

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, August 4, 2009 at 7:02 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL: Members: Sandra Yerger, Chairman; Tom Maxfield, Vice Chairman; Hazem Hijazi, Allan Johnson, EAC Members. Ted Beardsley arrived at 7:10 PM. Absent: Laura Ray, Dennis Aranyos.

Associate Members: Colin Guerra, Tom McCormick. Absent: Chiharu Tokura and Glenn Kaye

Hellertown Liaison: Terry Boos

Jr. EAC Member: Absent: Jessica Null

Planner: Kevin Kochanski – Boucher & James

PLEDGE OF ALLEGIANCE

II. NEW BUSINESS

None.

III. DEVELOPER ITEMS

A. SCENIC VIEW APARTMENTS REVISED SITE PLAN #SP 01-08 – 2021 SCENIC VIEW

Mrs. Yerger said we will be getting this back, according to Kevin, with staff comments, recommendations, before it goes to Council, and after it goes to Planning Commission for our September 1 meeting. If no one has any objections, for both the Scenic View Apartments and the Meadow's Grove Land Development, which also has not gone before staff, she would like to postpone these two agenda items until the September 1, 2009 EAC meeting.

MOTION BY: Mr. Maxfield moved to table Scenic View Apartments agenda item until the September 1, 2009 EAC meeting.

SECOND BY: Mrs. Yerger

ROLL CALL: 4-0 (Absent: Mr. Beardsley, Mr. Aranyos, and Ms. Ray)

B. MEADOWS GROVE LAND DEVELOPMENT #LD 01-09 – REVISED SUBMISSION – 1770 MEADOWS ROAD

MOTION BY: Mrs. Yerger moved to table Meadows Grove Land Development until the September 1, 2009 EAC meeting.

SECOND BY: Mr. Maxfield

ROLL CALL: 4-0 (Absent: Mr. Beardsley, Mr. Aranyos, and Ms. Ray)

IV. OLD/MISCELLANEOUS BUSINESS

A. REVIEW AND APPROVAL OF MAY 5, 2009 MINUTES

Mrs. Yerger said these were put on hold because of Haz as we needed him to fill in the blanks. The corrections are as follows:

LANDFILL COMMITTEE UPDATE/BRE AIR PERMITTING

Page 6:

Mr. Hijazi said in the packet is an email from Diane about an issue that came up last time with BRE regarding the NOV. BRE changed their air permit to a general permit and Township is working with the DEP on that. Some of their air emissions exceeded their existing site specific permit, but may not exceed the limits under the general permit. That's why they elected to make the change.

Mrs. Yerger said does everyone know what leachate is? Maybe you should explain that to everyone. Mr. Hijazi discussed basic management practices of the landfill.

Page 9, Line 6, 7, & 8:

Mr. Hijazi said anyone who is doing disturbance associated with construction over an area of a certain size, they have to submit for an NPDES permit and part of that permit is a notification to notify the Township.

MOTION BY: Mr. Maxfield moved for approval of the May 5, 2009 minutes, with corrections.

SECOND BY: Mrs. Yerger

ROLL CALL: 5-0 (Absent: Ms. Ray and Mr. Aranyos)

B. REVIEW AND APPROVAL OF JULY 7, 2009 MINUTES

Mrs. Yerger asked if there were any additions or corrections? Mr. Johnson said on page 2, line 16, Mr. Boo should be Mr. Boos. Page 2, line 45, Mr. Ray should be Ms. Ray. Page 4, line 46, should read "but it starts the process on what they really do want to preserve". Page 5, line 25, should read "and they could check it and list underneath it have approximate acreage". Page 6, line 2, should read "(we will, of course, work with you at a convenient time)". Page 8, line 14, should read "came back and said he wants to hold ten acres for his son". Page 9, line 4, should read "Mr. McCormick said we've did a pretty good job answering the question". Page 10, line 49, should read "The Open Space Committee goes from cradle to grave". Page 12, line 27, should read "They are broad in scope".

Mr. Boos said page 11, line 26, should read "One side is ease of development going on to a severe impediment to development". Page 1, line 33, "orienteer" should be changed to "orienteering".

MOTION BY: Mr. McCormick moved for approval of the July 7, 2009 minutes, with corrections.

