

I. **OPENING**

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, September 11, 2007 at 7:00 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL: Present – Chairman, Sandra Yerger; Vice Chairman, Tom Maxfield; Allan Johnson, Ted Beardsley, , Dennis Aranyos, Laura Ray, Glenn Clouser, and Haz Hijazi, Terry Boos, Hellertown Representative. Also present was Laura Baird with Heritage Conservancy. Absent: Tom McCormick, Glenn Gay and Bob Davis.

PLEDGE OF ALLEGIANCE

II. **NEW BUSINESS**

Mrs. Yerger said there are some that are more complicated as far as looking for multiple funders for open space. Laura Ray can attest to that and has experienced that. She handed out a flow chart. Jack Cahalan and Leslie, they took what Tom McCormick had as far as procedure and they felt it was a little hard to follow, so they tried to write down the basic components that Tom had and put it into a flow chart and figured it would be more user friendly for the average landowner. She asked EAC members to take a couple of minutes and look over it Laura Baird is here and she will be going over it.

Mr. Maxfield said down where it says “no”, is there any reason at all, even if it was not a preliminary approval from the EAC that you would want to send it to Council for any reason? Mrs. Yerger said we could put preliminary approval by EAC or Open Space Consultant. Sometimes what has happened, they’ll contact the conservation organization directly. With that said, it’s assumed they will come back and work with the Open Space Committee. Mr. Maxfield said if nothing else, because the inquiry may have come in through Council, you should probably inform landowners and say thank you after you inform Council that you’re not making a recommendation. Mrs. Yerger said she knows what that means now, Council should really know first before you send the official “no” to the landowner. It would be “inform Council of no decision of not being in favor of preserving land”. Mr. Maxfield said this system could go beyond the current setup of the EAC and you may not have Council members on the EAC, and at that point in time, hopefully the Committee will be able to handle all that preliminary things and then Council could come in. In the beginning, it would just be a referral from the Open Space Committee. Mr. Boos said he can’t believe anyone would be turned down for a conservation easement approval. What he is reading is Council may decide that are interested in funding that particular applicant’s purchase. Council isn’t interested in becoming involved within that exact purchase, but they still would be in favor of the conservation easement being obtained. Mr. Maxfield said that would have to be the responsibility of the landowner himself. Mr. Beardsley said the Sub Committee would recommend or they don’t and they’d recommend it to Council and Council would decide if they want to spend the money on this purchase. Mrs. Yerger said you just might find someone who will come to you with 10 acres and a house and think they are going to be eligible for a conservation easement, depending on where it’s situated, that really is not a candidate for a conservation easement. Mr. Maxfield said you might have 10 or 15 acres with an estate right in the middle of it. There may be cases ahead of us where we might have to say we are not interested in it.

Ms. Baird said the biggest thing with donations is proving to the IRS that it has conservation values. You have to list those conservation values. This is also something to consider.

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Ms. Ray said on the flow chart, the diamond boxes are used for decisions, so where you have the yes and no, that's where it should be the diamond. Up here where you are saying refer information to the EAC, it's not really a choice. That should be a regular rectangle. It's not really a choice here. The boxes where they have lines on the side, that's usually a predefined process, so eliminate the lines there.

Mr. Maxfield said on the bottom where it says EAC reviews appraisals and determines value, would that be a diamond also? Ms. Ray said it might be another box coming down from the flow chart and it would be other funding sources, do we need other funding? Mrs. Yerger said at what point do you see an open space consultant sitting in here with you guys to assist you. Do you want to put it in here or leave it out? Ms. Baird said before you order the appraisal, it's best to look at other funding sources. Look at what type of funding program is possible, and secondly, each funding program has it's own rules they would like you to follow. Talk to the appraiser before you order the appraisal so you know what the restrictions are and determine draft easement language before the appraisal is ordered. You can explore other funding sources and determine draft easement language. The question you asked how a consultant can help out...many different levels, many different ways of things we can do from start to finish. We'll look at the funding sources, we'll order the appraisal, that sort of thing. Laura Baird has seen the applications that we have done. We can help out with other funding partners or we can help you as you go along. It can be a case-by-case basis. Mr. Maxfield said next to the diamond where it says refer information to the EAC and discuss with the landowner, maybe at that point, depending who they contact first, it could be an alternative there. Where it says EAC Sub Committee contacts landowner, it could say "EAC Sub Committee and/or EAC Consultant contacts landowner". Mrs. Yerger said we are then going to rely on the EAC to contact the Open Space Consultant. It should be "EAC contacts landowner and/or Open Space Consultant". Mrs. Yerger said Laura Baird is very versed in what properties might fit what criteria for additional funding. We have our EIT monies and it would be great to stretch the open space we can to not use ours as matching funds with other funding programs.

