

**I. OPENING**

**CALL TO ORDER:** The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, July 13, 2010 at 7:05 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

**ROLL CALL:**

**Members:** Chairman, Sandra Yerger; Vice Chairman, Tom Maxfield; Colin Guerra, Allan Johnson, Laura Ray. Absent: Hazem Hijazi and Ted Beardsley

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

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

**Hellertown Liaison:** Terry Boos

**Jr. EAC Member:** Sara Cote is finished for the year.

**PLEDGE OF ALLEGIANCE**

**II. OPEN SPACE SUB-COMMITTEE**

**A. PROPERTY UPDATES**

Mr. Johnson said he will be filling in for Mr. Beardsley as he's on vacation. He and Colin visited the Griffith property on Waldheim Road between the June and July meeting. They scored it and believe that the property is worth considering for a conservation easement. He gave a copy of the score sheet to Sandy. Mr. Beardsley told Mr. Johnson that he set up a meeting between himself, Charlie Martin and Chris Garges to discuss some of Charlie's questions on his property that is being considered for a conservation easement. Mrs. Yerger said you and Colin scored it, but haven't talked it over with Mr. Beardsley and Mr. McCormick for an official recommendation? Mr. Johnson said Mr. McCormick wasn't with them, and he asked Mr. Beardsley on the phone this evening if he would recommend it for a conservation easement, and he said yes. Mrs. Yerger said a portion of it is in Lower Saucon and some is in Upper Saucon. Are you looking for action tonight from us to recommend this to go forward? She will pass around copies of the scoring so the other EAC members can look at it. She said the property as per the checklist is 26 acres, but there are only 17.5 in Lower Saucon. It is available for preservation. It is easily accessible to much of the Township. She had a map of it. Mr. Johnson said the one thin parcel above it, he also owns that. He showed the county line and the part that was in Lehigh County. Mrs. Yerger said are there any access issues with this? Mr. Johnson said yes. The only access to the property is a dirt road that he shares with Mr. Kretz and they have some kind of an agreement as the dirt road rides over other people's properties. It was probably a road that the farmer used over the years and just had the right to use it. Mrs. Yerger said he doesn't have any legal right-of-way? Mr. Johnson said he doesn't know if he has a legal right-of-way to that dirt road, but the dirt road is not wide enough to meet the specs for a Township road. He could not build a Township road from his property to Waldheim. Mr. Maxfield said he has an easement to get to his property. It's a nice piece of property like many other properties. If we were going to recommend this, we would do it understanding that what we are trying to do is preserve the working farm and it's not going to really fit Township resident open space needs. It's going to preserve a way of life for the farmer. Mrs. Yerger said the problem that comes in with that is unless it goes under the ag program, she doesn't know how we're going to get an appraisal on it. We're coming right back to that same loop where we are going to need an appraisal. If we go forward with this and there's no access to it, and it has no development potential, then we are going to come back with the same problem we've had with several other issues. Until we get that issue resolved, there's no point on getting an appraisal on that property until that is resolved. Mr. Johnson said the score sheet doesn't have that

on it. Mrs. Yerger said she understands that. Mr. Johnson said they scored it based what's on the score sheet and the general natural resource value of the property. What you are talking about is something that comes up after they recommend it to be considered for conservation. They did their job and recommend it for conservation. They had this big argument with Tom in June and he's been thinking what argument could we make to be able to buy that value off of the property owner. One of them is timbering, and the other one is we're not really buying the rights off of him but other valuable aspects of this property is the ability to absorb rain water to decrease the water runoff which contributes to flooding in the valleys below. Another aspect is the water that's absorbed by the property goes into the ground water and provides clean drinking water for the people in the area who get their drinking water from the ground. These are valuable aspects of the property which someone could put a dollar value on, but we're not really buying those rights from the guy? Mr. McCormick said he agrees with everything Mrs. Yerger said except she started by saying the problem we have is that we can't. He would turn around and say that the good news is that this land is not susceptible for development as it doesn't have any road access. We don't have any problem at all. It's beautiful land with high natural resource value that absorbs rain which would otherwise turn into problematic runoff. It proves for ground water for other people in the Township to drain, etc., etc. The good news is the land is protected as it's completely landlocked and can't be built. The goal isn't to spend our money on conservation easements. The goal is to conserve land and this land is already conserved. It's not a problem. It's a good thing and is not under threat. You are right, Mr. Johnson, but we are not going to buy those from him. If it has hardwoods and forest that are protected, we could have the timbering rights appraised and we could buy a conservation easement that would preclude him from timbering. You could get that appraised by a timbering expert. It looks like it has a lot of woods. Mr. Maxfield said he'd like you to think about and it might or not might be like some of the ones we've considered in the past. This is made up of multiple approved properties, so if Bob wanted to sell this chunk or this chunk, and we'd have to let a house go on that property. Mr. McCormick said that could be appraised. Then the false assumption is this is not developable, but it is developable. If you can put homes on this, you can appraise those rights and we can buy a conservation easement. That is a question for Chris Garges. Mr. Johnson said are they approved building parcels? Mr. Maxfield said if he sells this chunk to someone, they could force an easement through someone's property to give them access to get to their property. You can't deny access to someone's property when they buy a property. Right now it's not a problem as Bob owns this and this. Those would be developable and approved lots, so they would qualify for a lot of some kind Mr. McCormick said then we're good to go and can appraise it as it is under threat and that can get appraised. That's a question of fact. Mrs. Yerger said we can make a recommendation. Mr. McCormick said he'd recommend that we ask Chris Garges for next month whether or not there are any developable approved lots there. If there are then we get to recommend the rest and decide whether you want to get it appraised it or not. Mr. Maxfield said in the past we have provided information from Chris to the appraisers on how many units. Mr. McCormick said you can either build this or not. He thought it could not be built, but maybe the owner doesn't even know it can be built. Mr. McCormick said we should simply ask Chris to tell us whether Mr. Maxfield is right or not, whether it's developable. If it is, then we know and we can recommend. Let's ask Chris to tell us and if he says yes, we will ask Council to approve.

