

**I. OPENING**

**CALL TO ORDER:** The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, April 12, 2011 at 7:03 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

**ROLL CALL:**

**Members:** Chair, Sandra Yerger; Vice Chair, Tom Maxfield; Laura Ray, Colin Guerra, Ted Beardsley, Tom McCormick and Allan Johnson

**Associate Members:** Absent: Dru Germanoski & Glenn Kaye

**Planner:** Karen Mallo – Boucher & James – Karen Mallo

**Hellertown Liaison:** Terry Boos

**Jr. EAC Member:** Tara Jain - Absent

**PLEDGE OF ALLEGIANCE**

**II. OPEN SPACE SUB-COMMITTEE**

**A. PROPERTY UPDATES**

1. **MARSON PROPERTY – 2383 WASSERGASS ROAD**
2. **SMITH-BUROFF PROPERTY – 2385 WASSERGASS ROAD**
3. **CARBER PROPERTY – 2387 WASSERGASS ROAD**

Mr. Beardsley said they are ready to recommend all three of these properties. Mr. McCormick said three properties, all contiguous, all on the north side of Wassergass and all very pretty. They scored each of them with the new score card and spent about three hours walking them extensively. They met with the landowners and Laura Baird was with them. They are beautiful pieces of land. They are all a little bit different.

Mr. McCormick said the Marson property has more water features than the others as it's downhill. It has a bunch of seeps. It has a swamp. It's got a pond, lots of water, lots of open field. It's very pretty and very developable. The Smith-Buroff property is right up the road from there. It has some acres that are forested. It looks like it was timbered many years ago, so it's nice and thick, and hard to get around in there. If it was green, they would have never gotten through it, so it was a good time they went this time of the year. At the entrance of that forest is some muck. There's a seep in the one corner. The bulk of the Smith-Buroff property is open field. There are some hedge rows that cut it up into four or five little quadrants. There's a pole barn in the far corner. They intend to put a house there, somewhere in the middle. There would be plenty left over. Next door to that is Carber. They share a driveway. Carber is much more forest, so much of the wooded land between the three is on the Carber's property. That's a nice forest was well. It's a little bit more wide open there. It's easier to navigate through that stretch of forest as there's a little bit of undergrowth. There's more rock, so it probably prevents some of the vegetation. It's really pretty and it's steep too. There are some steep slopes. They have a smaller field with a house in the middle. They currently have a modest nursery business on that with about a thousand Christmas trees and boxwood bushes. They are all a little bit different. One has a little bit more forest. One has a little bit more field. One has a little bit more water. They all sort of look developable, particularly the Smith-Buroff land, which seems like it would make a really nice cul-de-sac with four or five houses on it. All landowners were there. They are ready, willing and able. He thinks Carber and Marson would have fewer requirements. Smith-Buroff would probably have a little bit more requirements as

far as they want to put their house here, and they want to put a pond here. They have some ideas about what they want to do.

Mr. McCormick said all of them seem like they would be good partners in the process. We scored them all. All of three of them scored well. Marson scored the best probably because it had more hydrologic features than some of the others. We would recommend that you would get three separate appraisals. They are not one piece of land, but they do touch. It's three different pieces of property. Three different owners. They would recommend yes.

Mr. Maxfield said has Smith-Buroff done any initial analysis of the property to find out if their house is okay. Have they met setbacks? Mr. McCormick said he doesn't know if they had that conversation, but they will not have any trouble with the setbacks. They saw where they have a white stake in this big field and that's where they want to put the house and the open space would be surrounding the house. It's a meaningful piece of land that they would include in the easement, including most, if not all of the forest. Where the pole barn is, they would put that in the easement and that part would say they could do light agricultural, but they can't develop it any further beyond what they would do to the house or barn. They are the ones that probably have the strongest view about what they want to do and you'd have to work with them through it. Laura Baird felt pretty confident that you could find a way. All the open space links up. They share a driveway and they touch. He's not sure where you would put the easements. Mr. Maxfield said that's something they should push for in their discussions. Mrs. Yerger said they would have to make some of those decisions prior to getting an appraisal because you have to know what you are appraising and how big your building envelopes are. We need to recommend that it go on for appraisal providing the building envelopes are determined prior to that.

Mr. McCormick said they recommend the appraisal and Laura Baird can involve herself in that process. He thinks the building envelopes would occupy the middle and sort of up the side, across the back, and down the side would be the easement. If you look at it, that's what makes sense. Mr. Maxfield said they should all link up. Mr. McCormick said he would agree with Mr. Maxfield, but if any one of these came to us alone, they would say yes. They all got 2's on linkage potential. If they went down to 1's or zero, they still would have been recommending these. Mr. Maxfield said he wants to express to them that's what the Township would desire. Mrs. Yerger said you would like to make the recommendation that it move forward towards the appraisal. Mr. Johnson said there's a property to the east of Smith-Buroff that actually extends all the way to the Dravec property that we own. Although that person hasn't indicated an interest in doing an easement, the land is there. The ridge line actually goes from east to west and goes through Smith-Buroff property almost through the middle of it. The northern part of Carber's property is right at the ridge line, but the ridge line runs through Smith-Buroff property. It's right at the top which is nice to know. Mr. McCormick said an appraisal can't happen without an exact description of the land where the easement would be. Mr. Beardsley said they will get back in touch with the property owners and tell them the EAC is ready to recommend to Council that they order an appraisal, but in order to do that, they need to sit down with a map and Laura Baird and show them what the property they want an easement on. Mrs. Yerger said for now, can you get copies of these score sheets to Diane, so the Township has them in the files. You are going to call them and tell them that Laura will be in touch with them to help them figure out their building envelopes.

