

**I. OPENING**

**CALL TO ORDER:** The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, October 12, 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; Ted Beardsley, Colin Guerra, Laura Ray and Allan Johnson. Absent: Hazem Hijazi.

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

**Planner:** Kevin Kochanski – Boucher & James – Absent

**Hellertown Liaison:** Terry Boos

**Jr. EAC Member:** Tara Jain

**PLEDGE OF ALLEGIANCE**

**II. NEW BUSINESS**

**A. INTRODUCTION OF NEW JR. EAC MEMBER – TARA JAIN**

Mrs. Yerger said Tara is our new Jr. EAC member. The EAC members introduced themselves to Tara. Tara said she's a senior at Moravian Academy. She wants to start getting involved in the community. She's a member of Student Council at school and she likes being involved in helping make life easier at Moravian Academy and she's hoping she can help out at Lower Saucon Township. She said this looks like a really interesting Council. She's never really done much with environmental work, but it's a good place to start.

**III. OPEN SPACE SUB-COMMITTEE**

**A. PROPERTY UPDATES**

**1. Charles Martin – 2256 Silver Creek Road – Questions Raised by Laura Baird**

Mr. Johnson asked about an update on the Martin property. Did the Council make arrangements to have an appraisal done? Mrs. Yerger said no, Council did not.

**B. DISCUSSION WITH LAURA BAIRD REGARDING THE OPEN SPACE PLAN**

They wanted Laura Baird to review the Martin property before an appraisal was ordered. They felt there were some questions that need to be answered first. Ms. Baird has reviewed all of the information on the Martin property. She had a few questions. Ms. Baird said the biggest question would be, has anyone asked him what his ideas are, as far as a price per acre? Mr. Beardsley said Mr. Martin said between \$8,000.00 and \$12,000.00. Ms. Baird said with current appraisals of similar properties, does that seem to fall within the range? Mr. Beardsley said as the Open Space Committee, they've never seen a copy of the appraisals. He doesn't remember what they bought the properties for. Mr. McCormick asked what is the concern? Ms. Baird said if an appraisal is completed, and it comes out to \$6,000.00 an acre and he was expecting between \$8,000.00 and \$12,000.00 and now he won't move forward because the appraised amount is less than what he was expecting. Sometimes landowners, and maybe in his case, he owns wetlands, and says he wants \$12,000.00 an acre when we know upfront it's not going to appraise for that. Mr. McCormick said that's true of every single piece of property in the Township, so what is it about Martin that is different? Ms. Baird said she was brought into this just now and her opinion was asked. It's one of

the first things she asks a landowner – what are their expectations as far as the amount. Then they look at current properties they've been working with and appraisals to see if that falls within their range. Mr. McCormick said is that within his range? Ms. Baird said she doesn't know for Lower Saucon Township. She knows working in Springfield and Durham, they have seen a drop in appraisals. For properties that are part farmland and part natural area, they've seen anywhere from \$5,000.00 to as high as \$10,000.00. It seems his expectations are in the upper part of the range that they've been seeing in Springfield and Durham.

Mr. McCormick said he's just trying to understand the process perspective. Mrs. Yerger said what the process perspective is on this is the fact that they've been ordering appraisals. They get the appraisals and they are coming back and the landowner is saying "oh no, that's not nearly enough". We're paying appraisal after appraisal, after appraisal, roughly about \$3,500.00 an appraisal and the landowners are walking away. We thought it would be prudent to get some kind of expectation. The landowners are disappointed and so that seems to be counterproductive as well. Mr. McCormick said that's a great idea. That's a new process. Mrs. Yerger said yes, and it was at Ms. Baird's suggestion. Mr. McCormick said we need to know what our expectations are then. We should stop ordering appraisals until we have some kind of understanding with people within a mile of each other, and possibly we can move forward. Mr. Beardsley's done that and he has an answer, but do we have anything to compare it to. Now we know he wants \$8,000.00 to \$12,000.00.

Mrs. Yerger said she doesn't remember what Skraban came in at, but Skraban would have been comfortable. It was some wooded areas. Mr. Skraban was not happy with the appraisal amount so we need to compare it to the Skraban appraisal. Ms. Baird said \$5,000.00 to \$10,000.00 sounds good. Mr. McCormick said it seems we might get there. It's a great process improvement to get some understanding, but we should have some kind of criteria and assess that when they respond.

Mr. Beardsley said one of the things we have to remember is that Terry Clemons is going to be the person that is negotiating the actual amount that they get paid based on the appraisal, but he can point out all the pros. Mrs. Yerger said it will either be Terry Clemons or Laura Baird. Mr. Beardsley said even if they have it coming in at \$6,000.00, we might be able to work something out. Ms. Baird said as long as he's aware of what your range is. They've been doing a lot of work in Springfield and she doesn't think it would be a far stretch to share some of the comparables with this. Mr. Beardsley said Mr. Martin's comment was that he knows what's going on in Bucks County, that's why he came in at \$8,000.00 to \$12,000.00. Ms. Baird said that's more of the highly developable farmland we are seeing in that range, so if he has some other parts to his property that have steep woodlands or areas that are a little more restrictive for development, that's going to push the price down. Just as long as he's aware of that so it's not a shock to him. Mr. Beardsley said these things need to be explained when we get to that point.

Mr. Maxfield said when they do an appraisal that has various types of land, and it may be five acres and one of the sections has wetlands, we are looking for an average. He would guess it might be kind of tough as prices keep changing. Ms. Baird said it's not an exact science. When you look through appraisals and you look at an appraisers work, it's not exact, and it's their opinion. They'll take a property that has some wetlands, has some steep slopes, has some farmland and they are never going to be able to find an exact comparable. They are going to look at certain attributes that might bring the price down and say, okay, we're going to decrease it by a certain percentage because of the wetlands or steep slopes, or wooded areas that make it less developable. That's what you are going to see.

Mr. McCormick said do we have enough data to move forward then? Mr. Johnson said did we get enough answers here to recommend to Council that we can go ahead with the appraisal? Mr. Beardsley said we have already made that recommendation to Council. Mr. Johnson said Council stopped it.