SECOND BY: Mr. Johnson

ROLL CALL: 5-1 (Absent: Ms. Ray and Mr. Aranyos)

C. FINAL DRAFT OF CONSERVATION EASEMENT APPLICATION

Mrs. Yerger said she tried to include everything we talked about last time, take out what you wanted taken out, put in what she thought we wanted to incorporate from the five or six samples. If she missed anything, please let her know. If you want to add anything, let her know. She'd like

to get this approved at this meeting. Mr. McCormick said he thinks it's excellent. About the fourth line down where it says mailing address of landowner, that should be mailing address of contact person. The bolded note at the end of the form, that's a good policy but he doesn't think it should be put on there. Mrs. Yerger said we will strike that. This will go out from staff so it gives you a clearer picture of what you are dealing with. It's the next step.

Mr. Maxfield said the line where it says "are there any agreements of sale and/or applications", do you want to leave a little extra space there for details. Mrs. Yerger said she will put more space in.

Mr. Beardsley said the line where it says "does Owner hereby grant", it should have "does Owner request an onsite". He doesn't think they are granting us permission to go look at their property, they are asking us to please come look at their property. It's pretty much granting permission. It sounds so formal. It should read "Does the owner request an onsite evaluation". Mrs. Yerger said if they say no, but still want this application to go forward, you can't do it. Mr. McCormick said you could put "would you agree to an outside evaluation?" Mrs. Yerger said they can go with that, "Will the owner permit an onsite evaluation to be scheduled at his convenience". Mr. Beardsley said if they fill it out, they are interested in us coming to look at it. "Does owner request an onsite evaluation?" Mr. Johnson said just say an onsite evaluation is required. Mrs. Yerger said we need to have it in writing that you can go on the property. Mr. McCormick said "Will the owner agree to the required onsite evaluation at scheduled owner's convenience?"

Mrs. Yerger said we changed the mailing address of contact person. We came down to the bottom and add more space. The next line should say "Will the owner agree to the required onsite evaluation scheduled at owner's convenience?" The note at the bottom will be eliminated.

MOTION BY: Mr. Johnson moved for recommendation that the revised Land Preservation Application form be approved subject to the changes discussed during the meeting.

SECOND BY: Mr. Maxfield

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

D. LANDOWNER LETTER

Mrs. Yerger said you have one letter to Mr. Bilous and Mr. Skraban. They are identical letters.

Mr. Beardsley said Willy Shelly and John Skraban are here. They have both been waiting for what the next step is. What we are discussing now is the next step. Mrs. Yerger said Tom McCormick drafted a letter. It was reviewed by Jeff Marshall, the Open Space Consultant from Heritage Conservancy. He had a few minor changes and thought the letter was good overall. It was sent back to staff and they've taken your letter with the minor changes from Jeff and that's what we have.

Mr. McCormick said it's excellent and he has very few minor changes. Paragraph 1, line 3, remove the word "sub". Paragraph 2, first phrase, it says the next best step and it should say "the best next step". Next page, the last question is "do you intend to conduct, or reserve the right to conduct,". You need to add the word "conduct". Next paragraph, line 1, 2, 3, 4, after the word "however," put in a comma. In the cc's, same thing, take out "sub". We have a copy to Mr. Bilous and Mr. Skraban, and the motion from the last meeting; we intended to send one to Mr. Shelly. Mrs. Yerger said we will be sending one to Mr. Shelly.

Mr. Johnson said we are hinting at an appraisal, but don't say that in this letter. We should state it so the landowner knows what we want. Mr. McCormick said it's not stated in the paragraph Mr. Johnson was referring to, but it's stated in paragraph 2 on page 1. He thinks everyone would understand the letter. "Before the appraisal process begins, we would like to better understand

your current expectations regarding the following questions”. We had talked about if they don’t send the letter back and abandon it, we should probably wait a period of time, then Ted throws a phone call in. Mrs. Yerger said is it not clear? Mr. Beardsley said the next best step would include an appraisal. That’s pretty much said. Mr. Johnson said he never heard the next best step. It should be made clear what we are looking for when they return this letter and it is their indication that they are willing to proceed with the program and give us permission to do the appraisal. On the last page, “of course, these issues would all be addressed specifically if we were to mutually agree to move forward with a conservation easement”. It says “if we were”, and he thinks it should say “completion and return of this letter indicates your wish to continue the conservation easement creation process procedure and agreement to permit our appraisal”.

