I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township was called to order on Tuesday, January 10 at 7:01 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL:
Members: Chair, Sandra Yerger; Vice Chair, Tom Maxfield; Ted Beardsley, Allan Johnson, and Colin Guerra. Laura Ray arrived at 7:20 pm. Absent: Tom McCormick
Associate Members: Glenn Kaye. Absent: Dru Germanoski
Planner: Karen Mallo – Boucher & James – Absent
Hellertown Liaison: Terry Boos
Jr. Council Member: Vacant
Guests: Terry Clemons & Laura Baird

PLEDGE OF ALLEGIANCE

II. NEW BUSINESS

A. REORGANIZATION

1. NOMINATION OF CHAIRMAN

Mrs. Yerger said she'll open up the floor for nomination of the Chairman.

MOTION BY: Mr. Maxfield moved for nomination of Sandra Yerger for Chair.
SECOND BY: Mr. Beardsley
Mrs. Yerger asked if there were any other nominations? None.
ROLL CALL: 5-0 (Mr. McCormick and Ms. Ray – Absent)

2. NOMINATION OF VICE-CHAIRMAN

Mrs. Yerger said she'll open up the floor for nomination for a Vice-Chairman.

MOTION BY: Mr. Beardsley moved for nomination of Tom Maxfield for Vice-Chairman
SECOND BY: Mr. Guerra
ROLL CALL: 5-0 (Mr. McCormick and Ms. Ray – Absent)

3. NOMINATION OF SECRETARY

Mrs. Yerger asked for nomination of Secretary.

MOTION BY: Mr. Maxfield moved for nomination of Laura Ray as Secretary.
SECOND BY: Mr. Beardsley
ROLL CALL: 5-0 (Mr. McCormick and Ms. Ray – Absent)

4. DESIGNATION OF EAC MEETING – TIME, PLACE, DATES

MOTION BY: Mr. Johnson moved for the second Tuesday of the month, at 7:00 pm at Town Hall.
SECOND BY: Mr. Beardsley
ROLL CALL: 5-0 (Mr. McCormick and Ms. Ray – Absent)

B. GOALS & PROJECTS FOR 2012

Mrs. Yerger said there is a copy of 2011 goals and projects.

- Compost workshop – she knows Ms. Ray did try to get this done. Ms. Ray said she thought there was another resource to contact. Mrs. Yerger said the only thing she can think of now is maybe we could contact the Springfield EAC and if Bucks County is doing it again, we could do it in conjunction with somebody. Maybe that's something we can find out about. Mr. Maxfield said instead of having a workshop, we may be able to participate in the program that Erin Frederick is running. Erin was running a compost project where they were using from as many places as they could in Bethlehem and other places, their leftovers and composting it and they had the buy-in from a lot of different restaurants and they actually had cards you could display in restaurants that "we proudly recycle and compost". It did get some press in Bethlehem. If we wanted to enter into something like that, he could ask Erin more questions. We could approach our local Saucon Valley restaurants and see what we could get. Mr. Boos said how about a workshop at the Compost Center? Mrs. Yerger said do you think Hellertown would join in on something like that? Mr. Boos said it's a good idea as people are bringing things out there and you have people coming in and if you have a day designated for an exhibit or class. Ms. Ray said the ones she's attended, they show a slide show and you sit and take notes, so you wouldn't be able to do that out at the Compost Center. Mr. Guerra said does Bethlehem do anything? Mr. Maxfield said we may be able to find something akin to that. Mrs. Yerger said let her explore some options and see if Bucks County Conservation District has anything going.
- Mrs. Yerger said we did promote the Native Plant Garden. Last year the Township worked with the Scout and Hans and got it pretty well cleaned up. Mr. Guerra said what's going to happen with that now? Mrs. Yerger said pretty much, the Scouts want to do maintenance as a long term project and her family got into it. We can just leave it on. Mr. Beardsley said is there some press release we can make about what's already happened and she got an award from the Girl Scouts. That's something we should have done when it happened. At least it can go on our website. Mr. Maxfield said maybe for spring, things will be popping up. Mr. Boos said is there a way to sort of put a sign up that says Native Plant Garden with an arrow? Mrs. Yerger said we can check that out with the Council. Mr. Boos said he knows it is there, but do other people. Mrs. Yerger said we could maybe put a little sign under the park sign. Mr. Boos said something to make people aware. Mr. Maxfield said that would be good.
- Mrs. Yerger said we did the recycling and it was a great success. Everyone seemed pleased working with AERC. She's assuming we are going to do that again this year. Mr. Beardsley said we should do it. AERC was pleased on how much we did recycle. Do we want to do a spring and fall event with AERC? The group decided to just do a fall event. Mr. Maxfield said we really need to look into the tire recycling. Springfield did it but the way they recycle them is people burn them in the cement plants.
- Mrs. Yerger said we did the Native Plant Sale last year and she doesn't mind doing it again this year. They did it around Mother's Day and they do this with the Watershed. The Farmers Market gives them a booth for the day and doesn't charge them as it's non-profit. Mr. Boos was nice enough to help her the last couple of years and it's great stock and it's a good promotional things. We give the funds to the Watershed Association. Mr. Boos asked about having the sale later on in the season. Mrs. Yerger said they could do it in June on Father's Day as the plants are blooming more. It was challenging to get plants in bloom. When they opened up the Rails to Trails, the Farmers Market really took off, so that will give the EAC additional exposure. Mr. Maxfield said with the rail trail right there, it's got the kiosk and we might want to offer some roof plants.
- Mrs. Yerger said we did inquire about the wells and the hydrology studies. We can do it again, but doesn't know where we will get with it. We will pursue that.

