

I. **OPENING**

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, March 3, 2009 at 7:08 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

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

Associate Members: Tom McCormick; Absent: Bob Davis, Glenn Kaye

Hellertown Liaison: Absent: Terry Boos

Jr. EAC Member: Absent: Jessica Null

Planner: Kevin Kochanski – Boucher & James

Guest, Chiharu Tokura, a Lower Saucon resident, was present. She said she is interested in joining the EAC and filling Glenn Clouser's position.

PLEDGE OF ALLEGIANCE

II. **NEW BUSINESS**

A. **REVIEW OF PARK MAINTENANCE POLICY**

Mrs. Yerger said you have a revised copy of the park maintenance policy with the EAC's revisions in it from last month. She asked that it not be sent to Council tomorrow night so you have a chance to look at it one more time. If you would take some time to make sure the revisions are there, that you have recommended, to your satisfaction, and if you have any other changes, let her know. She did get some suggested revisions from Terry Boos. On page 3, section E, last paragraph, last sentence, his recommendation was to take out the word "when" and put "before". It should read, "To this end, preference shall be given to reasonably available non-chemical alternatives before considering the use of chemicals on Township property. On page 5, H. Maintenance of Nursery Stock, he thought a third paragraph should be created which would read "Watering of planting stock is critical the first year, so therefore, a moat should be created along the edge of the mulch where watering should take place for slow infiltration". He also wanted inserted right before the second last line where it says "All pruning shall be done to train trees early for an appropriate shape of the tree as it's developing and would minimize the additional clipping later on, in accordance with ANSI pruning standards. A lot of this refers to trails, so you need to keep them clipped back. Mr. Maxfield said can we put "where appropriate" in there as there will be trees we don't want to do that to. Mrs. Yerger said "appropriate" is in that sentence already. Mr. Kochanski said lots of times to insure proper form, you want to trim branches and not thin out the tree, but just so you are not creating issues down the line where they need to be trimmed. A lot of times the trimming is done to the trees early on as it's easier.

Mr. Maxfield said who determines what the appropriate shape of a tree is? This is more like general maintenance and landscape. There's got to be some guidance there. Mrs. Yerger said that's what Terry was alluding to. He wanted to make sure that if you start to train a tree properly, when it's young, it will take the shape that you don't have to go in there and hack it. That's mostly what he was concerned with. Mr. Maxfield said again, who decides? You have fir trees that people go in and cut it so it looks like a lollipop. He doesn't want to see that in the Township. How do we get to that point, who decides? Mrs. Yerger said we always covered it with the appropriate Township representative. That's to be determined. Mr. Maxfield said add "per the

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designated Township representative”. Mrs. Yerger said it should read, “Pruning shall be done early to train appropriate shape of trees early by authorized Township representative”. Mr. Kochanski said the last sentence says “in accordance with ANSI pruning standards”, there are certain requirements. When it’s done, if you get on the schedule when new nursery stock is planted and someone is going in there to prune the trees, you want to hit them when they are young as they are easier to cut. Mrs. Yerger said Judy, at the last Council meeting, it was appointed Township agent or authorized Township representative” because that opened the door if we thought it should be a landscaper, designer or Boucher & James, or it authorized the Township other than Public Works to be designated for this responsibility.

Mr. McCormick said there’s no other body, other than this one who is going to do this. Mrs. Yerger said we have applied for a TreeVitalize grant and there are two guys from Public Works who have volunteered to do that. Hopefully, they will take ownership of this and represent it correctly. Mr. Kochanski said you should put “by trained authorized representatives”. Mr. Hijazi said we have to train and educate the people who are doing this because at some point, they will understand what is the Township goal so they can have convenience in what they need to achieve. Mr. Kochanski said there are certain species of trees that tend themselves to pruning and others that don’t. There’s not much you want to prune on an evergreen tree versus a deciduous tree. Mrs. Yerger said if we substitute or request the substitution of “by trained authorized Township representative” to be substituted where we have Public Works, which could very well be a Public Works person after they have been trained. We are not discluding them, we are just sort of broadening that so it could include Boucher & James if it were appropriate.

Mrs. Yerger said Section K, page 6, Terry had some concerns on the last bullet point, “In areas that may be damaged by contact from mowers, such as in the vicinity of fencing, nursery stock and other improvements, string trimmers shall be used”. His concern was that string trimmers around nursery stock could be dangerous. He asked to recommend that we put a note with quotes “Trimmers are not recommended at base of tree trunks, but only at the edges of mulched areas, around trees. Any weeding that needs to be done within the mulched zone, needs to be done by hand”. Mr. Johnson said you can put in there so as not to “debark the trees”. Mrs. Yerger said she can do that.

Mrs. Yerger said those were Terry’s recommendations for additional revisions to the Park Maintenance Policy. Please read over this. For now, we will vote on it.

- MOTION BY:** Mr. Maxfield moved to approve the additional revisions as per Terry Boos recommendations, and the EAC discussion.
- SECOND BY:** Mr. Johnson
- ROLL CALL:** 6-0 (Mr. Aranyos – Absent)

Mrs. Yerger said this will not be on Council’s agenda. Let her know if anything else comes to mind and we will then put it on the Council’s agenda for March 18.

Mr. Maxfield said someone is going to have to check in the list of chemicals. Mrs. Yerger said she will contact Bob Davis.

B. EARTH HOUR 2009

Mrs. Yerger said this was an email that Jack Cahalan received. It is an event that will be taking place from 8:30 PM to 9:30 PM on March 28, 2009. She did see it last year and some communities signed on to it. It can be as simple as an FYI that we may want to think about doing it for next year, then we would have time to prepare better for next year. It’s a growing event internationally.

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It's a little short notice to get it out there this year and get it going. The Township lights should all be out, except the safety lights.