Mr. Maxfield said what should happen is one more step in there. If we know it's coming in at about on an average of \$6,000.00 an acre, we should say will he be happy with \$6,000.00 as that's what generally is going on. We're not in Bucks County. Mr. Beardsley said the problem he sees with that is you are negotiating purchase before we have the appraisals. Then the landowner's expectations are different and it limits what someone could do after we get the appraisal. Now they've got an expectation that it's not going to come in high enough and they don't know all the other benefits of selling the property at the appraised value or less than the appraised value. Mr. Maxfield said it just seems that everybody's expectations are much higher than what the appraisal comes in at.

Mr. McCormick said we do know what Mr. Martin's expectations are. He believes Mr. Beardsley is right. You never want to re-trade somebody. If he says he wants between \$8,000.00 and \$12,000.00 and we go back and say they are coming in like \$6,000.00 and he says, that's fine, then we come back and say to him the appraisal came in at \$4,100.00, and then we might lose a deal we might have had. He agrees that we should have an understanding of whether a property owners expectations are reasonable before we order an appraisal, but he doesn't know if we should negotiate or set an expectation on our end. Mr. Maxfield said he didn't mean negotiate. He meant state the fact to him and tell him this is what the appraisals have been coming in as, just so the landowner knows when it comes in. Mr. McCormick said you'd better be right at whatever you tell him. Ms. Baird said that's why you give them a broad range.

Mr. Johnson said in your particular example there, the \$6,000.00 is below the \$8,000.00 that was his minimum, so would we go ahead and do the appraisal then or just say it doesn't look like we're going to come within your range, so therefore, we're not going to do the appraisal. Mr. Maxfield said that's a catchy thing. That's why you're doing the appraisal. Mr. Beardsley said suppose it does come in at \$6,000.00, you have to point out to him the other benefits he has in selling it or making a bargain sale. It may make the thing fly and you don't want to go under his expectations so he says never mind.

Mr. Maxfield said if he was a property owner and he had expectations of \$8,000.00 to \$12,000.00 and everything around me was coming in at \$5,000.00, he'd like to be informed that everything around him is coming in at \$5,000.00. Whether his comes in at \$4,000.00 or not, we should at least send them a letter acknowledging that this is the amount.

Mr. Beardsley said he's going to make a suggestion that we take all the properties that we've got conservation easements on at this point, and figure out the average and give a range and make it public information so that we're not negotiating. Mr. Maxfield said that would be a really smart thing to do. Ms. Baird said the amounts are different and we've seen changes in the past year than one that was done three years ago. She doesn't know if she'd necessarily put it in a letter, you are just having the conversation with someone to feel it out. You are not negotiating. You are not making any promises. You are getting an understanding, does this fall in what your expectations are so you're aware. It's that piece of property that has steep slopes, and they are thinking they are going to get \$12,000.00 and you know it's going to be more in the \$4,100.00 range, you can say right up front, that because of past appraisals, this is not going to meet your expectations. How do you want to move forward? Her other question was, does he have a mortgage on his property? Mr. Beardsley said they didn't ask.

Ms. Baird said if he has a mortgage on his property, there's a really great possibility if he moves forward, the appraisal comes in and it falls within his range, that when you go to settlement, his bank may require that he pay off his mortgage, so as long as he is aware of that, full or partial. Mr. McCormick said they've talked about that a little bit. His guess is that most parcels in this Township are mortgaged. We're arguing about all these things all these years about whether it's pretty enough and we don't even understand if properties that have a mortgage are eligible to participate in this program. One of the things we heard early on was often mortgage lenders will

subordinate. Their bank may make them pay it off with the easement money or do a partial payment. If they do have a mortgage and they don't want to pay it off, they can start the process early and see if the bank would consider signing a subordination agreement. Mr. Beardsley said if there's enough money coming in, they may be able to get the mortgage company to recast the mortgage so their payments will go down. That could be a negotiating point because if there's a significant amount of money, mortgage companies will say we'll recast the mortgage. There will be a new mortgage amount and the rate will change because today's rates are so low and it would be to their advantage to sell it for \$6,000.00 even if they want \$8,000.00. There are other benefits.

Mr. Maxfield said all we're talking about here is a face-to-face meeting. Why not just have Ms. Baird meet with them and explain some of those things, some of those offsets, like if it does come in too low. It's like the personal touch. When you guys go out and talk to these people and then it comes time to talk about what's really possible for these people to do, we need someone with that experience that can talk to them face-to-face. One of the problems we had earlier in the process was the Sub-Committee would hand it off and the landowner would get a personal letter from the Solicitor. That face-to-face meeting is called for. Mr. Maxfield would appreciate it and any landowner would appreciate it. Mr. Beardsley said not only that, you start building a relationship with him. Mrs. Yerger said maybe Mr. Beardsley and Ms. Baird should talk to them. Mr. McCormick said that should happen. The Sub-Committee wasn't allowed to have any say about the money as they didn't know anything. We were just walking the property and the appraisals were coming in and the conservation value appraisal issue was a disaster. He made a point about the fundamental feasibility of this program, and Mr. Maxfield's response, which was valid, was on this one property. He doesn't want to talk about this one property. We have huge problems with this program because we are appraising things and then having property owners go away because we're so far away from their price. The appraisals are coming back at zeros. Maybe anything mortgaged in this Township is not eligible. We have to step back, this whole program. Mr. Maxfield said he doesn't think he was making that recommendation. He was really recommending that that kind of approach be incorporated into the whole process. Ms. Baird is aware of all of those things and talking to someone about those possibilities. You go out and look at the property and then ask what is the easement that is going on this property? Is it only 25 feet? Is there another reason this can't occur? Going back and forth and communicating can clear that up and bring the expectations back to this as possibly something that can happen. It does have snags. Mr. McCormick said we're getting a lot of snags and no successes. He doesn't think the personal touch is going to address our fundamental problems. We keep trying to preserve land that has great natural value instead of preserved land that is on the threat of development.

