt land subdivision regulations and review and approve subdivision plats and site development plans; report to the legislative body on all matters that may be referred to it, including amendments to the zoning ordinance, the adoption of the official map; and capital improvement programs.

CACs and planning boards can work together on a number of these functions. Councils can help planning boards in the preparation of master plans by providing natural resources information and identifying critical or sensitive environmental areas. By completing open space inventories (OSI), open space maps (OSM), and natural resource inventories (NRI), councils provide planning boards with indispensable tools to use in the evaluation of land use proposals. It is in this capacity that councils can offer essential advice, complementing planning boards in their land development review process. All land use proposals received by the planning board should be referred to the CAC for review and recommendation. Councils should study subdivision and site plan proposals carefully, utilizing the OSI, OSM and NRI to make recommendations based on sound environmental planning, natural resource management, and community objectives.

Planning boards can also request the assistance of CACs when examining draft environmental impact statements (DEIS) required under SEQR. Because of their environmental expertise, CACs are called on to evaluate the environmental data and information contained in the DEIS to determine, based on their information, research and knowledge, if the environmental results of the development accurately reflect the assumptions presented in the DEIS. CACs can help planning boards to better understand the environmental consequences involved in a given proposal, and can recommend mitigations to be taken by the applicant.

CACs and planning boards need to discover what methods of operation are best for each of them. As long as CACs and PBs are communicating, exchanging information and ideas, and are cognizant of each other's role, authority and problems, they will have a strong basis for a successful working relationship.

The Governing Body

As with local planning boards, it is important to understand how the governing body of the community and the CAC can interrelate. The legislative body has certain powers which relate to the community's overall planning objectives. These include the following:

- Adoption or amendment of the zoning ordinance, including the rezoning of land from one district to another.
- Granting of special permits, unless delegated to the local planning board.
- Adoption or amendment to the official map, which indicates existing and proposed future facilities (including streets, highways, park and drainage systems).
- Adoption of the capital program and the authorization of funds to implement aspects of the program.
- Adoption of, or amendment to, legislation, special ordinances, local laws, or the creation of agencies, bodies or commissions.

There are several problems which the CAC may encounter with regard to the governing body. Elected officials are traditionally more concerned with current issues affecting the community during their tenure. The CAC's concerns include long-range environmental issues, as well as short-term issues. Obtaining a broad base of municipal and community support for a long-range program of the CAC can increase the possibility of acceptance by the governing body for a program.

Another problem frequently associated with short terms of office is the change of officials serving the governing body. Councils have expressed concern for officials leaving office just as positive working relationships were established, forcing CAC members to start again with new legislators. Since legislative terms may also expire in the midst of consideration of a CAC project, it is important to make new legislators aware of the CAC and its accomplishments, and how the CAC integrates with other agencies and the community to protect the environment.

RELATIONSHIPS WITH COUNTY AND STATE COUNTERPARTS

County Environmental Management Council

The Westchester County Environmental Management Council (EMC) was established by the County Board of Legislators pursuant to the State enabling legislation, Article 47 of the Environmental Conservation Law, to act as a focal point for the citizen advisory role in the county for the protection and improvement of the natural and man-made environment. Originally established in 1972 as the Westchester County Environmental Coordinating Agency and the County Environmental Advisory Council, this co-jointed organization was formed into a single EMC by the County Legislature in August 1977. The council membership is made up of four major categories: representatives from municipal citizen conservation boards and advisory councils; representatives from other County advisory boards including the entire membership of the Soil and Water Conservation District Board; members-at-large appointed for their special expertise; and the commissioners of the County departments of Environmental Facilities, Health, Parks, Recreation and Conservation, Planning and Public Works. Municipal representatives are appointed by the County Executive upon the nomination of the chief elected municipal official and serve for a term of two years.

The council has several standing committees whose chairs along with the council's chair, vice-chair and secretary comprise the majority of the Executive Committee of the council.

The obligations of the council are to conduct studies and investigations of environmental factors and natural resources, prepare maps and reports; review pending actions within the county that may affect the environment; advise County government on environmental protection policies and sound use of natural resources; maintain a database, library and open file; and provide environmental information, advice, assistance and training.

