

**I. OPENING**

**CALL TO ORDER:** The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, April 4, 2006, at 7:03 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Tom Maxfield, Chairman, presiding.

**ROLL CALL:** Present – Tom Maxfield - Chairman, Ted Beardsley, Glenn Clouser, Tom Conlon, Allan Johnson, Sandra Yerger; Laura Ray, Rick Tralies, Boucher & James, and EAC Jr. Member, Jeff Perreira. Absent – Michaleann Berger, Hazem Hijazi, Dennis Araynos and Rett Oren.

**PLEDGE OF ALLEGIANCE**

**II. NEW BUSINESS**

**A. AGRICULTURAL SOILS OVERLAY**

Mr. Maxfield said it dawned on him that other municipalities around us, notably Springfield, have their agricultural (ag) soils protected in ways that we don't. We were curious about how much ag soil we had left and we were thinking about what we could do to protect what he have left.

Mrs. Yerger said she was at a meeting at Springfield Township and they were talking about protecting prime ag soils and how important it is. Then there were articles how they are disappearing so quickly. There was a meeting about farmland preservation and maybe we really need to look at. She mentioned it to Tom Maxfield and they then mentioned it to Chris Garges, and we ran maps to see if we had any prime soils left in Lower Saucon. Surprisingly, we do. Since we are doing the open space plan, do we want to encompass that as a resource that we want to protect and how do we want to go about it.

Mr. Maxfield said the map is back on the table if you want to look at it. He would caution you not to look at it without one of the lists so you can tell what is prime and what isn't. Mrs. Yerger spoke to Mr. Tralies. She said some of the ag soils we do have are in areas that are slotted for high density development, the ones that are left as a lot of our best ag prime soils are already under high density development. Some of these are active farm fields, and how do we protect them now and what do we need to do if we want to do anything?

Mr. Tralies said this afternoon he had some GIS maps made. One map has prime agricultural soils and one has soils of state wide importance. That's all they show, but it can give you idea of location and where there are larger concentrations. For ways to try and preserve the agricultural soils, one way that seems to be very successful is simply treat it as any other resource and say where you have agricultural soils, you are only permitted to develop certain percent of each soil on each property. They treat it just like it's woodlands or steep slopes or anything else. It's written into their site capacity calculations. It's written into their resource protection. That's the simplest way to do it. It will take a zoning amendment. Mrs. Yerger said we don't need to redo our zoning map? Mr. Tralies said he didn't think you would need to. There wouldn't be any need for an overlay or anything like that as you could still take it on a site to site basis. Mr. Maxfield said we'd have to site a referral document in the ordinance – refer to the County Soils map. Mr. Tralies said yes, you could just refer them to the County Soil Survey.

Mr. Johnson said there is a discrepancy. On the one list, it's different than on the other map. Mr. Tralies said Tom and himself were discussing that very briefly before the meeting. The list he used are two lists that just happened to be stuck in the front of our office library soil survey. They appear to be from 2000. That list came from a county website today. That list is more up to date and

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probably would be more appropriate for use by the Township. The maps in front of you are based on their office lists from six years ago. That was what he found on short notice today.

Mr. Johnson said he was talking about the soil one on Kohler's farm and on the other map, it's green and says it is prime. On the one he has, the name doesn't even appear. Mr. Tralies said it's just a discrepancy between the two lists and it is noted. The soil survey is from 1974. Bucks County just re-delineated their soils about three years ago. If they found a need to re-delineate, then there was enough change. Mrs. Yerger said we need to have a defined list what is prime. Mr. Maxfield said if there are contradictions, developers will find that and will exploit it. We need a definitive document and documentation. Mrs. Yerger said if this is something we want to do, we could ask Staff to draw up a draft ordinance and then at the same time, make that a definitive list. It would be part of the draft ordinance anyway. Mr. Maxfield said he was hoping to get a recommendation tonight that we can take to Council tomorrow night. We could say that we would recommend they start working on it. Jeff Perreira asked about the different levels of soil. Mr. Maxfield said state wide importance is one level down below prime and it's just a notation for it. Mrs. Yerger said what Jeff is saying is he would think if it would be a prime ag soil, it should also be of primary state wide importance, so they don't overlap. Mr. Maxfield said they don't overlap at all, but they abut each other in some cases. Maybe prime is federally important and the other ones would be the next level down. Mr. Tralies said his belief is if you have a certain soil type, it's one or the other, the same way if you have a tree that is 8" in caliber, you wouldn't also say it's 4" in caliber because it does contain 4". Mr. Johnson said we need to try to protect the farmland.