Mrs. Yerger said we are comfortable with asking Chris to inform us, is this developable or not. Mrs. Yerger said we'll act on it in August. We'll submit the score sheet to Chris and have him take a look at it. We will make a request on record to ask Chris to look at the property and tell us whether any of the lots can be developed or not.

### **III. NEW BUSINESS**

#### **A. ADOPT-A-ROAD PROGRAM**

Mrs. Yerger said you have all the information in your packet. You have the available sections that are available. Some sections have been adopted. It's really up for discussion if we would like to

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adopt a section of the road. The clean ups are twice a year, once in the spring and once in the fall. Mr. McCormick said it's a great idea and it's setting a good example. We should lend a hand. He and his wife have talked about them doing a road. Mrs. Yerger said there's one end of the Township to the end. Ms. Ray said Bingen Road would be the busiest road. Mrs. Yerger said we could do it in tandem with the Saucon Creek Watershed Association. Ms. Ray said the sections are short enough that we don't need tons of people. Mrs. Yerger said she has no preference.

**MOTION BY:** Ms. Ray moved that the EAC adopt Bingen Road from Reading Road to Old Mill Road as our section for the Adopt-a-Road program.  
**SECOND BY:** Mr. Johnson  
**ROLL CALL:** 5-0 (Mr. Beardsley and Mr. Hijazi – Absent)

Mrs. Yerger said the EAC will pick a day in the fall. She has an FYI where there was an incident that in Bucks County they are taking drain cleaner and letting it heat up and in the summer they explode. They are leaving them on people's lawns. One of the guys was literally picking up litter and it exploded in his hand and he got all kinds of cuts. They put something in the drain cleaner and can be purchased over the counter. Anyone doing an adopt-a-road program, we'll have to send that out as an FYI.

- B. NATIVE PLANT GARDEN – HANS RIEMANN** – Mr. Riemann said he lives in Springtown, although part of his property does come up into Lower Saucon Township. He was tasked several years ago with eliminating some lawn between the Township building and the historic building. For the most part, the project is a success as far as the native plantings and actually the functioning as a native wild garden. The issue before last summer was the maintenance of the garden; and fortunately, we had a Fountain Hill family who maintained the garden. It then became a Girl Scout project and he was brought back into the project after a two year hiatus. Most of the natives, once they grew up, they took hold and there are places this year that we don't even have to weed. That's how they've grown and competed with other plants that want to come in. Last year the Girl Scout project was called the Silver Award. It's similar to Boy Scout awards, but he understands unlike the Boy Scout awards, the Girl Scouts have to go through many more hoops. This year she wants to do the Gold Award, which is actually Eagle Scout equivalent – more hoops. The Girl Scout Council is very tough on the girls. They have actually been weeding again this year. The Girl Scout's name is Mary Anthony. He is here tonight to try to get a handle on finishing the garden as long as we have volunteers who are not only going to work this year, but also next year. Mary is going to work next year also. There will always be a maintenance issue with this type of garden; however, the more you put into it, the more you allow the native plants to assert themselves, the less maintenance it is. He's going to ask how many have been to the garden recently? At least half have been there. The proposal he has before you is to add a water feature and to bring more plants into the garden – more evergreens, to give it more definition in the center. He calls it the mull area. He showed the pathway around the interior of the garden. There are three areas of outlying plantings in three designated areas, the west, the east and the north. He pointed out the driveway next to the old house. There's a small strip of grass between the driveway and the path of the garden. The part that he wants to add to and finish will be built around a central water feature of which you already have the tub already for the last 3-1/2 years sitting in that porch. No one knew it was there. It's just a vinyl tub he picked up a couple of years ago. Using stones from his property, some of which will be from LST, they will be native and a structure will be constructed around the tub and then a little wall approximately four feet wide by three feet high, maybe one foot thick. There will be a tumbling waterfall going into there. Behind that will be evergreen plantings, native arborvitae and actually there will be cedars on both sides of which you don't have to pay for as they sprouted themselves in the garden and they are now in pots. He has one white pine to put in there also. For those of you who have been to the garden, you will notice somewhere in the center there is a big green block of goldenrod. Several years ago he thought why don't we leave it and see what happens as it's the sunniest part of the garden. As long as you manage it, golden rods are very easy to manage. If you want a perimeter of them, they are not that hard to manage. They like to run, but towards the end of the summer, they are a very nice color. Zane Gray speaks favorably

