

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, June 2, 2009 at 7:08 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL: Members: Sandra Yerger, Chairman; Tom Maxfield, Vice Chairman; Laura Ray, Secretary; Allan Johnson, Ted Beardsley, EAC Members. Absent: Hazem Hijazi and Dennis Aranyos.

Associate Members: Colin Guerra. Chiharu Tokura arrived at 7:09 PM. Tom McCormick arrived at 7:10 PM. Absent: Glenn Kaye.

Hellertown Liaison: Terry Boos

Jr. EAC Member: Absent: Jessica Null

Planner: Absent: Kevin Kochanski – Boucher & James

PLEDGE OF ALLEGIANCE

II. NEW BUSINESS

A. NATURAL RESOURCE INVENTORY – OPEN SPACE ACTION PLAN – ADDENDUM I AND II

Mrs. Yerger said we had requested Boucher & James two meetings ago to look at the new County sites and do a write up on them and secure that information and add them as addendums to our current open space action plan as we became aware of these sites involuntarily through the County. We stumbled on them. They did a good job. Are there any questions, additions or comments we need to talk about?

Mr. Johnson said he would like to see them provide the Open Space Committee with a large reproduction of that map. Mrs. Yerger said Chris Garges has made a map for you. Mr. Johnson said he'd like Chris to provide them with a pdf on disk for the computer. The highest resolution he can give us so we can look at the details. Mr. Maxfield said this may be the only statewide significant area in the whole valley, the Faux Hill vernal which are off of Wassergass Road. Mr. Johnson said it's a great map and just what they need. Mrs. Yerger said because these were sites that were selected by the LVPC and incorporated into their overall plan, any of the properties we are looking at in Lower Saucon to preserve that fall within these sites, will automatically ramp them up as far as qualifications for County funding. That's something else to keep in mind for match money for the County. The more match money we can get from the County, the more it spreads our ability to preserve land in the township. It's a huge help for us. Mr. Johnson said the NRI is just great. Mrs. Yerger said if you have landowners that you are talking to in these areas, let them know because there is going to be a September round of applications for the County for match money. That's something to keep in mind because these areas would definitely be a high priority for the County to fund. Mr. Maxfield said keep in mind if it's a sloped area and wet, that is going to up it. We don't have criteria for it or a check off sheet. The other thing is we found out in the Saucon Creek Watershed, there are over 100 archeological sites that they don't release the location of. Every time there is a development plan, it is supposed to be sent into PHMC. Mrs.

Yerger said she will make sure they get a pdf copy on disk. If everyone is satisfied with these addendums, she would like a motion.

MOTION BY: Mr. Maxfield moved that the Township approve the inclusion of Addendum 1 and Addendum II to the Natural Resource Inventory section of Lower Saucon Township's Open Space Action Plan.

SECOND BY: Mr. Johnson

ROLL CALL: 5-0 (Mr. Aranyos and Mr. Hijazi – Absent)

Mrs. Yerger said her part of her property is on Granite Hill and this was one of the best years she has had for Native Orchards. She hasn't seen quite so many. They were big, so the conditions must have been right this year. Mr. Johnson said would it be a good idea for someone to go along with them on their open space walks that could identify these plants. Mr. Guerra said he would help out and try to identify the plants. Mrs. Yerger do you want to have the pictures included officially or have it just as a project we can work on? Mr. Guerra said he will get some CDs.

B. DISCUSSION ON MINIMUM CRITERIA FOR CONSERVATION

Mr. Maxfield said when he talked to people at Town Hall, they had some of the same concerns regarding minimum criteria for conservation. There is going to be an open space conservation ordinance put together that they are going to present to us eventually. They are concerned about the process. They want to codify it. His concerns came up as they were talking about conserving property and we were all excited when people sent in sheets that they were interested. It became apparent real quick, and we had to weed them out, that some people were only going for the money end of it. Mr. Beardsley said there are some of each kind. Mr. Maxfield said some people almost wanted to be pushed to the front of the list and wanted to do this and get the money right away. Terry put together a timber harvest plan. If we're going to spend people's money to conserve property, we should conserve it entirely in a pristine state as possible realizing that what we are conserving now isn't even in a pristine state, it's already been changed. If you went to the Watershed presentation the other night, the entire topography of our valley has changed because of what man has done. His feeling is that we lost a lot, so we really need to grab onto what we have and preserve it like it is. We already have some criteria that are in conservation easements that we use now and we just assume. For instance, we don't allow ATV's or other recreational vehicle on conserved land because they destroy things. We don't allow people to go in and muck up riparian corridors. We don't allow building. We don't allow ag practices with pesticides on the property. There might be a couple of other things along the conservation line that we could do and kind of put in place so you guys aren't wasting your time. If Bilous had applied for a conservation, and three months went down and suddenly he's not getting that action he needed, and then he applies for a lumbering plan. He should know at that point if there's a need to lumber the property, then you are off the conservation list. There might be other things that he hasn't thought of, other criteria that you may want to include. He feels like there is almost like a pamphlet we should put out saying if you want to do this, then we're not interested. It's kind of like if we are going to get properties and conserve and spend taxpayers money on them, then we should probably do it the best we can. Maybe we don't have fifty properties, we have ten properties, but they are going to be really good properties and are going to be exceptional and something that we are proud of. Not something that the habitat has been destroyed or it's been over logged. The clearer we are, the better off we are. Nature set up a process. He doesn't think personally you have to lumber a property, nature will take care of itself. We should preserve these areas and put a boundary around them and let nature do its thing.

Mr. McCormick said he agrees with that 95%, but the only thing he takes issue is to the motive because he wouldn't care if someone offered to conserve their land to read their name in the paper. If someone needs a new kidney and needs \$10,000, that's fine. If they want to preserve the trees,

that's fine, but a well motivated person with mediocre property should be turned down and a crappy motivated person with fantastic property should be accepted. He agrees entirely with Tom regarding the lumbering. With respect to the rewarding bad action, the Meadow's people and the one that really got to him was Dravec. Remember him screaming and yelling, the guy paved the driveway against the code, so he thinks bad actors should be excluded from the program. He thinks one of the things that is appropriate, as we are stewards of the environment and the taxpayers money, should be threat of development. In other words, land that is not decepletable to development is not in need of conservation easement and the land that is susceptible to development is in desperate need. If we are going to make a list, that one should be on the list.

