

## **GOOD NEIGHBOR AGREEMENT**

### **Definitions**

*Good Neighbor Agreement (GNA)* – A document detailing the history, concerns, agreements and outcomes developed to address impacts associated with changes in increasing access to streams in the upper East Branch Delaware River watershed.

*Stakeholder* – anyone who is impacted by the increased access to and use of the East Branch and its tributaries. This could be a neighbor, user, business, public agency, neighborhood organization, municipality, school, and even the aquatic life in the streams.

*Neighbor* – Any business, organization, home / property within sight and sound distance of the specified site.

*Stream Access Point* – An outdoor area used formally or informally by the public to gain entry to or alongside a stream, lake, pond, or reservoir. Examples include but are not limited to federal, state, city, or municipally-owned lands that adjoin a stream, lake, pond, or reservoir, trailered or car-top boat launches, designated fishing access sites, piers, or riparian areas, and private lands where an easement or other such agreement have been established.

### **GNA Procedures & Guidelines**

Good Neighbor Agreement (GNA) should be seen as a tool to encourage open and collaborative relationships between all of these stakeholders. The following procedures are a guide to understanding when and how the development of a GNA would be beneficial.

Ultimately, due to their unique nature, the final process for developing a GNA will be determined by the participants.

### **Before a Good Neighbor Agreement is Necessary -**

A Good Neighbor Agreement can be used when a change is proposed to an existing or potential stream access point and there are outstanding concerns/issues.

In general, a GNA will be initiated after the landowner (where the increased public access will occur) has notified stakeholders within 500' of its intention to alter the current use of an existing or potential stream access points. The notification must include: site plans, anticipated changes in use, permits required, land use reviews, contact persons and licenses that will be requested. Ideally, any questions, comments or concerns will be addressed directly between the concerned neighbor and the appropriate staff. If a concern or issue cannot be addressed at this level, stakeholders should meet to identify and clarify any issues and concerns. Stakeholders must request that the neighbor(s) / neighborhood association send a letter to the appropriate staff requesting a meeting, with a list of specific concerns and/or issues, within 45 days. The East Branch Stewards group will schedule a public meeting within 30 days of receipt of that letter. A meeting will be scheduled with notification sent to a mutually agreed upon list of stakeholders. At this meeting, participants will work to understand and address the issues presented.

## **When a Good Neighbor Agreement is recommended -**

If an issue cannot be addressed by speaking directly with staff or with a public meeting, or it is assumed that impacts or concerns are more long term, then it is recommended that the parties agree to proceed with the development of a GNA.

### ***Who can participate in a Good Neighbor Agreement?***

Stakeholder representatives from the involved agency, organization, municipality, principals, business or program

Stakeholders groups may include, but are not limited to immediate neighbors (business owners and residents), representatives of the neighborhood association, business association(s), sports user groups, other community and advocacy groups.

Stakeholders whose geographical boundaries are generally within 500 feet of the proposed stream access point or modifications. Additional stakeholders should include those that are within sight and sound distance of the proposed access point. Other geographic considerations include main thoroughfares, etc. Police and other emergency services would also be considered stakeholders.

### ***How many representatives can participate?***

There should be no less than 5 and no more than 15 representatives.

### ***Who facilitates the development of a Good Neighbor Agreement?***

Ideally, facilitation will be by a third party. If resources are not available, the facilitator should be agreed upon by the participants.

### ***How is a Good Neighbor Agreement “Ratified”?***

A GNA will be considered “ratified” when the participants have signed the final documents. A Good Neighbor Committee will work toward consensus agreements on identified issues, and obtaining signatures from all participants. If consensus cannot be achieved, three-fourths (75%) of all participants present can “ratify” an agreement by signing it.

### ***What authority does a Good Neighbor Agreement have?***

A Good Neighbor Agreement is not legally binding, but rather depends on the collaboration and commitment of all parties to ensure that each neighbors’ interests are met. All GNAs must detail the commitment of all parties to upholding the agreement. If any party fails to uphold their commitment, than the group will be reconvened and the concerns will be addressed.