of them in a couple of his novels. In front of that, where the golden rods are, he'd like to put more of the giant sun flowers and on the other side the same thing so you have a continuous flower array behind the waterfalls. The other areas are just planting areas for shrubs and things like that. In the early days of the garden, Sandy and Tom were the inspiration in getting this garden going. They were behind the whole project. There was trouble with deer. Now with the things grown up, the deer are confused when they go through there. We lost some of the evergreen shrubs like the rhododendron. They had some Mountain Laurels, Azaleas in there, and he'd like to bring them back. Next time, if he can come next month and give you some time to think about this, he can have a full plant list available for you. The other areas are fully functional. What's remarkable about the garden itself is it starts out on a high point. The plants shade themselves and retain moisture. There is an elderberry bush, and it's the biggest he's ever seen in his life. He pointed out where the low point was and where all the water runs. It acts like a rain garden once the water starts going down and that is part of what the proposal is going to be, to try to incorporate some of the runoff from the old building and try to get it into the garden for the obvious ground water, storm water detention. Hopefully, they will be using that building for a sustainable purpose. Part of the proposal would be to get a rain barrel. There's a spout off the porch door. The last rainfall, he was standing there with the volunteers on the porch just watching the water pour off the roof and pour out of that spout. The Saucon Creek Watershed Association sells them from time to time. Perhaps we could work out something there. The other part that is in flux and he needs your help is how we get power to that water pump for the waterfall. He's talked to several folks about solar powered units, and they work okay, but without a full blown solar panel on the house or garage, it's iffy. Several years ago when they first proposed this project and they bought the tub, he thought about running an underground conduit from the house to the garage to that point. He'd like to still try install a solar powered pump. Perhaps it won't run at night, but no one will be there at night. He wanted to bring this before the Council to mull over. He talked to Tilley's and to a couple other places about getting a solar powered water pump. It doesn't have to be that much, just enough to get the action of the waterfall. The current maintenance is managing the volunteers, identifying the native plants. The one thing about the garden and this is the approach he's always taken. This was his first municipal project. He just finished up his fifth one over in Springtown. One of the more interesting things that happen when you put native plants into a garden, it's not aesthetic situation. Most gardens, when you put them in, you use plants that are non-native; however, they are beautiful, they sit there and they do their thing and every year do their own thing. A native garden is dynamic and that's the concept he tries to instill when people want these kinds of gardens. It's not quite the same every season. There's something different about it every season. Its more specimens like the fall sun flower patch above the elderberry. Sometimes it will spread all the way down towards the elderberry, and sometimes it will head the other way depending on the amount of water, and just how it feels about things. There is a sun flower patch in the back and a native rose. These plants want to move but since they are native plants, you have to give them a little room. The good news is when you do that in a native garden, that's why you don't have to weed some of these areas. The native plants, with a little help, out compete the bad plants you don't want in there. We still have plants that are jumping into the paths. Last year he took out three butterfly weeds, the orange milkweeds, and took them out of the path as they are in the way and he put them in another part of the garden, and there is one in a pot. In essence, you are propagating your own plants in the garden. That's what native plant gardens do. There are oaks that have popped up. There are cedars and several other plants. To really round out the garden, he feels we need to do the shrub plantings to augment all of the wildflowers. Then the garden will take the shape we all thought it would. Managing the volunteers is easy and it's not easy. The kids want to come and they will be working this year and come back next Spring. They've already edged the whole garden to make it easier for your lawn maintenance crew to mow the lawn around it. Because it's so strange to people who do maintenance work in a garden, they don't know how to treat the garden. He likes to maintain an edge bed. It's a landscaping tool that you use. An edge is a little ditch and that has already been done. Most of the weeding has been done, but there's still a little more to be done. He's actually proposing to have Mary do the masonry on the waterfall if the project is approved. She's going to help him dig the hole for the tub and this way she will get experience doing that. We're incorporating that into her project. There will be pathways between

the two paths. He's going to see if he can find enough walkway stones to put another pathway between the existing plantings and the new plantings behind the waterfall and by the golden rod patch. He'd like to use a different kind of mulch this year for the pathways. For several years, they just used the chippings. Unfortunately, when you do that, you get some strange things in the pathways. He wants to commend your Township for instituting that mulching program as he now has used the mulch several times. It composted enough that it's a beautiful mulch and it's free. He'd like to use that mulch on the pathways as the chipping mulch is not sufficient and brings strange seeds into the garden area. He'd like to bring in more ferns. It's a shady area most of the day. The north side, he'd like to reintroduce azaleas and Rhododendron and perhaps some Laurels. The final thing to do is always fun to have with a garden like this is some kind of labeling scheme. The easiest is to do a map with more detail and have a number for each area where there is a plant and then have a separate list on the side that corresponds to the number rather than try to identify each plant or section where a plant is growing. Since it's a dynamic living entity, it's much harder to label individual plants and clusters. During the course of the project, he's tabulated over 500 hours. Last summer alone, he put in 64 hours helping the Girl Scouts. When he was first asked to do this he was asked to charge, and he just couldn't do it. To finish up with the final plantings and to manage those and to put a stone water feature, he thinks the number is very reasonable for the project you have to finish it up. The stones for the waterfall will be native stones from our area and come from his mountain as well the stepping stones. He has not included the way to power the pump to move the water and the labeling for the plants.

Mrs. Yerger said you have a water pump cost estimate of \$100.00, is that realistic for solar and have you actually seen one at that cost? Mr. Riemann said that's what he was told. They range from \$70.00 to \$140.00. Mrs. Yerger said okay. He knows the EAC and residents have been very appreciative of all the work he's doing on this garden and they do know he has put in a lot of his own time into this garden.