Mrs. Yerger said these properties are prime examples of it – what is going to happen with some of the things that may or may not play into what you are saying, a threat to development. Their natural resource value is incredibly high and the opportunity to get outside match funding, these types of properties are again, where those are going to fall as far as priorities. If we only have to pay half the conservation value on it as opposed to the full ride, and the County or DCNR are going to pick it up because they have such valuable natural resources on it, that should be another component.

Mr. McCormick said we should take advantage of the same things the builders do. We shouldn't be at a disadvantage because we are the hippies, we should do the same kind of analysis. If you are saying if it costs half as much, then it costs half as much which means it would score as high on your ratings. It reminds him of the 911, in the months that followed, the Federal Government put a lot of money aside for security, as they should. Remember the debate when North Dakota said we're one of fifty states, they should get 1/50th of the money which was utter nonsense, and New York said we just get hit, we should get all of the money, that's also utter nonsense. He does think if we are going to argue about a solution, the first step is to articulate what the problem is. On the lumbering, he absolutely agrees. The motive doesn't belong on that list. Mr. Maxfield said he was just trying to explain where his frustrations were. He's trying to identify the problems so it's a smooth process for you. If the applicant knows he wants to do lumbering, then he should be off of the list.

Mr. McCormick said you all did a good thing with respect to Cloverview. Mrs. Yerger said the only absolute thing about conservation easements and the whole conservation process is, nothing is alike or absolute. That's something she learned from some of the people who have been doing it for 25 and 30 years that every application is unique in some form or another. Every property is unique in every form or another, and yes, you can take these boiler plate conservation agreements, easements, and use them as a template, but when push comes to shove, they are still going to be tailored for that specific property and that specific landowner and what rights they want to give up and what rights they want to retain, and whether or not that is valuable as a conservation project for whoever is all involved with it. So you are aware of it, she believes that the DCNR in PA does allow timbering on properties that they conserve. Mr. McCormick said they are entitled to do that. Mrs. Yerger said absolutely, because there is a huge wood product, crop, in PA. It's treated almost like a crop, like corn, it's harvested, it's considered that. It doesn't have to play in to it, but that's the perception that is out there for some particular properties, especially in the N and NW parts of PA, those forests are considered no different than farm fields, but it's a different commodity that is coming off of them. One of the things that Mr. Maxfield said, what is very important and did come out at the watershed meeting, was that what has happened here in the Lehigh Valley for the Saucon Creek Watershed, in particular, is the compensation as a flood control mitigation and storm water runoff mitigation, is our steeply wooded forested slopes. For all of the development, by allowing those slopes to grow back in from ag fields and becoming woodlands again, they are the balance that is preventing a lot of additional flooding from happening in the entire Lehigh Valley. Here in Lower Saucon, we still have a fair amount of them. They are a valuable resource, that in our particular situation, maybe unlike what's happening in Central PA, it's almost imperative that if

especially they've got a stream at the bottom of those steeply wooded slopes, those woodlands stay intact for the benefit of entire area, and that's her feeling. Yes, she owns part of one of them, and no, she doesn't plan on logging. She doesn't have that in her conservation easement agreement. It's going to stay. People have asked her if she was interested in managing her woods, and she said she wasn't interested in that. She knows the value of leaving the woodland intact right down to the stream.

Mr. McCormick said he doesn't know if the EIT is under threat, but he does know the economy is bad so there could be pressure on that as people are struggling with gas and milk, his frustration with it is that we did the Old Mill thing and the four lots at Cloverview. It isn't like we are giving money to people that are poorly motivated or we are preserving the wrong land, we haven't done anything. He didn't feel an hour ago that the problem was that we were doing all the wrong projects, he felt like we weren't doing anything. Ted assesses them, then our job is done and we are supposed to buy them. If our job is to just walk around the woods, then Ted is doing a great job. If our job is to close on conservation easements, then you all are not doing a great job. Mrs. Yerger said we sort have had that discussion as well and that will come out under Ted's reporting under Open Space. We will make a concerted effort to not make that happen again. We would like to see this move forward in a more timely fashion, and we will successfully do that.

Mr. Maxfield said can we discuss this over the next couple of months those projects that come in from now on or are being considered from now on. Not those that are already being processed. If you can think of any criteria, he just wants to hit on a bunch of them, like motorized vehicles, hunting and trapping, weather, a million different criteria that we could look at. The State and County have criteria, we're the only one that doesn't have set, published criteria that people can read. Mr. McCormick said we should have working sessions or ideas. Hunting is a problem as you know that people who own this property own it for a reason and one of the principal reasons is hunting. If you conserve your land, you can't hunt it.

Mrs. Yerger said we have to look at each property individually, but again, a benefit is if we can take the right properties and get matched money for them, and stretch our dollars and that's being physically responsible, and we have to be careful what we want to exclude.

Mr. McCormick said does the County match municipal money or only Heritage money or anybody's money? Mrs. Yerger said they will match anybody's money.