Mr. Maxfield said they have to make a recommendation to Council that they direct Staff to start writing it. It would be 40% for state wide and 50% for prime. Mrs. Yerger said Springfield has a lot, they do 50% for state wide and 40% for prime.

Mr. Johnson said he doesn't know why we should necessarily restrict our preservation efforts to just farmland that are prime. Mr. Maxfield said we could look at it another way if we proceed with percentage of protection for prime and state wide importance and if you are looking at a piece of property that is currently being used as farmland, maybe we could address it in another way, maybe have two separate approaches. Mrs. Yerger said all we're doing is directing Staff to look into creating an ordinance to protect farmland. They can work out a lot of details. Mrs. Yerger said we could have Staff do a general ordinance to preserve our prime ag soils and our active agricultural lands and have it both ways and see what they can come up with. Mr. Maxfield said we have site capacity calculations which determine if a property is forested and how much of that has to be maintained. Every piece of property is looked at like that when it comes up for development and this might fall right in line with that.

- MOTION BY:** Mr. Maxfield moved to make a recommendation to Council the suggestion that they ask Staff to formulate some language to protect agricultural soils and active farmland.
- SECOND BY:** Mrs. Yerger
- ROLL CALL:** All in Favor: Yes  
Opposed: None

Mr. Araynos arrived. The time as 7:26 PM.

Mrs. Yerger asked if we needed a motion to incorporate it in the open space plan. Mr. Maxfield said that could be one of their recommendations to us. We could offer possibilities and say maybe it could be incorporated into the open space plan, maybe it could be addressed to the site capacity calculations. How specific did we want to get with this? Mr. Tralies said it is already in the open space plan. Mrs. Yerger said okay, we're done.

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**B. ELECTRONIC RECYCLING DAY**

Mr. Beardsley said A1 agreed to the date of April 22 from 9 AM to noon time, with a rain date of April 29. They will not mention TV's as they don't want them, and no Freon. They will take computers, so pass it along to everyone, it's not only to LST residents. They need to put an ad in the newspaper and email it to Jeff Perreira and he will pass it on to Saucon Valley students. Sandy, Tom, Allan, and Laura will be able to be there.

**C. REVIEW OF COOK'S CREEK WATERSHED PROTECTION OVERLAY ZONING AMENDMENT**

Mrs. Yerger said we have the headwaters of the Cook's Creek watershed within our geographical boundaries in the township. It is an exceptional value stream, one of the few left in Bucks. We're trying to step up to the plate to help with this stream and Springfield Township did a Cook's Creek watershed protection plan and we are incorporating that into our zoning ordinance so we can utilize it to protect the headwaters. There was also in the plans some recommendation about some possible junk cars that should be cleaned up and it's something we should look at it in the future.

**MOTION BY:** Mr. Maxfield moved to recommend that we send this to Boucher & James for our final review.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** All in Favor: Yes  
Opposed: None

**II. DEVELOPER ITEMS**

**A. CHURCH HILL ESTATES REVISED PLANS**

Mr. Maxfield said for EAC members to come over and look at the map. They delineated some of the resources better and the woodlands are better. The original proposal was five lots and now with the resource protection area, it's down to two lots. The recommendations before was to address the natural resource site capacity calculations and delineate the areas better and to use native planting as the landscaping.

Mr. Maxfield went over all the recommendations:

1. All landscaping plantings to be native
2. A note to be put on the plan to insure that no further subdivision would be permitted of the two lots regardless of future zoning change

**MOTION BY:** Mr. Maxfield moved for the recommendations stated above.  
**SECOND BY:** Mrs. Yerger  
**ROLL CALL:** All in Favor: Yes  
Opposed: None

**III. OLD/MISCELLANEOUS BUSINESS**

**A. EARNED INCOME**

**B. SUB-COMMITTEE UPDATE ON OPEN SPACE REFERENDUM**

Mr. Maxfield said A and B kind of go together. We are looking for an EIT to fund an open space and you can't really do anything without a referendum.

Mrs. Yerger handed out a booklet "Public Finance for Open Space". It's the last of the series. There are recommendations on public financing, talks about the EIT, and has some sample

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ordinances in it. Richland Township has done an EIT and they were very successful and purchased a considerable amount of open space with it. It is at 0.25% and an EIT is usually considered the fairest way. It's based on income and for a certain amount of time, like five years and then it would have to be voted on again after that time. The sample ordinance is very similar to the one that was successful in Richland which Linc Treadwell wrote. It did pass and they have been utilizing the monies for open space. At 0.25%, Jack Cahalan ran the number and said it would generate about \$700,000 to \$750,000 a year which means, yes, it is significant enough to really preserve some open space especially if you are talking about purchasing conservation easements.

