

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township was called to order on Tuesday, September 10, 2013 at 7:02 P.M. at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL:

Members: Sandra Yerger, Chairman; Tom Maxfield, Vice-Chairman; Ted Beardsley, Laura Ray, Allan Johnson, Hazem Hijazi and Dru Germanoski (Arrived 7:05 P.M.) **Associate Members:** Michael Boyle, Sarah Stanlick, and Glenn Kaye (Arrived 7:06 P.M.); **Hellertown Liaison:** Terry Boos. **Township Planner:** Karen Mallo

PLEDGE OF ALLEGIANCE

II. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

Mr. Beardsley said there are no updates except the Township has approved paying \$250.00 to Mr. Marson's bank for a subordination agreement which they will the bank will then review the two appraisals that have been done and decide if a third appraisal has to be done. It's in the works. On the Martin property, he signed the conservation agreement. He thinks we are waiting for the final survey.

III. NEW BUSINESS

A. PICK AN ADOPT-A-ROAD DATE FOR FALL CLEAN-UP (SEPTEMBER OR OCTOBER)

Mrs. Yerger asked to pick a fall clean-up date. Ms. Ray said we should wait until October. The EAC picked Saturday, October 19, 2013 at 9:00 A.M.

B. DISCUSSION ON APPLEBUTTER ROAD ZONING AND TEXT AMENDMENT DRAFT ORDINANCE

Mr. Johnson said he would propose that the LST EAC advise the LST Council that the environmental damage to the area within the proposed Light Industrial (LI) zone will be greater than if the zoning in the area is not changed for the following reasons:

- Proposed zoning permits uses in the LI zone that could eliminate larger areas of trees and foliage than would be eliminated in the Light Manufacturing (LM) zone.
- Uses in the LI zone could damage the ground water via existing potable water wells.
- If activities permitted in the LI zone get out of control, the health of the surrounding residents could be damaged by air pollution and animal carried diseases.

Mr. Johnson said that's his proposal, is there any discussion? Mr. Germanoski said you are basically suggesting that this not be changed from the current zoning. He said from an environmental point of view of changing the land use activity is a bad idea for a lot of reasons. The geology is fractured gneiss. There are carbonates on the landscape that are sensitive, so he thinks the potential for groundwater damage is significant. At the moment, it's agricultural and residential primarily and there's a lot of forested land. There are deer and wild turkeys, animals we consider to be desirable. We should recommend that this not be rezoned.

Ms. Laura Ray said it was a little bit confusing to her by not having the exact wording of the rezoning in front of us. It makes it like it is being rezoned and we are giving our opinion on how this is worded. Mrs. Yerger said no, it was a draft. It's the whole question on whether it should or shouldn't. Ms. Ray said along the same line, as looking at it from an environmental standpoint, she doesn't see how it could be beneficial in any way to change it.

Mr. Maxfield said he thinks because of what has happened in the past and our lack of application for any uses in the LM zone, we may be assuming this is going to be staying the same. If we look closely at the LM uses, they are pretty damaging too. They are damaging to all the resources there. He doesn't know if we'd be winning or losing by going either way. There's basically only a couple things that aren't allowed in the LM that are allowed in LI. The rest of it's the same. Ms. Ray said we know that something will happen if we change the zoning. That's not really a gamble. Mr. Germanoski said the slopes would probably mitigate heavy manufacturing utilization going forward for much of this real estate. The fairly steep, moderate slopes, certainly portions could be used for LM, but it's far less likely than the alternative.

Mr. Maxfield said from a zoning standpoint, then we're stuck with a zone that does what? It doesn't really encourage anything in the Township. Mrs. Yerger said that's not our purview. That is P/C and Council; that is not us. We are here to analyze this on an environmental basis and that's where we have to stay.

Mrs. Yerger said does anyone want to make a motion?

MOTION BY: Mr. Johnson moved that LST EAC advise the LST Council that the environmental damage to the area within the proposed Light Industrial (LI) zone will be greater than if the zoning in the area is not changed for the following reasons:

- Proposed zoning permits uses in the LI zone that could eliminate larger areas of trees and foliage than would be eliminated in the Light Manufacturing (LM) zone.
- Uses in the LI zone could damage the ground water via existing potable water wells.
- If activities permitted in the LI zone get out of control, the health of the surrounding residents could be damaged by air pollution and animal carried disease.