Mr. Johnson said aren't there two different groups in the County that do conservation, one is primarily interested in agriculture and the other one is the one that would be interested in our kinds of natural resource land? Mrs. Yerger said yes. Mr. Johnson said we mainly deal with the ones that are interested in the natural resource land? Mrs. Yerger said yes, mainly because our County requirements in Northampton are a minimum of 50 acres of agricultural land, which we almost have nothing of, and secondly, that they prioritize those that are adjacent to preserved farms already. You take those two top criteria, and we almost have nothing that qualifies for in Lower Saucon. Mr. Johnson said money comes from that part of the County budget, but money that comes from the other part of the County budget, we would qualify for. Mrs. Yerger said that's what we got for Whitetail Bowman. Mr. Johnson said because we are trying to conserve naturalized areas, and even if there is farmland, and we don't have that much farmland around here, anybody who wants to preserve it, they would be a good candidate for conservation. We would want to conserve that using the money from the other side. Mrs. Yerger said we can't get money from the County. It has to be our money. There is no other money. Mr. Johnson said the people who are interested in the natural areas conservation part of the County wouldn't be interested in giving any money for ag land? Mrs. Yerger said no, and that's where we are kind of stuck here in Lower Saucon as far as preserving agricultural land. It's pretty much like the Mease farm. Those 20 some acres in Lower Saucon, County ag was not interested, the natural resource money was not

available. It's going to be up to the Township to do our portion of Lower Saucon. Mr. Johnson said we all know ag land is the most desirable for development. As Tom was saying, he thinks one of the highest prioritized land to be conserved is land that is in the biggest danger of development, so we kind of have conflict. Mrs. Yerger said the way the County established their criteria, honestly, she does not think what has been designed in Northampton County is the best way to go about it; however, the lands they've targeted and because of the amount of those types of lands as far as the natural resource lands we have here in Lower Saucon, indirectly, it benefits us. Is it the smartest way to go about conserving land? Probably not. Mr. Johnson said land that is highly likely to be developed, then it's going to come out of our Township money. Mrs. Yerger said yes. Mr. McCormick said what about the foundations? Mrs. Yerger said the State money, will go by ag recommendations. If it's agricultural land, it has to come out of a County recommendation. Mr. McCormick said why were we talking at all to Mr. Skraban about public access? We did at length, and he asked Attorney Treadwell to write a memo that you can't get sued when a Boy Scout trips. Skraban is not 50 acres of ag land, so the County is done, but we went in there and said it might help if there is public access, maybe, maybe not. We had all those conversations which he thinks none of it mattered. Mrs. Yerger said for Skraban property, probably not. Mr. McCormick said now he's with Mr. Maxfield, now we have a problem which is that the collective lot of people who are responsible for doing right, are not doing it well. We did what we were asked. Mrs. Yerger said we will be remedying that situation, and you will have advisors who this is their mainstay. This is what they do for a living. People who you can call. You met with one of them at the Skraban property – Jeff Marshall. They were reappointed as our Open Space Consultants. We went through as six month period where we had no Open Space Consultants. He's Heritage. Mr. McCormick said does Heritage give a care about up here? Mrs. Yerger said yes.

Mr. Beardsley said getting back to Skraban, that was 65 acres in the beginning, so public access to that might have brought us some money. Mr. McCormick said the ag wasn't anywhere near. Mr. Beardsley said now he wants to hold ten acres out plus he wants to take two to three acres around his house, so now we're down. Mrs. Yerger said this is how the process works sometimes. The one thing she's learned working in this business is most times, if you are conscientious about this, and she knows you are, you have to make these landowners understand that the desire of this is in perpetuity. Legally, it's a whole different issue. The approach would be this is preservation in perpetuity as a responsibility to the taxpayers, who are funding this, so that should be the approach we are taking. This is something that the landowner should understand and enter into. Mr. McCormick said as far as crafting a solution to a natural problem, he doesn't think anybody thinks it is temporary. Mrs. Yerger said that's why with Skraban, the end result was ten acres is going to stay out because this isn't in perpetuity. He's not sure about the ten acres, so he's going to hold it out. That's much better to have that than have him sign the agreement, and say he didn't know. You don't want to go down that path. It's important and much as she hates to say it, because of that very fact, and because it's difficult for people to make this once and done determination, it is invariably a much more lengthy process than we usually anticipates.

Mr. Beardsley said when we are looking at a property, if we can get public access of some kind, he thinks that's a benefit that we should buy going in. For example, Skraban's property is not far from Polk Valley Park, and he seemed to be fairly liberal about letting people come on there. He said if the people want to hike up through there, he didn't care. He said he just doesn't want them there during hunting season.

Mr. Maxfield said that's something we don't want to discourage when it comes to deer. When it comes to PA, there's unlimited trapping. There are guys in Springfield that aim for 500 red fox a year. We're trying to establish and keep habitat in balance. We need more foxes and less deer and we set up a situation where we have more deer and no fox. Coyotes are moving in too. Mr. Johnson said what would you propose – a list of animals that can be trapped and a list that can't? Mr. Maxfield said what he is asking you guys to do is consider all this criteria and figure out how

we want to do it. If we have a riparian corridor, half of trapping occurs in water, so how far do we want to go, what are you willing to give up in order to conserve this property. He wants the township and the people in the township to win or at least come out equal with the guy who is conserving the property. Mr. Johnson said do you mean what are you willing to give up to the property owner in negotiations? Mr. Maxfield said yes, or what are we willing, as a township, to give away in order to just stop houses from being built.

Mr. McCormick said you also want to talk about whether the conservation easements can be used as a tool to take action against something. This is a very bad example, but nobody wanted the billboard to go up, but there was very little that anyone could do to stop it. There wasn't a sufficient outcry from the people. Could a deal have been cut there. You want to preserve flexibility somehow. If we wrote it the way we should have from an environmental perspective, you probably would have talked yourself out of Cloverview and found yourself in a predicament. Cloverview had no value. The problem was we almost had houses, but we stopped the houses. It's a great idea to articulate to candidates what exactly they need to give up in return for the money and to give us a filter to screen these applicants. Mr. Maxfield said this is again tough, as the whole process centers around appraisals. You have a guy who says he'd like to lumber his property periodically, and then you send it out to an appraiser, and the appraiser is going to appraise the property how, is he going to visualize the lumber gone.