Mr. Maxfield said it would be dedicated to a particular use and whenever it's been talked about, there is talk about a specific time period, like a five year tax which is renewable by referendum. This is strictly for open space and recreational purposes. It cannot be used for anything else. This will create a separate fund for these monies. In Solebury they do a referendum for an increasing amount of money, so this would be like a test to see if we could actually do this amount of money and then go for greater amounts of money in the future. It really doesn't tap anybody out.

Mr. Maxfield said he trusts the process but we have a timeline. Mrs. Yerger said it has to be 12 Tuesday's backwards from the date of the vote, so it's about 3 months prior to November that we have to file and record this referendum at the Courthouse. We can't do this any later than July. Mr. Maxfield said how do we feel about this? Laura Ray said why did we pick that number? Mr. Maxfield said there are legal limits to what we can do. It has something to do with what we have already. You go too high, people will start to complain.

Jeff Perreira asked how many acres can you buy with that amount of money. Mr. Maxfield said buying land is one thing, protecting land is something else as you can buy development rights or easements on properties which would restrict any future development on the property and yet the property still could have one house on it. So without buying a 50 acre farm, you could buy development rights for 25 homes on it.

Mrs. Yerger said there is also county and state money available as well, but you have to have funds which means the county is going to put up 1/2 or 1/3 and you need to put 1/3 and the township put up a 1/3. He will run this by Council tomorrow night at the meeting. Council will have to agree with it. The EAC would then be the body making the recommendations for what properties are going to be acquired. We'd have to set up a system so we could be made aware of available properties and establish a communication line somewhere so we'd have up-to-date information. In Solebury, the EAC actually went out and talked to landowners and did the solicitation. Is this something we want to take on.

Mr. Maxfield said we also have Terry Clemmons who has experience in doing this and he's had experience going out talking to landowners and is very good at it and maybe something we'd want to pursue also. Mrs. Yerger said we have to figure out exactly how we want to support this as a body. It's one thing to recommend this to Council, but what are we going to do, are we going to make signs, are we going to advocate it. We can do that as a recommending body. Do we want to launch a campaign? Are we going to be in charge of it? Is it something we want to get behind? Mr. Beardsley we might want to get a local group formed that are pro and get them involved and lead them to do it without us. Mrs. Yerger said we probably could do that. She we could talk to Springfield and there would be a citizens or residents group. Why open space is important is something we are going to have to address and to some public officials. The Saucon Creek Watershed is meeting from 2 to 4 at the Heller Homestead on Saturday. Maybe if we enact this tonight, we might want to talk about it on Saturday.

Mr. Maxfield said he has no problem putting together flyers and ad material. He can take care of those types of things. They could see if there is any merit for Terry Clemmons to come to tell about the positive aspects of open space referendum and positive things about it. Mr. Maxfield said

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the Saucon Creek Watershed Association could host it at the sportsman's club. That would be a nice venue and there's always a good turn out there. It's a good place to start. Again, it needs to be brought up on Saturday. Mrs. Yerger said we should form an open space committee. Mr. Maxfield said he would like to recommend this to Council. He likes the idea of the EAC serving as an examiner and a recommender of expenditures out of that fund to Council.

**MOTION BY:** Mr. Beardsley moved to recommend to Council that we have a referendum for open space.  
**SECOND BY:** Ms. Ray  
**ROLL CALL:** All in Favor: Yes  
Opposed: None

**C. REVIEW AND APPROVAL OF MARCH 7, 2006 MINUTES**

**MOTION BY:** Mrs. Yerger moved for approval of the March 7, 2006 minutes..  
**SECOND BY:** Ms. Laura Ray  
**ROLL CALL:** All in Favor: Yes  
Opposed: None

**IV. UPDATES/REPORTS**

- Mr. McKenna said the Bruce Industries did start with the demolition of the culvert by the pool and lucky for Hellertown they went down a number of feet and found there was a natural spring running through that area. They are trying to dewater this site as best as they can so they can finish the construction. All of the other subcontractors are on target with their dates, but the objective is to get the culvert up and done so they can fill the pool by June 1. There are different community groups getting together to help. Mr. Maxfield said LST put aside \$10,000 for the pool, but Hellertown only requested \$5,000. Mr. McKenna will bring it up at their next council meeting.
- Community Day is set for August 20, 2006. In the past, EAC's group has worked closely with LST's group and they are going to have the same setup as previous years.