Mrs. Yerger said depending on what these questions come back at, there’s no guarantee we are going to move forward with an appraisal on the township’s behalf. The way you are wording it is if they complete this form and send it back, irregardless of what those answers are, it’s going to move the application process forward for an appraisal. That’s the way she interpreted it.

Mr. McCormick said if you look at the letter, same paragraph, last sentence, “please retain one copy of this letter for your records and send the other copy back to my attention at the address indicated above with the answers completed in the spaces provided”. How about “please retain one copy of this letter for your records, and, to indicate your desire to move forward with the process, send the other copy back to my attention at the address indicated above with the answers completed in the spaces provided”. That way it says we’ve asked you some questions and if you want to move forward, fill out the blanks above and mail a copy to us. If anybody mails it in, they clearly are saying let’s continue and talk. We don’t need a signature, it’s not binding. Mr. Johnson said that makes it clearer. Mrs. Yerger said she agrees and does clarify it.

Mr. Maxfield said we have had a couple of offers to buy the entire property, so instead of development rights, can we say the conservation value of your property to the Township”. Mr. McCormick said it’s two different kinds of appraisals. The next best step would include an appraisal of development rights of your property or the property as a whole. The appraiser appraises the as is and the development rights. They appraise the value of the property. Mr. Johnson said development rights should stay there. Mr. Maxfield said not everything is development rights. It’s the difference between the value of the property and the value of the property development. Mr. McCormick said how about “would include an appraisal of your property and/or its development rights”. Mrs. Yerger said if we are purchasing the property outright, this letter is moot. If we are purchasing it, we don’t have to find out from them if they are going to hunt, fish or allow public access as we are going to own it. This letter would not go to a landowner that we are seriously considering actual acquisition for. This has got to go to someone who we are purchasing develop rights from. All the other questions are moot if we are going to own it. These don’t apply. Mr. Maxfield said then we need a whole other letter.

Mr. McCormick said if you send around a version of this letter in final by us, he can immediately dupe it for use as an outright sale. He can very easily change it. Mrs. Yerger said the one in front of you needs to be a conservation easement letter. Each letter is going to be different. Mr. Maxfield said that would work. Mrs. Yerger said Mr. McCormick can do that, and bring it back in September. She would like to get these letters out.

Mr. Johnson said what we are really doing the appraisal for is for conservation – the compensation for the development rights of the property. Mrs. Yerger said no, you are determining the appraisal first. You don’t want to get into the compensation component of it. Mr. Johnson said why are you doing the appraisal? Mrs. Yerger said to help you come up with the compensation. She would not go down that road. It’s a slippery slope. Mr. Johnson said appraisal of development rights doesn’t mean anything. Mr. McCormick said it technically says what it should say. We are trying to figure

out the compensation, but the appraisal will not tell you what to pay, what you should pay or what you want to pay. The best next step would include an appraisal of the value of the development rights of your property. Mr. Maxfield said there are two different types of appraisals, so you have to let the appraiser know which one he's appraising for.

Mrs. Yerger said so far she has, take out in the first paragraph "Sub". Change best and next in the second paragraph and we are going to insert "value of the development rights" in the last part of that line. On page 2, we are going to in the very last question, "do you intend to conduct or reserve the right to conduct any timbering or lumbering. We are going to add the word "conduct". The second last paragraph, we are going to have the sentence read, "However major changes might require the appraisal to be revised. Please retain one copy of this letter for you records, and to indicate your desire to move forward with an appraisal, send the other copy back to my attention at the address indicated above with the answers completed in the spaces provided". Mr. McCormick said you might want to italicize it to make it stick out.

MOTION BY: Mr. McCormick moved for recommendation that the Land Owner Follow-Up Letter for Conservation Easements be approved subject to the changes discussed during the meeting.

SECOND BY: Mr. Beardsley

ROLL CALL: 5-0 (Absent: Ms. Ray and Mr. Aranyos)

MOTION BY: Mrs. Yerger would like to have Tom McCormick draft a landowner acquisition letter for our September 1 meeting for review.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0 (Absent: Ms. Ray and Mr. Aranyos)

Mrs. Yerger said you need this to go to Mr. Bilous, Mr. Skraban, Mr. Shelly, and Bruce & Ginger Petrie.