Mr. Maxfield said he was thinking about the power and maybe we can get some suggestions from Public Works on how to get power into there. It is much more reliable than solar. Mr. Riemann said it's whatever you want to do. He'd like to move towards a sustainable approach, but in order to get the appreciation of the waterfall before they can get a reliable source of solar power, it would make sense to have that backup for the future. Mr. Maxfield said Terry Boos is the VP of the Saucon Creek Watershed Association and he will take the message back and see what we can do with the barrels. Mr. Riemann said one is for the house and one is already to go as the spout comes down to a certain point and just stops. You won't be running into it in the driveway. Years ago, he and Mr. Maxfield talked about a mural on the side of the garage and gutters should be put on that building also, so that means another rain barrel would be appropriate there. Mr. Maxfield said we can start with one. Mr. Johnson said if you need stones, he has lots of stones. Mr. McCormick said the only point he'd make would be the aesthetic point. He's always felt that the powered babbling brook features are very ornamental, but they are not native and natural. They can be well done in someone's yard, but if it's a native plant garden attempting not be natural, where you're going to go to the trouble and appropriately mention the stones will be from the hills of LST, having an imported electronic thing that's supposed to look like a pond doesn't seem to be consistent with that. If we could save \$1,000.00 and his mind make it more aesthetically pleasing, but more natural, by not having a powered bubbler, he'd do that and not power it. Mr. Maxfield said one of the things we talked about early on and Hans was a part of that, was we were always trying to go towards backyard habitat kind of thing. One of the requirements is a water source of some kind or another. Mr. Riemann said that was part of their early discussion to qualify for that and it's something that wildlife likes. He has been building waterfalls for 30 years and he understands what Mr. McCormick is saying as sometimes he had to use stones that were so ugly, but that's what he was given to work with. What he'd like to counter with, are the aesthetics of the sound. Living on a hill with a head water stream, that sound is incredibly soothing and healing. The meditative qualities of it, we can get past the non-native aspect of powered water. He appreciates your point. Mr. McCormick said he's sure they can be done well. If there's a need to deliver nutrients and water to plants, he buys that. The meditative aspect of that, he guys that, but it's not native, it's

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man made bubble. Mr. Maxfield said they have a bird bath there already and it's not really delivering water to the plants as it's providing habitat for birds. Mr. McCormick said if it attracts wildlife, that's great. Mrs. Yerger said theoretically, and that's when you have the back yard habitat concept coming in as there are four things that need to get certified and it's food, water, place to raise young and a nesting area or house area. That would provide that fourth element. Mr. Riemann said you can get it from the rain barrel to start with. The rain barrel will hold 50 gallons of water at a time. It's not a completely maintenance free garden. It needs tinkering and nurturing. Mr. Johnson said do you believe the rain barrel would provide make up water for your waterfall? Mr. Riemann said yes, through the growing season from March through November. Mr. Johnson said would you manually transfer the water from the rain barrel to the pond? Would it be done like that or would it be hose fed? Mr. Riemann said good point. He thinks manually will be the way to go. Other than getting power perhaps to the pump from the house, he doesn't want to get too involved with the house itself. He thinks manually would be the way to go. The little pond only holds about 25 gallons, half of what a rain barrel would hold. Mrs. Yerger said he mentioned coming back next month. Is that with the intent of an itemized plant list or is that what we're looking for before we take it to Council for the expenditures. Mr. Riemann said yes, that way you know exactly what's coming in and he can get a better handle on how long it will take to get the stones off his mountain. He doesn't want to ask for a quick judgment. He wants you to digest this and hopefully the members of the Council can take a walk out there so they can understand some of the things they want to end up with. The Girl Scout part of the project has not been approved yet, and Mom wanted to go gung ho, but she asked if he will sign off on things after they do it. He said he won't do that, so there's that lead time for that. It's going to come before the Girl Scout Council in ten days. That's another reason to coordinate it with the Girl Scout schedule.

Mr. Johnson said he took a walk down there before the meeting. He noticed a flower that looked like a daisy with a black center and purple pedals. Mrs. Yerger said Purple Cornflower. They are all in bloom right now. Mr. Riemann said they had more of those on the east side planting area. He loaded it up. One Sunday somebody just came and took them. They found big holes where the plants were. There is one set in that area and it's hidden and one set on the west side.

Mrs. Yerger said she thinks it's great, and she will make sure he will be put on the agenda for next month. If there are any questions, please let her know. Mr. Riemann said great, he'll be back next month.

**IV. DEVELOPER ITEMS – None**

**V. APPROVAL OF MINUTES**

**A. REVIEW AND APPROVAL OF JUNE 8, 2010 MINUTES**

Ms. Ray said on page 6, line 3, it has Jenna McKenna and it should be "Jenny" McKenna. Ms. Tokura said page 11 of 11, line 16, it should read [www.safelawns.org](http://www.safelawns.org). Mr. Johnson said on page 8 of 11, line 30, first word should be Chair.

**MOTION BY:** Mr. Johnson moved for approval of the June 8, 2010 minutes, with corrections.

**SECOND BY:** Ms. Ray

**ROLL CALL:** 5-0 (Mr. Hijazi and Mr. Beardsley – Absent)

**VI. OLD/MISCELLANEOUS BUSINESS**

**A. EAC BY-LAWS – RECOMMENDATIONS FROM EAC**

Mrs. Yerger said we have the approved by-laws and a second copy marked provisions by Allan Johnson. She had a request from Staff to keep the changes to a minimum because everything we revise has to be reviewed again by our attorney. Mr. McCormick said on the comment Mr.