**V. NON-AGENDA ITEMS**

- Mr. Tralies made some minor changes to the open space plan. EAC members can email him with any suggestions or criticisms, feel free to. The most significant change he made was moving the goal section down a little bit until after most of the research as it struck Judy and him that it really doesn't make sense to state your goals until you have reasons for having those goals. Otherwise, it was just incorporating all of the red marks and notes from our last meeting.
- Mr. Araynos said he has an article in the Express Times that he'd like to share. They are statistics on open space and pollution. In reference to farmland, it says many farmers are in debt and grow deeper in debt due to the extensive cost of farming. The barn is often neglected. Gov Ed Rendell, in his budget address, stated "We are still losing 110,000 acres of open land a year – an area the size of Delaware County". That's a pretty big chunk of land. There was another article on pollution standards. This he didn't realize it was as bad as this. In reference to water, he'll read that first. "Ohio is the worst with 228 facilities violating pollution permits 2,656 times between July 1, 2003 and December 31, 2004. PA finished an abysmal fourth with 1,993 violations during the same period." He didn't realize it was that high. It also said "New Jersey ranked a much more respectable 44<sup>th</sup> on the list". It says "Both Pennsylvania and New Jersey didn't fare well in a recent report from the EPA measuring toxins in the air we breathe" and then they elaborate on it. He'll pass it around. Mr. Maxfield said he heard on the news today there is a report leaked from EPA to the public about upset employees within the EPA that they formulated a policy to redo the air quality act in order to give corporation's breaks. Like a corporation that may have been polluting 100 tons of something a year, then through the air quality act, had to cut it down to about 5 tons a year and

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now this new legislation they are proposing would allow them to do something like 25 tons a year. They are trying to loosen it for some reasons and there are a bunch of upset people. Here state agencies are trying to tighten things up and now the federal government is loosening things. It's actually being pushed by the chemical industry.

- Mr. Johnson said he attended the meeting on March 29 on open space and farmland preservation meeting sponsored by Green Valley Coalition. They talked about how they feel about open space preservation and farmland preservation. They are aware of the increasing cost of energy and the decrease of energy will affect our lifestyles in the county quite a bit. **He** proposed using some of the steel companies brown space to develop an institute for alternative energy use. He really seems to be interested and worried about what is going to happen as we run out of petroleum and natural gas. Don Cunningham didn't mention that in his speech. It seems that the county owns a lot of open space, parkland and other kinds of lands like that which are deteriorating. One is where there is a dam and the dam is deteriorating and they need money to rebuild the dam if they are going to save the open space. The infrastructure that is part of these parks and things are deteriorating and the parks become a liability if they go there and hurt themselves. Don Cunningham also said he wants to preserve recreational space, but seems to be more oriented towards urban revival. That's a summary of what he got out of it. A lot of the Northampton County people wanted to continue their discussion about open space preservation so they set a date for another meeting which is April 19 at 2:00 PM at Gracedale.
- Mr. Maxfield said Allan mentioned petroleum going away. Did anyone see this thing on 20% to 50% renewable fuel made from recycled vegetable oil? It's just how many miles down the road from here in Upper Bucks. He'd like to encourage them to come up here. He always thinks about a reuse for the landfill. It's right on the river – windmills up there supplying power for the community would be great. Mrs. Yerger said there are grants available, especially to school districts. There are school districts that have converted their school busses to ethanol and it burns a lot cleaner and they got a grant to do it. She said Jeff may want to bring up to somebody at school. Mr. Maxfield said he heard Walmart wants to go organic and they have all their delivery vehicles switched over to renewable fuels. Walmart has decided to put in over 400 items that are organic. Mrs. Yerger said we always talked about finding other energy sources, but we also have to find ways to conserve it and use less of it. She just bought a low water, low washers and she loves it and uses 1/3 of the water and energy. Mrs. Yerger said now they are mandating car seats and you have to have a vehicle that these car seats fit into. You are almost forced to buy a huge vehicle if you have three children under 80 lbs. If you have a child who doesn't weigh a lot, they have to go in a car seat.. She said she has a friend who has a son who is 10 years old and still has to go into a booster seat.
- Ms. Ray said she has worked on the website and needs a domain name. EAC decided to go with Lower Saucon Environment.

**VI. ADJOURNMENT**

**MOTION BY:** Mrs. Yerger moved to adjourn the meeting. The time was 8:55 PM.  
**SECOND BY:** Mr. Johnson  
**ROLL CALL:** All in Favor: Yes  
Opposed: None