Mrs. Yerger said she's okay with all of them except the last one. She's not sure she understands the last reasoning. She's not sure animal carried diseases. Mr. Johnson said a landfill has a lot of certain food for animals like rodents and there are a lot of birds up there. They could get diseased and if the population gets large, they could get into the residential areas. That's the point he is trying to make. Mr. Germanoski said you have a motion and a rationale all wrapped into one. The motion really involves the recommendation that the zoning not be changed, and about mid-way through the motion you are providing the rationale. Ms. Ray said that's not really part of the motion then. Mr. Johnson said suppose we have just the first part of the motion. He again just read the first part of the motion.

**SECOND BY:
ROLL CALL:**

MOTION BY: Mr. Johnson amended his previous motion and moved that LST EAC advises the LST Council that the environmental damage to the area within the proposed Light Industrial (LI) zone will be greater than if the zoning in the area is not changed.

Mr. Hijazi said his opinion on this whole issue being in front of us as an EAC, changing zoning in his opinion is more of the P/C role and they should have a bigger input on that. As an EAC, LI versus LM, he's not sure how much of a difference that's going to make from the environmental perspective. If this was residential, if it was open space, and we're changing it to LI or LM, then

he could see the argument in what you're saying. He sees the risks in what you are saying in both zoning. He asked if he was right? Mr. Johnson said part of the proposal is to change RA to LI. Mrs. Yerger said there are also areas going from LM to Rural Agricultural (RA). Mr. Johnson said those areas are outside of the proposed zoning of the resulting LI area. Mr. Maxfield said he would hope so. Mr. Johnson said there won't be any changes there. Mrs. Yerger said there can be. She doesn't quite understand where you are coming with this. You have a LM zone. Some of it is being changed back to RA where you could not put LM which would have a much greater impact than RA. Yes, some is going the other way too. Mr. Johnson said are you saying it's a wash? Mrs. Yerger said yes, for that component of it, it's pretty much of a wash. Ms. Ray said if you are talking acreage, that's not the whole thing. The thing we referred to before is yes, LI we could have light industry come in there. It hasn't happened in all her life. It could happen, but we do know the landfill wants to expand, so if we change it, that will happen. That does definitely have a negative environmental impact. You really can't say it's good for the environment. Mr. Germanoski said it's a crucial distinction. If the one zoning allows for landfill expansion and the other doesn't, the environmental implications of that is really the crux of the argument. Quite frankly, he is hard pressed to think of a land use activity that is less concerning regarding environmental impact than landfill expansion. It's one of the few land use activities that the fact requires ground monitoring wells because of potential for groundwater contamination. He thinks it is better to keep some of it as LM than going to LI as it opens up possibilities that have significant impact on the landscape potentially and we know that will be in the off. We are speculating if LM will be proposed and if there will be acquisition to real estate and people proposing manufacturing, but we pretty much know that if this zoning is changed, the second will be landfill expansion. Mrs. Yerger said just so you know, it is already LM. Mr. Germanoski said he means to imply there's no clear evidence that there are going to be proposals from developers to start using these properties for LM. If the zoning changes, we know there will be a proposal coming to expand the landfill. So changing the land use does open that up, not a possibility, but a probability, not a certainty.

Ms. Stanlick said for the land being put back to the RA zone, is there any indication of what the state of that land is currently? If it's been that other designation, has it been used for those things and is there ground water contamination and things of that nature that would have to be remediated before it could be RA use? Mrs. Yerger said no, she doesn't think so. It's currently agricultural use now and also residential. Ms. Stanlick said so it's zoned for one thing, but hasn't been used for that one thing. Mrs. Yerger said right.

Mr. Maxfield said that's what he meant about assumptions. We're assuming that the LM is just going to keep plugging along like it is. He doesn't assume that. He doesn't think that's necessarily the case. He thinks we are assuming a lot about the less impact from LM too. We really don't know how bad that can get. Like Haz, he doesn't see a big difference between the two when it comes to resources.

Mr. Kaye said can we be looking at a situation where we really should be considering the lesser of two evils meaning that we know if we allow the zoning change to occur we're almost certainly looking at an expansion of the landfill which isn't entirely desirable per se, but at the same time, we'd be protecting the same acreage that would be converted from LM back to RA, right? Mrs. Yerger said yes, it would pretty much be a wash. Mr. Kaye said in terms of acreage of LM versus RA, it's about the same, and it's the enemy you know type of situation. If we nix the zoning change and the landfill doesn't expand, okay, we've achieved that, but you don't know what is coming down the road in the future for those areas that are zoned for LM. At least if we reclaimed them to a RA zoning, there are in a sense protected and landfill expands, but that's not the worst thing. Is he understanding that correctly? Mrs. Yerger said right now it is some kind of industrial use. It already exists as LM is what it's zoned. There's potential to rearrange, and trade off some RA up above for RA over here, and that's pretty much of a wash, but then the rest of it would be then changed from LM to LI. Mr. Maxfield said actually we gain RA. Mrs. Yerger said yes, it would be a slight gain in RA. You've got the jest of it if you are looking for confirmation of that.