Mr. Maxfield said we should say EAC Open Space Committee in the flow chart as they are going to make that preliminary determination. Then the EAC Open Space Committee would bring it back to the EAC and we would all vote on it and then take it to Council.

MOTION BY: Mr. Maxfield moved we send this back to staff to clean it up and then send back to Laura Baird for another check. Mrs. Yerger will get it out to the EAC before the next meeting.

SECOND BY: Mr. Johnson

ROLL CALL: All in Favor: Yes
Opposed: None

Mrs. Yerger said there's a second part of this. We used to receive copies of the open space land outreach letter. She'd like to get this up and running also. Take a look at it and dissect it. She'd like to get the first round of these letters out next month. Ms. Baird said page 2 where you mention public access, she understands as part of the townships requirement you do not require public access as part of your easement program, but there are many other programs that do and a lot of opportunities to use funding partners. Either take it out altogether and address it to the landowner when we meet with them as it could be a possibility, so don't mention it until you meet with the landowner. Ask them how do they feel about public access. If not, then say okay, we won't look at other funding partners then. Mr. Beardsley said he could see that happening.

Mr. Maxfield said there may be a situation where it says will continue to own your own property, can't we say you may continue to own your own property. Mrs. Yerger said "may" is not a good word, just say continue to own your own property. You could also add in the letter, enjoy the beauty of Lower Saucon Township.

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Mr. Maxfield said it says the township with other state agencies and conservation agencies to access properties, we already talked about the fact that we may want to ask the landowner to pay for some of the assessment, so maybe the township works with you and other state and local agencies or private conservation organizations to assess properties. That way it includes them right in the beginning. Mrs. Yerger said it also implies we want their input on what they feel is important and what they want to protect. Mr. Maxfield said somewhere we should have in there "partners". Mrs. Yerger said let's say "the Township works with you, other state and local agencies, and private conservation organizations." Ms. Baird said we could say "state/local agencies and private conservation organizations to access properties and to work with landowners to come to an understanding". Mrs. Yerger said she's reading it "the township works with you, state and local agencies and private conservation organizations. We want to work with landowners with you so landowners like you to come to an understanding about your goals and to understand to access properties.

Mrs. Yerger said let's say the following: "The township works with you, state and local agencies and private conservation organizations to explore conservation opportunities. We want to work with landowners like you to come to an understanding about your goals and to help you understand the financial and tax benefits that may be available". Mrs. Yerger said on the bottom where it says "frequently asked questions", we maybe should scratch that as Staff has asked that we take a look at enclosing more like a pamphlet or brochure and it would be more professional looking.

Mrs. Yerger said this is the first time you have seen this, there's a lot that needs to be adjusted on this. It's just a template. If you want to send her the changes or mark it up now and give it back to her, or drop it off at the township before the next meeting so Staff can put it together and we can send it out by mid-October at the latest. Ms. Baird said the last brochure they did on landowners guide to land conservation and Tincum Township is using it. You would also be able to use it. It's on Microsoft Publisher and you could put your own pictures in it. Mrs. Yerger said Laura Baird can send that to her tomorrow and she will email it to everyone. You could personalize the brochure and make it more Lower Saucon Township. If you look at the Frequently Asked Questions, most of that would be covered in the brochure. Do you want to keep the FAQ's? EAC members said they wanted to keep the FAQ's.

