

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, June 8, 2010 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL:

Members: Chairman, Sandra Yerger; Vice Chairman, Tom Maxfield; Colin Guerra, Ted Beardsley, Allan Johnson, Laura Ray. Absent: Hazem Hijazi

Associate Members: Chiharu Tokura, Dru Germanoski, Karen Dancho, Glenn Kaye, and Tom McCormick.

Planner: Kevin Kochanski – Boucher & James – Absent

Hellertown Liaison: Terry Boos

Jr. EAC Member: Sara Cote - Absent

PLEDGE OF ALLEGIANCE

II. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

1. LETTER FROM TERRY CLEMONS REGARDING CONSERVATION EASEMENT APPRAISALS

Mrs. Yerger said the EAC Open Space Sub-Committee had requested information from Terry Clemons on certain types of parcels that were difficult to come up with a value because of their lack of development rights. She has talked to Township staff and they want to know if we thought it would be a benefit to actually make arrangements to have Terry Clemons come to one of the meetings. A letter is one thing and he does answer some of the questions, but obviously, if you've read the letter, you see that this is a problem or concern that goes way beyond our municipal borders. It's something that a lot of our municipalities are encountering. It came up at the PA Land Trust rally and it's come up in other states. It's when you have all these wonderful natural resources, municipalities enact the ordinances to protect them, but these lands are so special you want to put them in protection and perpetuity with concern that your ordinances may or may not change which would open them up to development. How do you permanently protect these lands? It's coming up more and more.

Mr. Beardsley said he sketched an example, hypothetical. The blue is the stream. What Terry Clemons is telling us is an appraiser couldn't put a value on this. This diagram shows the yellow line is the riparian buffer that exists through zoning. Let's assume for the sake of discussion, that we wanted more than 100 feet riparian buffer, we wanted 200 feet and don't want them mowing their lawn within 200 feet and not putting any sheds in there, etc. We want to buy this easement and these are eight existing two (2) acre lots. Since the lots can't be further development because they are at the minimum for zoning now, what Terry Clemons is saying is, an appraiser couldn't tell us how much it is worth for that easement. There is a value. When he was involved in this kind of thing before in another state, they did what they called a "before" and "after" appraisal. They said okay, right now you can do this, that and another thing, but after the conservation easement, you can't, for instance, mow down to the water line, you can't use chemicals on that portion of your property, you can't do this or that. They established a value for that. Mrs. Yerger said that's where we're coming into the issue. What was the basis of establishing that value?

Mr. Beardsley said because there's enough voluntary easements of this kind, and the properties have sold since, they can say, someone gave this conservation easement, they donated it, and there was no value, but what did it do to their property value. When they went to sell the property, how much less did they get for it because of that easement, maybe they even got more money. Mr. Maxfield said in the worst case, they may have gotten more. Mr. Beardsley said it depends on the stream, the water. Mr. Maxfield said you'd have access, you just would have some restricted uses. Mr. Beardsley said what are those restrictions worth? That's the question.