Mr. McCormick said he thought he heard Mr. Maxfield said at the beginning of this, "they", who was that, wanted to draft an ordinance? Mrs. Yerger said staff was talking about that just to help you guys know where you are and help with a process. We have that flow chart, but they agree with you that there's lag time and there shouldn't be the lag time. Mr. McCormick said he understands all that except the part about "help us". Mr. Maxfield said you are going to be able to call for help, for information whenever you want. Part of the problem with the flow chart was that as soon a little glitch came in there, the whole flow chart fell apart, but now you are going to have places to go to fix those glitches so you can get back on the chart. When staff has a problem, if things don't move fast, you can say, this is two weeks since we asked you to do this, why isn't it done yet. Well, because our attorney called this morning, etc., etc. We are going to try to solidify that part of things to make it move faster so we can be more productive and not have people hanging out there waiting for info or waiting for the next word.

Mrs. Yerger said even if this ordinance comes to fruition and we are able to hammer it out, and everybody is happy with it and it's flexible enough, but not flexible enough and we go through all this process, she does not want waiting for this ordinance, and she made it very clear, to slow down what you guys are starting into this process. In the meantime, we are going to try to help you streamline to move things through the process. That is her goal as you guys get hung up waiting for approval. We need to empower you as a committee more for "independent together" collectively action. Mr. Maxfield said maybe next month we could talk about it again and think about it between now and then.

III. DEVELOPER ITEMS

A. GUS'S CROSSROADS INN SITE PLAN SP 02-09 – 3760 OLD PHILADELPHIA PIKE

Mrs. Yerger said she has maps. Gus's Crossroads Inn site plan, she doesn't think there is any environmental issues involved with it. Mr. Maxfield said they are asking for a deck extension off of the second floor of their restaurant over a parking lot macadam area. There doesn't seem to be parking problems there or any environmental problems. It won't technically increase impervious coverage as they are just putting a deck over it. It's not even increasing their table count or traffic flow.

Mr. Beardsley asked what would happen if they were going to increase the number of tables? Mr. Maxfield said they would have to have more parking which would be a requirement and that's part of the planning process.

EAC took no action.

B. PAVELCZE MINOR SUBDIVISION MIN 01-09 – 160 FRIEDENSVILLE ROAD

Mrs. Yerger said this one is basically a lot line adjustment. It is existing lots. They want to adjust them because he wants to tear down one of the existing structures, a garage, and put another home on it now, not just a garage. Mr. Maxfield showed the EAC members where the lot was on the map he had and where the existing structure was. Mrs. Yerger said it's really a planning issue, she doesn't see any environmental issues on it at this point.

EAC took no action.

IV. OLD/MISCELLANEOUS BUSINESS

A. REVIEW AND APPROVAL OF MAY 5, 2009 MINUTES

Mrs. Yerger asked if there were any corrections or changes? There were missing comments from Haz Hijazi and Terry Boos. This will be tabled after they fill in the missing blanks and will be approved next month.

Mr. Boos said to put in the May 5, 2009 minutes: "Hellertown Council would not release the Tuminello property for sale."

MOTION BY: Mr. McCormick moved to table the May 5, 2009 minutes until the July 2, 2009 meeting.
SECOND BY: Mr. Maxfield
ROLL CALL: 5-0 (Mr. Aranyos and Mr. Hijazi – Absent)

V. UPDATES/REPORTS

A. OPEN SPACE SUB-COMMITTEE

Mr. Beardsley said last month, we passed out a list which turns out to be not completely up-to-date. Mr. McCormick said last summer they put together a list that we need to combine with this list. The Open Space Sub-Committee will update it. Mr. Beardsley said they need to get together one day as they have three or four properties to look at. They have to get back to Hans Riemann with dates. Mr. Cahalan sent Jeffrey Reis a letter and as far as he knows, there wasn't a response yet. That's sort of a dead issue at this point. Mr. Beardsley spoke to Len Bilius and both Hans Riemann and Len Bilius, he pointed them towards the EAC's section of the Township website where the open space plan is and he suggested they read it so they can explain to the EAC the benefits of preserving their property when the committee comes out there. He spoke to Willy Shelly today and they need to get a date to go and see his property. He told him the same thing he told Len Bilius. James Cartier, Richard Marcin, and Victoria Smith are all Wassergass Road people. He spoke to two of them, and the third one was "that's my neighbor and he's interested too". They were supposed to get them copies of the Open Space Plan, which hasn't happened yet. James Huelett on Martins Lane also wants a copy of the Open Space Plan.

Mr. Beardsley said we should also put together some sort of cover letter. Mrs. Yerger said she will have Leslie get in touch with you and staff will get the packets together. Mr. Johnson said he talked to James Huelett and he asked Mr. Johnson to email him a copy of the Open Space Plan and

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he didn't do that yet. He left him a phone message and Mr. Huelett never called him back. He will try to contact him again and see if he still has any interest. Staff will send him a copy of the Open Space Plan. Mr. Beardsley said Bruce Petrie, we had scored that, and recommended it, but it's just in limbo at this point. Mr. Maxfield said we should keep in contact with him. Mr. Johnson said his land is pretty high priority according to the map. Mrs. Yerger said if this is high priority, then we need to investigate if that prioritizes him for the County funding. There is a Fall round and it's coming very quickly. If we can get match money for him, he would be a candidate for that. Mr. Maxfield said maybe you should re-contact him. Mr. Beardsley said he's sure he is ready to go as so as we are. We need to find out if we can get the other funding, then go from there. Mrs. Yerger said explain to him to make sure we would qualify and it looks like he will qualify in County criteria. Then we can tell him we will put in an application and it would probably take another four months. It's good thing that he's not in a hurry as it does take time.

Mr. McCormick said with respect to the PR, and getting the township citizens excited about the program, that one has absolutely everything. It's big, it's in the township, it's on that list and it's the split of ag and forest. It has steep slopes meaning 90 degree cliffs. It's as steep as you can get. It has archeological significance on two ends – both the proving grounds is on one side and then there's a cemetery with 1700 this and 1700 that, and it's under threat of development in the sense that the neighboring area might be developed. He's not too sure as there is a sinkhole issue there. It would make a very good newspaper article about all of the features.