Ms. Laura Ray said it doesn't cost anything, let's support it. Mrs. Yerger said we can recommend it to Council and see where we can go from there. Mr. Maxfield said he'd volunteer to come in and turn the lights out at the Township. Mr. Johnson said he wonders what the electric companies say about this. If the demand stops for their generating plants, that is going to mess it up. Mr. McCormick said you could put it in the newsletter. It's a good idea and is intended to be symbolic. Mr. Hijazi said the biggest users are industrial. Individuals are going to be minor and minute.

MOTION BY: Mr. McCormick recommends that Council implement this Earth Hour 2009 on Township buildings.
SECOND BY: Ms. Ray
ROLL CALL: 6-0 (Mr. Aranyos – Absent)

C. REVIEW & COMMENTS ON POLK VALLEY CONNECTOR TRAIL ARBORIST RFP

Mrs. Yerger said this is two things. There is an arborist RFP and she has the plan. Mr. Johnson said it looks like the arborist is only for use on the park connector trail job. Mrs. Yerger said the RFP is connected to the plan what trees he is going to be designated to look at. There are five or six subject trees. Mr. Kochanski said originally it was just two trees in front of the existing structure, but then when they were looking at it, they really wanted to, when they had an arborist out there, if there are other trees in question, you might as well have the arborist take a look at those instead of having to bring someone out to look at them again. We are trying to bring someone out once and get a recommendation. The RFP is identified to identify those six trees and what methodologies they would do prior to construction to insure the survival of those trees. If they can be saved, then post construction, what methods need to happen for survival, and after construction, long term care for those trees, and the costs associated with that.

Mr. Johnson said are those trees going to be the Township's responsibility after the walkway is built? Mr. Maxfield said they are in our right-of-way. They got an easement from the landowner. The only comment he can offer, we promised Mr. Herman that these two trees stay (he pointed to the trees on the plans). He doesn't care if they are dying from rot, they have to stay in the ground. Those trees have to stay and that's part of the original deal. Mr. Johnson said you can easily do the walkway around the trees and trim the trees a little bit so people can walk under it. Mr. Maxfield said they are huge trees. The Chestnut is supposedly some special type of Chestnut. People had come from other municipalities to just view this tree. There's something special about the species. It has a leaf like a Horse Chestnut. He was glad to see there was a vine beginning to grow on the tree and someone cut it off.

Mr. Hijazi said the proposal is very generic. It doesn't give details about the specifics of the trees or some of the information that Mr. Maxfield is mentioning. That would be helpful. Mr. Kochanski said the plan will be part of the RFP and one of the things that will be analyzed when you are awarded is to get the actual opinion of an arborist to save those trees. There can be all sorts of techniques involved. Mr. Hijazi said without the plan, you don't know how many trees and what kind of trees we are talking about. Mr. Johnson said it says you could put a note on that those two trees have to be saved. Mr. Maxfield said the arborist is going to assess them. He'll tell us what he thinks about it. Mr. Kochanski said the arborist will be basically providing the Township with an action plan – these are the steps you need to do in order to save these trees. We may want to get a little bit more specific in the RFP with respect to these two trees that special attention will have to be given to those trees. We can label them and give more specifics. These trees that need to be preserved and that will help the arborist guide their pricing and everybody is on the same

assumption. This is something we can get a little more specific on and not provide details of what they have to do, but give them the idea these trees need to be preserved.

Mr. Johnson said is there another organization besides the International Society of Agriculture that would certify an arborist? Mr. Kochanski said he does not know that answer. He thinks when this was put together, that was probably the main organization that deals with arborist's, but he's not 100% sure that there are not other similar organizations.

Mr. Kochanski said the only thing would be if an Arborist comes out and says there is nothing you can do, they are going to die next month. There could be some internal issues in there. Mr. Maxfield said they have an agreement with Mr. Herman that he will provided with all copies of everything so that he knows what is going on. He would also like to recommend we send this report to him once we get it back. That way there will be no surprises to anyone if there are problems.

Mrs. Yerger said she needs a recommendation for the RFP for the arborist with the condition that the arborist be aware of the fact that the two trees in front of the Herman property should plan to be saved and that the recommendation of the arborist, once completed, shall be forwarded to the Township, and then a copy should be sent to Mr. Herman.

- MOTION BY:** Mr. Maxfield moved to recommend to Council that they approve the RFP for an arborist, with the caveat that all measures should be taken to save the two trees in front of the old Herman house, and also that a copy of the arborist report be sent from the Township to Mr. Herman.
- SECOND BY:** Mr. Hijazi
- ROLL CALL:** 6-0 (Mr. Aranyos – Absent)

D. REVIEW & COMMENTS ON POLK VALLEY PARK NATURALIZATION PLAN

Mrs. Yerger said she has a set of plans for the Polk Valley Park Naturalization Plan. As a review, this is the Polk Valley Park plan that now has some of the trails laid out. It also has the detention basins, the plantings to naturalize them as well as some naturalization occurring in the upper regions of the park to create the habitat area.

Mr. Kochanski said what basically has happened is we looked at the storm water management areas on the site, and anything dealing with the athletic fields and looked at naturalizing those and installing some best management practices in the basins so the two basins are treated with appropriated need of seed mixes and plantings. We are no longer dealing with a grass basin. It will be a more natural setting. Mr. Hijazi said do you need to mow it? Mr. Kochanski said there is a mowing. In some cases, it's once a year and in other cases it's twice a year. Those are called out depending on the type of seed it is. Lots of times basins are mowed once a year, in the fall. It all depends on the seed mix. Mrs. Yerger said we did apply to DCNR for a grant of \$27,000 to pay for some of the planting and implementation of the naturalized areas. They gave us \$20,000, so we do have that amount for this project. It won't cover all the costs, but it's a nice piece. It will also cover some educational material like why are we not cutting some of the grass at Polk Valley Park and the signage along the trails, and pointing out things like in the wildflower meadows. Mr. Kochanski said Valerie Spooner went out and looked at the trails. Mr. Kochanski has been in the background as a resource, so he's familiar with it. It's a best management practice for the maintenance for the steep slopes and the erosion and naturalizing some of these areas. It really helps from a habitat standpoint. You don't cut it down until the spring because of the wild life. Sometimes basins are cut every couple of years so the wildlife can move around. There's a lot of different benefits. Mrs. Yerger said we also have some Scouts available and once the trails are ready, they will plan on putting up some artificial habitat boxes for owls, blue birds, field

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swallows, and they will be putting them out on the trail systems and the poles. It will be encouraging habitat.