Mr. McCormick said he would ask, hypothetically, on this map, are you able to build any houses? Mr. Beardsley said yes. Let's assume there are houses already there. Mr. McCormick said he won't let you assume that as he doesn't want to conserve as it's a subdivision, so let's assume there are no houses there. Are you able to put houses here? Mr. Beardsley said yes. Mr. McCormick said then Terry's letter does not apply and you can absolutely appraise this house. You can appraise the development rights. If it's developable, you can say what's it worth now developable, and what would it be worth if it's not developable? All the stuff regarding Bilous is about land that is not developable. Officer Shelly, these are situations where the appraisal couldn't happen because the appraiser looked at it and said there is no development value because it's not developable. In Officer Shelly's case, it was because there just wasn't any land that wasn't wetland, etc., etc, and it wasn't developable. In the case of Bilous, it was because all of the land that looked to be developable was on the wrong side of the creek and you couldn't build a bridge. Mr. Beardsley said what he's saying is other uses you can make that property have a value. Mr. McCormick said he agrees. We need to keep it straight. If this existed in our Township and you could put eight houses there, there's no way an appraiser wouldn't be able to appraise the development rights. If the river was such that you couldn't put houses here, then there are no development rights. It can't be appraised, and in his opinion, we shouldn't be conserving it because it's de facto conserved. Terry made some points in his letter that laws could change so something that's not developable now could be developable later. Mrs. Yerger said for most municipalities, that's the thrust of it. Mr. McCormick said if it's developable, you'll get an appraisal. Mr. Beardsley said the third scenario is there are already houses there and we want an easement. Mr. Maxfield said even if there weren't houses there, how would you do that? What value would you give that strip? Mrs. Yerger said what if you only wanted the strip along the stream, you don't want the rest of it. Mr. McCormick said then we're not talking about conserving developable land, so he'll ask it differently. Is the strip developable, yes or no? Mr. Beardsley said no. Mr. McCormick said then the strip has no development value and no appraiser in the world could give you a value on that. Then we should talk about whether or not we should be spending our money to conserve land that's not developable now. If we only had one thing on our plate, you'd do it. But you have to value your things against other things. For example, the two letters to Reis and Skraban that Linc just sent, those are developable rights. Mrs. Yerger said we had this sort of philosophical discussion before, what are we really about with our open space natural resource protection ordinances and as far as preserving land in the Township it comes down to our purpose. Is it just to prevent houses or is it to really protect the most valuable resources. Mr. McCormick said if it's a threat, we should protect it. Mrs. Yerger said what constitutes a threat. Let's go back to Bilous, his is the matter of a variance to the stream crossing which would open up that into a considerable amount of lots. That is not that difficult to obtain, it's not even against an ordinance per se. Mr. McCormick said then why in that case you should be able to say to the appraiser, and this happens all the time. Please assume the following facts – a variance is granted and they move forward. Mrs. Yerger said that's where she was coming from but she was told that the appraisers could not do an appraisal. Mr. Maxfield said an appraised value, there's everything that the variance of the special exception would not be granted. Mr. McCormick said that's what an assumption is. Mr. Maxfield said an appraisal isn't an

assumption. It's a concrete value. Mr. McCormick said no it's not. It can start with the assumption assuming the variance is given. For example, what's the minimum lot? Mrs. Yerger said two acres. Mr. McCormick said let's say he has ten acres. Forget everything else. It's a field. You could say the law says you can put ten houses and call an appraiser and tell him to make the assumption that the Township passed a change and it was now five acres zoning in that area. The appraisal could come through saying assuming that the ordinance was changed to require five, you could put two in instead of five. It can happen. If we are going to spend any money, it should be asking Terry whether the appraiser is right when they say they can't make assumptions. Appraisers can say the following opinion is based on the following assumptions. If any of these assumptions were not to be true, the appraisal is not worth the paper it's written on.

Mr. Maxfield said everything is cool but you are talking about public money and that's where the problem is. Mr. McCormick said he's on Mr. Maxfield's side there. What if the public money is to be only spent on land that is developable. If you are saying, No, Tom, you can't get away with that. You can't get away with spending public money on an appraisal that's based on an assumption that it's not necessarily valid. I'll say too shay, but then I know you can't get away with spending public money on conservation easements on land that no assumptions is not developable.

Mrs. Yerger said to really muddy the waters, you can take a piece of property that has a lot of natural resources on it and you can only develop two of ten acres, but it's a ten acre lot, so you put easements on the entire thing. However, it gets a little murky on what that entire easement is worth. Mr. McCormick said it should not get murky because we do before and after here as well. We may not use the phrase before and after, but that's how we're set up. In your case, you'd appraise the value of the entire ten acres, as is, which would reflect it's worth - what its worth based on the zip code and the comps, and by the way, it has development rights for one unit. Then you say, as this is assumption driven, the appraiser assumes the conservation easement were granted, so what's the diminished value it would have been worth and the delta, which is the difference between the high and the low is what it's worth. That's what Linc says, the delta, for Mr. Skraban, an appraiser said the appraisal is \$180,000. Mrs. Yerger said to Ted points, there are other bundle of rights. He has the right to log, he has the right to do mining or drill for oil or whatever depending where you are. That is an asset to the property per se, but that's a detrimental again if we are trying to preserve the natural resources on these properties. What you come down to, is how do you put an assessed value on it, and Terry says you can put a value on the timber. Mr. McCormick said for example, you can put the value on the mining rights as your example and everything else. Mr. Maxfield said how about the right to exploit your property? Maybe there's a value you can figure out. Mr. Beardsley said the appraisers are looking strictly at houses. Mrs. Yerger said should we bring in timbering rights, should we bring in things like that? Mr. McCormick said then we're doing ourselves a disservice. What do I mean by that? For example, if the Coal Yard was worth \$1 million before and \$600,000 after, so there's a \$400,000 delta because the development rights were worth \$400,000. If you are saying there were other rights there, right to fish, right to mine, right to timber, right to exploit, right to look at birds, maybe the \$400,000 should have been \$450,000 or \$350,000. You are absolutely right that property is just the right to develop, but we'd have to go back to the ordinance and look at the EIT because what is our mission here? It's to preserve natural resources and part of that was to avoid development. He believes that in our Township, the greatest threat to natural resources is development. There's not mining. Timbering for sure, but that's the threat we were tasked with combating and so on this one, if we want to get conservation easements on these yards, we should do it because that's developable and he knows an appraiser could do it. We never finished this conversation, but he doesn't understand why public money should be spent to protect land that's not threatened. Mr. Maxfield said not threatened by development. Mr.