**Environmental Advisory Council**  
**April 12, 2011**

**MOTION BY:** Mr. McCormick moved that the EAC recommend to Council that the appraisal be ordered for conservation easements for the Marson, Carber and Smith-Buroff properties on Wassergass Road, once Mr. Beardsley and Ms. Laura Baird have an opportunity to contact the landowners regarding the exact parameters of their building envelopes.

**SECOND BY:** Ms. Ray

**ROLL CALL:** 7-0

Mr. McCormick said they are eventually going to go and see the Benner property on Dairy Lane.

**B. DISCUSSION ON NEW SCORE CARD FOR OPEN SPACE**

Mrs. Yerger said in the minutes from March, you said you wanted to talk to Laura Baird about the new scoring system. Did you get your questions answered? Do you have those recommendations?

Mr. Beardsley said the conversation we just had, we'd like to have a little more experience with this new system before we make anymore recommendations. There are assigned numbers to the different categories and they did modify the first two categories from the 3's to 5's. The first two are development potential and availability. They gave them a little heavier weight and talked to Laura Baird about that and she was okay with it. Mrs. Yerger said do you want to make all the changes at one time? Mr. McCormick said the tool is so helpful when how you can look how different properties score relative to each other. To do that, they've scored six properties so far according to the new score sheet. Patterns are emerging and they are starting to get a feel for what's lousy and what's good. When they get 12 properties, 18 properties, 50 properties, you'll get a better feel. For now, we should put this one in place as it's the one we are actually using.

Mrs. Yerger said she needs a recommendation to adopt the new score card.

Mr. McCormick said Laura Baird thinks it is good, and we can recommend it. They had a former score card which everything was a yes or no question. It was difficult to use as it ended up with a pile of yeses at the end. What they wanted was one like many other Township's use, where there are scores, so not everything has to be 100% yes or 100% no, there's gray's. It's a numerical score. The original one they had added up to 25 and Laura Baird got it from another township and modified it for our EAC. Then we looked at it and recognized some of the frustration in the past with some of the other properties were because of development potential and a possibility of getting them appraised and whether it was available and if the people were ready and willing to do it which were important drivers. We wanted to put more weight on those factors than what was in the original draft, so Laura Baird bumped them. It was a good idea. What you have before you is a 30 point scale. Any land that could conceivably be of interest if going to get a 10 or 15 just out of the gate, and 30 would be perfect, and there's probably not a piece of land in the country that is a perfect 30. We use this, and there's no minimum. It's about assessing them relative to one another and seeing which ones pop to the top and which ones fall to the bottom, and as we use it more and more, we'll have a good feel. Just to give you an example, the Clover View and Long Ridge ones we just rejected came in at 15. They are not zeros, twos or fours, but 15 wasn't quite good enough. Mr. Beardsley will talk about the Wassergass properties which are more of your sweet spot conservation type easement and they scored better. That's the purpose of the score card. It's not perfect. We don't have a thousand properties where we can rank them in the ten percentiles. It's pretty good and works pretty well. A lot of these are objective meaning for example, ag soils, he doesn't know ag soil from any other soil. We have an official map as part of the Township's Open Space Plan where we look and find the plot and it's a yes or no. Carbonate geology, again, we don't test it. We look on the map and we see. A robot could do it, but there is the matter of talking to the landowner and walking around in the woods and some of them are more subjective.

Mr. Johnson said one thing about ag soils is you only have one choice, a yes or no. Often times, a property is not 100% ag soils, it's a mixture of a couple different things. Mrs. Yerger said

wouldn't it get scored that way because if it has sensitive natural features, it will get the 3. If it's got ag soils, it will get the 1. If it's an active farm, it will get the 3. Mr. Johnson said the thing is how much ag soils. You have a property that is 50 acres and you got 2 acres of ag soil, what do you want to do. Mr. Beardsley said who is going to figure that out? Mr. Johnson said you can see it from the maps. Mr. McCormick said that's why there is some subjectivity to it, which is why they are in charge. In that example, they give it a no. If it were 50 acres of land and 48 acres of ag soil, we'd say that's a no. Mr. Johnson said what if it's 40 and 60? Mr. McCormick said he would say absolutely as 40 acres is tons of ag soil. Mr. Johnson said if you want to put something in there quantitative, maybe we could do that in the future. Mr. Maxfield said it's going to depend on where it is in the Township. Mr. Beardsley said when the four of us sit down, we need to discuss it and come to an agreement on what the score should be. That's how we take that into consideration. If it doesn't work that way, we can change it. Mr. McCormick said the thing is you just can't put a range in, and then you've overweighed that. We could revisit the whole thing, but Laura Baird had a balance which they thought was almost right, then they had this one little comment, and now they think it's a pretty good balance.