Mr. Johnson asked what was at the bottom of the basin? Mr. Kochanski said grass, wildflowers and some tall grasses. Mr. Johnson said is this part of the basin that was built as part of the park? Mrs. Yerger said yes, both of the basins were.

Mr. Hijazi said what is the schedule of this implementation? Mrs. Yerger said she thinks they were looking at a fall planting. Mr. Kochanski said you tend to plant in the fall, you usually won't get into a drought situation.

MOTION BY: Mr. Hijazi moved for recommendation to Council that we approve the design as presented by Boucher & James.
SECOND BY: Mr. Beardsley
ROLL CALL: 6-0 (Mr. Aranyos – Absent)

III. DEVELOPER ITEMS

A. MEADOWS GROVE LAND DEVELOPMENT #LD 01-09

Mrs. Yerger said we have a Meadow's Grove Land Development plan. This is the Meadow's, as you know it. Mr. Kochanski said it's currently in for a land development review. His understanding is there have been improvements that have been happening on this site over the course of many years, and without permission and without plans being pulled. The Township has found out about it and issued them a violation notice because they made improvements without permission. The Meadows is trying to correct that violation notice by submitting land development plans to the Township and getting those reviews in, in accordance with the regulations that are currently in effect. His understanding is that there could still be some issues, as a result of their improvements, which don't meet with the requirements. We don't know the full extent, at this point, as it's still in the review process. The owner is trying to rectify the situation by going through the process after the fact. Mr. Hijazi said are they doing an improvement on the building? Mrs. Yerger said they already did. Mr. Kochanski said all the improvements are already done – additions, but he doesn't know the full extent. He would imagine, to some degree, that the shaded area was what was existing and now they are showing improvements with additional building footage. Mr. Maxfield said the very first thing that was there, twenty-five years ago, was a pavilion and that was it – maybe two different pavilions put together. Mr. Kochanski said they are basically coming in and saying they are sorry, let's try to rectify the situation. Mr. McCormick said rectify the paperwork. Mr. Kochanski said yes, to some degree that is possible. He doesn't know if there will be issues that can't be rectified and they need to get relief. Mr. McCormick said is the only crime that they did things without permission? Mr. Maxfield said the absolute entire thing is in the flood plain. Mr. McCormick said what is the issue? What is before us? Why are they not being cited and not being told to remove the building? Mr. Kochanski said they had been cited, and now they are trying to go through the process to rectify it. We don't know the full extent at this point. Once we get through the review process, then we'll basically highlight all of the issues that they are not in compliance with that if they were following the ordinances, the building could have been located here, parking lot is too big, not enough parking spaces – once we put together that punch list, then it's really kind of a legal issue of what the course of action is. Do they have to go to the Zoning Hearing Board? Do they need waivers from Council? We don't know the full extent of that at this point.

Mr. Johnson said one thing they should do is try to establish a riparian buffer as much as they can. They can't do that where there are buildings. Mr. Maxfield said topographically, it's relatively low from this side, but the channel is pretty big in size. For instance, the little deck is perched on top of

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the berm and overlooking the stream. There's also other features in the stream like a spillway that probably was put in.

Mr. McCormick said what are we here for, who are we representing? This is a commercial enterprise that violated the rules and our position should be they should remediate the land to its previous condition and let other people do the compromise. His motion would be to remediate the land back to its prior condition and then submit this land development plan. They will not be able to succeed in this market, and he doesn't care because you can't build buildings on stream banks without asking permission. Mr. Johnson said were zoning regulations in effect when they were doing this or did they do this before the zoning regulations were written? Mr. Maxfield said flood plain regulations have always been there, that is State. Mr. Beardsley said when they bought the property, there was a small residence and there was an enclosed pavilion.

Mr. Hijazi said he's in agreement with what Mr. McCormick said, but at this stage, until someone puts the facts, the base and what are the fractions until we can have a recommendation. Ultimately, he's in agreement with your recommendation, but the question is what are the infractions? Mr. McCormick said that's fair.

Mr. McCormick said how does this happen? How does a building get built right off of 412? The people that are supposed to issue the infractions, why was one issued now – did someone complain? The Saucon Creek is one of the treasures in this Township. How do people build a wedding banquet hall and get away with it. They never had a building permit. Our recommendation that the full force of the law should come down and they be fined. Can we issue them an order to require them to dispose of this thing? That's our job. The Council has a bigger job.

Mr. Maxfield said if this entire thing is in the flood plain and we know none of this construction would have been able to be accomplished, if it had gone through the legal channels. You are absolutely right, as an EAC, we should be saying we recognize that this entire structural complex is within the flood plain. It's all detrimental to all downstream properties and that we would recommend the maximum amount of remediation for this property, and we should just leave it at that. He thinks what is going to happen is some things will have to get removed along here, maybe some infiltration that's included, if it works. There's going to have to be some giveback.

Mr. McCormick said who was the contractor? Did they do it themselves? Mr. Maxfield said the guy that has the Meadows is Russell. One day when he was in the Meadows going in for someone else's wedding party, there were construction guys in there talking about building decks in some other places. Then he got caught with his house. He put an addition on his house that is bigger than his house. This is a pattern. Mr. Beardsley said he tried to put in parking also. Mr. Maxfield said it was in the floodplain and we had to have him take that out.

Mr. McCormick said as not to ruin his commercial enterprise, it's to do what remediation is best to the environment. Something terrible has happened and it should be fixed. It should be other people who compromise, not us. Mr. Maxfield said if you would agree with that, as a motion, he could see that coming out of EAC. Our concern is the environment and this is an environmental hazard. It's not just a bad thing, it's a hazard. Mr. McCormick said if you're wrong on that, it should be on them to prove that and if it violates, as we think it does, and someone like Chris Garges or Boucher & James have looked in to it, then we should be able to have that report given to us.