The council is supported by staff of the Environmental Planning Section of the Westchester County Department of Planning. In addition to conducting research and providing technical information on countywide environmental concerns, a large portion of the EMC's time is devoted to working with local CACs.

Environmental data and technical assistance is available from the EMC office on a variety of subjects. As an information source, the EMC can provide data and services in the areas of: open space inventories, open space maps, natural resource inventories, SEQR, wetlands, groundwater, bedrock geology, coastal zone management and planning, recycling, environmental features such as streams, ponds, lakes, drainage basins, steep slopes, aquifers, critical environmental areas, air and water pollution, and aerial photography and interpretation. The council published an Environmental Planning Atlas in 1982, a compendium of 31 maps on environmental and planning features, which was distributed to each municipality as a guide for environmental planning and assessment.

The EMC holds regular monthly Executive Committee meetings which CAC members may attend, as well as four Quarterly Meetings during the year for the entire CAC membership. The Quarterly Meetings always include a short presentation on a topic of general interest, followed by a business meeting for the whole membership. In addition, the EMC sponsors Roundtable discussions for CACs on a regular basis in order to encourage information-sharing and networking. The EMC also holds workshops or conferences on issues of current environmental interest which are open to all interested participants.

The EMC, in conjunction with the County Soil and Water Conservation District, publishes a newsletter entitled Environmental Bulletin, which contains news and information on subjects of environmental interest. This publication goes out to all EMC and CAC members.

The EMC has available a number of publications which it has produced over the years and these may be had for a small fee from the County Planning Department, Environmental Section.

New York State Association of Conservation Commissions

The Department of Environmental Conservation (DEC) is one of New York State's major regulatory agencies. The Department has permit authority over a wide range of activities which relate to the use of air, land and water. The primary objective in reviewing projects is to insure that development takes place in an environmentally sound manner in accordance with provisions of the State Environmental Law. This agency also oversees the New York State Environmental Quality Review Act (SEQR) procedures, and promulgates the rules and regulations for SEQR compliance.

Among the DEC permits which CACs should be aware of are those involving tidal or freshwater wetlands, and the State Pollution Discharge Elimination System (SPDES) permits. A permit is

required for any action in or adjacent to all tidal wetland and freshwater wetlands of 12.4 acres or greater (i.e., draining, dredging, excavating or filling, construction roads and structures). Discharge of treated wastewater or sewage effluent from an industry, as well as the subsurface discharge of 1,000 or more gallons per day of wastewater or sewage from non-residential development requires a SPDES permit. Individual subsurface disposal systems (septic systems) for residential lots do not need DEC approval but do require County Health Department approval.

The DEC Division of Environmental Permits handles almost all permits associated with development. The State is divided into 9 regional areas with a DEC office in each region. Most permits are issued by these regional offices which can be contacted for specific information and permit requirements. Westchester County (along with Sullivan, Ulster, Orange, Rockland, Putnam and Dutchess counties) is part of Region 3. DEC publishes a variety of pamphlets on its permit authority and other activities which can be obtained from the regional office.

Westchester County Department of Health

The County Department of Health's Division of Environmental Health, Bureau of Environmental Quality, administers and enforces Chapter 873, Article X of the Laws of Westchester County, Sanitary Code, concerning Realty Subdivision provisions. The Westchester County Department of Health must approve all subdivisions before any person can engage in the development of a subdivision or sell, offer for sale or contract for sale of land in a subdivision, and before it is filed with the County Clerk.

Regulations of the Department of Health require that subdivision plans indicate the proposed method of providing adequate water supply and sewage disposal to serve each building site.

The County Department of Health may require installation of a public or community water or sewage system, or both, if the proposed subdivision consists of 50 or more building sites or housing for 200 or more persons, or if, in the opinion of the Health Department, the proposed subdivision is to be located in an area in which conditions preclude installations of an individual on-site water supply system or sewage system.