- Mrs. Yerger said provide electronic media information on environmental issues. Ms. Ray has done a great job with it. We could more tips on the website. Mrs. Yerger said she has some upcoming events we can put on there and go from there.
- Mrs. Yerger said promote the hazardous waste recycling with the county. That will be on the website when Ms. Ray gets information. She will put it on the calendar.
- Mrs. Yerger said adopt-a-road program. We can set a tentative date. The EAC decided on March 31st.
- Mrs. Yerger said the Lighting Ordinance. Mr. Maxfield said as Council members, he and Glenn Kern went around with Boucher & James and expressed some of their lighting concerns. The idea was to develop some sort of language so that they could come back to the EAC. He thinks it's going to happen soon. The EAC will get it to comment on. We are trying to fit it in under the whole idea of the dark skies initiative, those sorts of things and safety where they had spotlights shining right on roadways. That's probably the big concerns you will see covered under it. It should be coming soon. It's for commercial and residential for new construction unless there's a perceived safety issue. There are places they found where motion sensor lights are triggered off within public right-of-way. Like on a sidewalk or on a road, so those may be addressed, but generally it's going to be recommendations to people, alternatives. There's not going to be anything like wattage limitations. It's going to be why we are doing these kinds of things and why we are doing it. He doesn't imagine it's going to be anything really tough.
- Mrs. Yerger said the five year goal was to establish environmental education programs at Township Parks. She'd like to leave that on. Mr. Johnson said what about the school district? Mrs. Yerger said we can add that and say "and/or school district".

C. STEWARDSHIP ASSESSMENT – DRAVECZ PROPERTY

Mrs. Yerger said there were emails going back and forth. You know that the Dravecz property, we have gotten an offer from Natural Lands for them to do a free assessment of that property as a recreational resource. Andrea who works for Natural Lands Trust is proposing to come out and do an initial walk through of the property on February 7th or 8th for a site visit and it's roughly for two or three hours. She's assuming it's in the afternoon because of the warmth. If anyone is interested, please let her or Leslie at the Township know. Mrs. Yerger said for her, any date is fine. It's a Tuesday or a Wednesday. It's on Apple Street in Lower Saucon Township, off of Lower Saucon Road past Marlin Lake. Mr. Johnson said we still don't know where the boundaries are for this property. He and Ron Horiszny have been out there two times. They found some things, but still don't know where the boundaries are. Mrs. Yerger said we haven't gotten the date yet, so she'll let everyone know. Mr. Johnson said does she want to walk every square foot of the property as it's really tough walking? Mrs. Yerger said she didn't know and it's tentative on the weather conditions. We'll keep everyone in the loop on this.

III. OPEN SPACE SUB-COMMITTEE

A. DISCUSSION WITH LAURA BAIRD AND TERRY CLEMONS ON THE BENNER/WHITMORE CONSERVATION EASEMENTS

Ms. Baird said she is handing out a brief packet of information that goes over the detail of the property. She said what she's put together before doing the full baseline documentation of the property is listing the public benefit of preserving the property which are:

(a) To protect land, habitats and sensitive ecosystems at risk of development;
(b) To create permanently protected green space within the area of Northampton County, which will reduce the overall intensive use of the land and its associated negative impacts;
(c) To preserve and protect a significant local and regional landscape within the Saucon Creek Watershed; and

(d) To meet the objectives of the Lower Saucon Township's Open Space Plan.

The following are lists of conservation values, why the property is being preserved, and these conservation values will be inserted within the conservation easement:

(a) Permanently preserve approximately 76 acres of open space and rural character in Lower Saucon Township;
(b) Protect natural resources such as a tributary of the East branch of the Saucon Creek, spring, seeps, and wildlife habitat;
(c) Protect steep slope soils, prime farmland soils and farmland soils of statewide importance;
(d) Satisfy the goals of numerous local and regional comprehensive and open space plans.

Ms. Baird said there are some photographs of the property so you can see some of the conservation values she has listed. The first photo is taken of a tributary of the East Branch of the Saucon Creek that flows through the property. There is an aerial photo of the property. The North arrow at the top on the eastern portion of the property where the woodlands are denser, that is the area where the tributary flows through the property. This is Parcel No. P8-006-009A, or the Benner-Whitmore property.

Ms. Baird said the second photo is a view of the tributary that flows through the property so it's spread out in some areas so it looks like wetlands. There are no official wetlands, NWI wetlands on the property, but seasonal seeps and springs, so it does have resource values as far as containing tributary of the East Branch of the Saucon Creek.

Ms. Baird said the way the property is made up, the 76 acres, the portion along the tributary that flows through the property is more of your dense woodlands, so that's what you see in photograph 3. The next photo was taken of one of the many trails that goes throughout the property. If you look at the aerial photo, it's more of a dense woodland along the creek. The other plant life you see looking down, it's in fact successional scrub/shrub habitat as she shows in photograph 5. It was agricultural at one time and what you are seeing is the secondary plant life that is coming up. A lot of it is invasive, and that's what you see in this area. Reverting it back to agricultural may be an option where you wouldn't be impacting as much of the conservation value. You would be taking down more mature forest to put in agricultural lands. It is right now in secondary succession with a lot of invasives overtaking part of it. Photograph 6 shows more of the shrub/scrub area with some of the trails throughout the property and current uses on the property are for hunting and there was some issues with the consistent use of the all terrain vehicles on the property. That's what that photo is showing, some of the ruts. Photograph 7 and 8 show some of the observed materials found on the property. There's a lot of old farm equipment and several abandoned vehicles and debris that are overgrown with a lot of the invasive vines.