Mrs. Yerger said she needs an official recommendation.

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- MOTION BY:** Mr. Maxfield moved to recommend the Township use all appropriate resources and report back to the EAC regarding all procedural and substantive issues related to this project so the EAC can assess appropriate environmental remediation.
- SECOND BY:** Mrs. Yerger
- ROLL CALL:** 5-1 (Mr. Beardsley – Abstained; Mr. Aranyos – Absent)

Mr. Maxfield said he wants to avoid being a policeman. We are here to make recommendations and we want our staff to be the policeman. EAC agreed with Mr. Maxfield. Mr. Hijazi said the issue is we know the whole area is in the flood area, but what are other measures that they did and the answer is not readily available. Can we have specific infractions of what has occurred at the next meeting? We are all in agreement with what is going to happen, and our response is to protect the environment. At this stage, let's get that information. Mr. Kochanski said improvements were done without permission. Since this happened over a period of years and rules have changed, at what point did the woodland preservation requirements come in and when did they remove that. There are resources we can go back and look at. Aerial photographs are done every five to ten years, so we can look at it in stages. Mr. McCormick said one thing that shouldn't be ignored, he is shocked when people come in front of bodies and lie. One of the best ways to find that out is say to the guy – we believe that your property in its current condition is a result of series of infractions, and we demand, that you tell us what changes were made, when and by whom? If there's no way to enforce that, then why shouldn't he just put in his new driveway? Mr. Kochanski said the Township became aware of it and when they investigated one possible infraction, the rest of the infractions came to life. This is just the very first step. Mr. McCormick said it's hard to recreate the record. Say to the guy, thank you for submitting this, but we'd also like a narrative, and what changes were made. He should know. Mr. Maxfield said we may be talking about multiple owners. He hasn't done all of it, but he's done a great deal. Mr. Beardsley said what all brought this to a head was when he tried to expand the parking lot. Then Chris Garges went down there and looked. Mr. Kochanski said the wheels are in motion to start this. Mr. McCormick said we have time to get it right. Mr. Beardsley said he thinks there was a plan at some time that the Meadows submitted. He's going way back. Mr. McCormick said the map we just looked at is the result of two years of bugging this guy to get something done. Mr. Beardsley said his response was all the taxes he pays, he should be able to do what he wants.

IV. OLD/MISCELLANEOUS BUSINESS

A. REVIEW AND APPROVAL OF FEBRUARY 3, 2009 MINUTES

Mrs. Yerger said we will review them and make corrections, but we can't approve them because there is a small portion of what Terry Boos said that Diane didn't catch and he's not here tonight. We can approve them next month.

Mrs. Yerger said on page 7 of 12, there is the blank, it should be "environmentally sensitive woodlands". On page 9 of 12, line 32, a correction should be made to Skraban.

Ms. Laura Ray said on page 8 of 12, line 14, take out "A". Page 8 of 12, line 18, it should read "Ms. Ray said all their composting workshops fill up and their bins are used." Page 10, line 50, it should read "recommendation to Council for Woody Eyer and Lenny Szy. Page 10, line 52, should read "managed to raise gobs of money for Lower Saucon Township Historical Society by recycling paper." Page 11 of 12, line 7, Woody Eyer. They are involved in the Historical Society. Line 10 in the motion last name should be Eyer.

Mr. Johnson said page 9, line 51, "run off from your roof and other areas of your home". Line 12, "You can walk from the park to his property".

Mr. Maxfield said page 9 of 12, line 18, name should be "Vanscavage property".

V. UPDATES/REPORTS

A. OPEN SPACE SUB-COMMITTEE

Mr. Beardsley said they went to see the Vanscavage property. On a map, he showed the EAC the 20 acre piece of the Vanscavage property. He showed the adjoining property that is for sale. His proposal is that if he can get a conservation easement on his property, that we would pay him some money for it, and a conservation on this property, that he would use that money to buy this property, similar to what we did down along the coal yard. The county line runs through that property. Springfield Township is on the other side and maybe they would join us in this. Mrs. Yerger said we've been reciprocal with the Mease property. Did you rank it? Mr. Beardsley said they did, and Mr. McCormick will explain how we scored it. Mr. McCormick said this land, the little one, which is 15 acres, combined, it's 35 acres – think of it as one lot where Mr. Vanscavage lives. It's two chunks, and one ownership. When you stand there, you wouldn't notice where the line is. It's at the end of Martin's Lane and it is really pretty. It's at a high point and as you look south up on the hill, it's a really wonderful scenic vista heading south. He showed where Mr. Vanscavage has built a very nice home in the front of the property. Behind it, he's got a mowed area and then the land takes off upward and all of that is wooded. Of this 20 acres, he would probably want to take the front five and leave it as his building envelope so his driveway goes there, and he'd probably want to start conserving right around where the tree line comes, the bulk of his property is the wooded hill in the back. Looking at the map, he said this land is sort of ringed by trees and has a couple of tree lines dividing it into three lower, middle and upper sections. The back is also wooded and hilled. The middle and the front, it's beautiful farmland. Right now, it's hay. It's two very big, very attractive, very buildable lots. It's a gorgeous area with great vistas. You would love to put a home in this 15 acres. You could chunk that up real easily. This is for sale by the current owner by a very big number – a seven digit number. Mr. Vanscavage would like to buy this land and join it to his, and conserve most of it. He seems to be very appropriately motivated. He wants to make this land stay as it is. He probably agrees with us that you could develop it pretty easily. He doesn't want neighbors. There are no structures on it. They scored it two scenarios. One is if the lady next door says no, whether we can't agree to price, assuming this doesn't happen, what if we were only able to conserve his lot, and our answer is that it would probably be about a 15 acre conservation easement assuming he's going to keep the front five, and we conserve the back 15 acres. It's pretty attractive. It is headwaters of a stream and has this little pond and forms Springtown's drinking water. Mrs. Yerger said it's Cooks Creek. She would think because where it's located from headwaters of the Cooks Creek, Springtown would be interested in helping with it. Mr. McCormick said this one alone is attractive, and he would be comfortable recommending conservation of his alone. He does not seem inclined to sell it himself or have a developer develop it at all. You would have a heck of a problem building there as it's very steep, very wooded, and very wet. You can follow the water through.