McCormick said let's go with Ted's hypothetical, what's the threat? Mr. Maxfield said the threat could be habitat destruction. Mr. McCormick said habitat destruction, that's something that we should then be fighting for ordinances to prevent habitat destruction and we do have them. Mr. Maxfield said to a point, and part of it is the conservation easement would give you the power to protect it 100% where our ordinances don't do that. For instance, our riparian corridor is 85% protection rate. From what we've been told, that is on the border of becoming legality. Mr. McCormick said we need to be careful about the public funds issue. If there's no economic value in mowing up to the thing, what business is it of ours to go and write checks and you are never going to get an appraisal on that. There's no lawyer in the world that will get an appraisal on that – mining, logging, development for sure. But if it's just pretty, like Officer Shelly, it's gorgeous, we should protect it, but there's no way you'll ever get someone to tell you what the right to exploit that is. They would say how would you exploit it. You could timber it. No, you can't, the ordinance prevents timbering and it's in a marshland. Can it be developed? No, it can't be developed, it's a marsh. We are never going to get there. We have to figure this out.

Mrs. Yerger said going back to Bilous, he has capacity to timber and timber extensively. Mr. McCormick said we could get that appraised and we could buy it, no doubt. Mrs. Yerger said we don't entertain that right now and is it something we want to entertain, and there may be others. Mr. Maxfield said Petrie, 144 acres of woods and he could be timbering. Mr. McCormick said you wouldn't hear him nagging if we were paying for lot timbering rights on forests. He'll never nag because that's a threat and it can be valued. The right to exploit, you are never going to get anyone to put that on letterhead. It's development; it's timbering; that's the threat. Mr. Maxfield said certain things per the ordinance are allowed in these areas. That's why he was talking about 85% versus 100%, that's just disturbance. There are all kinds of other things. Mr. McCormick said let's just say he's going to take the 85% protection in the ordinance up to 100%, and he needs to spend public money on that. Who's going to appraise that? You are never going to get an appraisal on that. He knows he repeats himself all the time, but we never finish the conversations. This is important. Mr. Beardsley said at one meeting Mr. McCormick didn't attend, the Open Space Subcommittee did make a recommendation that was passed to Council to have our Planners look at the Open Space Plan with an eye toward developable properties and the score card. Mr. McCormick said we wanted the score card yanked right of the Open Space plan. Mr. Beardsley said that may be in the works. Mrs. Yerger said yes, it is.

Mrs. Yerger said are there other things we want to add and do we see any value to have Terry give an opinion. She knows Terry is encountering these scenarios in Springhill Township. Is there a value in it? He's willing to come. Mr. Beardsley said he doesn't know what's to be gained by it. Mr. Maxfield said if you read the last couple of paragraphs in his letter, he talks about developing criteria of a different sort and how that could be referred on to an appraiser. Mrs. Yerger said she's not quite sure what he means by that. Is that worth exploring? Is it going to help us move forward with this issue? Mr. Maxfield said he'd really like to hear what ideas Terry has. He has a lot more experience than any of us. Mrs. Yerger said he knows the legality. He knows how far he can take this. Mr. McCormick said he reads this as there are no answers in here, but that's not because Terry isn't good. It's because there is no answer to the question that we continue to struggle with. It's pretty clear that public funds are intended to be used to protect natural resources where a value can be assessed and for sure developable land is going to be the most often one. He thinks timbering and mining and those kinds of things are often there, but the point, and the struggle between the lines is how do you spend public money to conserve land where there's no way to assess the value of the conservation easement. He has no good answer because there is no good answer. He thinks we should have him in and we should talk to him as his ideas are always good. There is no answer on this page as

there is no answer to that question as it's not the right question. The way these things are set up is to preserve natural resources by acquiring in a commercial transaction. These are market transactions where we are buying from people rights. You can't buy rights that don't have a value.