Mrs. Yerger said we've heard this from you many times. We have been working this program under the premise of people coming forward on a voluntary basis. We have not had anybody that has had flat land or highly developable, come forward and say preserve my land. Mr. McCormick said that's not between him and her. That's a problem we had. The land that is conservable is not coming forward. Of course, people have to come forward. We can't do this to people, they want to want to do it. Mrs. Yerger said she's not sure what his answer is. You keep saying there are these fundamental problems and we're going at it all the wrong way. What are your recommendations then as to how do we get these people to come forward? Mr. McCormick said maybe it's a marketing effort where we pick properties that are highly conservable and we reach out. He's saying in tough times, we're taxing people. Again, with Shelly, there were great reasons that land didn't move forward. He doesn't dispute they weren't meant to be, but we need to find some meant to be properties. People have to come forward. If that's not happening, we have to reach out and find these people. We need to have some successes with this program. If we have the budget, and he doesn't know what that is, we have to find some way to deploy this money in an appropriate fashion. You don't want to appraise Martin until we have some expectation, whether it's from the mortgage perspective or his expectation, then go ahead and do that.

Mrs. Yerger said we ran into problems with Vanscavage. There was no reason to move forward. Everyone thought it was a great property and then we ran into the mortgage issue. Mr. McCormick said the only people that are coming forward are people with steep slopes and marshes. We should be honest and say this land is not going to happen. As beautiful as it is, we keep doing it. He and Mr. Johnson keep going to war. Mr. Johnson says this is beautiful, this is beautiful and this is what we should conserve and Mr. McCormick keeps saying it's not getting conserved because it's not going to appraise. Let's do a property search and find un-mortgaged land. Mrs. Yerger said any land that is flat. We've had this argument before. Mr. McCormick said of course not, it's got to have natural conservation value from a natural resources perspective. It also has to have feasibility from a conservation perspective which means it might not be mortgaged at all or by a local vendor. It means it might be at least 50% developable. He doesn't have the answers. This is just the Sub-Committee walking around and saying how beautiful the steep slope is. That doesn't drive conservation. We're not doing it. Mr. Beardsley said this is one of the reasons the Open Space Sub-Committee suggested that have our consultants revisit the Open Space Plan and talk about the agricultural lands and things that are under the threat of development. How we score those. Our scoring system right now leans toward the environmentally sensitive properties rather than the developable properties. Mr. McCormick said they have to come to us, but we need to reach out to them.

Mr. Maxfield said if we are talking about fundamental types of problems, this really goes back to something we discussed quite some time ago and that is the role of what people do under the committees and consultants. His feeling at that time, and he still feels that way, is that the Open Space Sub-Committee's role is to identify. Not necessarily to recommend, but to bring back to the EAC in realization, that this property has certain things on it, and then it was to go to the consultant, the people who have the experience to take that to assess it and work out whether it is a feasible thing or not. We might be jumping too far, too fast. He knows the landowner is there while you are doing an assessment and the role is to identify. That's really what it is. This has wetlands. This has steep slopes. It's nice and flat, it could be developed. It's an identification kind of process which we have to get back to somebody who deals with that all the time. Mr. McCormick said maybe we don't need an Open Space Sub-Committee. It's not about who gets to do certain things. This process isn't breaking down because of him, Ted or Allan or anybody else saying the wrong thing to the property owner. All they do is trot around on the land and fill out the checklist. He thinks that adds no value. We're good at doing it. It takes a great deal of effort and that effort should be appreciated, but he doesn't see it turning into anything. The Bowman's Club, they walked that property and confirmed what the map said and did the checklist. It's not about him trying to protect the Open Space Sub-Committee, it's about him trying to fix the process. He doesn't think the process is breaking down because of lack of understanding of people's roles and people saying the right thing and the wrong thing and if Ms. Baird is there from beginning to end the entire process, he's totally comfortable with that. That's not a problem. A problem is that we don't have enough inventory of land that is going to find an appraised value for conservation that is consistent with the landowner's expectations. That's our problem. Mr. Maxfield said that kind of falls within the parameters of circumstances which we really can't do anything about. It's like a bank policy or what one bank prefers over another bank, or our ordinance, what it says about an easement. Whether you can get into a property or not, like Bilous, is a question for somebody else down the line like at the appraisal level. It probably should have been short-circuited before that, but knowing what's on the Bilous property is important. It might merit some sort of investigation into a process where we can get around these things, or if there is nothing on the property, it's not really worth the time and effort. The identification is key. Mr. McCormick said he doesn't believe he heard the Open Space Sub-Committee should be tasked with targeting, finding and feathering out opportunities. Maybe it should be, maybe it shouldn't be. This isn't about Committees, and this isn't about roles. This is more fundamental. You set up the roles however you want to set up the roles. Mr. Maxfield said he can't understand that it could get more fundamental than it is. It's setting up a committee and that committee has a role, and what is the function of that committee. That is pretty fundamental. He doesn't know how you could break it down beyond that. Mr.

McCormick said the problem hasn't been that Ms. Baird was or wasn't at a meeting. The problem is that Bilous is undevelopable and no conservation value. Shelly is undevelopable and has no conservation value. Skraban is developable but there was a price difference. Those are what need to be addressed. We need to find properties that will be conserved. Mr. Maxfield said all those things, we have to go into it a step or two. His contention is, and he hopes he is not casting too much of a super conservation role here on Ms. Baird, but all those would have been caught earlier if we would have handed it to Ms. Baird and said what do you think. Mr. McCormick said Bilous was a little bit special, but Shelly, from the get go, Mr. McCormick has been saying this is not developable. Mrs. Yerger is probably sick of hearing it, but you can't say that he hasn't been pointing that out. That's all he's been pointing out is this isn't developable. It is not worthy of conservation. Mr. Johnson says, but Mr. McCormick, it's beautiful from a natural resources perspective, and Mr. McCormick says who cares. For our purposes, that is not the whole question. It's whether or not it will be conservable through an easement process by finding appraised value. Mr. Maxfield said maybe instead of worthy of conservation, we should be using the term practicable. Mr. McCormick said feasible, and Shelly, we spent so much time on it and how many times did he say it's a cliff and it's a marsh. It's not feasible.