MOTION BY: Mr. Beardsley moved to recommend that the Land Owner Follow-Up Letter for Conservation Easements be sent to Len Bilous, Willie Shelly, John Skraban and Bruce & Ginger Petrie and that Drew Gilchrist, at Natural Lands Trust, be copied on the letter sent to Lou Bilous.

SECOND BY: Mr. McCormick

ROLL CALL: 5-0 (Absent: Ms. Ray and Mr. Aranyos)

E. DISCUSSION ON EAC PACKETS

Mrs. Yerger said there was a questionnaire in your packet regarding the preliminary discussion last month about the EAC packets, who wants them emailed, mailed, etc. She had two people who gave them back to her. Fill them out and she will get it back to Diane. Mr. Johnson said he'd like paper to print his packet on. Mrs. Yerger said they will get him some paper. She will have to wait to get the others back from people who were out at this meeting.

V. UPDATES/REPORTS

A. OPEN SPACE SUB-COMMITTEE

1. Property Updates

- a. **Len Bilous** – Mr. Beardsley said we've done it. That's why they were on this list. Mrs. Yerger said she had a discussion with Drew Gilchrist from Natural Lands Trust. He contacted Len directly and has been in discussion. Mr. Beardsley said he wants to put an application in to the County for money and he wanted to know where we stood on that.

When we send in this letter, it's obvious where we stand on it. He'd like to have the letter that goes out to Mr. Bilous, cc'd to Drew. Mrs. Yerger said she can do that.

- b. **Rodney Vanscavish** – Mrs. Yerger said Rodney Vanscavish is in the process. She has not heard back. Mr. Beardsley said where do we stand about appraising the neighboring property? Whatever became of that? Mrs. Yerger said the appraiser was going to contact Mr. Vanscavish and see if they could work something out. That's the last she has heard. Mr. Beardsley said he saw something in the packet that said we would reimburse him. If they do the appraisal for Vanscavish and then we use that appraisal, are we going to be able to use that appraisal to reimburse him up to use the value of that to buy the easement because the appraisal wasn't done for LST, it was done for Vanscavish. Mr. McCormick said yes we can, it shouldn't matter. Mrs. Yerger said she doesn't think it will matter because it's basically the appraiser of choice from the Township. It was the Township who contracted with him, so she doesn't think that would matter. At this point, she doesn't see any issues. Mr. Beardsley said if we buy a conservation easement on that property, after he purchases it, we'll reimburse him for the cost of the appraisal. Mrs. Yerger said right.
- c. **Willie Shelly** – Mrs. Yerger said we will send the letter out.
- d. **John Skraban** – Mr. McCormick said you are going to hold one lot or so of your property, so if you could define that in your letter, and circle it on the attached parcel map, or write the deed number on it, so the Township would know. You can describe it however. We are going to hand the letter to the appraiser and say appraise it minus the ten acres. Mr. Beardsley said you can use the Tax ID number. You can go and see Chris Garges, the Zoning Officer, and he can give you a copy of a map.
- e. **Bruce & Ginger Petri** - Mr. Beardsley said it's been a long time they talked to the Petrie's. They went out and scored it and it scored. It was a lot of land and we had a discussion about where it would fit in priorities, but we really don't have priority lists because we don't do the numerical scores. We recommended it to Council, and if Council wants to get an appraisal, they can, but we should send out this letter to find out what they want to do so we can decide if we can do an appraisal or not. Mr. Johnson said were they ever notified? Mr. Beardsley said no, but this is what this letter is all about. We never had a way of communicating, other than picking up the phone and telling them we scored your property. It's been at least a year. Mr. Maxfield said maybe a phone call to accompany the letter. Mr. Beardsley said okay, we can give them a phone call.

B. COMMUNITY DAY – AUGUST 22, 2009

Mrs. Yerger said we will be at the Township booth display. It's a joint table. We'll have our traditional items. If anyone has an hour or two to man it, let Sandy know. The time is 9 AM to 3 PM at Borough Hall.

C. ROAD CLEAN-UP

Mrs. Yerger said there is a form for road clean up. The Township has had groups interested in selecting road areas for clean up in the Township. They wanted to know if the EAC was interested in adopting a section of a road. It's there for our review. No decision has to be made. It was in last month's packet. The Township has received three or four applications already. If you have a section of road, please let Sandy know.