Ms. Mallo said in doing these, you are doing them by weighting the developmental potential and availability higher is again what you were referring to as sweet spots. Properties that are in high demand, but you really want to preserve them so they might have great developability, but you really want to preserve them. Those are the ones you really want to get because the ones that might have 100% hydrological or carbonate geology, you aren't going to be able to build on those anyway. The chances of that developability is very low and the chances of them being snagged by a developer are slim to nothing. Mr. McCormick said development high means developable there. That's a good thing from our perspective. Ms. Mallo said that's a good idea that you weighted those. Mr. Beardsley said his interpretation of this is that development potential is flat, open land, easily developed. Developability means it may be on the market to a developer. Is it available for purchase or does the owner want to sell a conservation easement. Mr. McCormick said for instance, Clover View and Long Ridge just got 5's on availability as you had landowners contacting us asking us if we wanted to please buy these. They also got 5's on development potential as you could have a house up in a week. They are ready turkey developable land, but they scored lousy on a lot of the other things. The score cards seem to work. If we had put 90 as development potential, then that would have been too far over weighting it because every foundation would come in at a 90, and that's not what we're looking for. He thinks it's about right. About Mr. Beardsley's point, six months from now, after we've done twenty of these, we may want to tweak it, but right now it looks pretty good.

Mr. Maxfield said he might be a little paranoid about this, but No, 2 availability, the second part says does the property have clear title with no mortgages or liens? Really, that's the job of an attorney to find that out eventually. Just when we had the properties down along the river, we weren't told that those owed back taxes of \$100,000.00. There are all sorts of things here. Mr. McCormick said they talked about the back taxes, at length, at the meeting. Mr. Maxfield said to the best of our knowledge does the property have clear title. Mr. McCormick said there's no doubt about it that the question doesn't mean have we reached a legal conclusion about the mortgage situation. What that means is availability to him means you can swear that it's available, but do you have concerns about its availability or not? For example, when you have gung ho landowners telling you that they would like to do a conservation easement, that's a 5. When you have someone say, I don't know, I hate public access, and over my dead body, and you'd better pay me a ton of money, that's when we are going to weight it low. Mr. Beardsley said that's in there because Laura Baird wants to make sure we ask them if they have mortgages. Mr. Maxfield said ultimately, the responsibility for checking that is an attorney as the guy could lie to you. He would preface it by saying to the best of our knowledge does this property have clear title. Mr. McCormick said he agrees with that, or based on your preliminary discussion with the landowner, do you understand that the property has clear title with no mortgages or liens.

**Environmental Advisory Council**  
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- MOTION BY:** Mr. Maxfield moved to recommend to Council to adopt the new score card “Selection Criteria for Open Space Acquisition Projects” as currently drafted, with a thirty (30) point scale including five (5) points each for “Development Potential” and “Availability”, be recommended with the following change. The definition of “Availability”, No. 2, should be revised to provide that “Based on your preliminary discussion with the landowner, is the owner willing to preserve the property? To the best of your knowledge, does the property have clear title with no mortgages or liens?”
- SECOND BY:** Mr. Beardsley
- ROLL CALL:** 7-0

Mrs. Yerger said hopefully this will clarify things a lot. This will come up next week at the Council meeting, but she would operate under this premise now.

Mr. McCormick said he read the Linc memo about the back taxes. They did have a very lengthy discussion about that at the last EAC meeting. The fact that it didn't make it to Council, there was no surprise on the back taxes. Mrs. Yerger said no. Mr. McCormick said on the Steel City one, that's a pass. We sort of knew that going in, but Council is done with that one? Mrs. Yerger said it was discussed and he basically said they are not going to waive the taxes. It's never been done to his knowledge, ever. The Township, Counties, or school districts do not waive taxes, ever. Mr. Maxfield said other points that came up were we really have no access to the property because Norfolk Southern definitely would not give us an access. We couldn't even get a temporary access to repair Riverside Drive when it was damaged during the flood, so there would be no way to get there. Mrs. Yerger said with no access of any kind, our liability goes through the roof.

Mr. Johnson said did you talk about the other property that Art Morgan wants to sell? Mrs. Yerger said no, because you have to technically recommend it because we still need to get the pins and she will remind them again. She said let's do an official recommendation. How about you ask or request that Council request the Township Engineer's to locate the pins of this adjacent parcel so you can score this parcel with regard to its location near the Dravec property. Mr. Beardsley said they really don't have to locate the pins. We don't need to know exactly where the corners are in order to walk the property and say there's no hazardous waste dump on this property. As far as everything else, it's just like Dravec and that's recommended, so there's no reason to think that it wouldn't be. Mrs. Yerger said her concern is what's going to happen is it's going to be in the same situation. All of these properties have enormous back taxes on them. She doesn't know that. Mr. Beardsley said this one you may be willing to pay them depending what they are. Mr. McCormick said Morgan's want to sell them to cover his tax liability. That might be less than the appraised value. Our problem with the Steel City is first people getting hit by a train, but Mr. Morgan needs \$75,000.00 to cover the taxes and there's no way landlocked land is going to appraise \$75,000.00. Let's say they owe \$75,000.00 on this other piece of land and it appraises at \$80,000.00. No problem, we buy it for the appraise value. He takes \$75,000.00 and pays the taxes. They are just looking to cover the taxes. There's hope on the Dravec land. We need to generally know the borders of the property.