Johnson recommends on Article 4, Section 1 on page 1 about no more than two members shall be elected officials. Is that new language from Mr. Johnson or was that already in there? It's showing as new to him. Mr. Johnson said the words he changed are not necessarily new comments or new rules. They are just wording he changed and put somewhere else. He reorganized the paragraphs instead of having them mixed in different places. One thing he did add that is new is the business about Member terms, a, b and c, Article 5, page 2 of 6. That made no sense to him the way it was written. That's why he changed it as when you read it now you can make some sense out of it. It says "a. Three members at three (3) year terms, one of the Members shall be a representative of the Planning Council; b. Two members at two (2) year terms; and c. Two members at one (1) year terms." Now you have to figure out what that means. The words he used implement the idea, but says it in the sentences so you can understand it. He added some other new words at Article 8, Section 3, "If the Chair resigns during his/her term, a Chair will be nominated and elected from the EAC members and approved by Township Council to serve until the next annual EAC organization meeting". He added some new words there. He also changed "If the Vice Chair or Secretary resigns during their term of office a Vice Chair or Secretary shall be nominated and elected from EAC Members to serve until the next annual EAC organization meeting". Mrs. Yerger said it was understood that in the absence of a Chair, the Vice Chair would serve. Mr. Johnson said he's talking about if the Chair or Vice Chair resigns during their term of office. Mrs. Yerger said on page 3, Article 8, Section b, when filling a "Member" vacancy should be inserted there, on the original one. We're trying to keep the revisions to a minimum. Mr. Maxfield said it says the Manager makes the recommendation. Maybe you want to say the EAC may make a recommendation. Mr. Johnson said we, the EAC, were going to recommend which one should be elevate to Member status. Mr. Maxfield said we can make a recommendation if we want, but when it comes down to it, the Manager, by the statute is giving the responsibility for the recommendation. It should say who will bring his recommendation. He could recommend someone totally different. Mr. McCormick said obliging the Manager to report to Council what EAC recommends is entirely appropriate. It doesn't mean limit the Manager. The Manager should not be able to listen to the EAC, and then ignore it and not report it. The Manager should bring the EAC's recommendation to Council, but he can have his own recommendation. There's a difference to requiring to report a fact and requiring him to endorse that recommendation. Those are different things. Mr. Maxfield said he doesn't know if we can require him to bring our recommendation to Council. We can ask. Mr. Johnson said that's how the original is worded. Mr. Maxfield said that's the one Attorney Treadwell went over. Mr. McCormick said there's nothing illegal about saying "Manager, if we ask you to pass along our recommendation, you have to pass it along, you don't have to endorse it, you can take a completely contrary view. Mrs. Yerger said we can leave "will" in there. We will make a recommendation but he doesn't have to do anything with it. Mr. McCormick said Member doesn't have to be added, what else would we be talking about. Mr. Maxfield said Mr. Johnson said if you had an Associate vacancy, the very much says if you are filling a Member vacancy that preference should be given. Mr. McCormick said as a logical matter, it couldn't possibly mean having an Associate vacancy, please consider filling it with an Associate. That's nonsense. Mr. Johnson said he was trying to make this as easy to understand so you didn't have to make any assumptions or refer to any books. It's all here, plain and simple. You don't have to think, you just have to read it. That's what he was trying to do. Mr. Maxfield said the procedure for other boards is the Manager makes recommendations for Planning, for whatever. Maybe he was a little gun shy about doing what other boards don't do. Mr. McCormick said the EAC can recommend anything they want, anytime they want. The Manager is not bound by that recommendation and Council is not bound by that recommendation or the Manager's recommendation. Mr. McCormick said would it be better if it said we will pass this along for information purposes only. This whole thing doesn't matter. Mr. Maxfield said if you are saying that it's saying we don't make the recommendation and that particular recommendation gets passed on, then it's okay.

Mrs. Yerger said Article 9, Section 3, on the old one, "Special meetings may be called by the Chair". They got real picky here. This comes from the statute. They started talking about majority of members, seven days. She felt out of courtesy sake, and agreed with Allan, that Associate

should be there also. Because we've made that distinction between Members and Associates, it needs to have Associates here. For clarity sake, she felt it needed to be added here. Mr. Maxfield said can we do it in writing or email? Mr. McCormick said this one you don't want to mess with because if action is taken, you want to make sure it was at a duly called meeting. A special meeting is supposed to have authority to do things which means it has to have a quorum and it needs to be duly called. Mrs. Yerger said we don't have to put it in, it could be an understood kind of thing? Mr. McCormick said of course. If you want to put it in as a courtesy, but by-laws are not to be courteous, they are to lay out the powers of the body. Mr. Johnson said he thought Associates would be included in a special meeting. Mr. McCormick said the reason they don't have to be in the by-laws is actions of the committee are only taken by the Members. Mrs. Yerger said we can negate that one.