### ***How is a Good Neighbor Agreement Enforced?***

The Agreement is enforced by the permitting agency that processes permit applications (if applicable), and will be tied to the approval and granting of use permits. A use permit for use of a stream or other access point/opportunity can be withheld or rescinded for non-compliance with a GNA.

## How long does a Good Neighbor Agreement last?

The duration of a GNA is site specific. If each party is acting in good faith and issues are addressed or resolved in a mutually agreed upon manner, the need for a formally documented agreement will diminish over time. The participants in a GNA should discuss the following issues:

- Expiration – GNAs can be valid for specified periods. One option is to have them in force for five (5) years, with an opportunity to renewals (renewal periods may vary).
- Review – GNAs should be reviewed periodically (annually perhaps), to determine what has worked well, what may need changing, and what is clearly not working as planned.
- Modification - GNAs may need to be modified during the initial five (5) year period. The participants should discuss and the agreement should specify how modifications are proposed and approved. One option is to address modifications as part of an annual review.

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# ***Outline of a Good Neighbor Agreement***

## **I. Introduction and Background**

Information about the proposed changes to any given site/facility; the objectives of the changes; process that stakeholders went through to establish document; basic rights inherent in agreement

Legal status of the Agreement – Good Neighbor Agreements are not legally binding, rather it is a community partnership agreement. Participants should be given time for independent counsel to review the document.

## **II. Goals of the Agreement**

May include goals such as initiate and maintain open communication; maintain neighborhood livability; monitor and maintain the site; monitor and removal of trash; develop a procedure for problem solving; maintain open dialogue etc.

## **Agreements**

The following section outlines specific agreements that the stakeholders identify. It is important to be clear about who will do what, and not place the onus on one stakeholder. It is a shared process, with shared responsibilities

### **III. All Parties Agree to:**

### **IV. Community / Stewards Group(s) Agrees to**

### **V. Business Owners Agree to**

### **VI. Individual Neighbors Agree to**

### **VII. Communication Procedure**

Identify what communication procedures are in place for ongoing communication and problem solving. Can include but is not limited to:

*Regularly scheduled advisory committee meetings to problem solve issues*

*Agreement to use mediation services for conflicts, disputes, etc.*

*Who to call for what kind of issues*

### **VIII. Administration**

*Ways in which a GNA document might be monitored, again understanding that it is not a legal document.*

### **IX. Signatures**

### **X. Attachments / Exhibits**

## ***The Good Neighbor Agreement Process***

- I. Community / Stewards Group(s) identifies the need to change an existing use at a stream access point
- II. The initiating Community/Stewards Group determines the review/notification policy
- III. The Community/Stewards Group determines public notification is appropriate for this type of use
- IV. The Community/Stewards Group provides notification to neighbors within sight and sound distance of the affected stream access point
- V. Neighbors have 60 days to identify concerns/issues and work with the neighborhood association or other (if applicable) to respond in writing to the Community/Stewards Group notification.
- VI. Initiating Community/Stewards Group has 30 days to schedule a public meeting. Notification will be sent to identified neighbors; neighborhood association; business association; and all businesses, residences, organizations and property owners within 500' of the proposed site.
- VII. Public meeting will be held to address/resolve identified issues/concerns
- VIII. At the end of the public meeting, if issues are not able to be resolved, the Community/Stewards Group and concerned neighbors can agree to work together to develop a Good Neighbor Agreement (GNA).
- IX. Identify composition of Good Neighbor Agreement Development Team – Members of the Community/Stewards Group (i.e. “East Branch Stewards Group”) and additional member representing the interests around that particular access point (not to exceed 15 participants, with a minimum of 5).
- X. Develop Good Neighbor Agreement.
- XI. Send notification of GNA to identified stakeholders