Mrs. Yerger said it does not disallow an outright purchase. It is such a special place and it has endangered species or whatever it has on it, that we deem so special and so important to the environment, it does not rule out the fact that we can do an outright purchase of the property. Mr. McCormick said that's easy. There is a value and that value is lower than otherwise would be. His yard, if he cut it off from the rest of the house and tried to sell it would go for very little money because you wouldn't be allowed to do a thing with it. The whole property is worth something as there is a house in the middle of it. If he were to say no, the back yard, this one acre, he could get an appraisal on it and it would come in very low. They would say nobody is going to buy it. It's residential, it's not commercial, you can't build, and you can't do this, so it's worth \$10,000. There's nothing wrong if we wanted to buy this riparian corridor, we could, and you absolutely could get an appraisal on it, no doubt about it. It's valuable. If he wanted to sell his back yard to someone, it has value, not much. The farmland off of Meadows Road, where Toll Bros. put those mansions in, somebody paid a lot of money for that, because it was developable. Mr. Johnson said when people go for the 319, the County puts a value on the swamp land, everything, some of it is not very valuable and that's what you have to pay your taxes on. How do you put a value on land that is not developable. Mr. McCormick said he just said, that is absolutely true, but it's not possible to put a value on the development rights on land that is not developable, there is none. Officer Shelly's house is worth a lot more than the price of his house because it's surrounded by this absolutely gorgeous natural land. You can buy, but you can't appraise development rights on undevelopable land, and no lawyer will ever change that. We need to buy on that.

Mrs. Yerger said there are other potential ways other than the easement value or the development rights on this. That's where she thought perhaps having Terry come here to discuss outright purchase, etc., that would be beneficial. Timbering rights – do we want to go down that road? Maybe they've had successes in other townships placing a value on that. Mr. McCormick said he would vote for that in a heartbeat. The Bilous land, there's a mountain in the back. If he heard that was going to be timbered, he'd be upset about that from a natural resource point of view. If he heard the Township had an opportunity to buy a conservation easement on that land that disallowed timbering, he thinks that would be a great use of public funds and you absolutely could get that appraised. You talk to a timbering guy and ask him what would you pay to timber it and we'd give him a dollar less and away you go. Mrs. Yerger said there may be other options out there. Her hope is that perhaps Terry has some experience in the ones we're not thinking of.

Mr. Johnson said what does the law have to say about the possibility that the zoning laws might be changed in the future and the land that is not developable under the current zoning laws may be developable in the future. Mr. McCormick said he thinks the appraiser could make that assumption. He thinks you could appraise those development rights. We'd all say, okay, there's really no reasonable likelihood or we might say it's a simple variance. You could get it, so let's buy it. He thinks you could get an appraisal on that. The entire appraisal process is assumption driven assuming a conservation easement were granted it would be worth his much less. That's what these appraisals are. Mr. Maxfield said he would think special exception might apply to that more than a variance would. It's almost a conditional use and a given kind of thing that it's going to happen unless there's a real strong reason why it shouldn't happen. That would make sense. The variance he could see someone could make an argument against it.

Mr. McCormick said you could negotiate with Mr. Bilous to close on the granting of a special exception or variance and closing on the conservation easement. That kind of stuff is done all the time. At 12:01, I grant you a special exemption which now renders it developable and at 12:02, I buy the conservation easement. There is nothing shady about that at all. If that's what it takes the appraiser to do that, you can do that. You'd want to make it clear and this is what Linc is for. The special exception is granted as consideration for your agreement to enter into the conservation easement. If you fail to close on the conservation easement, the special exception is not granted. Slippery slope, a little complicated, but you can get over this issue with Bilous, you can. If Terry wants to come in and talk about it, it's worth what we'd pay him for a couple of hours.