Ms. Baird said the last page is the aerial photograph of the property. The main access is from Easton Road, but when we go out to do the full baseline documentation, we are going to access that through Dairy Lane, Lot 2. The property does show significant conservation values or resources as to why it should be preserved. There are some minor issues that can be resolved with the conservation easement as it involves the vehicles and some of the abandoned debris on the property.

Mr. Clemons said in this case, the Township has already authorized an offer to purchase a conservation easement on the property for $330,000.00 and he prepared an agreement of sale because we are going to be undertaking a substantial effort here to get an easement in shape that everyone is comfortable with. He has a signed agreement of sale from both parties who own an interest in the property. It's a little bit interesting in that there are actually two parcels, P8-006-009A and there is a parcel P8-006-010B, and that's because the bulk of the property is the 76 acres, but there is a flag that's owned by Prime Development Corporation that is the only access for the

76 acres out to Easton Road. That access right now is totally overgrown again with things like Autumn Olive and Multiflora Rose, but it has access back to the property. In 1995, this property was subdivided. There is a recorded subdivision plan that creates two lots; one being the 76.75 acres and the other being the 11 acres that has the improvements on it. The improvements are in pretty sad shape. There is a dairy barn that is in fairly good condition. The other buildings are basically inhabitable, but access to the 76 acres is taken through this Lot 2 in that subdivision owned by Mr. Whitmore. Mr. Whitmore owns the bulk of the 76 acres except the flag, but there's some undisclosed business relationship between Mr. Benner, who is the attorney and a principal in Prime.

Mr. Clemons prepared the conservation easement based upon the conservation easement that he developed that you had seen before, but he got a message back saying you would prefer to work with the one from Northampton County uses, so he took that as the base document that what's in front of you and then you are going to see a lot of underlined things in it. He's walked the property with Tom Maxfield and got a much better feel for the property. One of the things that Ms. Baird showed you in photographs 1, 2 and 3 is there is a significant strip of land going up from Lot 2 that has this tributary to the East Branch of Saucon Creek that runs through it. It also has steep slopes and it has the significant natural resources that we want to be concerned with preserving. It's generally outlined by the tree line marks here, but we are going to get a more accurate delineation of the areas that have particularly sensitive natural resources. The property according to the information he received, was farmed. It has been an orchard, a dairy farm and it's been defunct for a number of years with the result that there's a lot of plant material that's grown in, but it's substantially all invasives. They tried to make a circle walk around this property and they walked up along the stream, and had to literally turn around. They hoped to get down to the building envelope, but they couldn't. As a result of that walk that he and Tom took, he thought we could use the easement you are familiar with, but make some refinements with it so you have a natural area, an agricultural area and a building envelope. All of these areas would be subject to some restrictions. Some of the restrictions are more than others, and some are more specific to agricultural. That's the first thing he did with the easement in terms of how it's laid out. There's an agricultural area that will go up to a point where the steep slopes begin, goes down to a flat area.

Ms. Laura Ray arrived. The time was 7:20 pm.

Mr. Clemons said one of the things that he and Tom agreed with was we want to be assured that this property remains in a conservation easement in perpetuity. To that end, we've allowed a building envelope where a resident's barn, stable, indoor riding ring, any of those features that someone might want to return this property to something like it probably was 50 years ago would be able to build. Lot 2 is separate from the 76.75 acres. He showed the building envelope for the 76.75 acres. The other parcel will only be six acres which is in the agreement. The next step is for the Township to have its engineer actually lay out the building envelope and six acres and delineate on a plan, assuming we go in this direction, a natural area and an agricultural area. This is a very crude sketch of where these things would be located.

Mr. Johnson asked who owns it? Mr. Clemons said he thinks Mr. Whitmore owns it. There is no separate deed. David L. Whitmore is one of the owners of this property and David L. Whitmore owns this lot. There is a single deed right now that describes this area and one that describes the other area. It's referenced in the subdivision plan. When he became involved in this, there was suspicion there really had been a subdivision. He had his person check with the Recorder of Deeds office and there is a recorded subdivision plan and it has all of the Council members signatures on it, properly recorded so these two lots have been created. Mr. Johnson said the deed description for this lot, is it complete and legal? No additional surveying has to be done to delineate the 11 acre lot. Mr. Clemons said he hasn't talked to Hanover yet, but this was done in 1997 and he doesn't know how much survey work was required in 1997. He sees an iron pin and doesn't see any markings, but does see a metes and bounds description around the perimeter. There are iron pins

and an iron pipe found, so there are perimeter boundary markers. The legal document that creates these two lots was signed by the Supervisors and is in the Recorder of Deeds office from 1997. Mr. Johnson said what he's getting at is we don't have to pay to have this surveyed? Mr. Clemons said what we think will happen, we hope it's going to cost the Township less to do the work here as there was a survey done in connection with the subdivision in 1997. What we should be doing is preparing a metes and bounds description based upon this perimeter and then the only survey work should be necessary is to delineate six acres. Mr. Johnson said what about delineating the natural area from the agricultural area? That would have to be surveyed? Mr. Clemons said he hopes not. Ms. Baird said it is something Heritage Conservancy would do or the surveyor could do. If you look at the aerial photo she provided, a lot of the surveyors have the ability to overlay the metes and bounds over top of an aerial. What they can do without doing additional field work as Mr. Clemons mentioned, the tree line that is shown on here, be able to draw a line on the plan that's over top of the aerial photo and then derive the acreages from there after they have the metes and bounds, so that shouldn't take additional field survey work. It should be able to be derived from the aerial. Mr. Clemons said you are the EAC, and his thought is we would ask the Township Engineer, with the assistance of Heritage Conservancy to create a natural area line that encompasses steep slopes, woodlands, and the sensitive stream areas. He suspects it's pretty steep and some of the steep slopes will be in the natural area, even though this is the woodland area.