Mr. Beardsley said we're not able to do that right now, that's why he was suggesting we get someone from the Engineer's office to take us there. We just want to know where the corner of the Dravec property is. If they are going to draw us a map, we're still not going to know if we're on it. Mr. Maxfield said from the lot lines on the maps, that property does not touch Dravec. There's the easement for the pipeline. Mr. Beardsley said it's all east of the easement. From the aerial photo, it was contiguous. Mr. McCormick said can we say the Open Space Committee is requesting that Council advise them as to the precise location of the Art Morgan property by the Dravec property and then just let Mr. Cahalan figure it out and tell us where the land is. Who is going to figure it out? What's their name? Is it Chris Garges? Who is it? We don't need to know where the pins are. We need to know roughly how we can find the land.

Mr. Johnson said we need to know where the pin is for the southwest corner of the Dravec property as that is the same as the north. Ms. Ray said can't you find it with GPS? Mrs. Yerger said these are old deeds. Mr. Beardsley said the Dravec property we had surveyed, we have that information. If we have a legal description of the lot that is for sale, you would be able to say it's 100 feet in this direction and generally speaking, we could walk in a straight line, and find it. Mr. McCormick said why don't we ask Mr. Beardsley to ask Mr. Cahalan and the two of them can brainstorm and find out where this land is. Mr. Maxfield said Chris Garges would be the one to talk to. Mr. Beardsley said he will talk to Chris. Mr. Johnson said they talked to Chris Garges already. He gave us a map with the property in question outlined in red, and that's it. He got it from a GIS, but he has no numbers about how to locate it. Mr. Maxfield said why don't you ask Chris to take you there? Mr. Johnson said Chris can't take us there. He doesn't know where it is either. The only people who know where it is, is the surveyor who did the surveying and put the pin in, in the southwest corner of the Dravec property. He's the only guy that knows. Mrs. Yerger said it is Hanover. She already had this conversation with Mr. Cahalan and Chris, and we keep coming back to the Engineers. That's why she doesn't want to go back to Mr. Cahalan. She doesn't want to go back to Chris. Basically, you are going to have to find that pin that was designated by the engineer's when they surveyed that Dravec property and go from there. Mr. Johnson said if someone could come up with a latitude and longitude of that pin, he has a pocket GPS and he can find that latitude and longitude. He talked to Chris about it and he doesn't have those numbers. Whether or not Hanover has those numbers, Mr. Johnson doesn't know. Mrs. Yerger said this has to go to Council as it's going to have to be the Engineer's that are going to have to do it and that means it's an expenditure of money for the Engineer's to do this as consultants. Mr. McCormick said Hanover is a good vendor. Won't someone talk to us for five minutes on the phone and tell us where it is or if it's there. Ms. Ray said they just have to give us the coordinates and that should be free. Mr. Johnson said the coordinates have to be latitude and longitude, not something else. Usually those surveyors don't talk in latitude and longitude. They talk in "I started in this point and I make a 30 degree bearing to this point and go 275 feet past this tree". Unless things are new these days and Hanover does have instruments that they do that when they survey it. Mr. Maxfield said it's near Apple Street, way on top of the mountain. Mr. Johnson said maybe now-a-days when a surveyor finds his points, they do use a GPS to get the latitude and longitude. Mr. Beardsley said to move this along, he and Mr. Johnson will go and meet with Chris Garges and find out what they need to do and who can do it. Then at the next meeting, they can report on it. Mrs. Yerger said she'd like to resolve this. Mrs. Yerger said that's fine.

**C. CLOVER VIEW – BROOKS DEVELOPMENT – REQUEST TO EVALUATE FOR PURCHASE OF LOTS 1 AND 6**

Mrs. Yerger said there is a map showing all the lots in the Clover View development. The Township purchased Lots 3, 4, 5 and 9 for open space. Lots 3, 4, and 5 were purchased because they are headwater areas of the Saucon Creek, and Lot 9 was purchased because it was contiguous with proposed open space for a future development. At that time, they were purchased from the bank who was holding the lots. Mr. Brooks came before Council and proposed possible acquisition of Lots 1 and 6 by the Township. He wanted to come to the EAC to see if we are interested in moving forward and recommending it to Council.

Mr. Richard Brooks was present. He said he represents a gentleman who purchased the existing lots at Clover View. He purchased them from the bank just like you did Lots 3, 4, 5 and 9. They purchased them from First Trust Bank at the end of the year and they were going through their due diligence and when he was going through his due diligence, he realized that you did purchase them. He understands why you did and he thought before they start marketing the project, which they are in the process of doing so, come back to the Township and offer things that had impact to the subdivision. Obviously, Lot 1 has some wetlands on it. No. 2 has a house on it, and there is not too much that can be done about it. That was sold to a group out of New Jersey and they finished the house. No. 6 is a detention pond. When this was also purchased it was a Homeowners Association

(HOA). The HOA was supposed to pay \$1,200.00 a year to maintain Lot 4 and 6. That was for the detention pond. That's all it was for. There was also a capital contribution of about \$1,700.00. The two property owners on Lot 7 and 8 paid the \$1,700.00, but never paid anything other than that. Their proposal to the Township is to remove the HOA. They think it's more of a burden than anything else on the property and the property owners to do that. The Township owns Lot 4, which you are in the process of re-vegetation. They are going back to renew the NPDES permit and they want to take a look at it and make a determination, are those ponds needed, are both of them needed? Maybe they can shrink them and reduce them. Who wants or needs ponds of this size? Under the new federal law, MS-4, the responsibility goes back to where we are right now - to the Township to monitor the rain water, and so forth. He wanted to, before they signed the listing agreement and before they exposed it to two builders, who want to build a much smaller home, find out if the EAC had any questions and would possibly recommend the idea to Council to possibly purchase those two lots, one lot or no lots.