Mrs. Yerger said Article 12, Committees, "Sub-Committees may be established and appointed by the Chairperson to assist the EAC in performance of its function. Each sub-committee shall consist of not more than two Members. Citizens and public officials may also be appointed. Here it should also Associates may also be appointed. It should be clarified. Whether you want to construe they are members of the general public, that's fine too. Speaking about the Sub-Committee, it's an Open Space Sub-Committee. Mr. Johnson said he disagrees with that. In Article 12, it says Sub-Committees may be established and he put in Committees may be established. How can you have a Sub-Committee when you don't have a Committee above it. Mr. McCormick said that's true. Mr. Maxfield said the one thing you don't want to have is a Sub-Committee with a quorum of EAC members. If we have seven members, then our quorum would be four and you could actually have three members. Mrs. Yerger said when she brought this question to Attorney Treadwell about the Sub-Committee; he said again, the Sub-Committee is the terminology that is in the enabling statute, so we can't really have a committee even though it sounds that way. Attorney Treadwell did not feel comfortable calling us a Committee. Mr. Johnson said the title to the Article is called "Committees". Now he's talking about Sub-Committees, and that does make any sense. Mr. McCormick said we can talk about the words and we can talk about the real problem which is we're not in compliance. The Open Space, whatever you want to call it, that group has four members, three of whom are Members; therefore, there is a problem. That's a problem, now there's two provisions in the by-laws that we violate. We took a member of the general public and made him a Member and overlooked five Associates. We have an Open Space Committee which is consisted of three members. Colin joined the EAC as a Member. Mr. Johnson said he joined it as an Associate and was promoted to a Member. Mr. McCormick said his mistake. The EAC Open Space Sub-Committee, that's okay. There's whole groups and little groups and the rule is little groups should have no more than two Members. Mrs. Yerger said she agrees. We didn't violate the first one. This one needs to be fixed. Mr. McCormick said there's probably a reason for that in the enabling statute, and he's thinking if a subject matter is worthy of consideration by three members, it's probably something that shouldn't be delegated and be managed by the whole Council. Mrs. Yerger said the majority of EAC's that she knows consist of usually five Members. We have one of the largest EAC's that she knows of. Because EAC's can be five to seven and if they keep it at two, it's never a problem. Ms. Ray said maybe it shouldn't have a number, it should just have a quorum of Members. We might have five next year, who knows. Mr. McCormick said it says a page earlier that we have seven members. If you change it, you have to change that number also. Mrs. Yerger said she would like to change it to three since we have so many. She thought it should say Citizens, Public Officials and Associates. It sounds like it's almost saying they shouldn't be included. You could broaden it out. We can request the change to three unless there's some kind of legal thing. Mr. Johnson said are you going to include the word "Committees" instead of "Sub-Committees"? Mrs. Yerger said she talked this over with our Attorney. Mr. Johnson said when the vote time comes, he's going to say no. Mr. Johnson said this is only going up to the Council for them to look at and for their approval. Mrs. Yerger said she can't approve it when she knows differently. Mr. Johnson said you are not the whole Council. There are five people on the Council, maybe some of them will agree with it. Mr. Maxfield asked about Allan's changes on page one. Mr. McCormick said if an Associate doesn't show up for three years, it has not disempowered the decisions of the Council. If Sandy

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wouldn't show up, you'd have to have power to throw Sandy off. If you want to keep track of Associates attendance, there's nothing wrong with that.

**MOTION BY:** Mr. Johnson moved that his revised proposed revisions to the Environmental Advisory Council by-laws be forwarded to Lower Saucon Township Council for their review.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 3-2 (Mrs. Yerger and Ms. Ray – No)

**VI. UPDATES/REPORTS**

**A. 9<sup>TH</sup> ANNUAL COMMUNITY DAY – AUGUST 21, 2010**

Mrs. Yerger said we will have an EAC meeting before this date. The only thing she has from last time is there is a map we would like at the Community Day. She has literature on native plants and things like that. Ms. Tokura said she has some information that she would like to the EAC consider. She should have discussed it with Colin as he proposed to come up with some information about safe lawns. She went to the website and they have a one page brochure on how to take care of your lawn. There were four different topics - the environment and the lawn, and ten environmental tips for the lawn, nature lawn care, and instead of making our own brochure, since it's already available, why don't we read all the information. She can send an email to everyone with the information and they can decide at the August meeting. Mrs. Yerger said we can do that.

**B. FALL ELECTRONIC RECYCLING EVENT**

Mrs. Yerger said you should have gotten an email correspondence between herself and Jack. Mr. Johnson had raised some concerns. He went to a seminar on recycling. She forwarded those concerns to Jack. We thought Mr. Dittmar who was the County Coordinator for Northampton might know something about A-Plus. He said he hadn't heard good things and it sort of grew from there. Jack decided to send a letter and Mrs. Yerger got copied on the letter. Jack got a rather terse reply and a rather defensive reply. Mr. Johnson correctly pointed out that when Glorinda was here, she said they were going to update their website and she had promised to send it to Mrs. Yerger, and none of that has appeared on their website. There were some concerns about the validity of some of their statements. She felt that we needed to bring this back to the EAC as a body and see how we felt. Jack did make a suggestion that perhaps then in light of this until we can find another recycling entity, if we chose, that we just want to advocate and promote the one that the County has in the Fall. There is a charge for some of their things, so this is here for discussion. There's a copy of Glorinda's letter. Mr. McCormick said he just thinks if there is any risk then we can't move forward until the risks are totally solved. That's obvious. He does think that event as great as a two time customer of it. It's really wonderful without charge unless you have a TV and you can recycle the stuff and it seems this is such a hot topic that it just can't be that hard to find a good one. Let's just recommend in the Fall we do the Northampton County one and it's not too much to ask staff to do an hour's research and find a good one - someone who is certified and is in Northeastern PA or Northern NJ and could do it. Mrs. Yerger said Mr. Johnson said Lehigh County or Monroe County? Mr. Johnson said he attended this meeting that was put on by MAREA, the Mid-Atlantic Renewable Energy Association, and they had two speakers there. One was the Director of Recycling from Berks County and the other was from Lehigh County who was involved with recycling. Both of them said they used AERC. Mr. Johnson asked them why they didn't use A-Plus. They both said we use AERC, and that's what they said. Take from that whatever you want to. Mrs. Yerger said she thinks they do some minimal charging. Mr. McCormick said minimal charging is maybe okay unless there's a free just as good alternative. At least we can ask Staff to seek and get some information. If Berks and Lehigh County seems to have some kind of opinion on who is good and who is not good, and they've made the good list, that's a good head start. If they can supply an accreditation or a list of references that include reputable organizations, then let's just do them and we can take our leisure time to see if there's a better priced one or a free one. He'd hate to not do it because of one questionable outfit. Ms.