Westchester County Soil and Water Conservation District

The primary objective of the District is to conserve soil and water resources in Westchester County by providing technical assistance to prevent erosion, sedimentation and flooding. These technical services are available to municipalities, agencies, consultants, groups or individuals with whom the District has a signed Memorandum of Understanding.

Recommendations and assessments may be requested in the areas of drainage, flood prevention and control, erosion and sediment control, runoff retention and diversion, slope stabilization, soils information and agricultural conservation planning. Other assistance includes the preparation and distribution for the BMP Manual Series including the *Best Management Practices Manual for Erosion and Sediment Control* and the *BMP Manual for Stormwater Runoff*. The standards and specifications outlined in these documents are intended to encourage environmentally responsible development consistent with resource management principles.

District services are most often provided in connection with land subdivisions, large developments, location of new roads, or the evaluation of land for acquisition. The District also assists in watershed management planning, water quality protection, floodplains and wetlands preservation, hydrologic analysis, and general feasibility and policy studies.

SAMPLE BY-LAWS

TOWN OF NORTH CASTLE CONSERVATION BY-LAWS RESOLUTION

I. **PREAMBLE:** A resolution to establish by-laws for the Conservation Board of the Town of North Castle.

II. **SECTION 1. INTENT:** The preservation and improvement of the quality of the natural environment within the Town of North Castle, in the face of population growth, urbanization and technological change with their accompanying demands on natural resources, are found to be of increasing and vital importance to the health, welfare and economic well-being of present and future inhabitants and require forthright action by the governing body of the Town of North Castle. It is recognized that the biological integrity of the natural environment on which man is dependent for survival and the natural beauty of our surroundings which condition the quality of our life experience cannot be protected without the full cooperation and participation of all the people of the Town of North Castle working in partnership with local and state officials and with various public and private institutions, agencies and organizations. Establishment of a board for conservation of the environment is a necessary step in fostering unified action on environmental problems.

III. **SECTION 2. ESTABLISHMENT OF THE BOARD:** The Town Board of the Town of North Castle has heretofore created a board which shall be known as the Conservation Board of the Town of North Castle for the conservation of the environment, hereinafter called the "Board."

IV. **SECTION 3. MEMBERSHIP:**

(1) The Board shall consist of nine members who shall be appointed by the Town Board. The term of appointment shall be for two years. Persons residing within the Town of North Castle who are interested in the improvement and preservation of environmental quality shall be eligible for appointment as members of the Board. Vacancies on the Board shall be filled in the same manner as the original appointment.

(2) The Supervisor of the Town of North Castle, one councilman appointed by the Town Board as Liaison, the Chairman of the Planning Board, the Town Engineer, the Town Attorney, and the Superintendent of Highways shall be ex-officio members of the Board without vote.

(3) One member of the Planning Board shall be appointed by the Town Board as liaison between the Planning Board and this Board without vote.

V. **SECTION 4. OFFICERS, MEETINGS AND COMMUNITIES:**

A. Officers

1. Chairman: The Town Board shall appoint the Chairman.

2. Vice-Chairman: the Chairman will designate the 1st and 2nd vice-chairmen, subject to the approval of the members of the Board. The Vice-Chairmen will be chosen from the membership of the Board.

3. Secretary: The Secretary shall be appointed by the Town Board. The Secretary shall not be a member of the Board.

B. Duties of the Officers

1. The Chairman: The Chairman shall preside at all meetings of the Board. He shall be ex-officio member of any committee of the Board. He is responsible for the review of all reports and studies coming from the work of the committees. He must sign all memoranda and reports submitted by the Board to the Town Board and to any other agency, official, or Board of the Town, county, state and federal government, and must sign all correspondence to non-governmental groups and individuals. Likewise, he must approve any news releases sent to the news media. The Chairman will approve all authorized expenditures of the Board within the appropriations set in the Board budget approved by the Town Board. The Chairman will make out budget and financial statements on a quarterly basis to all members of the Board. The Chairman will appoint a budget committee to draw up a proposed annual budget covering operating and capital costs of all projects of the Board and its administration. The Chairman will be ex-officio chairman of the budget committee.