Mrs. Yerger said the process is Mr. Brooks has done the presentation. The EAC Open Space Subcommittee, they will make a recommendation to go and visit the property and then they will score it. They will contact you.

Mr. McCormick said they already went to visit the property and they scored it. They knew the area well. They went on Saturday. Laura Baird did not go along. They can share their recommendations, which will then go to Council. Mr. Brooks said he knows an appraisal would have to be done.

Mr. McCormick said having been there, Lots, 3, 4, 5 and 9 weren't your typical slam dunk lots like most of the lots they look at. There were specific reasons why they recommended those. For 3, 4 and 5, there was a significant amount of those lots, the back end was wooded and there were a lot of wetlands and seep springs. Lot 9 it's contiguous with a bunch of land and there's long term opportunity that something could be done there. If there's going to be public access, you'd have that cul-de-sac. There was a good story on 3, 4, 5 and 9 which is why they recommended them. They scored them using the traditional score card, but those were unusual circumstances that made them worthy of recommendation. He doesn't think they exist on 1 and 6. Lot 1 does have a little bit, it isn't zero, but it's very little compared to 3, 4, and 5. When you look at Lot 6, it's a pond. There is a home side up front. Mr. Brooks said there was a home side and some of the maintenance people went in from the Township and terminated the septic system. Now the Township has to come back and re-perk one system on the property. Mr. McCormick said they scored modestly and their recommendation would probably be no on these which is unusual. You'd say you did the lots right next door, but there were other differences on the others.

Mr. Johnson said what is the likelihood of that development which is adjacent being developed? If there's not much chance of that being developed, then there's no reason for us to keep Lot 9, maybe we could swap Lot 9 for Lot 1. Mr. Maxfield said he doesn't know the exact fate of it right now except probably the current situation it's in is not going to result in any sort of open space being saved in the very near future, but who knows after that. It depends on what the finances are area-wise.

Mr. McCormick said everything has a price. There are aspects that are appealing from an open space perspective, but they are just on measure and not enough to recommend it. If it were a bargain sale, that's where it would come into play. Mr. Maxfield said if you were going to recommend any, you'd recommend 1 over 6? Mr. McCormick said he doesn't really qualitatively say one over the other.

Mr. Johnson said is it the Township's responsibility to take care of the drainage basin if they bought them? Mrs. Yerger said yes. It would become the Township's expense. Mr. McCormick said that would be a big negative. Lot 1 is really someone's back yard on a road. Mr. Brooks said

they realize anything that would have been recommended whatever the case would be and still be under the hospices of whatever the appraised value would be. No one knows what that will be. It could be a dollar or \$50,000.00. Mr. Beardsley said if you were willing to sell it for less than the appraised value, it would increase the value from our point of view. Mr. McCormick said our assumption is it would always be the appraised value and at that level, he would say no.

Mr. Beardsley said if it was appraised for \$100,000.00 and you wanted to sell it for \$50,000.00 tax deduction. That might change our opinion whether we could recommend it or not. We're not asking you to do that now. Mr. Brooks said he has a difficult time thinking the appraisal is going to be as much as you even thought of, only because of the environment we have, the appraisal of what you paid in 2008 and what we purchased it from the bank for. If you were going to have a Sheriff's sale, this would be it. Who knows what the appraisal would be. The owner said give it a shot and if you want to have it appraised, they will take a look at it.

Mrs. Yerger said once you report back to the owner and they want to continue discussions, she's sure they can contact one of the attorney's or call Ted Beardsley from the Open Space Subcommittee.

**D. LONG RIDGE – REQUEST OF EVALUATION TO PURCHASE A PORTION OF**

Mr. Beardsley said Long Ridge falls into the same category as Clover View. Their recommendation is that Parks and Recreation should look at it. He doesn't know if it has potential for them, but it might. From their point of view, if someone develops it, the sensitive areas are already protected. It would be nice not to have houses there and not put kids in the school system, but the infrastructure is already there.

Mr. Johnson said the so-called common area, which we could call as open space, is very good. It has lots of wetlands and feeds the headwaters for a stream. That might give us a little bit more desirability for Parks and Recreation to look into it. However, the other part has electrical wires buried underground, transformers, all kinds of things like that. Mrs. Yerger said in the cul-de-sac islands, it already has the fire tanks which were put in place. Mr. McCormick said they did visit it and they scored it. It scored low.

Mrs. Yerger said if you can give Diane a copy of the score sheet, that way it can go in the file. If one of you could make an official recommendation as far as you think Parks and Recreation may want to take a look at it, then let's close the door.