Mr. Johnson said would that line have to marked on the ground so we know what the agricultural area is and what the natural resource area is? Mr. Clemons said he has not done that in other situations. He did an easement like this down in Springfield Township and what they did was, and he'll see if your Township Engineer has this capability. They have two plans. One is a flat plan like this that shows the property on the whole width of that, and another is a GPS aerial photograph of it. As an example, we have delineated agricultural area and natural area. He thinks even though there's some scrub growing in the area, they can likely get an aerial photo and it's a straight line and he doesn't think there is any harm in putting monuments in it. What's going to be as important is that somebody can delineate it on the ground. Ms. Baird said one possible way of doing that is once you made that determination of the looking at it on the aerial photo, maybe taking the center of the creek and taking the measurement of how many feet from the center of the creek as a calculation. It could be that maybe the current owner or future owner decides not to convert this into agricultural and then it grows up and is reverted somehow back. Will that line still exist? It's not easy when you are out there, but it's somewhat better defined because of the shrub/scrub. It's covered with invasives and you have more of a dense woodlands, but if you were to have the surveyor, whether on the ground or on the plan itself, measure from the center of the creek over so many feet, they could calculate it in that way. Mr. Johnson said if it's not delineated on the ground by monuments, how are you going to enforce the different restrictions for the natural resource area and the agricultural area? Mr. Clemons said Heritage Conservancy does a lot of monitoring in places where he is. Ms. Baird said this is a rare case where you don't have the defined agricultural fields. For instance, if you refer to the aerial photo, the adjacent farm is easy to tell what currently is in agricultural and what is in woodlands. While they are out monitoring a property, through existing aerial photos, and current natural features on the property, it's easy to tell this is a cultivated field, this is a pasture, and this is the agricultural area. They are out every year and have the updated photographs to show that this is the wetland or the wooded area. To a person who is more knowledgeable about the different types of plants and succession of plant life or fields reverting back to woodlands, right now would be able to tell this line in the field. Mr. Clemons said he would like to be able to tell you this is all just the area where the Multiflora Rose and the Autumn Olive is, it's all through here. They have recommended that a resource management plan be developed for both the natural area and the agricultural area. He doesn't think anyone monitoring this easement is going to be offended if someone comes in and rips out a bunch of Multiflora Rose and Autumn Olive. At this point in time, he thinks you would be hard pressed to even delineate this tree line. He thinks what we want to do is have a line that can be determined if there is an issue. Mr. Beardsley asked if this has been a problem before? Ms. Baird said they have not come across a property like this. They've done many conservation easements where they

described the different areas and they had different types of restrictions, but this is a little bit different, but workable.

Mr. Maxfield said as he and Mr. Clemons walked the property, he thinks it has been fallow for all these years because it's not a real hot property to do agricultural on it. Where it's flatter, you could do some things, but as soon as you start going up the slopes, there are problems. That's why he kept thinking if the rest of the property was going to have any sort of usage like horseback riding, which makes sense because of the slopes. He doesn't think it's going to be one of those properties where we are going to be monitoring the activities where people are plowing up parts of the woodland. He doesn't think it's going to happen.

Mr. Clemons said when he and Tom talked about it, his philosophy is you want there to be able to be some productive use of the property. It has been an apple orchard in the past. There were dairy cows there. It's just become overgrown. There's a thicket and that can be removed. One of the things for the agricultural area is it will not go back into agricultural except in accordance with a natural resources soil conservation plan. When somebody decides they want to farm this again, they are going to get a soil conservation plan that is going to address things like the invasives and how you protect the soils and still farm it. It could be an apple orchard or a horse farm or a number of uses, but there will be a natural resources conservation plan and visions for the agricultural part of these easement require they have that plan before they start any agricultural practices on the property, but they follow that plan and update the plan. The Township will have a tool to assure that any part of this property where agricultural is done where it's sensitive to the property.

Mrs. Yerger said this will address things like animals interacting with the wetland and the streams and things like that. Mr. Johnson said there should be a line that is marked in the future plus the land could change owners. Mrs. Yerger said it will change owners as time goes on. Mr. Johnson said if there's a line, you can say this side of the line is for agricultural use, this side is protected natural resources, then there's no arguing. Mr. Clemons said they will come up with a way to do that. Ms. Baird said we are saying making more of a straight line and then actually in the field having monuments. It should be something that is more easily identified when you are out monitoring the property and also for the benefit of the landowner so they have a better idea. Mr. Johnson said the line should be determined by the surveyor and it should be on the plan.