VI. TERRY BOOS – HELLERTOWN REPRESENTATIVE – REPORT

Mr. Boos said last Borough Council meeting which was yesterday, Council is starting the process of amending their zoning for the Tuminello property so it can be designated as a park. The previous Council meeting, the bid package had been opened and a bid was submitted, and Council rejected it unanimously. That is not going to be developed. Mrs. Yerger said it's a great access for fishermen. Mr. Boos said the Watershed Association is going to want to have some input on how it proceeds as far as becoming a park. We'll have to keep on top of things.

Mr. Johnson said he thought we said the new sewer line easement is going to go through that property? Mr. Boos said there is a proposal. Mr. Johnson said that might involve the EAC somehow or another. Mr. Boos said even if that would be done the way the proposal is set up, that easement area would be vegetated according to riparian requirements. That shouldn't be a problem in that respect. Mr. Johnson said we have to look into it and watch what happens. Mrs. Yerger said we can certainly make recommendations, but it's out of our jurisdiction. Mr. Boos said it might not necessarily get to that point as there may be engineering problems. The Borough has given them permission to at least start investigating whether it's possible to do. It may not be exactly where they indicated.

VII. NON-AGENDA ITEMS

- Mrs. Yerger said she has a proposal from Tom McCormick. Mr. McCormick said the idea is we wanted to have a library of letters or forms. The landowner contacts somebody. The next step is going to be staff sends "application info enclosed letter No. 1." We just finalized what that looks like. It will include a copy of the Open Space Plan. If somebody calls us, they are going to get an application, an Open Space Plan, and probably a cover letter. At the same time, he wants to add another step below which says "landowner completes and submits application – yes or no". If the landowner doesn't, maybe Ted chases him, and it might die. "Open Space Committee determines preliminary feasibility" – this is in no way making true value judgments about whether this should be preserved or not be preserved. For example, if McCormick sends in a letter trying to preserve his 2-1/2 acres of grass yard, forget it – it should be denied. It's not about yes, this is a good one, it's is it even conceivable. If the answer is no, we should send letter No. 2, which is the "turn down" letter which says thanks for the information and they will keep your information on file. The Sub Committee will come to the EAC and formulate their recommendation and then bring it to the EAC general. We will then talk about it and report on the land, and we as a team, will decide whether it's worth chasing further. If the answer is no, staff will send the turn down letter. If we say yes, Council will review it, and the letter No. 3a should get sent as we just agreed to, and that's the fill in the blank letter. Then a letter goes out from staff whether you want to timber it, whether you want to conserve north of the driveway, etc. Then there will be another decision. Ted might have to chase them, if they don't respond, we'll send a letter saying forget it. If the landowner responds, now we have a letter which indicates their enthusiasm for moving forward and gives us some preliminary scope. Now it's time to talk about it for real and probably order an appraisal. That's when it drops down to Executive Session with Council, the Open Space Sub Committee, the Solicitor and the consultant. Then we sit down and read Mr. Skraban's letter, identify any issues, then its order an appraisal. Mrs. Yerger said you need to clarify letter 2, 3, and name them better. Mr. McCormick said that will be clarified and he will bring it back next month. Mrs. Yerger said this takes it as far as the appraisal completion process. Mr. McCormick said it takes it as far as the recommendation that we get the appraisal. Then the appraisal comes back, and it starts a whole different scenario. This should be regimented and be the same for everybody. After the appraisal, everyone is going to be a little bit different. Mrs. Yerger said she'd like the Sub Committee to think about and come up with a recommendation, like a time line. If the letter doesn't come back within two weeks, give some kind of process to move it forward. If we haven't heard back from the landowner, then a phone call is made. Mr. McCormick said we can have these feedback loops, but it will be doubly dense. Mrs. Yerger said there has to be a cutoff point for getting in touch with