Mr. Johnson said is this property bankrupt? Is there any way someone could change the development in such a way that the open space part would be changed? Mr. Maxfield said the whole thing is one big lot. Ms. Mallo said it's a condominium association, so it's not individual lots. They do have a plot plan, but the people own a 100x100 square foot area. Everything is in common ownership by the HOA and/or the developer. Mr. McCormick said there are no houses on that side, it's vacant. Mr. Johnson said was that going to be individual houses or blocks of four quads? It doesn't call them houses. Mr. McCormick said it's going to be a single family home, structured like a condominium. Ms. Mallo said it was to market for those individual families who did not want to deal with the upkeep of a yard; didn't want to have to mow their lawns; didn't want to have to shovel their driveways; no landscaping; nothing. They just wanted to live in their house. The rest is common owned.

Mr. Maxfield said the HOA would be the maintaining entity. They'd hire out a maintenance company like Plantique. Mr. McCormick said if you drove through, it would look like a neighborhood. People would have big yards. It's just that they technically wouldn't own that. It would have a different legal structure and would pay dues and someone would mow your yard. Mr. Beardsley said what Mr. Johnson is concerned about is those areas of that property which are environmentally sensitive could be developed in the future if we don't protect them. Mr. Maxfield

**Environmental Advisory Council**

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said they are full blown wetlands with a perimeter. Mr. Johnson said no matter what happens to the development? Mr. Maxfield said unless they suddenly start developing wetlands. His feeling is he wanted to see the wetlands protected. If you put houses there, there's going to be incursions by kids and people dumping their lawn clippings there or whatever they are going to do there. It's just covered in Trout Lilies in the spring. They bloom yellow flowers. One of the guys in the neighborhood told them there are so many springs in the wetlands that the farmer who used to plow would take his bottle of liquid for the day and put it in the stream and it would be ice cold. It's a really cool wetland. Mr. Johnson said there are a lot of wetlands there and two big springs that feed two tributaries that come together and form the one and there's also a vernal pool there. The part that they call a common area is definitely worth protecting and making sure it stays protected in the future.

Mr. Maxfield said we also have riparian corridor. There are some protections there. He wanted to suggest if you are going to refer it to Parks and Recreation, and it's based on a police report he read. The police went up there one night and found a whole bunch of kids with a fire camping out at the top end of the right side. He thought what a perfect place for pavilions or something like that or a wider definition of recreation. We don't have any place in the Township where a scout camp could go and camp out or an extended pavilion out there with a beautiful view. A place we could put up a tent, any kind of those things.

Mrs. Yerger said if we're serious about it, she doesn't have any problem with Parks and Recreation look at it because of the infrastructure in place. It may be something they want to look at. She's not sure where our active recreation is. One area could sustain a ball field. Mr. Beardsley said you could put some campsites in there and some ball fields. Mrs. Yerger said Southeastern isn't too far from there and they use it a lot. It really wouldn't hurt to have another field out there.

**MOTION BY:** Mr. Beardsley moved to have the Parks and Recreation Board look at recreation potential for the portion of the Long Ridge sub-division for possible park acquisition.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 7-0

**II. NEW BUSINESS**

**A. OPEN SPACE BROCHURE FOR OPEN SPACE EIT REFERENDUM**

Mrs. Yerger said she had asked for a new map so they could start working on this EIT referendum. They need to be amended as well as the total acreage. Until we get that squared away, we need to total acreage. Dravec or Clover View is not on, so that needs to be added and the acreage totaled, then we can start moving ahead. They will get it amended.

**IV. DEVELOPER ITEMS – None**

**V. APPROVAL OF MINUTES**

**A. REVIEW AND APPROVAL OF MARCH 8, 2011 MINUTES**

Mr. Johnson said on page 1, line 25, the word "peak" should be "point".

**MOTION BY:** Mr. McCormick moved for approval of the March 8, 2011 minutes, with corrections.

**SECOND BY:** Mr. Johnson

**ROLL CALL:** 6-0 (Mr. Maxfield – Abstained as he wasn't at the meeting)

**VI. OLD/MISCELLANEOUS BUSINESS**

**A. REVIEW OF PARK MAINTENANCE POLICY – COMMENTS FROM COLIN GUERRA**

Mr. Guerra said at the last meeting they discussed this. He sent a letter to Mr. Cahalan. Because of the short time period available, he recommended some minor adjustments or some spec changes. He hasn't heard anything back from Mr. Cahalan. Mrs. Yerger said she believes he has incorporated the majority of the changes when he brought it back to Council. Mr. Guerra said he'd like to look at these on a continual basis. Mrs. Yerger asked Diane to send Mr. Guerra the approved one as there were some changes made to it. Mr. Guerra said he only had one or two days to look at it and get a letter out to Mr. Cahalan. He said one of the things the Township is trying to strive for is an IPM program, but the specs in there now, aren't really an IPM program. It's just we're doing this, whether it needs it or not. It's a good program, but it's not really an IPM program. Mr. Maxfield said the specs were sent to a guy who developed it, so he doesn't know why it's not a true IPM program. Mr. Guerra said a true IPM program is to continually monitor and it's really not happening. The guy probably does it once a year, but that's not a true IPM program. He asked Diane to send him the IPM policy.