Mr. Hijazi said it's not very developable? Mr. McCormick said that should show up in the appraisal and should be cheaper. Mrs. Yerger said absolutely. Mr. McCormick said that's one thing to consider. Mr. Maxfield said we're talking about this one piece of property, would we be able to get a connection to the road or would it be an easement? Would he be willing to give us an actual flag attachment? Mr. McCormick said he can't answer that if you are talking about public access. Mr. Maxfield said he's just talking about access in general. You don't want to conserve an isolated piece of property. Mr. McCormick said generally you are right. Mrs. Yerger said you would write that into the easement. Mr. Maxfield said he's talking about an access easement. Mrs. Yerger said why would you want access? We don't have to, as a Township, but if we apply for County or State funding for it, then we have to have access. You have to have access for inspection. Mrs. Yerger said access for inspection, it's written into the easement. Mr. McCormick

said he thinks that all can be worked out. It's like Skraban. His land screams public access. It just seems that way. This one doesn't. There's great bird watching back there.

Mr. Hijazi said it scored high even though the back of it is not developable? Mr. McCormick said it scored medium-high. What helps it is, it has features like steep slopes and headwaters. When you add the wooded hill, you get more of the wooded hill. Mrs. Yerger said the hardest thing is we're going to end up having to go by an appraised value of the property. Springfield has a cap on what they are going to pay for an easement. Mr. McCormick said we should not give up. A couple of things could happen. If this lady reads the newspapers, she will see the world is not ending. What she is telling people what she wants, is not the number she will settle for. As far as comps go, three acres sold for much less than she wants per acre. An appraiser will look at that. We could start on this project now and things may change. It is two jurisdictions. She doesn't know how it would score for Bucks County. The Bucks chunk is 5.3 acres. Mr. McCormick said a lot of things have to fall into place. Mr. Vanscavage is a good guy and wants to buy that land to conserve it. He wants to drive her price down and if all of you can help subsidize that to some extent, he's not indicating that we would have to cover the entire amount. It reminds him of a little bit of what happened with Coal Yard. Mrs. Yerger said Mr. Vanscavage needs an appraisal on his property alone so he can see what he's going to get – bottom line. Mr. Maxfield said we don't necessarily have to give anybody the appraised value. We can give less.

Mr. McCormick showed where the headwaters were. Most of the headwaters are on the Vanscavage property. He would walk us up top and ask us how mushy it was on top. As we walked 300 yards, it formed a bubbling rapid brook. He showed us on the map where it is and it's on the Cooks Creek Watershed high value area for that very reason. You like the back end of Maccaro, so you will like this. Mr. Vanscavage, his main driver is, I'm in if you guys are. I'm going to write a check. You help me, get the County help, get all of you together and let's buy this thing together from this lady, and keep it the way it is. We want to do it selfishly as it's so developable. He doesn't think the appraisal isn't going to come in that big. If you call the old lady, and say we want to buy your land, I'll bet she is going to tell you to send an appraiser.

Mr. Johnson said Columba Gas Line crosses Dravitz property and it crosses a couple of other properties. It may be a connector at some time. Mr. Maxfield said we don't have to pay the appraised value. Is his property special enough to pay a set price? Mr. McCormick said he believes it's bigger and better if you can get it all. The only thing is he thinks the price is going to be lower because the development rights are going to be lower.

Mr. Hijazi said is he interested in conserving his property if the other one he doesn't buy? Mr. McCormick said would he conserve the back of it? He thinks he would, but what he is looking for is a private-public partnership. He's looking to buy this, but if we could help him buy it, he would immediately put it under easement for the purpose of conserving it.

Mr. Maxfield said the house on the Vanscavage is new? Mr. McCormick said it's a couple years old. Mr. Maxfield said is there a stone fence between the two properties? Mr. McCormick said yes. It's a beautiful home. His house is on a knoll. He tore down an old barn and there is a spring and he wants to do something on that as he wants to protect it. He is afraid of the neighbor kid falling in. In the back, it's absolutely a wetland and wouldn't be appraised very high. Mrs. Yerger said it also has the right of way for the gas line. It's a pretty high hill there. Mr. McCormick is much more enthusiastic about the whole package. There's a lot that has to get managed between here and there. We scored it both ways. It scores pretty well on its own and scores really high with the other land.

Mr. Hijazi said what's the next step? Mr. Johnson said the next step is to vote on it to pass it on to Council. Mr. McCormick said he thinks the next step should be to have a conversation with

Springtown. Mrs. Yerger said that would be a good thing. She knows Rich, she can take the map, and talk to him. As an FYI for you, Laura Baird from Heritage Conservancy has also talked to Mr. Vanscavage, and they too are aware of it. At one point, he wanted a fair amount of money, and when it came in and he was told it's only going to be worth not a whole lot, he was disappointed, and that may have been because he was partly looking to purchase the lady's land. Let's see if Springfield would be willing to kick in. That's the first step. Mr. Maxfield said is this guy talking to the lady? Mr. Johnson said she's a real estate broker and that's why she is asking what she wants for it. Mr. Beardsley said he doesn't think she depends on real estate for her livelihood. Mrs. Yerger will call Rich and see if they are interested and bring it back to our EAC. It is her property that falls into Springfield. Maybe if we talked to them, maybe someone knows her and can talk to her. Mr. McCormick said she wants \$1 million for the property and that's ridiculous. She has 20 acres. The part in Springfield is ten acres and ten in Northampton County. Mr. Vanscavage has 20 acres, so it's a total of about 40 acres. Mr. Kochanski said the way we would look at it, would be the development for the portion in Lower Saucon would have to meet the Lower Saucon requirements. Mr. McCormick said if you can only get two houses, then the development rights are less than if you could get twelve houses. Mrs. Yerger said she thinks that property is on the market for that price and it didn't sell. She needs to readjust her figure. Mr. McCormick said maybe she really doesn't have to sell it. Mrs. Yerger will reach out to Springtown.