Mr. Clemons said No. 1 shows delineation by survey of ag and natural area. One of the things that Mrs. Yerger raised is that this easement permits only one animal equivalent unit per three acres. He's had people argue with him that you can do one per acre. He's heard people say one per two acres. This is one per three acres within the agricultural areas. You don't get credit for the numbers of animal equivalent units by counting all of the land. It's only the land in agricultural. There will be an exhibit attached to this conservation easement that will define what an animal equivalent unit is. Ms. Baird said it may be one horse is equivalent to 50 pigs or something like that. Ms. Ray said llama's can definitely be less bearing on land than a horse. They don't have a hoof on them, they have a padded foot. Mr. Johnson said if a horse weighs more than 1,000 lbs, you are going to need four acres for each horse. If a horse weights 500 lbs, then you can have two or three acres. Mr. Clemons said he will send you the chart which will be an exhibit. The chart tells you the average weight of a llama, of a horse. Mr. Johnson said it's going to be a 1,000 lb. animal for three acres. Mr. Clemons said yes. Ms. Baird said they've used that example with many other conservation easements especially if a Township has a natural area program and there are agricultural components and that particular program will preserve the entire property. It has a lot of the heavy restrictions on the more natural areas, but it will allow agricultural in the existing ag areas, but it wants to have more restrictions so you are still protecting the conservation guidelines. On a side note, reiterating the soil conservation plan that Mr. Clemons had mentioned, that is under the guidelines of the state agricultural preservation program. That is one of the requirements of their program, so they are taking their lead in the type of plans they require of the farms. They are taking the next step and going above and beyond for the natural resource

protection for adding in the animal equivalent units per acre. Under B, on page 8, we get into the livestock and what is permitted, then regulate use of pesticides in the agricultural area. It requires they be administered with Best Management Practices which involve the recommendation of an entity like the Penn State Extension, those kinds of folks.

Mr. Johnson said he doesn't remember seeing anything in the draft how to protect any areas within the agricultural areas. Mr. Clemons said if you look at D & E, they both address it. D says prior to engaging in the agricultural activities permitted herein, Grantor shall secure approval of a Natural Resources Conservation Service Soil Conservation Plan for the agricultural area. When they do a soil conservation plan, they will take from the mapping that they have, they will chart all the types of soil they have, and they will map out what the best uses are to be engaged in so that their plan would discourage any kind of farming activities in areas that are determined to be wet. We don't have an indication that they are wet. Ms. Baird said they are not wet. Mr. Johnson said they couldn't walk every square foot of the property because of the dense vegetation, so you don't know if there are wetlands or not. Ms. Baird said they will do that as part of the full baseline documentation. The mapping that they did do, did not indicate any wetlands. There are hydric soils in certain areas, but the NWI wetlands, they have to field proof it, and nothing came up with designated wetlands. When they do the baseline documentation, they will walk every square inch of the property. When NRCS does their soil conservation plan, they will go out and not only take the mapping information they have available, but they will ground proof it as well. Mrs. Yerger said on page 8.D. change Bucks County to Northampton County.

Mr. Clemons said in addition to the soil conservation plan, he's also provided that in the natural area and agricultural areas, the grantor is encouraged to develop in coordination with Heritage Conservancy a Resources Management Plan to secure the protection and preservations of the natural resources in this area. Of particular concern is the removal of invasive species including Multiflora Rose and Autumn Olive. We're not going to make him go to that expense, however, Heritage has a role in this and they are encouraged to develop a Resources Management Plan and Heritage has the technical expertise to be able to do that.

Mr. Clemons said you have no structures outside of the building envelope and he suggested 1,000 square feet of buildings could be constructed outside the building envelope. That is designed to be things like turnout sheds. If you have horses, you are not going to be able to tell them to come to the building envelope when it's a hot sunny day. What he put at F is there could be 1,000 square feet within the agricultural area and no single structure could be more than 250 square feet. You would be allowed to have four structures of 250 square feet each. If you want to have a barn, a stable, an indoor riding ring, the big agricultural things have to be on the six acres as well as all residential improvements. Everything except 1,000 square feet of building area has to be within the building envelope. Mr. Maxfield said which will include things like gravel drives and things like that because of the impervious ordinance, so maybe three buildings and associated drives. Ms. Ray said is a driveway a structure? Mr. Maxfield said no, but it's impervious. The 1,000 square feet is impervious. Mr. Clemons said it's agricultural structures having a footprint. Mr. Beardsley said a 250 square foot building isn't going to have a driveway. Mr. Clemons said his vision is it's going to be accessed through one of the existing trails. He doesn't think that's going to be a problem. It looks like when the subdivision was done, the agricultural area, not the natural area, could have a septic system on it to serve improvements within the building envelope, but before you get to do that, it has to be reviewed and approved and you have to establish it's not feasible to put a septic system within the building envelope, and that the location won't necessarily impact the natural open space and scenic resources of the easement area and the Grantor would have to pay for it. He doesn't want somebody to come in later and say the Township gave us a place to build, but there's no place to put a septic system in. That's the kind of balance he likes to make.

Mr. Johnson said even though the building area is surveyed and shown on the map, and the metes and bounds, it's still not a subdivision. Mr. Clemons said correct. Mr. Johnson said the same

person has to own both parts as it's all one piece. Mr. Clemons said or, as we say, page 11, item 12, no subdivision of the property shall occur. Now we're talking about building envelope, agricultural area and natural area. No subdivision shall occur nor shall the building envelope be subdivided from the easement area. No condominium or planned community form of ownership shall be imposed on the property. Even though there are far less restrictions on the building envelope, you still can't put cell towers on it, commercial satellite dishes as it slopes up and part of the value here is the scenic value. We are not permitting water towers serving public or private utilities. You can't have a sewage treatment plant, or storage tanks of petroleum or other toxic substances.