**VII. UPDATES/REPORTS**

**A. AERC UPDATE – COMMENTS FROM MR. JOHNSON**

Mr. Johnson said he had Diane include some information in the packet. He did talk to AERC. They said they would be interested in doing it for the Township. There are a lot of buts. They agreed on the last three Saturday's of September. He told AERC that it would be up to the EAC and the Township to select one of those days. He said the facilities we have available, which are a drive-thru garage and some men who can operate a lift truck. AERC said they would supply two people to collect the money and two guys to wrap the bundles. We would have to carry the electronic waste from the people's cars and put it on the pallet. Their men would stack and wrap. AERC wondered if we were going to have enough recycling to make it worth their while. Saturday's and Sunday's they have to pay their guys overtime. He has her contact information and he supplied a lot of information of what the R2 certification is. The "Covered Device Recycling Act" goes into effect January 2012. After that, people will no longer have to pay to recycle their electronic waste. AERC mentioned that to him that in 2012, they won't be charging anymore. We should think about having a recycling event in September when there's only three months left. It might be better for our residents to advertise the fact that this Act is a law and if they want to, they can save money by holding on to their recyclables for three more months. He has a time line of the Covered Device Recycling Act so you can see what's going on. Mr. McCormick said the new rule only covers covered devices, which are desk top computers, monitors, laptops, computer peripherals like printers, and TV's. He might have just described about 95% of what comes through or only 50%? Does anyone have a feel for that? How much do we recycle that's on that list? That's a pretty good list. Mrs. Yerger said we get some stereos and some cell phones. We've never been able to take microwaves. Mr. McCormick said the covered devices are the bulk of the things that come through. It's not that they can't charge you. It's if they do charge you, they have to give you a coupon or a gift certificate of equal or greater value. Mr. Johnson said it's up to the manufacturers to arrange for somebody to collect essentially the same amount of equipment that they sell during the year. They will have to organize with outfits like AERC to collect the equipment or they will have to set up collection points themselves for people to take their things to. Mrs. Yerger had the entire list from AERC and most of the things are \$1.00. We're talking answering machines that would be additional; fluorescent lamps, pagers, radio, stereo, TV's. The only thing which is expensive is the TV's are \$20.00. Mr. McCormick said we'll have to wait and see how this act plays out. It's done in pounds, not dollars or units. A new TV is 30 lbs. To sell five new TV's, you might only have to recycle one old TV, and then they are going to stop and start charging. It's hard to say if this new Act is going to eliminate the need for Townships and

others to run E-waste recycling events. Mrs. Yerger said they will also take microwaves, which they couldn't get rid of before. Maybe this would be worth it, but she doesn't know if we can guarantee them tonnage. Carol has numbers for their last recycling event, so Mr. Cahalan can give those numbers to her. Since we didn't have it in spring, and people know it's going to be in fall, let's have Mr. Cahalan check into this. He can give them the tonnage numbers or the poundage numbers and they can then make that determination. Mr. McCormick said the Act has new rules on landfills, so hopefully they are reading this. Mr. Johnson said the Act forbids people from throwing their E-cycling things into the garbage. You can get fined for doing that. There's not a lot of information available at this time about how it's going to be implemented and all the ramifications of the Act. The PA Treasury has a big list of questions and the PA Dept. of Environmental Protection who are the ones for managing these things; they have a big list of things they are not quite sure whether or not how the Act covers those things. There are a lot of things in question yet. It's a law that's going to be implemented. Mr. McCormick said this applies to manufacturers of computers, so they mean Apple and HP. If you have a store front in Hellertown, a person who sells custom computers, they are now manufacturers of computers, but they have to pay a \$5,000.00 registration fee as a manufacturer. That's two months' salary. Best Buy doesn't have any obligations other than they are only allowed to sell things for people who comply. The manufacturers are going to require Best Buy to do the recycling and Best Buy will charge maybe \$10.00 an item, but they have to give you a gift card. Mr. Johnson said Best Buy is also responsible for recycling as much as they sell. If they sell 100 tons of electronics during the year, they have to recycle 100 tons of electronics. They have to prove it also. Mrs. Yerger said she's going to ask Mr. Cahalan to investigate this as this list is a little more comprehensive than what we're looking at through the Act. If AERC is willing to do it with our past amounts that we have, we'll go forward. She will come back next month and talk to you about it. We need to check this out.

**B. EAC ADOPT-A-ROAD CLEAN-UP – APRIL 30, 2011**

Mrs. Yerger said we are cleaning up Reading Road starting at 9:00 AM. They will meet at the Old Mill Bridge again. Mr. Terry Boos will pick up the supplies at the Township on April 29<sup>th</sup>. Mr. McCormick said he did his road, which is Bingen, and they got 14 bags and one tire and only did 60% of it. He has to get back out there and do the rest of it.

**C. SAUCON VALLEY FARMERS MARKET – JOINT NATIVE PLANT SALE – MAY 8, 2011**

Mrs. Yerger said she and Keri Maxfield will be at the Saucon Valley Farmers Market on May 8<sup>th</sup> selling plants. Keri has already reserved the site. Terry Boos has been kind enough to go with her and pick them up. They will probably get them at the Edge of the Woods. If anyone can come for an hour or two on the 8<sup>th</sup> to help out, that would be very helpful. It's strictly in the morning. She will circulate the list of plants. She will work with Edge of the Woods and get some native plants. She wanted to know if anyone had any preference? Mr. Johnson wanted blueberry plants. Mrs. Yerger said they might be able to do that.