MOTION BY: Mr. Johnson recommended that Terry Clemons be asked to come to the EAC meeting to talk about the issues regarding conservation easement appraisals.
SECOND BY: Mr. Maxfield
ROLL CALL: 6-0 (Mr. Hijazi – Absent)

III. NEW BUSINESS – None

A. NATIVE PLANT GARDEN AT TOWN HALL

Mrs. Yerger said last year we had a Girl Scout do her Gold Award project. She was really working hard with a local landscaper, Hans Riemann, to turn it into a demonstration plant garden. They got so far and she would like to complete it, but she doesn't believe Hans is available anymore, so we were looking for some people in the EAC to see if they would be willing to help guide her in the right direction and it's just on the table, there's no obligation to this. If there is no one on the EAC, then maybe someone has someone else in mind that might be able to help her with this process so she would be able to complete it.

Mr. Johnson said it's the same old trouble. She completes it and then it lays there and goes to weeds in two years. We need some kind of a Garden Club or somebody like that who is willing to come in and take it over. We did this before. Hans fixed it all up and then it went to weeds. Now she's going to come in and fix it up, we're going to help her, and then it's going to go to all weeds again.

Mr. Kaye said isn't there some group that is at the Farmers Market in Hellertown that does something like this? Mrs. Yerger said she knows there is a landscaper there, but he'd want to get paid for it. Ms. Ray said we need a gardening group. There was one group that came to the Homestead one time. Jenny McKenna is one of the members.

Ms. Tokura said she has the contact information for the gardening group, but they are more interested in community garden type of things, like growing food.

Mr. Boos said he's familiar with some of the native plants, but wouldn't necessarily know all of them. He'd be more than willing to help as much as he can. He has some knowledgeable people at the market that he might be able to persuade them to get some sort of labeling established in some manner. Then he would be on site and be able to have a pretty good grasp of whether it's supposed to be there or not. Maybe the way to go would be to first take a look and see what he recognizes and then go from there. If he recognizes a lot what is in there now, then we really don't have to do too much outside of that. Mr. Maxfield said if the Girl Scout worked with Hans, she may know some of the plants also. Mr. Boos said he would be willing to assess the garden and get back to the EAC. Ms. Palik said the Girl Scout wanted to do the fountain and put in more natural grasses and weed it. Mrs. Yerger said if we can get some help in determining what may or may not be added. If you put in enough perennials together, you just pull out the weeds and you don't have to do a whole lot. Every year it gets a little less. It would decrease some of the yearly maintenance of it.

Mrs. Yerger said she will meet up with Mr. Boos. Mr. Boos said he will schedule some time this weekend and wander around.

IV. DEVELOPER ITEMS – None

V. APPROVAL OF MINUTES

A. REVIEW AND APPROVAL OF MAY 11, 2010 MINUTES

Ms. Ray said on page 8, line 12, it should read “Ms. Ray mentioned the bus tour. Line 45, adjournment should be Mr. Maxfield.

Mr. Germanoski said on page 7, line 16, seemingly should be seamlessly.

Mr. Johnson said on page 4, line 25, it should be Ms. Ray moved for approval.

Ms. Tokura said on page 7, line 52, it should read , “certificate program called E-Stewards.

Mr. Beardsley said page 1, line 27, the word should be lip service. Page 2, line 13, it should read “Ms. Ray said it would make more.

Mr. Kaye said page 1, line 27, the word should be prejudiced.

MOTION BY: Mr. Beardsley moved for approval of the May 11, 2010 minutes, with corrections.

SECOND BY: Mr. Maxfield

ROLL CALL: 6-0 (Mr. Hijazi – Absent)

VI. OLD/MISCELLANEOUS BUSINESS

A. RECOMMENDATIONS ON WIND SYSTEMS AND SOLAR ENERGY REQUIREMENTS

Mrs. Yerger said our consultants are working on these. You got an email about the geothermal and we were asked to table that as our Engineer needs to tweak his memo and we will review that next month.

B. EAC BY-LAWS - FINAL

Mrs. Yerger said this is the final draft of what was approved by Council. This is here for your review.