Mr. Wirth, resident, said he knows some people that live down in Springfield Township. They plan on putting a cell tower in the parking lot near the fire station. Isn't Martins Lane off of Banko Lane? Mrs. Yerger said yes. Mr. Wirth said he had breakfast with some people on Sunday and Verizon wants to put up the cell tower in Springtown. Mr. McCormick said the property they are talking about is pretty far above that where Mr. Wirth is talking about.

B. MEMO FROM TOWNSHIP PLANNER ON STEEP SLOPE PRESERVATION

Mrs. Yerger said we had asked the Township Planner to look into increasing the restrictions on slopes greater than 25% or more. Mr. Johnson said the planner said she didn't think it was a good idea. Mrs. Yerger said right. She gave you some examples of other Townships and pros and cons.

Mr. Johnson said talking about steep slopes, he can now ask a question. What is the definition of environmentally sensitive woodlands versus regular woodlands? Mr. Kochanski said he doesn't have the Lower Saucon definition, but the general definition would be woodlands that are located in areas of other specific resources, so it's two areas of resources that are interlapping with woodlands. It can be woodlands and wetlands together. It can be woodlands and steep slopes above the certain slope category. Mr. Johnson said can we get a write up of that? This comes up a lot when we look at a piece of property. Mrs. Yerger said it's in our Natural Resource Protection (NRP) Overlay. Mr. Johnson said it's on our evaluation list. Mr. McCormick said most of the score card has a map. It says is this a carbonate geology area, Allan goes and look. It says is this a hydro soil, is it a super soil, etc. Allan looks. There is one that just says is it a woodland? We say no based on if there are trees there. Then it says is it an environmentally sensitive woodland, and we all look at each other. Mr. Kochanski said the zoning ordinance, probably defines that, but he's not sure. If not, we can define that. Mrs. Yerger said it's in the NRP. Mr. Kochanski said you can create a map. Mr. McCormick said he doesn't think they need to create a map, they just need a definition. Mrs. Yerger said they can get the Sub Committee something written.

VI. NON-AGENDA ITEMS

- ❖ Mr. Beardsley said at the last meeting, he was asked to find out about dates for the recycling. Carol already did it, it's on April 25 from 9 AM to noon. They suggested we advertise it in the Morning Call. Last time we didn't have a whole lot. Mr. Maxfield said the Morning Call is very expensive. Mr. McCormick said it could be put in the Township newsletter. Mrs. Yerger said when she's

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talking to Springfield, they are looking for an outlet. Before we were told, we had to keep it in the Township. Now we can spread it out and get it out to Hellertown, Springfield Township, Durham, etc., she thinks we'll be okay. Mr. Beardsley said they did it for Lower Saucon Township for free, but in other places, they charged. At one point, he thought they said don't publicize it that it's free. Ms. Ray said the Township could be paying the cost. Mrs. Yerger said there will be no TV's. Mr. Hijazi said it will get less because you are draining the reserves, anyone who had a computer in the basement, they got rid of it. Mr. Beardsley said if we find that to be the case, if we do this two more times, and we still aren't getting a lot of stuff, we can cut it back to one time a year. Mr. Johnson said maybe we should find a way to get TV's disposed of.

- ❖ Ms. Ray said we can tell people when they come in, if they have a TV, Best Buy will accept TV's, 32" and smaller, you have to pay a \$10 fee, but they will give you a \$10 gift card. This is something we can offer people and tell them where it is. Mr. Johnson said we should print up some handouts. Mrs. Yerger said we can do that. Mr. McCormick said we can go to the Best Buy website and print it out in color.
- ❖ Mr. Johnson said has anything further developed to have our engineer look into ground water supply and condition of the ground water? Mrs. Yerger said no, right now they are looking at doing the SALDO. They are very close to completing the subdivision and land division ordinances, so that is taking priority right now. Hopefully, over the next month or two, that may happen.
- ❖ Ms. Ray asked about the EAC conference? Mr. Maxfield said doing the watershed report, the Saucon Creek Watershed Association has been doing a survey of the Saucon Creek and something came up on one of the bits of information called the Focht Hill Vernal. Focht Hill is up near Apple Street and one of the double summit mountains that we have, and one mountain is Focht Hill. This came up in a conversation in talking to the State and it's an area of state wide significance. He went on the internet and they have all these areas of state wide significance for our area and it's not listed. Since then, he's seen a map and that map was provided to Lehigh County Conservation or the information for the map, from the state agency. It seems that he is going to have to go and call the state agency to find out exactly what this is and find out why it's state wide significant and find out are there any protections or anything like that which should be associated with it. He has a feeling for state wide significance, it's like all the other things for state wide significance like Steel City slopes that there is no associated protection and its up to municipalities to do it. What it turns out on the map, that Joe Dravec is sitting right in the middle of the Focht Hill Vernal and Columbia Gas goes through that area and connects to the area you were talking about tonight so it's all kind of related. When he finds out what this is and why it's significant, he is going to be asking you to make a recommendation for Council to designate it on our official maps, and if it's still something special, that we put some sort of special protection on it, so keep that in mind as we talk about Dravitz. Mr. Johnson said there were some springs, and down in the valley there were some ponds. Mr. Maxfield said there are some vernal pools down at the rocky part. The map he saw shows it going up over the hill and to Wassergass.
- ❖ Mrs. Yerger said she has brochures on the 12th Annual South East Conference. She received this Thursday of last week and it's taking place on March 14. If anyone is interested, notify Jack and the Township will pay your entrance fee. They can register you if you want to go down. It is being tied in with the Green Building Expo.
- ❖ Mrs. Yerger said we talked about doing a native plant sale as one of our projects for this year. We talked about doing it in conjunction with Upper Saucon. Upper Saucon does not want to do it with us. They want to have their own at their own Town Hall on May 3. So she talked to Louise who runs "Edge of the Woods". Her suggestion was we do it the first weekend in June. The plants are a lot prettier, they are going to be showier. We can have a pre-sale and put it in the newsletter and

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she has to work that out with the Township. We can also do it with the Farmers Market the first Sunday in June which is June 6. By next month, she will try to work out a pre-sale form. She'd like a motion that we'll do our project native plant sale on June 5 and 6, 2009.