Mrs. Yerger said on page 5, it talks about existing vehicles and parts thereof, together with all other discarded materials identified in the baseline documentation shall be removed from the easement within sixty days. She's assuming that is the charge of the easement. Mr. Clemons said he can put in there at the Grantor's expense. Mrs. Yerger said that's what she's asking for. Mr. Maxfield said 60 days. Those vehicles have been there for 30 years. Mrs. Yerger said are you saying we shouldn't do it? Mr. Maxfield said there are some there 50 or 60 years old. Mr. Clemons said he never seen a combine like the one there. It had metal wheels, not rims that had the rubber, and had a gear that was just a monster. Ms. Ray said 60 days is a little bit hard. Mr. Maxfield said the wheels are stuck in the ground. Ms. Ray said she's working on removing a mobile home and half is sunk into the ground. Mrs. Yerger said is it going to be more environmental impact by digging them out and removing them. Mr. Clemons said he thinks their impression was if anything is going to leach out of the equipment, it did about 50 years ago. We saw them and documented them. There's not that many considering how big this farm is. Mr. Maxfield said there are areas where it would be easy to get rid of them, and then there's areas if we wait another 20 years, they will be gone. There's things like that that could be removed than the old farm equipment. He has no problem with the work vehicles being there. It looks pretty junky when you see a bright green and white snow mobile rotting and sitting there. It detracts from the property, but the farm equipment is kind of cool. Ms. Baird said she and Mr. Clemons were talking about inserting the language for everyone's review was considering Mrs. Yerger's question, would it have more impact to remove the materials. One of the thoughts was there are already trails dispersed throughout the property, so as those trails are already there, there is access to remove some of the equipment. There are some properties that don't have that type of access, so it may have more of an impact, but that's up to you to decide if you want this landowner to follow through with. Ms. Ray said 60 days is not a long time. Mr. Beardsley said why don't we say we would encourage the removal. Mr. Clemons said he could add to the Resource Management Plan "including the removal of discarded farm equipment and other materials". It wouldn't be a requirement. If someone is going in to remove the Multiflora or any evasive, that would be the time for someone to remove the debris. He doesn't have the impression that it sitting there is doing any harm. Ms. Baird said you get concerned about this when it impacts something like the scenic vistas. This is out of view, people can't see it, so it's not having the environmental impact anymore as everything has leached out and done it's damage, it's not having an impact on the scenic views. Mr. Maxfield said there are about three 1960 cars there and you couldn't roll them out. Mr. Clemons said to pull them out, they are going to be traveling on trails like in the picture or worse. Mrs. Yerger said that's what she said about the impact. Is it going to cause more damage to get them out of there than to leave them there? Mr. Clemons said you are going to have to bring heavy equipment in there to remove them. Ms. Ray said you may be able to get a Bobcat in there to remove the cars. Mr. Guerra said you are not going to get a Bobcat in there on the steep slopes. There's no way. It will sink. You'll have to get another machine to pull that one out. Mr. Clemons said what is the consensus? Does anyone support his idea of going in with the invasives? Mrs. Yerger said you don't even see them unless you are almost on top of them and between the wet soils and the sizes of the equipment to get the stuff out, it will be hard. Mr. Maxfield said you'd have to clean up afterwards. Mr. Clemons said we are talking about whether the environmental damage in removing those things outweighs the benefit. Ms. Baird said monitoring conservation easements is very important, especially properties like this where you have abandoned vehicles. People have the tendency to just add more to it, so

they monitor the easements every year so that nothing is added to it and it's a deterrent to the landowners. Mr. Clemons said this is not in a fresh pile.

Mr. Clemons said we've covered the agriculture area and the building envelope. There are general restrictions that start on page 4. Those apply to both the natural area and the agricultural area. That's the obvious things you already have in easements that you are familiar with. You can't take out minerals, you can't drill or mine it; you can't make a dump out of it. There's a lot of things you can't do and it's spelled out on pages 4 through 6. Because this property is kind of prone to be used by recreational vehicles, provision 6.J. it says that motorized recreation vehicles, all terrain vehicles, motorized bikes, snowmobiles, and the like are not permitted on or within the easement area, which is the whole area of the property. An all terrain vehicle may by way of example, a "gator" may be used within the easement area to perform maintenance and other stewardship activities, but not for recreation. If someone uses a gator to go back and fix a fence or take out the invasives they can use an all terrain vehicle for that purpose, but can't use it for any other recreational purposes. Mr. Maxfield said this is pretty much what our Township ordinance says. Mr. Clemons said this property right now is a hunting preserve. He thought you needed to recognize to some extent, or it would be possible to enforce. On page 6.K., it says shooting range, sporting clay or other recreational uses involving the discharge of firearms are prohibited. However, hunting is permitted within the easement area provided that no more than six persons are permitted to hunt on the property at the same time. Hunting is only permitted during the hunting seasons established by the Pennsylvania Game Commission for deer, bear, pheasant and wild turkey. He pulled the hunting regulations and if you get into squirrels and rabbits, you really broaden the hunting season. If he had said in compliance with the hunting regulations of the PA Game Commission, it's always open season for opossums and ground hogs. Mrs. Yerger said there are six people up there shooting. Mr. Clemons said there were at least ten tree stands up there. Mr. Johnson said the Township has an ordinance that says you can only discharge firearms within so many feet of a building. Mr. Clemons said the ordinance requirements are already there. They apply to everything. Mrs. Yerger said that supersedes this. Mr. Clemons said this cannot permit anything more. Mrs. Yerger said she thinks this is fine.

Mr. Maxfield said right now the last three or four years, the guy who is destined to buy this eleven acres of the whole property is the controller of the hunting people on the property. It's been down to about four people a year now. It seems like a reasonable number. Mr. Clemons said do you want me to drop it to four? Mr. Maxfield said that's where it's at and he'd like to keep it there.