Mrs. Yerger said one of the things, the open area, just because the way the County did their open space, it would probably be the sloped areas and that would qualify it and we might get County funds on part of it. Mr. McCormick said it's got a good stream going through it. Mrs. Yerger said Jeff Marshall can find this out for you. Mr. Beardsley said Dorothy Snyder, most of her land is in Williams Township and only a small portion is in Lower Saucon. He told her if Williams Township would consider preserving her property, Lower Saucon probably would also. He will have Chris Garges do a map. There is nothing to do at this point. Mr. McCormick said we had talked about getting a name from Williams Township and throwing it out there. Mrs. Yerger said she will get a name for them from their open space. Mr. Maxfield said in a case like this, do you think it would be a good idea to send her an official letter telling her we might be interested if. Mr. Beardsley said yes. Mr. McCormick said the best way to do that might be with a letter to the two of them together. Mrs. Yerger said let her get a name first.

Mr. Beardsley said John Skraban is next, and he thinks we are waiting for the draft easement to get him to agree to it or change it, and then order an appraisal. That's in the process. Mrs. Yerger said Leslie asked if you had a scoring for the Skraban property? She could not find it. Mr. Beardsley said he'll look. Mrs. Yerger said she would like a motion from the Open Space Committee that you are in agreement to this to allow Council to allow your Open Space Consultant to draft a easement agreement for Mr. Skraban. Mr. McCormick said a rule of thumb is you never draft an agreement before you have a deal. It seems odd to me that you draft the easement before you do the appraisal. You can do like a term sheet, a one page summary of the number of acres. Why are we drafting an easement before we even have it appraised? Mrs. Yerger said you are absolutely right. Apparently, there was a conversation and Mr. Skraban had this whole list of questions on what could be included and what couldn't be included. He did lay out terms, and his request was to please draft an easement because he wasn't sure of all the pieces he wanted in and out. He wanted to see in writing what the terms would be on individual pieces.

Mr. McCormick said he read Terry Clemons old conservation agreement, and it's a good document, but it's very, very long. Is Heritage going to draft it for free as it's a lot of work? Mrs. Yerger said basically what they are going to do is in Jeff's opinion, is just plug in a template, the particulars to what they discussed, and it should not be a lengthy process or an expensive process. We can even put a cap on it. Mr. Skraban, particular to this case, thought if he had a draft

conservation easement in front of him, it would help him to know what he wanted in and out of the appraisal. Mr. McCormick said that happens and it's usually solved with a letter of intent. You usually don't go to a 50 page easement. You'd write it down on a page or two. "We will seek an appraisal, but we want you to initial that subject to agreeing to a term later", this is what you have in mind -- number of acres, what you want to do, whether you want to log it or not log it, hunt it or not hunt it. There is no reason to draft a 50 page conservation easement. Mrs. Yerger said then you need to come to the Executive Session tomorrow night or you need to be able to portray that. She's not privy to that conversation. She was given the impression that's the way the meeting concluded. Mr. Beardsley said correct. Mrs. Yerger said it was between Skraban, Jeff Marshall, Ted and Allan. That's what she was told.

Mr. McCormick said when you give a guy an easement where you fill in the blanks, that's your easement. He's going to have comments, but we're not going to improve it. If he who drafts the first version can no longer make comments on it, he'll say you gave it to me. It can become very complicated. Mrs. Yerger said what Jeff's suggestion was to send it to you guys first, then have your comments, then send it to Skraban. Mr. Cahalan had said do whatever you guys want to do. If you are more comfortable doing it that way, she doesn't have a problem with it. Mr. Maxfield said none of it at this point is going to be binding. Mr. McCormick said if he hires a lawyer, you can't negotiate against your own draft. Mrs. Yerger said we got \$93,000 from the County, and \$93,000 from us. That was the appraisal. Mr. Johnson said when he goes to these meetings, and uses these words, he's not aware of their legal meaning. He likes the idea of sending a letter outlining what we're going to do instead of trying to come up with a legal document right away. Mrs. Yerger said she needs somebody to get on the phone and talk to Mr. Cahalan, who in turn, will authorize you to talk. Right now we are being asked to process everything from you through this EAC to Council, to the consultant. If you want that letter, then her recommendation is to come to Council tomorrow night, tell them what you want, and then we will approve it and we will have the consultant do what you want him to do. Mr. Maxfield said in this particular case, and citing Jeff's experience, and the trust that he seems to have with landowners, he would trust what Jeff wants to do. If he feels it's going to move this process, he would trust him. Mrs. Yerger said she agrees with both of you.

Mr. McCormick said we are not talking about undermining Jeff as he does this for a living. We're saying it's a letter you sent to Mr. Skraban saying "Hi, John, look forward to working together on this. This is what we had in mind, please eyeball it so we can get the appraisal done correctly. Let me know if you agree with this". If I ran that by Jeff, he couldn't imagine he wouldn't say it makes a ton of sense. Mr. McCormick said you could show Skraban a sample, but it's 50 pages long. If the problem was we can't order an appraisal because all we know is the guy has 50 acres, but we don't know exactly how much -- that's a problem. The solution to that is you jot it down. You get us by and use that. The solution is you don't draft a 50 page easement. Mr. Johnson said you give him a chance to perfect what he wants to say. If he gets a letter and it says this and this and this, maybe he didn't understand what we were talking about and vice versa, and he can write one back saying this is what I really meant. When we had the meeting, Skraban had a list of questions and we went through all those questions and answered them all to his satisfaction. Mr. Beardsley said we need to write him a letter and tell him it's our understanding you want to move ahead with the conservation easement on your property and we're interested in doing that and you need to show us how much property you want to exclude around your house and where the ten acres is that you want to preserve for your son to build a house on later on. Then we can order an appraisal. In the meantime, we can talk about the terms of the easement. Mrs. Yerger said okay. Mr. McCormick said he can draft that letter. He can come to the Council meeting tomorrow night also. Mrs. Yerger said at your discretion, you should be prepared and include a sample easement. Her understanding was that he really didn't know what our easement agreements look like. Mr. Beardsley said then we need to get the draft from Jeff Marshall. Mr. McCormick said the solution isn't you negotiate a 50 page easement. The solution is here's the one from the PALTA website,