Ms. Baird said this is a big question. This is a big argument and conversation that a lot of people in the conservation community have. Why are you out there preserving land that can be developed? Why aren't you only out there preserving farmland that can be developed. There's two ways to look at it. Her own opinion, it is important to preserve those properties that do have the wetlands, that do have the steep slopes, that are the headwater areas and water sources that have critical habitat for wildlife that are a part of the scenic view within your community and are important to preserve. However, it should appraise at a value that is less than the piece of farmland that is highly developable and that's where you start to play the fair game. She wouldn't necessarily steer you away from preserving those properties that have the critical habitat, that are important to the scenic views and rural character of your community. The landowners that own them understand they are going to have an economical value that is less than a piece of property that is highly developable. Having looked at your Open Space Plan, one thing she would recommend without starting completely over, is get a map of the Township that shows all the land that is preserved and look to see where you can create greenways, where you can connect to other pieces of preserved land. Where are you largest parcels in the Township? Who owns them? As far as she had discussed about the mortgage, get to that when you talk to the landowner, and each instance is very specific to that landowner if he has a mortgage. It's definitely having on your application those certain questions that the landowner fills out and sends it back in and you can know that in the beginning. Without starting from scratch, getting a map and sitting it in the center of this table and taking a look at it and seeing where your prime agricultural lands are located, and where your other preserved farms are. You could have the farmland of certain color. Having more of the natural resources and steep slopes another color and looking at it that way. Start contacting those landowners, whether it be through a letter or maybe one of you knows someone that's a neighbor and making those connections with some of your largest parcels that would fit into a more contiguous greenway. When they did work in Richland Township, there was a very similar situation where they had all of these landowners but nothing was really moving forward. They weren't what they felt were the best properties and she said what are the best properties are? Let's look at the map. Can you point them out? Well, then why aren't you contacting those landowners? Do those types of properties fit into the expectations of your Open Space Plan? She wasn't part of the process of that, but did you get public input? What did the community of Lower Saucon Township see as important properties to preserve? Mr. Johnson said that's part of the problem. Mr. McCormick's point is if there's some land that can't be developed, so therefore, it shouldn't be conserved. That's his bottom line. Mr. McCormick said through this process; it should be conserved through ordinance. Mr. Johnson said you never said that before. That's a whole different argument. Our thing is that there is some value to property that can't be developed because there are steep slopes and swamps. Those properties should be saved for reasons like their effect on our water supply when we all get our water from wells out in that part of the Township.

Or runoff, which people are complaining about. There are those reasons that don't have anything to do with development. We got to make our minds up, are we going to go with Mr. McCormick's argument 100% or are we going to say there are some properties that should be conserved even though they can't be developed. That's what we got to decide.

Ms. Baird said you can do both. There's no reason you can't do both. Mr. McCormick said if the appraiser is saying there is no conserved value, that's our problem. Ms. Baird said having that upfront conversation with the landowner first. Tell him his property is all steep slopes and with having looking at other properties, they have appraised in the \$3,000.00 to \$4,000.00 range. If that landowner is saying he's not settling for anything less than \$12,000.00, you can say it's most likely that if an appraisal would be done, it wouldn't come in at such and such a range. It's not saying you can't preserve it. It's just that particular owner is not willing to move forward because you can't get them enough money.

Mr. McCormick said we've had some particularly bad luck where one of them, Skraban was a price problem. Two of the three that failed the appraisals came in at zero because one of them you couldn't get to it as there was a stream and you weren't allowed to put a bridge over it. The other one was you look at the rules; there was no place to lay a foundation. It was a cliff and a swamp. Those aren't usually going to happen, but that seems to happen around here. The appraised value is somewhat low because of steep slopes and wetlands. He's all for moving forward and he knows that a challenge would be that the landowner may have different expectations. The landowner might be disappointed, so ferreting that out early is a fantastic idea. He doesn't know that two of the three there was any discussion in the world that could have fixed that. He was screaming at this property the day they saw it and they kept moving forward anyway. Now people are disappointed. If it comes in low because of steep slopes, and it's only a little bit of money, if the landowner is willing to take the little bit of money, that is perfect in his mind. The one in Clover View, which had headwaters, was highly developable and highly important from a natural resource perspective. That's the absolute homerun. He agrees we should be looking for homeruns. We should be looking for things that would be meaningful and feasible at the same time and maybe they have to come to us. Maybe Laura is right. We can ask them to come to us. We can ring the doorbell.

Ms. Baird said you could send letters or make phone calls. Working with Richland Township, they did go around with certain people from the preservation board and knocked on doors or just handed out a fact sheet saying you might be interested in what the Township is doing with open space or we're coming around to talk about open space preservation. We were wondering if you would sit down with us and talk to us about it, and through that, they were able to form an ag security area, which was a start. Now they have a list of 12 to 15 properties and they are just moving through. There are in a similar situation you are in now. It just took that extra push to look at which properties does this committee feel as though are important in looking at a map, and looking at all the natural resources, looking at what's preserved, and then also comparing that to your Open Space Plan and what your plan says and taking more of a proactive role. This is not to say you can't move forward with the ones on your list. Are there any on here that are ready to move forward? Mr. Beardsley said some of them are already done. That's the total list. Mr. Maxfield said some are contacts and not feasible in any sense to do. Mr. Beardsley said if someone called in and said they were interested, they are on the list.

Mr. Germanoski said Tom's pointing out the situation where you would put taxpayer money into the assessments, then you're not closing the deal, this sound typical of any new process. You start out an agenda, you have some ideas, you start living it, and what seems to be happening is you are getting data but we're not probably using it to the best. It might be worth compiling a list. What sites have we evaluated? Why did they fail? What did we do? What were the commonalities? Then you could start to develop a process that's built on the short history of experience and you keep going to your database and you start to identify these sorts of things. This was probably not going to go forward because the person has too high of expectations. We've identified it's not

developable land. It's not going to get an assessment or any dollars associated with it, and you just start a rank order. So you say this looks like all of our successes so far, let's put our energy into this one. You are right about trying to get people to calibrated so they have a realistic expectation. There are ways to do it. You can say these are the perimeters. These are the ranges of our experiences and you're probably not going to get the value you think you are because of the market value. Taking into consideration, the change in time, what happened two years ago is not relevant now because of the market changing. If you are paying attention to all of that, you can fit that into the conversation. We are learning from not only mistakes, but circumstances.