a landowner. That kind cleans your plate and lists your responsibility. Mr. McCormick said he will put those decision boxes in. Mrs. Yerger said let's see how it looks. She wants you not to be responsible for nagging these landowners every six weeks. Two phone calls and done – whatever is a reasonable proposal. Mr. Maxfield said the problem he's having is once we go down to a point where open space needs further recommendation, a recommendation is being made, but who is making that recommendation. Mr. McCormick said then change it. Mr. Beardsley said then the Open Space Sub Committee would recommend to the EAC that this project was not a good one and it shouldn't go forward and the EAC if they agree, makes that recommendation to Council. Mr. Maxfield said exactly. A recommending body or committee has to recommend to somebody. On this chart, it takes a long time until it gets to a decision making body, and that needs to be looked at. Mr. McCormick said the only way to do this perfectly is to have Council do every site visit. You are not recommending that, but if he did not draw the lines correctly, he would welcome your input on fixing it, but remember we are out there. We are making a recommendation and if we score it awful, at some point, Council is relying on us, and the eight of the EAC members are relying on the three of us on the Sub Committee. Council is welcome to trot around the property every time. If the lines aren't drawn right, make a recommendation to fix it, but there needs to be a process, and once we finalize it, we all need to respect and rely on operating within that process.

Mr. Maxfield said put it another way. Picture yourself as another recommending body, like Parks and Rec. They look at it and send a letter saying, sorry, we don't want your land for a park. It's not their decision. It's Council's decision. That information should be forwarded to the decision making body who then reviews that information and makes that decision to send out the letter. Mr. McCormick said at the same time, he wants to put it back to you the same way, if the Open Space Sub Committee is supposed to assess these things, we go and score them. The Council's role is relying on a recommendation. Your solution is not perfect. There has to be some respect for the people out there doing it. If there's not, then Council should view every one of them. Mr. Maxfield said what he's talking about is the information flow going the right way. The information you would provide to Council is valued very highly. You are doing a great job, but that information flow has to be to the right place and the decisions have to be made by Council and the recommendations by the recommending board. Mr. McCormick said then the action should be the Open Space Sub Committee recommends further consideration of easement. If it's a yes, then we get together as this group. If it's a no, maybe it should be not staff sends letter No. 2, Open Space Sub Committee sends a memo to Council with recommendations. Mrs. Yerger said all these recommendations go on paper as you have seen and they go to Council. Mr. McCormick said if it was fully detailed, it would be 20 pages long and if you do it generally, it would be inaccurate. Is it memos or emails to the Manager? Mr. Hijazi said how about changing it that staff sends letter No. 2, instead of that, put we recommend to Council issuing turn down letter. Mr. Kochanski said that's what he was going to recommend. There are recommendations coming from the Open Space Committee that are discussed here, and then from EAC to Council, and that action can be for or against. Mrs. Yerger said each one of these is taken to Council and then if it requires an official action from Council, which a lot of times it does, then it's done. Mr. Maxfield said all you have to do is staff will make the recommendation for Council to send it and go on what the Open Space Sub Committee recommended. Mrs. Yerger said it doesn't matter, you can do it either way. Mr. Maxfield said a possibility, if for instance, you would recommend a turndown and for some reason Council would see this chunk of land and say they wanted it, they could reorder this whole thing. You have to give Council the right whether to send the letter or not. Mr. McCormick said Council would have to be doing that against the recommendation, and that should be on the record. He feels strongly about that. If he heard Council was buying land against the recommendation of the EAC, he'd want to know why and he wouldn't want that fact disguised in anyway. If Council is making acquisitions over the advice of the EAC, that is something that should rarely happen. It may never happen, but if it does, it should be on the record and be discussed. Mr. Maxfield said Council has made decisions, for example, against Parks and Rec. It's not fair to take that away from Council. Mrs. Yerger said she thinks that Staff sends the turndown letter and that step

shouldn't take place until it comes back to the EAC and the whole project is discussed. Mr. Johnson said maybe we should just make our recommendation to the EAC and the EAC makes the recommendation to Council, and nothing is done until it gets to Council. Mr. McCormick said what it should really say is Open Space Sub Committee recommends "yes" or "no", and then it should be EAC "agrees" or "disagrees". We can just simplify it. He knows how he will change the diagram. Mrs. Yerger said Mr. McCormick will make the changes and bring it back to the next EAC meeting. He will name the letters better. We have to have a revised scorecard and have discussion about the ranking, the relative ranking as opposed to a yes or no, and the developability and the timbering and lumbering. Her goal at this point was to get the application process finalized and take this a piece at a time. We are working on this, and we also have the letter, which she really thought should have gone out so we can move forward with appraisals. The scoring and the numbering needs to be talked about again. What she needs from all of you is she has been searching for the best scoring process and she has gotten more diverse opinions on what works, what doesn't work, from all the experts and what's good and bad, why it works and why it doesn't work, so she's in the process of getting you at least three or four of what are sort of the best kind of scoring and what really is applicable and what works. What they have found is a lot of these wonderful plans with these wonderful numbers, when you get them out in the field, don't work very well. What this is going to do is going to maybe ultimately affect the Open Space Plan itself as we go through the scoring process and evaluate what is the greatest importance to us and how we want to place this numerical system, it may sort of readdress some of the Open Space Plan as well. We've talked about ag, as we really don't score it that high, so those are some of the things that are going to come out of this discussion. Her goal is to get it done by the end of the year, so we can start 2010 as fresh as we can make it. She will work diligently and try to get some examples for the September meeting.