MOTION BY: Mr. McCormick moved that the EAC will do their project native plant sale on June 5 and 6, 2009.
SECOND BY: Mrs. Yerger
ROLL CALL: 6-0 (Mr. Aranyos – Absent)

- ❖ Mrs. Yerger said as we move forward and finalize the maintenance policy for the Township parks, a component of it talks about the pest management, the IPM. We are going to be working towards an actual full blown policy on that. In the meantime, Jack Cahalan asked that we review this. We need to see if this is where we want to go. This would be completely organic, whether we can afford it or whether it is really practical or not. Please read this as we are going to go over this in April. She will be counting on your comments to see if this is something that is feasible for us.
- ❖ Mrs. Yerger said you also had a copy of the letter to Skraban for the open space committee.
- ❖ Mrs. Yerger said Mr. Cahalan asked her to bring it up, but we don't have to take any action, the Alliance for Sustainable Communities has applied for an environmental grant for workshops at the E-House and it's going to include the some of the plantings and some other things they want to do on the E-House. When Jack gets an actual plan, in front of him, he will bring it back to us as there are a lot of uncertainties in this, overall in general. She thinks it's something we can support, but we need the particulars on it. Ms. Tokura said she's from the Alliance and she has some information about the workshop they propose. They just applied to DEP for a developmental education grant and they've been pre-approved and the full application should be in by this Friday. Mrs. Yerger said they talked about six workshops. Ms. Tokura said she has some descriptions of the workshops. They will develop two kinds of workshop series. One series consists of three workshops. The first workshop theme is air ceiling and insulation as efficient energy improvement measure and the second workshop is for landscaping and gardening. This workshop is developed for homeowners and contractors. All the workshops they plan to do, won't be starting before December of this year. It's a tentative plan and very vague right now. Mrs. Yerger said we don't have any plans on what they are going to do on the E-House. We need more details and plans and it needs to be submitted to Boucher & James. Mrs. Yerger said Mr. Cahalan said he has concerns, as we have to sign a release and we don't know what we are actually signing off on. Ms. Tokura said it's just a form for the Township to sign off saying they will offer the workshop place in kind for a donation and that's the only commitment we request the Township to do. That's not the requirement for the grant. Mrs. Yerger said has no problem with this, in theory. Mr. McCormick said it seems as if you can sign something saying we approve the hosting of the workshops at the site provided, however. Mrs. Yerger said she doesn't care one way or the other, but as an FYI, Mr. Cahalan has some reservations about this. Ms. Tokura said we are constantly looking for grants, and the DEP grant got approved. Mrs. Yerger said where she was confused is Mr. Jones says so our request is to partner with us to support the workshops but provide to us the space to conduct them with the assumption that we return the space to the way it was initially provided. Does that mean you are going to do these workshops and put in the insulation and then rip it back out? Mr. McCormick said your first concern is you are not just asking us for space, you are going to do stuff for the house. He's not comfortable with you doing stuff to the house without knowing what it is. They are going to return the house to you in the way it was initially provided. Mr. Maxfield said they'll be using caulking, etc. Mrs. Yerger said that's where she is having concern. Mr. McCormick said if you don't want that, you can ask them not to do it. You can't ask for better than we will return the property back to you two hours later in the same way we found it. Mr. Maxfield said he has no problem with this. Mr. McCormick said Sandy is having a problem that she has no detailed plan. You have until April 2010 to give you a plan. Mr. Hijazi said he's sure the Township

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will have concerns. What you are doing, as an EAC, is commended. He'd like to see this being offered and if you can work the details with the Township and Manager with specifics that wouldn't impact the house in any way, but in theory, if you are applying for a grant which could educate people in our Township, that is something good. Details you can work it out. Mrs. Yerger said she has reservations about the manpower and the capability of the Alliance. She doesn't want to see this house started on something, then left like that, and then the Township is stuck fixing it. Mr. McCormick said what Jack should say is he hereby approves the use of the E-House, provided that you return it in precisely the condition you find it. Mr. Maxfield points out isn't that a shame, all they were going to do was winterize it, but you have concerns they were going to box the winterization because of time and money and manpower. Mr. McCormick said get the maximum protection saying you will not do a thing to it. You'll sweep up when you leave and that's that. You have the state saying they will pay for the Alliance to educate the residents. You get up to \$1,500 for tax credit for winterization of your house. It's got to be legitimate. You go on line and you can't find it. This is an opportunity and we should build in those protections. If they provide a detailed plan that meets with Jack's satisfaction, you should do that, but at this point, not having that detailed plan, no one is comfortable saying you can do this and then pack your things and leave. Mr. Kochanski said you could have that provided detailed plan as there is time between now and December. Mr. Maxfield has no problem signing on and saying this is a concept we support and whether the manpower is there later, that's not our problem. What happens in the house and on the property is our problem. We have that say over it. Mr. Johnson said they only want to include two hours of demonstration. You can't do a lot in two hours. Mr. McCormick said it's two hours of classroom. Ms. Tokura said this notification will come at the end of July, whether we get the grant or not.

MOTION BY: Mr. Maxfield moved to recommend that the Township sign us on as a supporter for the Environmental Education Grant DEP.
SECOND BY: Ms. Ray
ROLL CALL: 6-0 (Mr. Aranyos – Absent)

- ❖ Mrs. Yerger said Kevin Kochanski has made a request, going back to the IMP, that we make a formal motion/recommendation to have the EAC, in conjunction with Boucher & James, move forward with creating an IMP/OMP (Organic Management Plan) for the Township parks. Mr. Kochanski said what we were looking at doing, in conjunction with the park maintenance, that's touched on briefly and been tabled, the other component to that two step process was developing a detailed IMP. The recommendation would be to go and get that authorization to start working together to start to develop that. Instead of putting it off another month or so, the information you have in front of you, you can review that and come back next month, then we can take some of that feedback and get started on those procedures sooner than delaying it another month. If we are anxious to get that started, if the park maintenance were to go through, it was recommended that we do the IMP as well. There's no reason that the park maintenance is being delayed, that we need to delay this. Mrs. Yerger said we need to get some cost factors from Boucher & James.