Mr. Johnson said you removed the words that stated that Members have the vote and Associates don't. Why was that done? Mr. Maxfield said they were called Associate Members, now they are just Associates. Mr. Johnson said in Article 4, Section 1, it doesn't say Members can vote. Mr. Maxfield said in Article 9, Section 2 it talks about quorum and Members and the vote is basically limited to membership. That was Linc's whole idea about getting rid of the Member with Associate so you just have membership. It says “It shall require a vote of the simple majority of the EAC membership”. Mr. Johnson said membership sounds like everybody. Ms. Ray said that's how she interpreted it also. Mrs. Yerger said if you want it to be just Members, we can do that. They make a very clear distinction between Associates and Members in the beginning. Mr. Kaye said what Mr. Johnson is saying is that it doesn't make the distinction that Members are the only ones who vote on issues. It's not explicit. Mr. Maxfield said membership is made up of Members. In Article 4, Section 1, it says “seven residents who shall be Members and five residents who shall be Associates”. Ms. Ray said using the word “Members” would make it clearer. Page 3, change

the word “membership” to Members of the EAC”. Mr. Kaye said when you use the word membership with a small m and you use Members with a capital M, even though an Associate isn’t a member with capital M, they are still part of the committee and the membership with a little m of the committee includes the Associates. Mrs. Yerger said wherever it says “membership”, make it “Members”. Mr. Maxfield said we could go right back to Article 4, Section 1 and say “The EAC shall be comprised of seven residents who shall be voting Members and five residents who shall be non-voting Associates”. Mr. Kaye said that’s simple and explicit. Mrs. Yerger said that’s fine, we just did this on the advice of our attorney. Mr. Maxfield said they will pass this by the attorney and if there is a problem, they will bring that back. Mr. McCormick said he thinks this is fine, but maybe clarification might be helpful, but why have the legal fees of having a lawyer draw up another version. It’s been adopted and is final. It was provided as we wanted a final copy of it, not for review. Mrs. Yerger said there was some minor tweaking to what the EAC recommended to what Council adopted. It’s our body and we need to have by-laws on how we’re operating. Mr. Maxfield said there wouldn’t be any problem in amending two or more words.

Mr. Johnson said he had a lot of things, and if you make that change in the beginning, it clears up a lot of the red marks he had on the document. Why don’t we table it for another month so we can look at it. Mrs. Yerger said it’s been adopted, so we aren’t going to table it. Mr. Johnson said we can change the by-laws whenever we want to. Mrs. Yerger said we can, but she would rather we adopt this change. Mr. Johnson said you said it’s adopted already. Mr. Maxfield said we can always amend. Mr. Johnson said then let’s amend it. Mrs. Yerger said that’s what we’re going to do. If you find something that’s really important for next month, then bring it back. Mr. Johnson said he’ll look over it again and write something up and will email it to everybody. He hopes everyone else will do the same.

Mrs. Yerger said this is not going to change the document, but it’s going to change the practice. She wanted to check with Laura. It talks in Article 5, Section 4, “The Secretary, with the assistance of such staff is available, shall review and oversee corrections to the minutes and records of EAC, shall prepare the agenda for regular and special meetings under the direction and with the aid of the Chair, and shall provide notice of all meetings to Township staff and to the Township Council”. She, Diane and Ted talk about preparation of the minutes, so we’ll just copy Laura on that and will be in compliance.

Mr. Johnson said one of the major things he wanted to say was there’s no provisions in here that define what should be done if an officer resigns before their term is up. Mrs. Yerger said she doesn’t even think that was in the handbook. She would think there is probably protocol. Mr. Kaye said isn’t that under Article 8, when a Member resigns. Mr. Johnson said that’s a Member, he’s talking about an Officer. Mrs. Yerger said there’s Roberts Rules of Order that cover that. You would default back to Roberts Rules of Order. If you want to read it, she can give him a copy. Mr. Johnson said then why don’t you say that in here. Everything that’s not in there is covered by Roberts Rules of Order. When he read through it, it seemed very fuzzy. He’ll make changes.

Mr. Maxfield said in Article 8, Section b, it should say “When filling a Member vacancy, preference should be given to Associates. Mrs. Yerger said we can put it in, it’s not going to hurt anything.

Mr. Johnson said the changes he had were specific. If you just say well, everybody knows that or we assume that, then why make any changes, we can assume anything. Mrs. Yerger said at least the way her interpretation is, when we talk about membership, you are talking about Members. Associates were one category and Members and membership were another. If we want clarification, she doesn’t have a problem with that.

Mr. Johnson said in Article 8, Section b., Mr. Maxfield said it should say when filling a Member vacancy, preference should be given. It should also read “EAC will make a recommendation to the

Manager who will bring it to Township Council for appointment to Member vacancy. There are lots of things like that in these by-laws.

Mr. Maxfield said let's put this on next month and do all the amendments at one time. Mr. McCormick said our minutes are pretty clear, so why don't we just read the changes now.