C. Duties of the Secretary: The Secretary shall issue all calls and notices of meetings of the Board and shall write such letters as the Chairman or, in his absence, the 1st Vice-Chairman; or in the absence of the 1st Vice-Chairman, the 2nd Vice-Chairman; or the majority of the Board might designate. The secretary may assist the Chairman in the drawing up of the quarterly financial statement. The Secretary shall keep full minutes of all business done in the meetings of the Board, with the exact wording of every motion and whether it carried or was lost. The minutes shall show the names of persons appointed to the Board committees.

D. Meetings: There shall be ten (10) meetings a year of the full Conservation Board. These meetings shall be called for conducting such business as the Chairman, the Vice-Chairman, or a majority of the members deem necessary. Special meetings of the Board may be called at any time at the pleasure of the Chairman or a majority of the Board. A quorum of the Board shall be a majority. A favorable vote of a majority of these members present and voting at a meeting shall be required for the adoption of any advice, provided, however, that no motion shall be adopted unless it shall receive at least four (4) affirmative votes.

E. Committees: The Chairman shall establish such committees as are necessary to carry out the purposes of the Board. The committees shall make reports to the Board at each regular meeting describing their activities and accomplishments for the preceding period. The committees have no right to incur debt or involve the Board in any way unless authorized by the Chairman, or in the absence of the Chairman, the 1st Vice-Chairman, or in the absence of the Chairman and the 1st Vice-Chairman, the 2nd Vice-Chairman.

VI. SECTION 5. POWERS AND DUTIES OF THE BOARD: The powers and duties of the Board shall be to carry out the intent and the purposes of the State of New York General Municipal Law Article 12F, Sections 239x and 239y.

VII. SECTION 6. EFFECTIVE DATE: This resolution shall take effect immediately.

CONSERVATION ADVISORY COUNCILS GUIDELINES FOR CHAIR AND MEMBERSHIP SELECTION

Criteria for Selection

- Strong interest in tailoring environmental management to support government programs as well as works conducted by the private sector.
- Ready availability, time and interest in working with municipal support staff. Not expected to be out of country for long periods of time on a continuing basis.
- Proven experience or other acceptable demonstration of ability to understand internal management and administrative functions.
- Strong interest in developing and maintaining organizational relationships and functions between citizen groups and municipal agencies.
- Fine sense of diplomacy in the development of citizen input to government policy.
- Experience, either professional or community-related, reflecting executive ability to understand technical and scientific reports and problems.
- Skilled in reducing the intensity of advocacy relations between private groups and organizations and government agencies.
- Previous community service with emphasis on environmental and land use concerns desirable.
- Does not “need it on resume.”

Chair and Membership Selection

Meetings – Council meetings are held at least monthly to review environmental problems, and referrals from planning boards, legislative bodies and others, and to make recommendations to the legislative body, adopt work programs and budget recommendations, and make assignments to members and subcommittees. Chairperson should have a good facility for conducting productive meetings of the membership.

Public Visibility – Chairperson writes and signs reports and recommendations reflecting the council’s investigations and analysis on a variety of communitywide issues. The council chairperson should be able to lead the council in its own independent judgment while at the same time maintaining a good cooperative relationship with its local government agencies.

Council Projects and Programs – The Chairperson should have the leadership and organizational ability to keep its members active and productive since their work can supplement the limited municipal staff capacity to cover the many environmental planning and review problems. The council can, through its member work, generate “citizen support” that is often needed to accomplish environmental objectives.

Organizational Function – The council chairperson should have a minimum of municipal support to handle correspondence, reports, recommendations and record keeping.

NEW YORK STATE REIMBURSEMENT PROGRAM FOR CACs
(This program was discontinued in 1994 but may be reinstated in the future.)

DEC administers a reimbursement program for EMCs and CACs which are established according to state enabling legislation (General Municipal Law, S239-x & y with regard to CACs and CBs). Commonly referred to as LEAP (Local Environmental Assistance Program), the law provides for a reimbursement rate of up to 50% of expenditures, but in recent years the rate has ranged from 18-33% annually.