take a look. We're creating problems and challenges. Jeff is our consultant. Mrs. Yerger said he was guessing at what he came away with from the meeting. He did not want to move forward until he got an official request from the Township to do this. That's why we are trying to clarify it now. Mr. Johnson said maybe in the future we ought to have some kind of an easement that we can show to people that isn't binding in any way and say this is what the document looks like, these blanks need to be filled in. That's what Mr. Skraban was looking for. Mrs. Yerger said you have to understand you are going to be talking to these landowners that are going to be going for county funding and you have to make sure the easement draft you are giving them is compatible with the requirements of the County. Mr. Beardsley said that's the problem. Mrs. Yerger said if you are going to be expecting to qualify this property for DCNR funding, you have to give a draft easement that is going to meet the DCNR criteria. You have to have a draft of a conservation easement that is going to meet the criteria of how you plan on funding this project. Mr. McCormick said what you just said if someone asks for a sample, you have to be careful to give them the right sample, but that doesn't mean you have to negotiate a draft and fill in the blanks. You have to go to Jeff and tell him Mr. X said he wants a sample easement, which one is appropriate. Mrs. Yerger said this is what you need to look at and decide whether or not it is going to qualify as you want to make sure the easement, even the drafts, are the proper type. You almost have to do that prior to the request. Mr. Johnson said it would be nice if we had a draft sample to look at ourselves to see which one applies to which piece of land we looked at. Mrs. Yerger said go to the PALTA website and you can download an easement. Mr. Johnson said he looked at the one from the lawyer guy that was up here and it put him to sleep in thirty seconds – it didn't make any sense to him. He's not going to go through 40 pages of that. We should have a short sample, one that applies in this situation, one that applies in that situation, four or five different kinds. Mr. McCormick said no, that's why your job isn't to be the lawyer. Your job is to walk the properties and assess them. The easements are property law driven documents. They are always going to be 50 pages and they are always going to be boring. You don't have to read it. Mr. Johnson said then it's someone else's job to read it and find out what they want to do. Mr. Maxfield said that's why we want to give you the power to pick up the phone and call Jeff and ask him which is the best easement to send out. Mr. Johnson said if he could make up three or four different samples, that would be fine. Mr. McCormick said each one is going to be 40 to 50 pages long and you are not going to read any one of them. They represent 500 years of English common law – it's complicated.

Mr. Beardsley said we have a little pamphlet which talks about conservation easements. There should be something that is a little more detailed than that and tells the property owner these are the kinds of things that are included in an easement and it has a laundry list. Mr. Maxfield said Jeff can give you that information. Mrs. Yerger said most of those publications are paid for by DCNR and are free and we hand them out at Community Days, whatever. Mr. Beardsley said that's what we should give the landowner until they ask for something more. Mrs. Yerger said she can get you dozens of copies of those.

Mr. Beardsley said the next one is Joe Dravec. We've recommended it and it's out of our hands. Mrs. Yerger said it's still lawyer to lawyer stuff and it's in Executive Session which you are invited to attend tomorrow night. It's at 6:15 PM. Mr. McCormick said how much money do we have left? We're about to go into \$93,000. Mrs. Yerger said about \$1.4 million. Mr. McCormick said there is plenty of money left.

Mr. Beardsley said Whitetail Bowman's Club. We know it's been approved. Mrs. Yerger said we are waiting for a draft easement. Jeff was going to send one that was County oriented. They already have the building envelope established and the appraisal. If you are ready to authorize Jeff to do a draft easement, you can do it tonight for tomorrow night at Executive Session.

MOTION BY: Mr. McCormick moved that Council request Heritage to reduce the business terms into a draft conservation easement in connection with the Whitetail Bowman's archery club.

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SECOND BY: Mr. Beardsley
ROLL CALL: 5-0 (Mr. Aranyos and Mr. Hijazi – Absent)

Mrs. Yerger said she will take that to Council tomorrow night.

Mr. Beardsley said the next one is Rodney Vanscavish. We had recommended his property and we made two recommendations – one was his property and the other was an adjoining property that was in Lower Saucon that belonged to some woman who has passed away. Her heirs have put the property on the market. The offer is not contingent upon him getting any money from us. He wants to move ahead with an appraisal on his property because he wants to do that no matter what. There's an issue on whether the Township can pay for an appraisal on the adjoining property when he doesn't own it. He would agree to appraising it himself if he thought he was going to get money from us eventually, and then we'd reimburse him. If he has the property under contract, and they accept his offer, Mr. Beardsley doesn't see why the Township couldn't appraise it. Mrs. Yerger said if you get that far, that's fine. Mr. Beardsley said at the Executive meeting tomorrow night, that's what he is going to propose – if Vanscavish gets the contract of sale, otherwise if he wants to move forward with the adjoining property in the estate, then he has to pay for the appraisal. The appraisal has to be ordered by the Township, and he has to pay for it. Mrs. Yerger said we have no problem, from what she can gather legally, if he wants to have an appraisal done on what he already owns, that's not an issue. We can do that tomorrow as long as he has an idea of the building envelope. Mr. McCormick said he should get the same letter as Skraban gets. Mrs. Yerger said then do it. Mr. Maxfield said we should not be paying for that appraisal until it's an absolute thing and we're going to be a partner in it. Mr. Johnson said after Mr. McCormick drafts a couple of these letters, then Jeff Marshall should get the idea. Mrs. Yerger said either that, or it's up to you. You have to determine where your level of volunteerism starts and ends. Mr. McCormick said that needs to be handled by the staff, the consultant or by us. A decision should be made who it is. Mrs. Yerger said that's up to you, you have the legal expertise. Mr. McCormick said he'll write the first one, a form of it. The question is then, what about 2, 3, 4 and 5. That detail should be laid out. Mr. Johnson said he asked a couple of times that he'd like to see a finished conservation easement that we've done for somebody and it was never provided. Mr. McCormick said you can look at Noble's or Laura Ray's. Mrs. Yerger said staff can email a copy to Mr. Johnson.