Mr. McCormick said at the next session, we look forward to Mr. Johnson and others making a more complete list of edits, but so far, in summary, we've identified the following:

Article 8, section b, it should read "When filing a Member vacancy, preference should be given to Associates. EAC will make a recommendation to the Manager who will bring it to Township Council for appointment to Member vacancy".

Article 9, Section 2, the first sentence should make sure that EAC membership be changed to "the members of the EAC". Fifth line, same section, membership should be changed to "Members".

On page 1, Article 4, Section 1, it should read "The EAC shall be comprised of seven residents who shall be voting Members and five residents who shall be non-voting Associates".

Mr. McCormick said we look forward to the remaining changes next month. Mrs. Yerger said do not change the original by-laws, we'll just review what's in the minutes, and then do everything at one time.

VI. UPDATES/REPORTS

A. SUSTAINABLE BUS TOUR – TUESDAY, JUNE 22, 2010

Mrs. Yerger said this is coming up very soon. Our Polk Valley Park is going to be on it. It's going to be \$25.00 and if anyone would like to come, it's basically industrial parks, various areas where they have done the "sustainable" approach to the landscaping and other aspects of these properties. It proves to be very informational on an environmental level. She and Tom Maxfield will be talking about Polk Valley Park. She does the one bus, he does the other bus. You are more than welcome to come.

B. 9TH ANNUAL COMMUNITY DAY – AUGUST 21, 2010

Mrs. Yerger said traditionally the EAC has put information and literature at the Township table. If there is anything by next meeting in July that you feel you want to have there, please let her know and she will make sure it will get on the table. Mr. Beardsley said we talked last month about putting some things together regarding what open space has been protected so far, like a map. Mrs. Yerger said Chris Garges can do a map. Mr. Beardsley said also some statistics about how many houses will not be built; how many children will not go to school. We're going to want to renew the tax when it expires. Mrs. Yerger said we may even have some final additions by August. Mr. Maxfield said we have one more year from November regarding the EIT. Mr. McCormick said he thinks that work needs to happen and you might as well do it in time for Community Day. You can say "A lot of good news on the conservation front" and talk about easements, Polk Valley Park and Macarro Way. Ms. Ray said things like that she can put on the EAC website. She did have a conservation page and took some of Glenn's articles from the Township newsletter. We need to show what we are doing. Mrs. Yerger said we do have a lot of them in the works, in the process. Whitetail Bowman is in the process. Dravec is winding down to completion. We have to hear back from Reis and Skraban and a few of the others. Mease we are in the agreement process with that one. There are three that we are definitely close to completing.

Mr. McCormick said did Mr. Maxfield catch up with Mr. Horiszny about the land on Bingen Road? Mr. Maxfield said no, he didn't talk to him yet.

C. 2010 VOLUNTEER PICNIC – JUNE 14, 2010

Mrs. Yerger said the volunteer picnic is on Monday, June 14, 2010 at Town Hall from 6 PM to 8 PM.

VII. HELLERTOWN REPRESENTATIVE – REPORT

Mr. Boos said Monday evening, Borough Council approved a project by the Saucon Creek Watershed Association to erect signage describing some of the features of the Hellertown Marsh. The signage is ready. The writing boards are already printed and made up. The posts are already in existence. All that needs to be done is to install them. Any other field maintenance that we would need to do to facilitate their being put in place and/or increasing the views, removing invasive species, etc., they are more than willing to go along with. Mr. Maxfield said last night at that meeting, one of the Borough Council's members asked that if we were on board with this project, and of course, he said sure. So he just wants to know from the EAC if this is a good project. It's just putting some signs on the rail trail. The signs are really gorgeous. They were manufactured by a company in New York called Fossil Signs, and they were made of some kind of anti-graffiti, anti-scratch proof stuff. If you scratch the surface, you don't get a mark. The posts that Dennis Scholl had are just incredible. They are the type of signs that the D&L uses on the canals and rivers. The EAC said the Watershed Group should go ahead with it.