Mrs. Yerger said we'll go over balancing community needs. Ms. Laura Ray said enclosed is whatever we determine, FAQ's and brochure. We can fill the enclosures in. They'll be no P.S. She'd like to have that they should not hesitate to contact the Township at the email contact and the phone contact. She doesn't think it should come from the Township Manager. It should come from the Open Space Committee. You could put down Jack's name so they know who to ask for and he'll notify the Open Space Committee of what's going on. Mr. Maxfield said can't we just say contact the Township? Mrs. Yerger said we need to have a name there. We will put Ted Beardsley's name there. Landowner contacts township. Township Manager sends landowner general information. They will send it out from staff, and they will refer the information to the EAC. They will send this packet out once we approve the letter and the brochures. The letter will go to everyone with 10 acres or more of land. If we come up with any other information, they can include it in the landowner packet. Mr. Maxfield said back on the flow chart, we send to the landowner information, and then refer the information to the EAC, assuming that information comes back. Maybe you want to have somebody like your contact refer to the EAC and follow through and ask if you are still interested. Mr. Johnson said he thought the Township Manager was supposed to get the name, phone number, and give it to the EAC Sub Committee and then the Sub Committee contact the landowner. Mrs. Yerger said you don't want any basic information going out in the meantime? Mr. Beardsley said the basic information could go out. Mr. Maxfield said where would you recommend we do a follow up? Jack will know who this information is sent out to. Mrs. Yerger said we can verify. They are going to send the information out and contact the Sub Committee that they sent the information out and who they sent it out to. If they hear back from him, then Jack will give the information to the Sub Committee. Mr. Maxfield said a month would be good to get back to them if you don't hear from them. Mr. Johnson said as soon as the packet is sent out, the Sub Committee should contact them and tell them we are the Sub Committee, are you interested. Mrs. Yerger said that's fine.

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Mrs. Yerger said we have Ted signing the letter. Jack is going to be the Township contact with the email and the telephone number. The brochure, we will use pictures from Lower Saucon Township.

Balancing Community needs – Mrs. Yerger said her thought was to get rid of the convenience shop. She doesn't know what that has to do with open space preservation. We can come up with a line and pull it from our open space book. Land preserved, we can get that information from Chris Garges. Land preservation option, one of the things, it will be the EAC Open Space Committee. The second line, it won't be deed restricted, she was going to use the word "agreement" instead of conservation easement. Ms. Baird said she likes conservation easement better as it's more recognizable. Mrs. Yerger said okay. Change preservation to owners. Owners may receive "compensation", get rid of the word "substantial". We can put a line in as a bargain sale as an option.

Advantages to the community – third bullet – we could say land preservation will achieve and enhance our community by saving our natural resources. The last bullet, it sounds awkward. "Because", should go after the word township. Just put "new development costs money". We can say "Land preservation makes economic sense to the township". "Residential development puts new and expensive demands on governmental and school services for which all taxpayers have to pay."

Mrs. Yerger said the last page is just an application, and gives them the opportunity to return if they are interested. Mr. Beardsley said he doesn't like the word application. Mrs. Yerger said let's just put the word "form" and say "Submission of this form to the Township does not obligate the landowner to complete the conservation easement process". Put "send completed form to Lower Saucon Township". Put an email address on it also.

Mrs. Yerger said these changes will get marked up, and pictures will be put in. The form and brochure will go out with the letter. This will be the matrix that is coming from the township to landowners with 10 acres or more once it's marked up.

Mrs. Yerger said look at the question and answers part. Ms. Baird suggested some changes. Last sentence, take out "and use", it should say "allows you to continue to own your land and sell it or pass it on to heirs". Mr. Maxfield said where it says easements are often times donated, we should say sometimes easements are donated. The last sentence, where it says "may result in property tax savings", get rid of that sentence. Let's say "whether a conservation easement is placed on the property", the other makes sense. Ms. Baird said page 2, what steps do I take to write a conservation easement. The township is going to write the conservation easement working with the landowner. You can take that out. Also, we could say "What steps do I take to find out how to begin the conservation easement process". The next sentence, where it says always consult with other family members, you should say "consult with your attorney or financial consultant". Mrs. Yerger said do you want to say "it's important that you consult". Ms. Baird said after you meet with the landowner and later, you could say they should consult with the other family members. Mr. Maxfield said it says "most easements run with the land", get rid of "most" and put "conservation" Ms. Baird said some conservation easements are 25 year easements. There are townships that have 99 year term easements. Conservation easements that run with the land is okay. Mr. Beardsley said first steps I take, keep consistent, contact Lower Saucon Township with the services we provide and the open space program. Mr. Maxfield said last sentence, it should say "saves government costs".