Mr. Beardsley said he passed a map out which is basically Bechtoldt's Orchard. The owner is Bill Rowe. It's on 412, just before you go into Springfield Township. He doesn't know if he understands everything he needs to about this. Mr. Rowe had applied to the County under farmland and according to what he said, he wasn't turned down, it was just that they ran out of money. Does that mean he can put it back in the following year? Mrs. Yerger said yes, it can be put back in. Mr. Beardsley said he's coming to us asking if we can do a conservation easement. Chris showed you where the Mease property was as we are already working on that. The one where it says "Kunzman", Bill Rowe leases property from him and has trees there. Mr. Rowe said he thinks Kunzman would be interested in an easement as well, and then Mr. Beardsley got a call from Tom Pollack, who has 100 acres of land, 50 acres are in Lower Saucon and 50 acres are in Springfield. He would be interested in talking about an easement on his property also. This is all agricultural. Mr. McCormick said in this economy, it's not about to get houses built there, but in ten to twenty years, this is perfect for development. The hills are gorgeous and it's right on the main road. This seems to be something that should score real high. Mr. Beardsley said the Mease property has some of the best agricultural soils in the state. Mr. Johnson said the state has two ratings, and they are in the top rating. Mr. Beardsley said he's thinking this property may be similar, but doesn't know until we look at. Mrs. Yerger said we need to show this to Maria and Jeff and they can help guide us to put in a new application. He went through the ag preservation program. They rank them, they fund so many. If they fall below that, then the next year comes around, the new applications come in. She sees property on the ag preservation list sometimes wait

ten to fifteen years because of the reshaping every year before they qualify. It's a roll of the dice. If he wants to go through that process again, she certainly does not object. Mr. McCormick said without us having scored it yet, how much County money do we get for Noble? None. How much County money do we get for Cloverview? None. They are not dead in the water. We got \$1.4 million, maybe some of it should be deployed. We should say let us come out, walk it, score it, send him a letter, ask what his building envelope is, say thank you, and then get it appraised. We should then decide whether we recommend to Council that we do the letter ourselves. Mrs. Yerger said you may want to offer him the possibility with the County. Mr. Beardsley said we can bring these other two properties in, it might be more interesting. Mrs. Yerger said exactly. Mr. McCormick said he has no chance with the County unless he applies again. Mr. Beardsley said if our open space plan and the criteria we use for scoring, doesn't really favor agricultural properties. Mr. McCormick said he doesn't think the list is adequate in that regard. Mr. Beardsley said the open space plan needs to be revised to give more agricultural priority. We can ask Bill Rowe if he owns more property than the ag land. When we are scoring it, we have to take in account the threat of development. Mr. McCormick said it may only score a 6, but we can recommend it.

B. EAC NATIVE PLANT SALE – JUNE 6 & 7, 2009

Mrs. Yerger said this is an FYI. The EAC Native Plant sale is going to be Sunday, June 7 at the Farmer's Market. It will be from 9 AM to 1 PM if anyone is available to help out. If you can come for an hour, that would be great if you could help out.

C. 8TH ANNUAL HELLERTOWN – LOWER SAUCON COMMUNITY DAY – AUGUST 22, 2009 – 9 AM TO 9 PM

Mrs. Yerger said there is an information packet on the annual Community Day. We usually share a booth with the Township. We can talk about it next month if there is anything special you want there, let her know and she'll put it back on the agenda.

D. GIRL SCOUT & NATIVE PLANT GARDEN

Mrs. Yerger said a Girl Scout, Mary Elizabeth Anthony and her mother, Kathy, were present. They contacted Manager, Jack Cahalan as Mary wants to take on a Silver Award project for her Girl Scout Troop which is the native plant garden. Mr. Cahalan has provided us with copies of the plan, the article by Hans and Mrs. Yerger has talked to Hans and he is willing to meet with Kathy and Mary Elizabeth to help identify what he has done and what he hasn't done so far. If anyone else would like to participate in this process, please let Mrs. Yerger, Mr. Cahalan or Mary Elizabeth and Kathy know. Mary Elizabeth can call Hans and this is where she can start with this project. Mr. Cahalan is a great contact and a great conduit to pass information back and forth. Kathy asked if there was anything they couldn't do in the garden? Mrs. Yerger said not to her knowledge. Mr. Maxfield said if you do it during Town Hall hours, the building is open if you need water or any facilities. The offices are not open on Saturday's or Sunday's. Kathy said they have to identify everything and label it and then bring in a bunch of Mary Elizabeth's friends. There are about 20 to 25 kids in Hellertown at the library who may help and there are about 15 in her troop. Mrs. Yerger said we are going to have a native plant sale this weekend. As you work through this process and you want to add plants, let the EAC know and she's sure they can come up with funding for that. The road crew has a lot of equipment available for the girls to use. Jack can make arrangements to have them meet you. All the guys are really great. They are very supportive. You might need some mulch. Make a list and email it to Mr. Cahalan. This has been our hope to have someone overtake this garden. Mr. Maxfield said it doesn't have a name yet, so if you come up with a name, let them know. Mrs. Yerger said don't plan on expansion. There is plenty to do already with what exists. What we're going to do to make this official is to ask for a motion to have Mary Elizabeth Anthony take on the Native Plant Garden at Town Hall.

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MOTION BY: Mr. Maxfield moved to have Mary Elizabeth Anthony take on the Native Plant Garden at Town Hall.
SECOND BY: Ms. Laura Ray
ROLL CALL: 5-0 (Mr. Aranyos and Mr. Hijazi absent)

Mrs. Yerger said she will take this to Council tomorrow night and get an official okay so they can start working on the garden. EAC thanked them very much.