Mr. Maxfield said he wanted to ask about trapping as in PA, there is unlimited trapping of Red Fox. He wouldn't mind if we said no trapping. Mr. Johnson said he didn't think we allowed any public access. Mr. Clemons said there isn't going to be any public access. Trapping has a whole different set of regulations under the PA Game Commission. He pulled all those regulations so you know when the rabbit season is. Ms. Baird said she understands your concern, but then looking into the future, we have completely different owners that do want to farm this property and they have a problem with groundhogs and they want to trap them. Mr. Maxfield said he's hearing with this unlimited trapping, some guys are trapping 500 fox a year. Mr. Clemons he's not a fan of groundhogs. He doesn't want this to get overburdened with language. Mrs. Yerger said it's going to be hard to enforce. Mr. Clemons said do you really think trapping is a harm for this property? Mr. Maxfield said it was just a good idea. He sees evidence of it, but if everyone else thinks it's onerous, we can let it go. Mrs. Yerger said what you have to understand is you are going to have permission from the property owner or the property owner is the ones who are going to be doing the trapping. She's assuming this isn't going to stay in the same ownership. Mr. Clemons said if we say in this easement that this property has agreed by contract to give up rights and we put in no trapping, except groundhogs and other types of critters that can harm farmer's crops, can be killed by any means. We can put that in there that trapping is controlled by animals that commit damage to farm crops. If you feel strong about it, we can say no trapping except. Mr. Beardsley said he knows his egg lady has no eggs because of a fox. Mr. Guerra asked if recreational shooting was

not permitted there? Mr. Clemons said it is not permitted as noise was the main concern. Mr. Kaye said what about lands owned by someone who wants to have his three friends hunt there and then set up a place where they can sight their guns in. Mr. Maxfield said he doesn't want to encourage that. Mr. Beardsley said there are three sportsman's associations where you can go and shoot clay birds and sight your rifle in. Mrs. Yerger said in her opinion, it's fine. If you need to sight your gun in, you can go to a sportsman club.

Mr. Clemons said in the natural area, all the other restrictions mentioned are already prohibited and will be strictly enforced. We have no cutting or removal of any plants are allowed. We have Best Management Practices; and agricultural, horticultural and equine activities are not permitted within the natural area, specifically those activities described in paragraph 6. Hunting is permitted in the natural area subject to the restrictions we were just talking about, and the additional restriction that you can't establish any new trails to hunt. We are encouraging the development of a Resource Management Plan, and in this case to remove invasive species and to protect springs, wetlands and creeks. The one other thing is a modification is access. Access is a challenge to this property. Paragraph 9, the first thing he made clear is that this is not a public access unless the owner gives you permission to go on the property. Otherwise, it's not permitted. 9B he wanted to make clear that when somebody builds here that strip can be used by a monitor so the Township who is the Grantee of this easement, and Heritage Conservancy if it's contracted to have monitoring duties, can go through the building envelope and park a vehicle within that building envelope to get access. Since that area is completely overgrown with Multiflora Rose, he has provided that the deed owner, that he authorizes the Township and Heritage and gives them a license to access the easement area across Lot 2 so that until such time as access through that driveway is available, they can access for monitoring purposes on that lot. After that, they would have the right to terminate it if they provided other access. Mr. Maxfield said his understanding and what he was told, in our easement language they consider Dairy Lane as a private road. Ms. Baird said that can be changed. Mr. Maxfield said Dairy Lane is a private road and it's restricted for farm usage. He was told once this subdivision occurred, the Easton Road access would have to be opened. Mr. Clemons said he's not going to address that here. Whatever those legal rights are, that's what they are. He did not in his research see anything that terminated somebody's right to use that. His suspicion is that if anybody were to develop this 76 acres, the access would have to be through the 50' wide strip. Mr. Kaye said the only access to Lot 2 by Dairy Lane. Mr. Clemons said he will look on the record plan. The Dairy Lane note says existing private street as referred to in adjoining deed and as shown on the various reference plans as once having extended from Easton Road through the subject property and adjoining farm to the northeast and connecting Lower Saucon Road said private street being currently known as Dairy Lane. It doesn't say anything about its use being abandoned as the Lot 1. It says that a driveway permit is required for any further access. Mr. Maxfield said there was a map drawn propsing a link to Lower Saucon Road. Everyone who has lives in the area said it was never connected to Lower Saucon Road. They are saying it goes up to Lot 2 and goes through that and then makes a right and goes over the creek and accesses it straight out through Lower Saucon Road. Mr. Clemons said whatever property rights there are in various deeds, this easement will not affect. Mr. Maxfield said Dairy Lane, they are worried about increased traffic. They were wondering about protections. When plans are drawn for this property, there were a lot of questionable things. Surveyors have discovered that that a dog stake was surveyed as a property stake. Mr. Clemons said the truth of the matter is that this property is never going to be developed, so when you talk about the grading Dairy Lane, the first thing to know is that nobody is going to use Dairy Lane to put a U road through this property. If you are worried about anything, you should worry about somebody using Dairy Lane to go up through here and establish a U road that came back out here. This easement is going to extinguish any prospect of doing that as there aren't going to be any houses. There's not going to be any disturbance allowed. He'll take another look at the easement, but he doesn't think we can or within the scope of this conservation easement, to terminate anyone's lawfully established easement. Mr. Maxfield said we'll have to continue to provide access to hunters, which isn't too bad. Mr. Clemons said and the owner of Lot 2. Mr. Maxfield said they understood that.