Mr. McCormick he thinks this is important because it should be in the considerations that the Council and the Township want to use and should be in this scorecard. For example, timbering kills you or timbering is okay. It shouldn't be that the scorecard ignores timbering. Then behind closed doors, a deal is killed because of timbering. If a deal is killed because of timbering, the scorecard should crush your score if you want to timber it. That's the idea. If the score should be an indication of whether or not it's likely to get approved, an A or A+, you'd be shocked if that didn't happen and a D you'd be shocked if it did. That's why these debates have to happen. Mrs. Yerger said absolutely. Just the numerical systems alone, they can be a bear to get your hands around, so just be aware of it. She's relying on other people's expertise, and hopefully, we'll arrive at something. Right now as we are discussing it, Upper Mount Bethel thought they were coming out with this great wonderful scoring system and it's not working the way they had hoped. Mr. McCormick said Bilous will be a good test case. It's off the chart scoring and he's going to say he's thinking of timbering it, then what will happen?

Mr. Johnson said if you send us all these examples Mrs. Yerger has been looking at, they are liable to miss the points and not know where to start. We should have some comments about what's good about this or what isn't good about that. Mr. Beardsley said let's look at them first. She passed one around a month or two ago, that Gilchrist thought was a good one. Mrs. Yerger said if you have that one, please give it to her. Mr. McCormick said the letter to Mr. Rowe, he doesn't remember hearing about Rowe, but it's on the tracking sheet. Jack Cahalan is writing a letter to Mr. Rowe saying we talked to him. Mrs. Yerger said it was long ago. Mr. Rowe called Laura Baird a while back. Mr. Beardsley said we had talked about it at one of our meetings. Ted called him and he spoke to him, and basically, Mr. Rowe got turned down from the County regarding an agricultural easement, so he's looking to us to do a conservation easement on his agricultural property. Mrs. Yerger said he went through the agricultural easement process here in Northampton County. They turned him down. He was put on the list, but he ranked No. 9. What's been happening is Northampton County has enough funding to do one or two farms. Even though he ranks consistently in the top ten, he never gets high enough to qualify for funding from the County.

There are only so many years they are willing to wait, so he's looking to the Township to see if they can come up with something for him. Mr. Beardsley said it's growing and two other property owners that join him or are contiguous, are interested in easements on their property as well, so it would make a big swatch. It is Cook's Creek and it's prime development property. Mrs. Yerger said that's what scored him high with the County, but not quite high enough. Mr. Johnson said shouldn't we send him our letter then, the one we just got finished working on? Mr. McCormick said have we scored it, have we gone out to his property? No, so that letter doesn't go out until that is done. Mr. Beardsley said we can send him a letter and if he's interested, we can send him an application. We will wait to see if he replies to Mr. Cahalan's letter, and then go from there.

Mr. Maxfield said on our flow chart, we were talking about sending out our Open Space Plan. We should make sure we have a supply of them. Mrs. Yerger said Leslie has a supply of them.

Mr. Beardsley said another thing you could do, but it adds another step in the process, we had them put the Open Space Plan on the website, so you can say in the letter that the Open Space Plan is available on our website and give them the actual link. If that doesn't work, then we will send you a paper copy. Mrs. Yerger said what they've done in the past is send a paper copy, and they've done it without the maps, as the maps are expensive. If you want full blown maps, either contact us or go to our website. Mr. Johnson said how about a CD with the maps in it? Mrs. Yerger said we could do the recommendation to those who are computer savvy. That would be a lot cheaper also. She will check into that with Leslie. Mr. Kochanski said he will create one action memo for almost all of the people and a CC copy to Mr. Gilchrist on the Bilous letter.