MOTION BY: Mr. McCormick moved to get Council to allow the EAC to start working together on the IMP with Boucher & James.
SECOND BY: Mr. Maxfield
ROLL CALL: 6-0 (Mr. Aranyos – Absent)

- ❖ Mr. Maxfield said if there is a possibility that the EAC can work with the Watershed group on a rain barrel workshop instructing them, there's two options that the EAC is interested in. One is to sign on as a co-workshop presenter and it would be open to everybody to sign up for it. The other one is the Watershed group could actually do a rain barrel workshop for EAC members only. Mr. Hijazi said you did it twice for the public already. Mrs. Yerger said get us a date. Mr. McCormick said don't set one up just for us. Mr. Maxfield said they had a date in May.

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- ❖ Mr. Johnson said on the Skraban letter, basically saying that Council has approved our recommendation that the Skraban property be considered for conservation easement and has told their lawyer to begin the process of negotiating with Mr. Skraban. Mr. Maxfield said appraisal. Mrs. Yerger said Linc didn't use the word appraisal. Mr. Maxfield said that's what it is basically. Mr. Johnson said it says we will contact you in the near future to discuss the terms of the proposed conservation easement. Mr. Maxfield said, we didn't know if he had a lawyer or not. Mrs. Yerger said part of it was the whole public access issue. What does he want public access to, what doesn't he want public access to? Mr. McCormick said we talked about open space with him and he was very open. It's no harm, if he waits a week and calls and says he's here to talk about the process, the first thing is the appraisal. Mrs. Yerger said she wanted him to get in contact so Mr. Skraban wasn't hanging. We are interested in pursuing his land.
- ❖ Mr. Kochanski said something that Judy Stein Goldstein is part of, kind of a spin off of No Child Left Behind, there was a bill No Child Left Inside. Billstown Township is going to be hosting in Central Park, a day out of activities. It's in Bucks County and the Bucks County Coalition is going to be expanding it out and looking to include other areas. There are flyers here if you are interested in attending. Mrs. Yerger said she likes the idea and we may want to replicate this for Polk Valley Park.
- ❖ Mr. McCormick said he's glad we made the motion about the Meadows. Did you see LVPC saw their application and said it looks okay to them without any regard or knowing what is going on.
- ❖ Mr. McCormick said the steep slope ordinance, you pointed out you are okay with it.
- ❖ Mr. McCormick said Adams, the sign, the billboard, first there were objections because the erosion plan was inadequate, then he saw more correspondence that approved it, now he sees the erosion issue and then there was correspondence about the lighting, what's going on there? Mrs. Yerger said it's going through. Mr. Maxfield said a lot of information is missing. Mr. McCormick said he saw Haz made a motion in November, and Council approved it? Mrs. Yerger said yes. Mr. Maxfield said we had some questions about the landscaping and then Council got advise from Boucher & James about how some of the stuff we were concerned about was really nothing.
- ❖ Mr. McCormick said Northampton County added some natural area stuff, we're still going on old maps. Is Jack going to republish new maps? Mrs. Yerger said we originally had talked to Stacey Ogur about incorporating that. She doesn't know where that is now. Mr. McCormick said just because we might be answering no, because we're on an old map. He asked if Kevin could follow up on that for the next meeting.
- ❖ Mr. McCormick said is there any update on Dravec or Whitetail? Mrs. Yerger said Whitetail we are waiting for the County. It was approved by the County Open Space Committee, but they have not taken any approved applications before the County yet. Mr. McCormick said we don't know what the money is yet. Mrs. Yerger said to be perfectly honest, there are organizations waiting for two years to get the approved application for the funding. Dravec we are waiting for some details. We met with Mr. Dravec attorney and our attorney. We sat down two weeks ago and discussed it with him. There were some questions about the easement areas and what his lot yield was going to be. Boucher & James just finished the lot yield and Dravec didn't want to make any move until he got that information back. We are supplying him with that information and hopefully we can move the negotiations forward. Mr. Kochanski said there are three lots. The site capacity calculations we ran – if you were to take the entire parcel including the parcel that we're doing feasible portion on, include that entire area within the calculations, you would end up with three dwelling units. If you were to start removing those areas, so you remove the easement area, you get two. The difference is one dwelling unit. He doesn't know if Mr. Dravec was expecting it to be a greater difference. Mrs. Yerger said are you talking all seven parcels? Mr. Kochanski said no,

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just the one that was behind the conservation easement. That was a point of clarification that we got from Linc. It was just the one behind the conservation easement area. Mrs. Yerger said she's still surprised he got that many considering how environmentally sensitive that area is. Mr. Kochanski said if you include it in, it is coming out. It's a total of three plus the one that's already there. The land yields a total of three.

- ❖ Mr. McCormick said he likes the Saucon Creek Watershed Association with regard to the Tuminello property recommendation. Are we going to get that buffer? Mrs. Yerger said that's coming to the next Hellertown meeting. Terry Boos wrote a real nice letter. They were both great recommendations.
- ❖ Mr. McCormick said the shopping center, are they going to get the gas station? Mrs. Yerger said we haven't heard. It got quite all of a sudden. Mr. Hijazi said they are expanding and they are installing gas stations next to many of their stores. There are some, but they are going in multiple locations.

VII. ADJOURNMENT

MOTION BY: Mr. Hijazi moved for adjournment. The time was 9:55 PM.
SECOND BY: Mr. McCormick
ROLL CALL: 6-0 (Mr. Aranyos – Absent)

Sandra Yerger, Chairman