Tokura said she had a chance to visit the website of AERC. She's quite impressed with their website information about how they recycle the E-waste. They do commodity level dismantling in the US and also they have a complete tracking available end of life electronics and a whole page dedicated to how they recycle. Mrs. Yerger said that's A-Plus promised to have to us soon on their website and that was two years ago. Ms. Tokura said she went to the EPA's recycling website and there you can see where you can recycle E-waste, and then you pick PA and the country level information and AERC was listed under Lehigh County, so it is recognized and also EPA registered. Another thing of EPA certificate is that many guidelines are not mandatory. Mr. Johnson said Mr. Dittmar had a comment about EPA. He wrote a comment in his email reply about EPA certification similar to what Ms. Tokura said. Mrs. Yerger said she will take the EAC request to the Council meeting and ask Staff to do some investigation. We can't set a date until we can get a firm, so hopefully by August she will have some suggestions for us and recommendations. Mr. Johnson said it's really up to the Township to decide who to use. The Township is the ones that have the liabilities. We're pointing this out to the Township. We pointed out AERC which is an organization that is used by other municipalities and it's up to them now to check things out and see which one they want to use. Mrs. Yerger said she was referring to not who we want to use, but dates since we are usually the volunteer staff. Mr. Johnson said if they can't decide who to use by the normal dates in the Fall, they are suggesting we let it go for the Fall, and then set a date. Mrs. Yerger said we'll make an attempt to see if we can do one in the Fall. If we need further investigation or get a date from one of the good firms, then we will shoot for Spring. Mr. Maxfield said we are also getting a joint request to do recycling with Upper Saucon. He doesn't know who they use. He knows A-Plus is being used by one of the Macungie's. They may use A-Plus, but he doesn't know for sure. Mrs. Yerger said maybe we can direct Staff to find that out also. Mr. Maxfield said if we organize something with AERC, maybe we can include Upper Saucon.

**VII. HELLERTOWN REPRESENTATIVE – REPORT – Mr. Boos had no report.**

**VIII. NON-AGENDA ITEMS**

- Mr. McCormick said to go back to Allan's comments on the by-laws, he'd ask that one of the Members make a second motion that should be when Council is considering the whole range of comments, that they pay particular attention to the comment regarding the Committee makeup as that's the one that seems to be urgently in need of remedy. We're 3-2, in agreeing to pass along all of them, but not knowing what Council is going to do, he would ask that the one issue that seems that it really does need to be resolved, make sure that is talked about. He'd hate for Council to say, oh no, we're good with what Linc gave us without it being specifically pointed out. We can all fight about whether Member should not be on a certain page, but that one needs fixing. He'd hate Council to say, as is, done, take it or leave it. If someone can promise to make that a point, it would be appreciated. Mr. Johnson said he hopes that Council would read our minutes.
- Mr. Johnson said on July 10, 2010, he visited the Coalition for Appropriate Transportation, also known as CAT, office in Bethlehem. Their phone number is (610) 954-5744. CAT is an organization which encourages using bicycles for personal transportation. While he was there, Steve Schmitt, Director of CAT, told him he was very concerned about the hazard to bicyclers created when Lower Saucon Township spreads chips and oil on steeply sloped Township roads. He was riding down the road from Lehigh mountain top campus to Friedensville Road, which is called South Mountain Drive. On his bike, he was going fairly fast on a stretch of macadam, and all of a sudden the road changed to freshly chipped and oiled surface. He had a very difficult time controlling his bike and braking to slow down on the chipped and oil surface. He said a less experienced rider probably would have fallen and been injured. He also said it was very difficult for him to breathe when surrounded by the dust raised by the cars in front of him. Mr. Johnson said he must have been very concerned as he looked up the PennDOT regulations for applying oil and chip stones to roads, and found that several regulations were not being followed and believes Lower Saucon Township could be liable for injuries suffered by bicyclists on freshly oiled and

chipped roads. He asked that Lower Saucon Township stop oiling and chipping steeply sloped roads. He also asked Lower Saucon Township to spray water on the oil and chipped roads to keep the dust down. Mr. Johnson said Mr. Schmitt didn't mention any signs warning traffic of a freshly oiled and chipped surface road surface ahead. Mr. Johnson said it would be a good idea for Lower Saucon to put up signs to warn downhill traffic on steeply sloped roads that are freshly oiled and chipped. Also he can imagine a bicycle rolling into a pile of excess chipped stone along the side of an oil and chipped road would be difficult to control. He wanted to bring that up, it's in the minutes. The people who are concerned with these types of things in the Township can read it and do what they want to do. Ms. Ray said she did observe the signs and they were up at both ends of the stretch. It was dusty thought. Mr. McCormick said they did it right in front of his house the same day and the dust is entirely true. It's a big issue. They do have the signs up but he believes if you hit it with a bicycle, there could be an injury. Mr. Maxfield said did he mention what parts of the law that Lower Saucon wasn't complying with? Mr. Johnson said Mr. Schmitt didn't mention the parts. He did mention the steep slopes and requested they stop oiling and chipping especially on steep slopes as you are going downhill fast and trying to stop. He didn't expect you to stop oiling and chipping on all roads. Mr. McCormick asked why that was done? Mrs. Yerger said cost effective. Mr. Maxfield said they say it extends the life of the road tremendously. Mr. McCormick said does he now live on a gravel road? Mr. Maxfield said he is guessing, but the tar that is sprayed down first and the chip then on top of that, the chip gets impregnated into the tar and some goes to the side of the road. It puts an aggregate surface on it. We have been doing it for decades. Mrs. Yerger said it's not only our Township. It's something that is advocated state-wide. It was in the PSATs magazine as the best cost effective way to extend your roads effectively. Mr. Maxfield said they will do it before repaving the road several times before they absolutely have to repave the road.