- Mr. Maxfield said the last thing he heard about the Giant Gas Station, and it's not official is their attorney's found direct statements on our ordinances saying DEP considers it an above ground tank. Last time he talked to Mr. Garges, he said they were addressing these problems with the Giant. Mr. McCormick said does Linc Treadwell agree with their Counsels? Mr. Maxfield said we don't know yet. This is just what he heard through the grapevine. There's a lot of things in the ordinances left over from the old days, and then we clean it up, so he doesn't know if we'll be able to get out of it. Mr. McCormick said can he ask that the EAC be told where this is in the ordinance, so he can read it. Mr. Maxfield said sure, Chris knows exactly where it is. That was just in talking with people, and it's not an official statement. There were a lot of technical issues and they got review letters from Boucher & James and HEA. Mr. Kochanski said they got review letters that they still need to address. He's not seen a resubmission on how they are addressing any of those and the tank issue is one of the issues. Mr. McCormick said even if we lose the tank issue, it doesn't mean the project moves forwards, it's just not one of our arrows. What about the Watershed Association and Trout Unlimited – how about the fact that this Council should care about this? Mr. Maxfield said according to talking to people, there are lots of people in the community who want this gas station. If we were to oppose, Giant would challenge and Giant has so much money. He has no idea of what is going to happen. Mr. Boos said being a part of the Watershed Association, is it too early to be jumping in. We would be opposed but has anything formal actually occurred or is it just hearsay. There are other people in the Watershed Association or in Hellertown don't know that this is being discussed. Mr. McCormick said it seems that this body should get a lot of focus. Mr. Boos said maybe at Community Day, this should be on display. Mr. Maxfield said you are an independent body who could say anything. Mr. Johnson asked Mr. Kochanski if they noticed where the flows exit the ground, out of the culverts? Mr. Kochanski said yes, they did and that was one of the issues where it appears it's an engineering function. Mr. Johnson said since you noticed the stream exiting at that point, then you also realize it flows under the parking lot and the one drawing we looked at, the storm drains from the parking lot were directed into the culvert through which the stream flows. Mr. Kochanski said yes, those items are actually addressed in the letter. Their concern was twofold and Giant's official response was the gas station drains were sewer inlets. Our concern was that may be true at the pumps, but vehicles travel throughout the site and can track it in inclement weather. Those are items to yet be

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addressed. Mr. McCormick said the enforcement issue could be great news. Linc gets paid to look that up, so let's ask him. He doesn't doubt the community is in favor of it, but the community doesn't understand where they said take my money for environmental cause, and if they were made aware of the sensitivity of it, they might change their minds.

- Mr. Beardsley said regarding the Meadows, he got notified by Mease Engineering that they've submitted a development plan and he wonders when we will see it here. Mrs. Yerger said September 1. That's the one we tabled. It must have just been submitted. Mr. Kochanski said it came in late and they had not had a time to review it. Mr. Maxfield said there's no new development. Mr. Beardsley said one of our previous discussions was they had built this without permits and it's in the flood zones and Chris was going to research. Mrs. Yerger said that's what she is hoping to have for the next meeting, review letters from HEA and the Planner. It's nothing new, but where all the violations are occurring, then we can make a more substantial recommendation. It will be at the Planning Commission agenda on August 20.
- Mr. Kochanski said last month they handed out the draft Pest Management Policy. They would want to take a look at it at a future meeting. Mrs. Yerger said she's going to put it on the September 1 agenda, so please take a look at it.
- Mr. Johnson asked about the 2007 documents they receive that end in docx. Mrs. Yerger said some of the office staff has Word 2007. Mr. Kochanski said you can go on line and get the reader for free.
- Mrs. Yerger said Dennis Aranyos emailed her late today and he will be moving out of the area. He will be submitting a formal resignation letter. If you know anyone who is interested, let the EAC know. Mr. Johnson said maybe a non-voting member can now be a voting member. Mrs. Yerger said she will check that out with Leslie to make sure that is legal to do and in accordance with the bi-laws. She'd like to move it as far as a seniority kind of thing. We would have an opening then for a non-voting member. Either way, we need a new member for the EAC.

VIII. ADJOURNMENT

MOTION BY: Mr. Beardsley moved for adjournment. The time was 9:12 PM.

SECOND BY: Mr. Hijazi

ROLL CALL: 5-0 (Absent: Ms. Ray and Mr. Aranyos)