Mr. Johnson said he wants to back up to when he was talking, Mr. McCormick brought up the point that the land should be conserved by ordinance. He said that many times, and what he means by that is that the ordinances are strong enough to preserve the land from development, so therefore, the Open Space Committee doesn't have to preserve the land by a easement. He doesn't know how you feel about that, but it's been his argument. Mr. McCormick said he should have said it better. The problem with ordinances, they are subject to change. Sometimes land is protected by gravity, physics, or hydrology. It's not that the ordinance doesn't let us build on Shelly's land, which it does, but you could change that ordinance tomorrow and say anyone in the Township can build anything they want, anytime they want. You could have the worst ordinance in the world and you are still never going to see that Shelly land developed. He runs with that one as it's such a stark example and most of them are going to be a little gray, and that's black and white. He understands that ordinances are an important way to preserve land, but we'll all move on and somebody will run this township 50 years from now. He knows they are not permanent easements, but sometimes it's just the nature of the land. In Bucks County, if somebody comes to you with just two acres, you just don't bother. It could be beautiful, but you just don't buy it. You have to spend your time where it really matters and that's the point Ms. Baird made about the map. We have that map. He's just not sure how many candidates we'll find. Mrs. Yerger dropped the bomb three months ago when she said Vanscavage isn't going to happen because of the mortgage. What's that, no mortgages now? Ms. Baird said 80% of the properties they work with have mortgages. Of those, she would say 5% of the mortgage companies would say the easement value doesn't appraise enough to pay off the mortgage or we feel the value of the property will go down too much and we don't want to move forward. It was probably Vanscavage's own credit issues. Mr. McCormick said credit issues, without knowing, are pretty common around here too.

Ms. Baird said having that personal meeting with someone, you are going to have to ask them personal details and they have to be aware you need this information and it's important as far as moving forward. Mr. Beardsley said the other point, someone like Shelly, the cliff and the swamp, he's sure that when we told him that there wasn't no money, no one followed up with Shelly and told him if you want to get it appraised and donate the conservation easement to us, you can take a tax deduction. Nobody told Shelly that. That might be all he needs as he can't do anything with it anyway. You might as well donate it and take a tax deduction and we haven't spent any money. He's sure he doesn't know that. Mr. Maxfield said that's exactly why he's been pushing the whole time to have Ms. Baird and Mr. Clemons in on this process as they have that experience and they know what is possible. Mr. McCormick said why is Linc doing it? Mr. Maxfield said he's not anymore.

Mr. Beardsley said we have to decide or have some direction about what we're going to do about revising the Open Space Plan so that those agricultural and developable properties can get a score and they won't be ignored. Mr. Maxfield said if we lean in the direction of identification and knowing what's there and then taking that information like Mr. Germanoski said and assessing it is what we need to do. We need to include that in the identification list. Mr. Beardsley said there also has to be something in the body of the report to support why it's on the checklist. We also talked about a scoring system rather than just a yes or no. Mr. Johnson said part of our job has been to score the property and then recommend it for appraisal. We no longer will have that job anymore. Our job will just be to look at it, come back with information, give it to Laura Baird, and

she'll recommend whether or not it should be appraised. Mr. Maxfield said her role is our Open Space Consultant for the entire Township and she's the Open Space Consultant for the Sub-Committee also. You would still make that recommendation. He thinks Ms. Baird should go on the site inspection with the Sub-Committee if she wants to.

Mr. Johnson said part of the problem is the owners have all kinds of questions. We try to answer them and we are finding out we don't know all of the answers. Some of the answers we gave them led them on a certain path, which we probably shouldn't have led them in that path of expectations. If Ms. Baird comes with us, she can answer those questions and we shouldn't have that problem anymore.

Mr. Beardsley said we learn by experience, and like the Shelly property, that was pretty obvious. Now we know better and we now are going to tell them there's a chance this won't appraise at all. Mr. Maxfield said you also have an out when you go out to the property, you can say you have to take this information back to Open Space Consultant. You don't have to make any sort of assessment on the spot. Mr. McCormick said he doesn't think they've been making assessments on the spot. They've been coming back and saying yes, and then the Council has been saying yes, and then the appraisal comes in at zero and everybody is shocked at that. Mrs. Yerger said we have had some not come in at zero. There have been other issues. Mr. McCormick said for Skraban, if you said \$4,000.00 or \$40,000.00, Mr. McCormick wouldn't have had any expectation. There's no way we talked price with anyone. Mrs. Yerger said Skraban was not zero appraisal; Vanscavage was not zero appraisal. All these properties appraised, there was just other things that cropped up. We're trying to streamline the process, and utilize Laura's expertise.

Ms. Baird said when you do your appraisals, do you put a bid out and have the appraiser send proposals and then go with the lower? Mr. Maxfield said we've gone straight to Indian Valley. Ms. Baird said she would recommend, for fairness, when they have a list of ones in Northampton County and Bucks County, maybe just work with three or four. Mrs. Yerger said Mr. Clemons recommended that also. Ms. Baird said Indian Valley is good. They've used Indian Valley a lot, but it's always good to work with different appraisers. Mr. McCormick said Mr. Clemons did have ten to twelve ideas, some of them great, some of them just throwing them out there. You should know, the three or four of us on the Sub-Committee, or this group, actually have nothing to do with that appraisal; that all happens in Executive Session. All we're doing is walking around, and then saying yes or no on natural resource value. That's all we've ever done. Everything breaks down after there. If we can make process improvements early, he's all for that, but he just doesn't want to mischaracterize what our problem is. All we do is assess natural resource value and make a recommendation on that. After that, we have nothing to do with it. The scoring sheet only weighs natural resource protection value factors. The whole thing is yes or no. Ms. Baird said do you have cut off lines that say they fall below a certain threshold? Mr. McCormick said no, because we only looked at three of them.

Ms. Baird said maybe your scoring sheet is just not working for you and you need to put an actual number on things, and take a property you feel would be as cream of the crop, the best property, and run it through the system and see what number that would have, and then another one you feel is not as good. Mr. McCormick said what it really needs, and he's agreeing with Mr. Maxfield, that drives the importance of your involvement, is it needs to have a feasibility assessment, not just an attractiveness assessment. That's not a new point. That was from day one and it needs to be happening up front, early on. So whether it's about mortgages, credit scores, price expectations, access, ordinances, or anything else, that needs to happen in the process. The process is broken because all we do is order appraisals based on natural resource assessments. As far as the map, and targeting and marketing the program, he thinks that's a fantastic idea. In getting Ms. Baird involved early is a fantastic idea, but only if feasibility is part of that equation. It has to be.