Mr. Johnson said you state here that field crops are allowed, and then you mention the particular field crops. Is it limited to those field crops only on the top of page 8? Mr. Clemons said it says including but not limited to the following. Mr. Johnson said he thinks the general term is crops grown for fuel production. For example, switch grass. Would that be included? Mr. Clemons said this came from an agricultural easement and this was something people probably thought people have. It's included, but not limited to. Mr. Johnson said on page 11, no. 12, Subdivision of Property, the last few words should it be imposed on the property. Mr. Clemons said he corrected it. Mr. Johnson said does this person own the property outright without a mortgage? Mr. Clemons said he has not done a title search yet. He does have a signed agreement of sale, so now he'll do the title search. It provides in here if there is a mortgage on the property, mortgager will give a mortgage subordination. Mr. Guerra said you can't have a mortgage on it. Mr. Johnson said the reason he brought it up is because we had one situation that did not go to completion because there was a mortgage on the property and the bank didn't like the agreement, so they didn't allow it. Mr. Clemons said if somebody wants the money badly enough, they will pay the mortgage off. The agreement of sale says if there's a mortgage on the property, they agree to pay it off. Mr. Johnson said the language you used in here for mortgage subordination is pretty typical. Mr. Clemons said in the agreement of sale which is a separate document, it says that the title to the property is good and marketable and will be insured by a reputable title insurance company. If there is no mortgage on the property and if there is one at the time of settlement, the mortgage will be paid in full and we, the purchaser, in our sole discretion, may apply the proceeds from the sale to pay the mortgage balance if it does not exceed the purchase price. We can pay any mortgage off up to the purchase price. Mr. Johnson said when you say we, who do you mean? Mr. Clemons said the Township. We can use this $330,000.00 to pay off the mortgage. Mr. Johnson said and they agreed to that? Mr. Clemons said yes. Mr. Guerra said you are covered under the hold harmless. Mr. Clemons said we are covered. Ms. Baird said she ran into a situation where the landowner is going for a subordination of their mortgage and the bank wants the fully executed agreement of sale and the final survey plans. They want everything. They want the easement also before they even make their decision.

Mr. Beardsley said there are a couple of places that say Heritage and not Heritage Conservancy, and he didn't know it needed to. Mr. Clemons said he will check on that.

Mrs. Yerger said if there is no more discussion, may she have a motion to recommend the easement that Mr. Clemons has prepared for the Whitmore Prime Development Corporation property?

MOTION BY: Mr. Beardsley moved to recommend to Council the easement that Mr. Clemons has prepared for the Whitmore Prime Development Corporation property, with the revisions as discussed at the EAC meeting on January 10, 2012
SECOND BY: Mr. Johnson
ROLL CALL: 6-0 (Mr. McCormick – Absent)

Mrs. Yerger said this will go to Council as an official recommendation from the EAC. Mr. Maxfield said do either Mr. Clemons or Ms. Baird plan to be at the Council discussion? Mr. Clemons said he plans to be there. Ms. Baird said she may have another commitment.

B. <u>PROPERTY UPDATES</u>

Mrs. Yerger said on your sheet of "Preservation Property Evaluation Summary", Ken Schoch is not interested. The property is in foreclosure. At No. 18, the Mease property, we settled on it but it has "Title company will be recording easement". She's assuming it has been. Ask Leslie and make sure it was done. Whitetail Bowman was completed. Mr. Beardsley said the appraisals have been ordered for the three properties on Wassergass. Mr. Johnson said has an appraisal been ordered for the Charles Martin property? Mr. Beardsley said he believes the appraisal has been ordered, but he hasn't heard anything about it. It's been awhile. Mrs. Yerger said she doesn't think Mr. Martin

gotten back to Ms. Baird. He hasn't called her back. Mr. Beardsley said he will call Ms. Baird tomorrow to make sure she has the right telephone number.

IV. DEVELOPER ITEMS – None

V. UPDATES/REPORTS – None

VI. APPROVAL OF MINUTES

A. REVIEW AND APPROVAL OF DECEMBER 13, 2011 MINUTES

MOTION BY: Mr. Maxfield moved for approval of the December 13, 2011 minutes.
SECOND BY: Ms. Ray
ROLL CALL: 6-0 (Mr. McCormick – Absent)

VII. OLD/MISCELLANEOUS BUSINESS – None

VIII. TERRY BOOS – HELLERTOWN REPRESENTATIVE – REPORT – No report

IX. NON-AGENDA ITEM

- Mr. Maxfield said he doesn't remember this. A question came up at the last Council meeting about how many members the EAC has and Leslie sent him an email that said at Council they approved a 12-member, which was normally an 11-person board. Do you remember anything about that? Ms. Ray said yes, when they had a woman on the EAC that was on for a very short time, it was changed. Mrs. Yerger said we needed to expand it to 12. Mr. Maxfield said then legally it is 12. Was it ever voted on at Council? Ms. Palik said there is a motion where Council did vote on it.
- Mrs. Yerger said there will be a special Planning Commission meeting on Thursday, January 19th at 7:00 p.m. at the Township regarding the IESI landfill on Applebutter Road. They want to come and talk about their future to the Township.
- Mrs. Yerger said she got notification about the Keystone Coldwater Conference on February 24th and 25th out at State College. They have seminars on buffer maintenance, storm water management, pervious pavement, aquatic invasive species, and land use protection. If you are interested, check out the website. It's $60 for the conference if you register by January 31st. Check it out and let us know.
- Mrs. Yerger said the other thing that is upcoming, PEC is holding their annual conference this year on March 3rd at Montgomeryville College. She will be talking about Lower Saucon Township's EAC. She will be on a panel of three. She doesn't have the full schedule yet, but you could check out their website. Let her know if you are interested in going.

X. PUBLIC COMMENT – No public comment

XI. ADJOURNMENT

MOTION BY: Ms. Ray moved for adjournment. The time was 9:12 PM.
SECOND BY: Mr. Maxfield
ROLL CALL: 6-0 (Mr. McCormick – Absent)

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Sandra Yerger, Chair