E. VOLUNTEER PICNIC

Mr. Maxfield said the Volunteer Picnic is being held on Monday, June 8 at Town Hall with pizza being served. There are about 25 people signed up so far.

F. TERRY BOOS REPORT – HELLERTOWN REPRESENTATIVE

- Mr. Terry Boos, said Len Bilious had approached him about specifically putting a timber sale together for the property that you guys have talked to him about acquiring a conservation easement. When he met with him, he told him that if you would decide to go ahead with a timber plan, it was very likely that it would be recommended that conservation easement not be purchased. He's not sure where he stands with that exactly. Before he did anything, he wanted to make the EAC aware of it and he has some things to check out before he officially starts putting a timber sale together.
- Mr. Boos said the Bingen sewer line is coming up on the agenda at Borough Council meeting on June 15, 2009. He wants to make the EAC aware of that. At the very least, Council would have to release the right-of-way for lease, so that's what is coming up.
- The Tuminello property, a bid package is being released for sale, but it does include a 75 foot riparian buffer on Saucon and Polk Valley Run. That package hasn't gone out yet, but it will be released at some point.

G. MISCELLANEOUS

- Mr. McCormick asked did anything environmentally come up about the gas station in center Hellertown, Luk Oil, that just closed up? Is the tank kosher? Mr. Boos said he doesn't have any idea. Mrs. Yerger said she thinks it may have been a franchise issue. Mr. McCormick said he's just worried there is a full tank of gasoline there. Mr. Maxfield said John said the franchise pulled out. Mr. McCormick said the Borough would be in charge of checking that out.
- Mr. Johnson said he wanted to bring up the email today where they are going to remove the remainder of the concrete dam on the Lower Saucon Sportsman's Club property which is on the East Branch of the Saucon Creek. In here, it's circled, somebody from staff said they are looking for a response within 30 days and if you are going to say anything, we have to do it before the next meeting. Mr. Maxfield said the club wants to rip the dam out. Mrs. Yerger said they are putting logs over the top of the concrete. Mr. Maxfield said yes. Mr. Johnson said they said something about putting sod on. If the sod doesn't work, they are going to put matting on top of it. Mrs. Yerger said we need to have it reviewed by our Planner. Mr. Johnson said on this form to the DEP, under the land use section, there is a couple of questions, it says is there a municipal comprehensive plan? The applicant said no. Mrs. Yerger said yes there is. Mr. Johnson said is there a county comprehensive plan? The applicant said no. Is there a multi municipal or multi county comprehensive plan?

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The applicant said no. Is the proposed project consistent with these plans? If no plan exists, answer yes. They answered yes. So right there, you have something to say. It seems like there is a lot more drawings referred to that didn't come in our packet.

MOTION BY: Mr. Maxfield moved that the Township staff send a letter to DEP and the Lower Saucon Sportsman's Club notifying both entities that the DEP application for the removal of the dam along the East Branch of the Saucon Creek has numerous errors with regard to questions about the existence of a township comprehensive plan, a county comprehensive and a joint municipal plan.

SECOND BY: Mr. Johnson

ROLL CALL: 5-0 (Mr. Aranyos and Mr. Hijazi – Absent)

MOTION BY: Mr. Maxfield moved that the Township hold the Lower Saucon Sportsman's Club to the most environmentally protective compliance of Township regulations with regards to the club's dam removal project.

SECOND BY: Mr. Beardsley

ROLL CALL: 5-0 (Mr. Aranyos and Mr. Hijazi – Absent)

- Mr. Johnson said he attended the Bethlehem EAC meeting on May 3, 2009. He was cordially received by everyone there. The main thing they talked about was they had some people there from PPL and discussed a plan to comply with the PA Act 129 which requires PPL to reduce the amount of power consumption by their customers by 3% by 2013. Part of this whole plan is that PPL is going to give discounts to customers to replace their old equipment with new energy conservation equipment as that will reduce the amount of electricity they use. The State says PPL has to reduce the amount of electricity people use. When he was at the meeting, he met Jack Abel and discussed the East Branch of the Saucon Creek with him that flows through the Lehigh Valley which contains the property owned by Majestic Development. He was interested in seeing the creek. He arranged a visit to the Majestic site through his contacts with the City of Bethlehem. On May 20, Jack Abel, Christine Bartleson, city of Bethlehem Planner, and Allan Johnson were given a tour of several areas of Majestic Development where the East Branch of the Saucon Creek was accessible. Jack Bailey, the District Manager of Commerce Construction Company, gave us the tour. We were only able to look at certain locations of the creek and the locations we looked at were very beautiful and worth protecting. He took some pictures if anyone wants to look at them.
- Mr. Johnson said he attended the Protecting Your Community Environment event at the LVPC where they presented four new model ordinances for riparian buffers, flood plain, steep slopes and woodlands. He has copies of the booklets that contain these ordinances.
- Ms. Tokura said she has information from EPA about the green building. They organize many workshops and seminars. They are wondering if the EAC is interested in organizing some workshop or seminar and they will offer their resources. If the EAC is interested, with other EAC's in the Lehigh Valley, it might be appropriate to do that. There are three areas, which is improving energy efficiency of municipal buildings, green purchasing, and the third is green building ordinances. They come up with some draft ordinances that can be used. It's three steps to go through. Maybe LVPC might one to host it. Mrs. Yerger said it would be something that we could propose this to Khiet Luong from Pennsylvania Environmental Council who is in Philadelphia, but he also comes up here and takes charge of local workshops. His task and interest is aiding Lehigh Valley EAC's in particular. She asked that Ms. Tokura send her the information and she could ask him. It would be a first good step. He has an EAC list and roster and could email the information to everybody and get it organized. Ms. Tokura said the municipal government is the target that they are looking for.

VII. ADJOURNMENT

MOTION BY: Mr. Beardsley moved for adjournment. The time was 9:38 PM.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0 (Mr. Aranyos & Mr. Hijazi -- Absent)