Mr. Maxfield said when you go out on a property, do you talk with Chris Garges, other than just a map and information on that piece of property, do you get information from him like the developability of the property? Mr. McCormick said no, we're not allowed to assess that. That's what he's been screaming about. Mr. Johnson said we've been doing it according to the assessment thing and what's in there. That's all we've been doing. We're learning all these other things, so they should be included in that list. We can evaluate those things with Ms. Baird, like the non-natural resource things. We said before, some people are saying there is feedback and rumors coming in that our way of evaluating these properties isn't really very good. We talked about changing the way we evaluate the properties, but we never did. If we have a list that includes these other items besides the natural resource value, and then if anyone wants to argue the way we evaluate things, we can show them this list, and then they won't be able to argue. Mr. McCormick said things like site capacity, the thing that Indian Valley asks for right up front, and the fact that we don't even look at that, even reflect whether this thing could be built, is just silly. That has to happen early. Mr. Maxfield doesn't trust the three of us out there talking money and we shouldn't be talking money because if you had said \$40,000.00, he wouldn't have been surprised as that's how little he knows about this. That needs to be fixed. Mr. Maxfield said it's not about trust, it's about effectiveness and efficiency. It's about putting it in the right place at the right time and getting it to the next step as effective as possible. Mr. Germanoski asked if Ms. Baird was familiar with the assessment protocol? Ms. Baird said she glanced over it in the past, not recently, but just knowing it is yes or no questions, she would like to see it again. Looking at other programs and ranking systems, if you look at Bucks County's Open Space program, their ag program, there are extra points given to landowners who are willing to accept a bargain sale, if offered. It's a small detail, but something to add in there. Part of reworking this system or how you do things is to start looking at a re-rank system and assigning numbers to it. If you are seeing an issue with your current one, that's definitely something to look at if it's not working.

Mr. Germanoski said his professional life is committee driven, so what they would do in a case like this is say okay, there's a committee that's been working on this. They've been living this new process. It's time for assessment. They have the experience. They know where the pinch points and problems and deficiencies are, we have someone with expertise, he would suggest that the committee meet with Ms. Baird and discuss all of the issues. Her expertise, providing guidance and their having lived the process and frustrations and deficiencies they've recognized and then come to the rest of the committee with recommendations for improvement. Mrs. Yerger said are you willing to do that? Mr. McCormick said yes, but only if Mr. Maxfield is there. He'd say most of the pinch points and problems are after. They've always done exactly what they've been asked well. He believes they are being asked to do something that's not appropriate or we're only being asked to do a little piece of what should be happening up front. He agrees with Mr. Germanoski that it's about taking lessons learned and making process improvements, but again, our trotting around these properties aren't the problem. Yes, the four of us should meet with Ms. Baird, but Mr. Maxfield has to be there as well. We can't suspend that meeting, even if it has to go into a second night. We can't stop that process until there is buy-in. Mr. Maxfield has never been bought into this, and neither one of us is winning. You hate it, he hates it, and we've got to fix it. It's a process. Let's do that. Everyone who is going to have influence on the results of that process needs to be part of setting it up as it won't do any good if we fix what we're doing, and then when you get back in there, everyone is not bought in. Everyone hasn't been bought in – Terry Clemons is not on the same page, everybody has to sign off on the process.

Ms. Baird said what is the structure of how your committees work? Her understanding is at the top, you have your Board of Supervisors, and then you have your EAC, and then below your EAC is the Open Space Sub-Committee. Each one reports to the one higher up. The final decisions of which properties move forward, is an appraisal done, etc., where does that process happen? Mr. Maxfield said Council. Mr. McCormick said better than that, almost everything happens at Council. All the EAC does is pass along what the Open Space Sub-Committee does. 95% of this process happens after this body passes it along.

Mr. Johnson said he agrees with Mr. McCormick. Since so many things go through the Council members minds we're not aware of, if we make up a list, it's not going to go and you guys who are working for a living are going to feel like it's a waste of your time. We have to all get together and do it once so that when it comes out of the committee, it's the final thing and it doesn't get refused by higher ups. Mr. Maxfield said the other part of the structure is that we always tried to make all of the consultations opportunities, including Chris Garges and staff members, available to the committee. We've always said to the committee, if you need another opinion, call the consultants. Mr. McCormick said they've never needed another opinion as all they have to do is say whether there are rocks or seeps. They've never had any responsibility or authority behind that, and that's fine, that's appropriate, but he thinks if you are if this is breaking down, it needs to be fixed early. Even if Council takes over the whole thing, that's fine with him. He doesn't mind who gets to do it, but the process needs to get fixed. Mr. Maxfield said he thinks Council would appreciate it if it was all done before it got to them or the assessment was done. Especially like Bilous or Petrie, where you can't even get into the property, we'd like to know that before it would go for an appraisal.

Mr. Johnson said if we come up with a new way of doing our job, a list of questions can be included in our list that we ask the landowner while we are there. We don't have those questions. Mr. Maxfield said, or again, use your consultant. Ms. Baird has years of experience of answering those types of questions. The thing for him is it's the alternative opportunities that are there. Mr. Johnson said the thing is we don't know what the questions are that Council wants answered. Like Mr. McCormick said, we do our job and it goes up to Council and then that's where all the decisions are made. We should know what information we need to gather to pass up the line so that everything works.

Mrs. Yerger said the appraisal process has been breaking down because we authorized these appraisals based on your walking around the properties. We've authorized all of them, so it isn't that. It's just that after the appraisal is done, it can't be done, or they don't agree with the appraisal or we've got mortgage issues. That's what Council is seeing as their frustration. They've ordered all these appraisals, paying for all these appraisals, and nothing is coming of it. Mr. Johnson said we haven't been gathering all the information that we need to gather. Mr. McCormick said and that's not enough thought. If Council is frustrated, he's frustrated that Allan and Ted walk around and all this effort is spent. The reason the appraisals are failing is because all we're doing is assessing the rocks and the seeps. Is it pretty? Appraise it. That is a non-sensible process and it's not the committee's fault and it's not Council's fault, it's a silly process. We have to fix that. It's not about their asking questions that we don't know how to answer. There are no questions being asked. There's no advice being given. We're just writing down if it's pretty or not. We have to get that feasibility. If Ms. Baird does it, that's fine. If Mr. Maxfield does it, that's fine. It has to happen. It's not about we don't know how to answer their questions. There are not questions. Show us your land, we fill out a checklist, and then you go to appraisal. That's not our fault, it's the process.