Although the submission deadline for the NYS fiscal year is January 15, it is never too early to begin work on your proposed work program and budget. The fall is a good time to begin planning, since it may take time to develop a work program and budget to which the municipality will agree. (See below for July 31 filing of Letter of Intent.) If your CAC has never submitted an application for State funding under the program and wishes to do so, the process is easy to follow: 1) Determine activities and projects for your council. 2) Draft a work plan and budget. List each proposed project and activity and describe in sufficient detail what will be accomplished, including planned completion dates, if possible. Estimate project costs, salaries and materials and supplies. 3) Submit the application to Region 3 Director, NYS DEC, 21 South Putt Corners Road, New Paltz, NY 12561. Send a copy to the EMC office as well since it must review the work plan to insure there is no duplication of effort.

The completed application includes: 1) application for State Aid form 17-19-1, 2) work plan, 3) copy of law or resolution establishing your CAC (if you are a first-time applicant), and 4) letter from the County EMC commenting on your work plan.

Don't forget, however, your CAC must have an approved budget allocation from your local government for the expenditures which are to be invoiced to DEC. Otherwise, you will not be eligible for the program's matching funds.

Although many CACs have work programs that include projects such as natural resources inventory, open space indexes and wetland surveys, it is not absolutely necessary to have a project in order to qualify for community assistance funds. Some CACs have very substantial continuing responsibilities to work with their municipality, which can be supported by the DEC program.

Remember that the State's fiscal year is April 1-March 31. The January 15th deadline means your application is for the next fiscal year. A letter of intent to apply for funding under LEAP must be sent to DEC by July 31 of the fiscal year preceding the application year.

Under LEAP, the County EMC is required to review CAC work programs to insure against duplication of effort between County and municipal funding requests. This entire package, the aid application, work plan, budget and EMC letter of comment constitutes a complete application which is sent to the DEC for approval.

CAC ENABLING LEGISLATION

Appendix B

Article 12-F, General Municipal Law

Section 239-x, **Creation of conservation advisory council.** 1. The local legislative body of any city, town or village may create a conservation advisory council, hereafter called the council, to advise in the development, management and protection of its natural resources. Such council shall direct itself toward accomplishing the following:

- (a) Conduct researches into the land area of the municipality for which it was created;
- (b) Seek to coordinate the activities of unofficial bodies organized for similar purposes and to cooperate with other official municipal bodies active in the area of community planning for the particular municipality;
- (c) It may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work;
- (d) It shall keep an inventory and map as defined in section two hundred thirty-nine-y of this article, of all open areas within the municipality with the plan of obtaining information pertinent to proper utilization of such open lands including lands owned by the state, any other municipality within the state or by the particular municipality itself;
- (e) It shall keep an inventory and map of all marsh lands, swamps and all other wet lands in a like manner, and may recommend to the governing body of the municipality a program for ecologically suitable utilization of all such areas;
- (f) It shall keep accurate records of its meetings and actions and shall file an annual report with the local legislative body of the municipality on or before the thirty-first day of December of each and every year. Once approved, such legislative body shall forward a copy of this report to the state commissioner of environmental conservation;
- (g) In addition to the foregoing, carry out any other duties, tasks, or responsibilities, consistent with the objectives of this article, assigned to it by resolution of the local legislative body creating the said council.

2. When authorized by resolution of the local legislative body, a council may accept by gift, grant, bequest, or otherwise, money or other personal property in the name of the municipality, for use in furtherance of the provisions of this act. A local legislative body may accept by gift, conditional or unconditional, grant, devise or otherwise, real property in fee, or any lesser interest, including conveyance with limitations or reversions, for the purposes of this act.

In addition, upon the written recommendation of the council the local legislative body may acquire by purchase in fee or any lesser interest, through negotiation or by condemnation, such real or personal property as may be needed to fulfill the purpose of this act.

3. Such council shall consist of not less than three nor more than nine members who shall be appointed by the local legislative body and serve at the pleasure of such body for a term not exceeding two years. Such local legislative body may, notwithstanding any inconsistent provision of law, appoint up to two members to the council who are between the ages of sixteen and twenty-one.