**VIII. TERRY BOOS – HELLERTOWN REPRESENTATIVE – REPORT – No report**

**IX. NON-AGENDA ITEMS**

- Mrs. Yerger said everyone should have seen the copy of the memo from Linc regarding the Marra property.
- Ms. Ray asked about the County ag program? Mr. McCormick said he has not seen a follow-up. They attended a meeting where people had a lot of good ideas where the Northampton County budget includes the proper allocation of funding for acquisition of open space other than simply just ag land which seems to be doing okay. Parks and other natural resources have suffered.

Valuable land that does not happen to be farmland, but is otherwise valuable, and those seem to be underfunded. There were a lot of ideas discussed and someone was supposed to write up ideas and circulate them amongst the working group and put something together and he doesn't know if it happened. It might be on the way. They are going to have their referendum later this year. Northampton County has their issue. A day or two later after the meeting, he heard Bobby Gunther Walsh on the radio talking vehemently how inappropriate it is for government entities to be squandering taxpayer money on preservation of open space. That's his view and he's entitled to it, but he had no idea there were actually, in addition to the natural resource conservation benefit of open space preservation, actual pro-tax fiscal savings associated with that. Just listening to him once in a while, those are things he does or tends to care about. He thinks there's an opportunity if we could make a case, like we talked about at the Northampton County meeting, if you want to get people behind this now-a-days, we need to explain to people how every house that goes up, costs tens and tens of thousands of dollars in school district expenses which show up in the largest element of your property tax and every time you conserve land, you save money. He thinks we all wondered at that meeting, how are we going to get that message out there? Everyone in the morning who listens to that radio station, hears that kind of things. Is there an entity, is it Heritage? Is it Wildlands? Is there someone who is politically active? Mrs. Yerger said the Land Trust Alliance. Mr. McCormick said again, he doesn't want to hear from tree huggers, but if he hears this is a fiscal issue. You complain about property taxes every hour on your show, and what are the biggest proponent of property taxes in the Lehigh Valley? School taxes. Let's talk about that and he could be turned around on that issue. Ms. Mallo said they are easy numbers to generate. All you have to do is find out in your school district how much it costs to educate one child and you can figure that out. Mrs. Yerger said depending on where you live and the type of residential housing you have, some of the municipalities now, the cost of the fire, police, infrastructure, everything from snow plowing to whatever, they realize on a municipal level they are not generating enough taxes to pay for all the amenities they have to provide. You can even pull them both out and the numbers aren't stacking up. Mr. McCormick said people generally get upset about the big expenses. The municipal taxes are a much smaller piece. It seems if you wanted to influence the things they were taking about at the Northampton County meeting, that might be an opportunity. You can't lose because he was out there screaming about Mr. Angle and so forth. We may have that data on hand and maybe someone should go in there and say this is a responsible fiscal decision. It's going to lose otherwise. The more people hearing good things, the better it is. He asked about the Watershed helping? Mrs. Yerger said they can't do it on their own because of their 501(c)(3) status. They have to be careful how much they advocate. Mr. McCormick said the brochure will be good and putting it on the website will be good, but maybe we should nominate somebody to go and talk to this guy. Mrs. Yerger said Penn State is an educational entity that has no bias, so if they generated the numbers, and took different municipalities throughout the state of PA. Mr. McCormick said it's a more compelling argument for the municipal than it is for the County. Mrs. Yerger said absolutely. A township could really make hay with that argument. Mrs. Yerger said we did last time. They were general rules and multiply it out with your Township and this is what you come up with. You had it time and time again and it was from a diversity of entities that compiled this information. Mr. McCormick said he will help Mr. Maxfield work on the brochure. Mrs. Yerger said we are not asking for more. We are asking for status quo. Ms. Mallo said you need to state it's not going to increase again for five years. You are going to continue with conserving open space. This money is going to go towards that and then list the impact. Mrs. Yerger said the open space funding, the way ours is worded is it also goes for recreational. We purchased those ball fields and we did some historic adjacent land to the Lutz-Franklin. We have to make sure we recognize that also. Mr. Johnson said how do you bring in the effect of the increased storm water runoff. It seems that's what most people to connect to. Mrs. Yerger said there are numbers from Delaware Valley River Basin Planning Commission. They did it for the entire southeastern PA and they came up with numbers on cost of storm water management and exactly how they crunched them, she doesn't know. They came up with a quick brochure. Ms. Mallo said you can say roof tops, driveways, sidewalks, and streets, you've eliminated how many square feet. There's a formula that tells you for every house you have this

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much road frontage, this much sidewalk, this much roof. There's an easy calculation if you could just figure out the number of units. Mr. Maxfield said you are asking people to spend money to pay their taxes, but the savings are forever. Those savings keep going every year. If we run it for another five years, savings keep going. Mrs. Yerger said they will try to get all that together for the May meeting.

**X. PUBLIC COMMENT** – None

**XI. ADJOURNMENT**

**MOTION BY:** Ms. Ray moved for adjournment. The time was 9:01 p.m.  
**SECOND BY:** Mr. Beardsley  
**ROLL CALL:** 7-0

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Sandra Yerger, Chair

**Next EAC Meeting: Tuesday, May 10, 2011**