- Mr. Johnson said he attended a meeting last Wednesday called "A Regional Meeting of the EAC's" and the reason for holding the meeting was to try to come up with a strategy for convincing County Council to allow, was it \$3.2 million? Mrs. Yerger said there was a \$32 million bond which was never funded, way back. It was originally \$32 million that was advocated by the residents. They voted for it and said we wanted a \$32 million bond. However, they never put a funding mechanism in place in that referendum. They've been allocating a million here, two million here. This is the County. They have never fully activated \$32 million. Mr. Johnson said they really don't have \$32 million that they can spend. Mr. Maxfield said there's probably some money there that some people are looking at. There were a couple of statements around like don't let them raid the Open Space fund, so there must be some money. Mrs. Yerger said she thinks there was \$1 million for ag preservation they had put into the budget last year and maybe \$700,000.00 for open space. There was some money, but by no means \$32 million. It was her understanding that they were going to shuffle that money towards County parks because they couldn't fund County parks without shuffling that money. Mr. Johnson said first of all, the money isn't really there yet, they have to do something to get it. Everything wasn't that clear at the meeting. They all seemed to know what they were talking about and he didn't. There was something that was approved by voters to raise \$32 million and they never raised it. It didn't come from EIT taxes or anything like that. The meeting was about a strategy to get the Northampton County Council to not use whatever money is available for things for other expenditures that it wasn't originally recommended to be used for. Originally it was for farmland preservation and open space preservation. They don't want Council to use whatever money they have that was raised according to that vote for other things. They had a very good speaker, Ellen Lott, from the Nature Conservancy. She went through a whole list of things to do to try to convince the County Council people to see things our way. One of the things they recommended was that every member of every EAC writes at least one letter to the Councilmen in their district and/or other Councilmen in the district. They feel that letters from individual people carry a lot of weight. Letters from municipal organizations like Lower Saucon Township Council, Lower Saucon EAC, would also carry weight. There must have been thirty different ideas. He wrote some down. If you think it would be worthwhile, he can type them up and email them to everyone. He's mentioning this to our EAC to see if we want to take part in the letter writing campaign. Mr. Maxfield said he thinks we probably should, but his honest feeling is it

won't make a difference. There are certain County Council people that complain about the whole thing as it wasn't funded appropriately, but those same County Council people reaping more benefit from them than others, and at the same time, those are the County Council people who will rape the fund and use the money for other things. It doesn't make sense. It's like getting money for your district. Mr. Johnson said they feel if enough citizens write letters and reminded them they voted for this bond and used for farmland and open space preservation and they might change their minds or at least save some of the money that's been raised. There's a group that's been formed and they are going to email some information. Mrs. Yerger said her question is do we as a body, as that is our responsibility, want to write a letter from us as a group or if we would wish to, we could encourage the Township Council to do it. Mr. McCormick said do we have any County parks on our borders? Mr. Maxfield said he doesn't think so. Mr. McCormick said then it's unlikely that our Township would object to that letter. He thinks we should do that. It seems consistent with our message – using funds for open space and /or ag preservation is a good thing. It sounds like from our Township perspective to do the intended thing with that money, it's not going to cost us in our schools, our parks, our roads, etc., so he thinks we should do that. The working group will probably let us know and tell us to write to our Councilmen and here's what point you should be making. Mrs. Yerger said if it circulates by August, we can do that. Mr. Johnson said they said the letters should not be big, five-page long letters. Chances are they won't read it or won't comprehend it. They said amongst our group, come up with a list of reasons why open space conservation and farmland preservation is a good thing and then assign each person to write a little letter on one or two aspects of that big long list. That takes a little bit of coordination amongst ourselves if we want to follow their recommendations. Mr. McCormick said we should have that conversation after the meeting adjourns. That's Allen, Tom and Laura, that's not the Council. This EAC should act or not act, but he thinks we should even if it's only two sentences. It should be understood that these people intend to use these funds for things other than open space and ag preservation and strongly suggest you use them what they were intended for. Mr. Johnson said he can email their suggestions. Mrs. Yerger said that would be very helpful. Mr. Johnson said maybe people could write their suggestions of topics that should be covered and the reasons why, and then we can pick from those and put in our letters or assign them to different people. Ms. Ray said she's sure we all have our own opinion, so just give them your opinion to make it less complicated. Mrs. Yerger said it would be helpful if Mr. Johnson passed on his notes that he wrote so your letter can be a little more to the point. He doesn't know all the reasons himself, but his notes were the strategy. He'll mention the names of the four speakers that were there.

- Mr. Boos said there is a special presentation of a movie called “Gas Lands” at Lehigh University this Thursday evening at 7:30 PM at Whittaker Auditorium. He believes the Director of the movie is going to be there for the showing. Mr. Johnson said they are charging \$10.00 admission.

**X. PUBLIC COMMENT** – None

**IX. ADJOURNMENT**

**MOTION BY:** Ms. Ray moved for adjournment. The time was 9:35 PM.  
**SECOND BY:** Mr. Johnson  
**ROLL CALL:** 5-0 (Mr. Hijazi and Mr. Beardsley - Absent)

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Sandra Yerger, Chairman

**Next EAC Meeting: Tuesday, August 10, 2010**