4. The presiding officer or chairman of the council shall be designated by the local legislative body from among the members so appointed to the council. The local legislative body shall have authority to remove any member of said council so appointed for cause, after a public hearing, if requested. A vacancy shall be filled for the unexpired term in the same manner as an original appointment.

The local legislative body may provide for compensation to be paid to the members of the council and may provide for the payment of the expenses of the members of the council actually and necessarily incurred in the performance of their duties. Such council may appoint such employees as it may from time to time see fit, all within appropriation made therefore.

5. In the case where the local legislative body is a town board, such salaries, charges and expenses so permitted by an appropriation of the town board for such council shall be a charge upon the taxable property of that part of the town outside of incorporated villages and shall be assessed, levied and collected therefrom in the same manner as other town charges.

6. To assist a council in carrying out its functions, powers and duties, it may request the department of environmental conservation to:

(a) prepare reports outlining objectives, priorities and proposed relationships of the council to the local legislative body;

(b) prepare description of work to be undertaken, advantageous techniques to be used and suggested roles of council members;

(c) provide research on conservation facts and procedures;

(d) provide, on a consulting basis, technical and research assistance as may be required to assist the council in carrying out its work and to enable the council to offer recommendations to the local legislative body;

(e) describe particular areas of natural resources within the city, town or village, as the case may be, which require particular attention by the council.

7. Within thirty days following the establishment of a council, written notification thereof shall be sent by the local legislative body to the state commissioner of environmental conservation.

8. Any conservation advisory council heretofore created pursuant to the provisions of section sixty-four-b of the town law is hereby continued with the same powers and duties as when originally created.

Section 239-y. **Designation of council as conservation board.** 1. As used in this section, the following words and phrases shall have the following meanings:

(a) *Open Area*. Any area characterized by natural scenic beauty or, whose existing openness, natural condition or present state of use, if preserved, would enhance the present or potential value of abutting or surrounding development or would establish a desirable pattern of development or would offer substantial conformance with the planning objectives of the municipality or would maintain or enhance the conservation of natural or scenic resources.

(b) *Conservation open areas inventory*. An inventory of open areas within the municipality with each such area identified, described and listed according to the priority of acquisition or preservation.

(c) *Conservation open areas map*. A map or maps identifying open areas within the municipality which are earmarked for preservation, including but not limited to open areas that are required to be set aside out of subdivision plots, publicly owned open areas, open areas preserved by non-public organizations and open areas having conservation, historical or scenic significance.

(d) *Open space index*. The conservation open areas inventory and conservation open areas map after acceptance and approval by the local legislative body.

2. The local legislative body of any city, town or village, which has created a conservation advisory council may, by resolution, redesignate such council as a conservation board provided such council has prepared and submitted to the local legislative body the conservation open area inventory and map which are accepted and approved by the local legislative body as the open space index of the municipality.

3. General powers and duties of conservation boards. To further assist a city, town or village in the development of sound open area planning and assure preservation of natural and scenic resources on the local level, a conservation board shall:

(a) Review each application received by the local legislative body or by the building department, zoning board, planning board, board of appeals or other administrative body, which seeks approval for the use or development of any open area listed in the open space index. The conservation board shall submit a written report to the referral body within forty-five days of receipt of such application. Such report shall evaluate the proposed use or development of the open area in terms of the open area planning objectives of the municipality and shall include the effect of such use or development on the open space index. The report shall make recommendations as to the most appropriate use or development of the open area and may include preferable alternative use proposals consistent with open areas conservation. A copy of every report shall be filed with the legislative body;

(b) Make available for public inspection at the office of the conservation board copies of all such reports of the conservation board;

(c) Notify the department of environmental conservation of its creation within thirty days of the resolution of the legislative body;

(d) Perform any duties assigned to it by resolution of the legislative body.

4. In addition to the foregoing a conservation board may:

(a) Exercise any of the functions and responsibilities heretofore granted to conservation advisory councils;

(b) Request the assistance of the department of environmental conservation in the preparation of any report.