VIII. NON-AGENDA ITEMS

- Mr. Johnson said he wanted to talk about the Rail Trail path that the Township is working on. He noticed there was an article in our local newspaper that stated they were considering three different types of material to lay on the Rail Trail path. They weren't considering macadam or the permeable concrete we have at the town park. He just got finished riding his bike on three different trails. Two of them had macadam and he also rode his bike on the tow path. They were all smooth. The areas of the tow path that were not smooth and they were very uncomfortable to ride on. The types of materials they were thinking about using to put on the Rail Trail, he doesn't think any of those are going to be smooth enough to give you a smooth ride on a bicycle. Consequently, you are not going to have any older people riding their bikes for exercise. You are going to have mountain bikers and BMX bikers. If you want the older people who want to exercise without breaking their backs out there, you are going to have to put something down that is smooth. Mrs. Yerger said one of the issues is cost. Mr. Beardsley said one of the other issues is we only have a thirty year lease with SEPTA and if the railroad takes it back, we have to remove whatever we put in there. The cost of removing macadam or concrete is a lot more then. Mr. Johnson said macadam wouldn't be too difficult. If you want a lot of people using it to ride bikes, it's got to be smooth. Mr. Maxfield said it was not crushed crete or slag, it was No. 9. That's what the Rail Trail people recommended. Mr. Johnson said if this material what they are recommending can be compacted to the point where it's smooth to ride on, and then it should be okay. The people with bikes with the skinny tires, they won't ride on the trail. Mrs. Yerger said they use red aggregate on the tow path and there were a fair amount of bikers on that. Mr. Johnson said he rode the tow path where it was just compacted dirt. There was no stone, just dirt that compacted smooth. Occasionally there would be roots and little rocks sticking out. Mr. Guerra said at Town Hall Park there are a lot of bikes on that trail with the material they are proposing. Mr. Johnson said he will take a look at that.
- Ms. Ray said the Adopt-a-Road program we have in the Township, they started putting up the signs. The Historical Society did Countryside Lane. When they finished that, she thought the EAC might be an appropriate group to adopt a road. She doesn't recommend doing it in the summer. Mrs. Yerger said she thinks it's a great worthwhile project, but you have to have everyone do it and

commit to it, and not have only three people show up. Ms. Ray said it's a couple of hours, two times a year. Being the EAC, it would be a good example. Mr. Maxfield said since the Watershed was doing from Laura's house from Polk Valley to Pond Lane, there's a stretch that we could keep going down to Bergey's. Maybe since there's such an overlap between the two groups, it's Allan, Sandy, Tom, maybe we should just finish it off. Mrs. Palik said the road has to be on the list that Roger composed. Mrs. Yerger asked Mrs. Palik to bring the list of roads to the next meeting. There are roads that have already been taken. This will be put on next month's agenda.

- Mr. Johnson asked if the Council still planning on having the special meeting on June 16th? Mrs. Palik said no, the meeting is now on July 7th at 4:00 PM at Town Hall.
- Mr. Guerra said last meeting we talked about a fertilizer use brochure. He would be willing to work on it. He has a lot of information and will put it in more understandable language. Mrs. Yerger said she might have someone to help him format it as a brochure.
- Mr. Maxfield said he heard about this real neat website called www.safelawns.org. He was wondering if Laura could link it to the EAC website. Ms. Ray said sure.
- Mrs. Yerger said do we want to do a fall electronic recycling event and would we like Carol to call the recyclers set up a date for October? EAC said October would be a good time as that's when we usually do it. Mrs. Palik said she will have Carol get that information. Mrs. Yerger said if we can get that set, we could have that information to hand out at Community Day.
- Mr. Maxfield said the Watershed is looking into the tire recycling in conjunction with Keystone Cement. Mr. Boos said Springfield is doing it and they are utilizing it as some sort of fundraiser. Maybe we could coordinate with them. It would be a tire collection/recycling event. Mr. Maxfield said the way it works is Keystone Cement may actually come down and pick the tires up. Mrs. Yerger said people can drive in and drop them off? Mr. Maxfield said yes, and it would be a lot less money that you would pay at the landfill. It might be \$1.00 per tire or something like that. Mr. Boos said he's not sure how they had it structured. Mrs. Yerger said she knows Rich Schilling, their Township Manager, and she can give him a call about it. Maybe we can do a joint event.

X. PUBLIC COMMENT – None

IX. ADJOURNMENT

MOTION BY: Mr. Maxfield moved for adjournment. The time was 8:29 PM.

SECOND BY: Mr. Beardsley

ROLL CALL: 5-0 (Mrs. Yerger & Mr. Hijazi – Absent)

Sandra Yerger, Chairman

Next EAC Meeting: Tuesday, July 13, 2010