Mrs. Yerger said everyone got a copy of Mr. Shelley interest in land preservation. There are two issues. One is the timbering. Terry Clemons contacted her about going over the timbering, as it's a problem with the Reis property. Terry is willing to come and talk about timbering ordinances and how they work with easements. He has a problem with the 1st and 3rd Tuesday. He is willing to come after 9:00 PM or he is willing to come on a different date. EAC members said change the date to the 2nd Tuesday, October 9. She will email him and see if that date is okay and if not, she will get some dates.

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Mrs. Yerger wanted to make Ms. Baird aware that we need to make a decision whether or not we are going to be paying for appraisals and/or other open space related expenses out of the EIT monies or we are going to ask that be paid for out of the General Fund and the EIT monies be strictly reserved for purchase of the easements and/or land. There were several legal opinions. He'd like our recommendation. EAC members decided to recommend it come out of the General Fund.

MOTION BY: Mr. Beardsley moved that the expenses associated with Open Space preservation come out of the General Fund.
SECOND BY: Mr. Johnson
ROLL CALL: All in Favor: Yes
Opposed: None

Ms. Baird said she's writing the conservation easement now for Terrence Smith, the old Dravitz subdivision on County Line Road. She also wrote a letter to Mr. Martin, but has not heard back from him. Mr. Johnson said he will call and follow up with Mr. Martin.

Mrs. Yerger said appraisals - does the Open Space Committee have a recommendation for that? Mr. Beardsley said they talked about a \$500 deposit for the appraisal. They would have to be serious to come up with \$500 or we can make it come out of his profits later. We should ask for a written commitment. If we don't want to go with this, we can refund them their money. Conservation easements do not include the cost of the house. We don't want someone thinking if they don't pay, they are going to get a free appraisal. Ms. Baird named many townships and said the township pays for first appraisal. If another appraisal is needed, the homeowner may chip in for the second appraisal. It's something to definitely think about. Up front, we ask them what kind of numbers they are looking for, so you kind of have an idea of what the landowner is looking for. A lot of times they have numbers in their head. Mrs. Yerger said we can think about this and come up with a recommendation next month.

Electronic Recycling:

Electronic Recycling is Saturday, October 13 from 9 AM to noon at the township. They need volunteers, please call if you can help. There will be shifts like last time. The EAC wants to do another ad, and Laura Ray will proof the ad. It should be brought up at the September 19 Council meeting. The staff can email it to Laura and she can proof it. Mrs. Yerger will be out of the loop for eleven days and she doesn't want to hold anything up.

Two Developer Items:

Pierpont – Mrs. Yerger did not see any changes. Mr. Tralies said he has a clean letter, nothing changed from an environmental standpoint. It's going to the PC for engineering issues.

Agentis – last time they were before Council, they had discussions on their traffic study. There are no environmental issues to be dealt with on either one.

Please let Council know there are no more recommendations, just the same ones that were made last time, the previous recommendations, the swales, and riparian corridor.

IV. OLD/MISCELLANEOUS BUSINESS

A. REVIEW AND APPROVAL OF MINUTES

Tabled

V. UPDATES/REPORTS

A. HELLERTOWN REPORT

Nothing to report.

B. OTHER BUSINESS:

- Mrs. Yerger said Jason Smith has been talking about coming to talk about an official map. She'd like to bring him to the November meeting. EAC said that was fine.
- Mr. Tralies said last month Mrs. Yerger said to go over the LVPC Greenway and he read over the whole thing and it looks okay.

VI. ADJOURNMENT

MOTION BY: Mr. Beardsley moved to adjourn. The time was 9:00 PM.

SECOND BY: Mr. Johnson

ROLL CALL: All in Favor: Yes
Opposed: None