Mrs. Yerger said we are all agreeing there needs to be adjustments. Let's take it from this point. Mr. Germanoski said he thinks it sounds like an incomplete process, so everything that people are bringing up here are examples of the missing pieces, the mortgage issues, no one thought about that until you experienced that issue. It sounds like the committee, Ms. Baird, maybe Mr. Maxfield think of any individuals like Chris Garges, if they should be part of that conversation. The larger you make it, the harder it is to get everyone together, but if you get the right expertise of people who have lived different aspects of this, you just build up the assessment process a little bit, bring in a feasibility question. Mr. McCormick said also invite Terry Clemons. Mrs. Yerger said she is going to make an official recommendation.

**Environmental Advisory Council  
October 12, 2010**

- MOTION BY:** Mrs. Yerger moved that a recommendation be made to Council that Laura Baird, at her convenience, meet with the Open Space Sub-Committee to review the Open Space Plan, the questions involved, and the process for evaluation of open space parcels. The EAC would like Tom Maxfield to be present for the evaluation also. The EAC will forward a report to Council after the evaluation.
- SECOND BY:** Mr. Maxfield
- ROLL CALL:** 6-0 (Mr. Hijazi – Absent)

Mrs. Yerger said anyone from the EAC who wants to join the meeting may come. Mr. Beardsley will contact Ms. Baird and give her all the email addresses so they can coordinate. Mr. Johnson said Ms. Baird should look over the minutes when Terry Clemons attended the EAC meeting before she comes to the meeting.

Mr. Maxfield said as a policy issue, we should include Terry Clemons and Laura Baird on all of the open space issues from now on. Attorney Treadwell won't be handling them anymore. Terry Clemons will be handling them from here on in.

2. **Richard J. Marson – 2383 Wassergass Road**
3. **Viktoria Smith & Arthur Buroff – 2385 Wassergass Road**
4. **John Carber – 2387 Wassergass Road**

Mr. Beardsley said he got in touch with all of the Wassergass Road people, Marson, Viktoria Smith, Arthur Buroff and John Carber. All the property owners have received copies of the Open Space Plan and Mr. Beardsley asked them to look it over so that they know what we are looking for when we come to see their property. They are supposed to get in touch with Mr. Beardsley once they have a chance to look at it.

5. **Donald & Elizabeth Lerch – 1442 Peacock Lane** - Mr. Beardsley said he spoke to the Mr. Lerch and a copy of the Open Space Plan and an application was sent to them. This property is between Dravec and the Whitetail Bowman's Club. They inherited the property and it's basically landlocked. The one corner abuts the PPL right-of-way. Technically, it does not abut the Dravec property, but does abut the PPL property.
6. **Ken Schoch – 2695 Wassergass Road** – Mr. Beardsley said we are waiting to hear back from Mr. Schoch. Mrs. Yerger said Mr. Schoch did not return the second form back to the Township.

**C. OPEN SPACE CONSIDERATION FOR PROPERTY ON ALPINE DRIVE ADJOINING DRAVECZ PROPERTY – PARCEL #Q8-1-6 (2.7 ACRES)**

Mr. Beardsley said this property is owned by some lady who lives in Canada. The property is next to Dravec. This property adjoins the Dravec property. The land is landlocked and the lady wants to sell it. The Open Space Sub-Committee is going to go and look at it and then make a recommendation as to whether they think the Township should buy it or not.

Mr. Beardsley will contact Mr. Cahalan as he has the landowner's information. He will see what the landowner wants to do and bring back that report next month.

**IV. DEVELOPER ITEMS**

**A. SCENIC VIEW APARTMENTS – PRELIMINARY/FINAL LAND DEVELOPMENT #LD 01-10 – 2021 SCENIC VIEW LANE**

Mrs. Yerger said this has not changed. She handed out copies of our recommendation from 2009.

**Environmental Advisory Council  
October 12, 2010**

**MOTION BY:** Ms. Ray moved that the EAC still reiterates their recommendation from their October 7, 2009 meeting, which was that the EAC does not support the plan due to the increase in impervious coverage beyond the permitted amount and that the on-lot septic is proposed where public sewer is proposed. The EAC recommends that Council oppose the application to the Zoning Hearing Board.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 6-0 (Mr. Hijazi – Absent)

**V. APPROVAL OF MINUTES**

**A. REVIEW AND APPROVAL OF SEPTEMBER 14, 2010 MINUTES**

Mr. Germanoski said page 1, line 40, the word “They” should be “There” will be nothing mandatory. Line 41, third word “of” should be “or”. Page 6 of 7, line 46, take out the word “the” before Northampton County. Page 7 of 7, line 6, delete the word “easier” at the end of the sentence.

**MOTION BY:** Mrs. Yerger moved for approval of the September 14, 2010 minutes, with corrections.

**SECOND BY:** Mr. Beardsley

**ROLL CALL:** 6-0 (Mr. Hijazi – Absent)

**VI. OLD/MISCELLANEOUS BUSINESS**

**A. ADOPT-A-ROAD PROGRAM – PICK A NEW DATE AND TIME FOR ROAD CLEAN-UP**

Mrs. Yerger said we cancelled the adopt-a-road program as there was a bad storm. The EAC picked Saturday, October 30<sup>th</sup> for the road clean-up from 9:00 a.m. to 11:00 a.m. with a rain date of Saturday, November 6, 2010. Tara Jain, Jr. EAC member, said she would join the group. Mrs. Yerger talked to Roger and he made a recommendation on where to meet and to park, so she will get that information out. She will pick up all the supplies.

**VI. UPDATES/REPORTS**

- Mr. Beardsley said he got a call from Glorinda from A-Plus about the recycling. She wanted to know why we weren't going to do business with them anymore. He emailed her and told her we still had not received copies of any of their certifications and they had said they were going to put something on their website that described how the computers, etc. were recycled and that wasn't there yet. He referred them to the three meetings the EAC had where this subject was discussed and one of the meetings she was here. He told her if she read the minutes, she should have a good idea of what our concerns are. Now that the September 14, 2010 minutes are approved, he will tell her those minutes are approved and to read them as in them it said if A-Plus could provide those things, we would still do business with them.
- Mr. Johnson asked Mr. Germanoski about his project to work with the GIS in the Township. Mr. Germanoski said Chris Garges and John Wilson met and had a conversation. They discussed the possibility of a wetlands map and decided it would be too late to start right now. In 2004, they had scheduled air photo flight for this area. You could see things on those air photos that you can't see other times. Even with that, the things like vernal pools and springs, they felt would require a lot of field work and conversations with property owners and people who had information from their own experiences, so they are looking at that as a longer term project. They are still talking about shorter term projects to a degree which if Chris Garges makes requests, John will accommodate him. This body can think about items that we wish that were mapped that are feasible and make recommendations and do that informally. They had the conversation, so that was a good starting point. Mr. Johnson said he's always worried about the hydrology out in the eastern end of the

Township where all of us are on wells. Anything you could do to help shed some light on that would be good.

**VII. HELLERTOWN REPRESENTATIVE – REPORT – No report**

**VIII. NON-AGENDA ITEMS**

- Mr. McCormick asked if the Phoebe project is going to come before us? Mrs. Yerger said if it gets far enough. It's a long way off. Mr. Maxfield said right now, it's before the Planning Commission.

**X. PUBLIC COMMENT**

- Mr. Steven Kane said he's a resident of Lower Saucon Township. He lives on Friedensville Road. He lives near the fruit stand. He is an adjacent property owner to the proposed Phoebe Ministries. He will make a point in getting to the Planning Commission meeting. This will border two sides of his property. Heritage Development owns the property that has a right-of-way through his property. He has really thought hard and long about what is Phoebe proposing and he can't honestly say, as an adjacent property owner, he doesn't see anything bad. Friedensville Road, when he got there in 1994, all they had was Society Hill. Then the City of Bethlehem put another one across the street. He didn't really notice a big rise in traffic. The development of Upper Bucks County and the casino has done more to run traffic through Main Street in Hellertown. What he does like about what Phoebe is proposing, and it's a question you probably know the answer better than he does, will they be a taxpayer? If they are going to be a taxpayer, but they are not going to bring students to our school district, it's a win situation for the Township. He knows comments have been made about trucking. You should see what goes down Friedensville Road now. The big accident on I-78, they diverted everyone off of Route 309, right past his front door. He thinks when you look at the situation, they are bringing in people who are not going to be driving and who will be spending in the local economy. They are not going to force us to build six to seven more classrooms at the school district. As a taxpayer, we should all think about that situation. He thinks somebody in the newspaper made a comment about tractor trailers making local deliveries there. Food service, they do straight trucks, and is it really any more than it is now. If you put in 100 homes like Heritage originally wanted – 100 homes, 200 cars, and 200 potential students for the district. That is intrusive. What Phoebe is proposing if short-term is okay. Long-term, he doesn't have to leave his community, as he might live there. They've actually stopped and talked to him and asked him what he thought. He told them none of your business; he'll tell the local people what he thinks. He doesn't see any problem with it and in your future deliberations, if you could just consider the good and the bad. Old people generally don't do crime. Unfortunately, the west end of Lower Saucon Township, with Lehigh University and the City of Bethlehem across the way, he doesn't want to say development is inevitable as he's against unnecessary development, but he thinks what they are proposing is the least of all the evils. He would ask that you all consider that in your future deliberations. Mr. Johnson said one of the big complaints with the people who came to the Council meeting was the height of the buildings and the lights that would be there that they could see. Mr. Kane said his property is probably inapt to that. If in fact, the plant properly and they do build 50 foot buffers and there are trees as part of those buffer zones and tall buildings are maybe centered in the property with even more trees surrounding that, he doesn't have a problem with height. They proposed 35' maximum height. Mr. Maxfield said 65'. Mr. Kane said that's six stories. Mr. Maxfield said they are saying four stories. One of the things they found out the 65' is the average and it could go to 70' to 80'. The other thing was he heard through the grapevine they are planning on coming back with a 50' maximum and a 100' setback so they are modifying it already, so they are listening to the residents. At Planning Commission, they are proposing the pilot program which at any time if they were to become untaxable entity, they would still be obligated to pay a certain amount of taxes which would be divided up between Northampton County, the Saucon Valley School District and Lower Saucon Township. That provision would be pilot negotiations. Mrs. Yerger said where did they end up with their impervious as storm water is an issue over there? Mr. Maxfield said they are at about 40%. Mrs. Yerger said that was another

thing that was a red flag as they were proposing quite a large jump over their impervious coverage. We've had stormwater issues over in the sector already. Mr. Kane said he would think they would be forced to build some kind of retaining wall. He just thinks growth is inevitable. The times are changing. It's like Hellertown. Hellertown has opted for senior housing because in this day and age you are forced to do things you don't want to do, but it's the lesser of two evils and that's how he looks at Phoebe. He visited their other two properties, and they are all doing very, very well. Long-term, if you look at Phoebe's statistic on aging and how many go places like this, we offer them a good location, what do they offer us? If they are willing to pay taxes, I say do it. Mr. Maxfield said he heard they sought out our area as they see our area as their market. Mr. Kane said Heritage are horrible neighbors. Mr. Johnson said why would they not have to pay taxes? Mr. Maxfield said because they are non-profit. They are like a church. Right now there are certain sections of what they do are non-profit and some that aren't. What they are trying to do is bring the whole entire thing under the CCRC heading which will get that entire designation non-profit unless they have something like a pilot program and they said they did this in every community they built in so far. It's forever. The only thing that would affect that would be reassessment. Mrs. Yerger said the EAC will be limited to comment on the environmental aspects. We don't comment on anything past those parameters. Mr. McCormick said environmental is noise, water runoff, traffic and light.

- Mr. Kane said congratulations to Tara Jain, the new EAC Jr. Member. He saw in the newspaper, she went to District tennis singles.
- Mr. McCormick said he's boiling his water now. We should have a report on that from the Lower Saucon Authority. Ms. Palik said it's on the Lower Saucon Township and Lower Saucon Authority website.

**IX. ADJOURNMENT**

**MOTION BY:** Mr. Johnson moved for adjournment. The time was 8:51 PM.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 6-0 (Mr. Hijazi – Absent)

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Sandra Yerger, Chairman

**Next EAC Meeting: Tuesday, November 9, 2010**