Mr. Hijazi said he thinks that we as an EAC cannot just say that because there is some sort of potential development, we have to be opposed to it. Otherwise everything that would come in front of the EAC would be raising objections to it. He thinks the question is, can it be done in a proper way, monitored in a proper way, evaluated in a proper way, proper oversight. Otherwise, if we are saying we are here to protect the environment, we'll be opposed to any kind of development that's going to come in front of us.

Mr. Maxfield said one of the other points we haven't touched on either, he knows Dru went down the list of some of the animals he has seen up that way, but we haven't really talked about the quality of the resources here either. We got that letter from the LVPC calling this area high priority conservation and when he looks at their reference maps, they actually have the existing landfill that's all ripped up, torn up, being used as a landfill, as high priority conservation. He doesn't know what to make of that, but when he drives down Applebutter Road and he looks up at the hill, at the area that is to be rezoned, he does see some patches of trees, what we call woodland, probably sensitive woodland as it's on slopes. He also sees gobs and gobs of knotweed and things like that which are not quality resources at all. The real resources on the property are down at the bottom where the water resources and those would be protected no matter what kind of development came in there. There would have to be setbacks, riparian areas, all that sort of stuff. He doesn't know if Karen examined the resources on the site, can she speak to that at all?

Ms. Mallo said she thinks in front of you was an Exhibit 4 they put together and when she says they put together, it's all LVPC's data. It was their GIS and they simply just put it on a map for you to see. From the map, it contains areas of steep slopes where the ponds are, hydro soils, woodlands, wetlands which are all south of the site in question. It was part of the study area they looked at, but not part of the rezoning. This is all LVPC data; she can tell you where it's from if you need to know that. You can see it's mostly sloped woodlands, and as Mr. Maxfield mentioned, there's a few of the water resources along Applebutter Road and south of Applebutter Road, but primarily those are man-made ponds associated with the landfill.

Mr. Germanoski said speaking of the quality, if he can speak to that, he drove along Easton Road three times today. He looked up at that landscape and if we were to try to assign some qualitative ranking of quality, he looks at that landfill site and he would have to use a negative number to describe it's characteristics environmentally and to the west, he saw trees, grasslands, some invasive species, some homes, but there's an order of magnitude of difference in the quality of those two parcels of real estate. On the one hand, at what Glenn suggested, are we getting the devil we know versus what we don't know? He thinks we do know that if this changes to LI, we are going to convert more of that real estate to landfill. If it stays the way it is, there's a possibility that LM might increase, and it may have some potential threats to groundwater, but if again, he reiterates, you are bearing trash with a leachate collection system, with a clay liner underneath that, but you are changing a landscape to a landscape that has waste water that will be produced for decades that has to be managed and hopefully without punctures or compromising any of the liners. If the liner is compromised, that goes to ground water and ground water doesn't pay attention to land use borders or boundaries or zoning. It's going to flow most likely down to the east branch of the Saucon Creek, into some of the wetlands there, so he thinks we have to be cognizant of what the realities are versus the possibilities and the realities are pretty straight forward here. Sure, there's a possibility that some LM might move in there, and there might be a negative impact on ground water, but maybe not. He thinks we need to be responsible as an EAC and make our comments on the basis of environmental implications and that's Council's job to weigh all of the factors which are much more complex than this. He thinks Mrs. Yerger mentioned about turning it all back to RA. He would like to see this as an outcome.

Mr. Kaye said out of curiosity, does anyone know what percentage we're looking at if it's rezoned and it does get used for the landfill. What percentage does that represent in terms of increasing the size of the landfill? Mrs. Yerger said she doesn't know.

Mr. Sam Donato said the conceptual design is about 50 acres, plus or minus. If you look into the ancillary containment area, such as sanitation basins, etc., maintenance facilities, it could be in the neighborhood of 65 acres plus or minus for the new part. 50 acres, plus or minus would be the actual disposal footprint. The existing facility sits on about 220 acres now. That encompasses all the land they own. Mrs. Yerger said that's about a 15% to 20% increase if she did the math right. Mr. Kaye said a little bit more than that. It's 220 plus 55.

Ms. Ray said if we make our proposal, if we pass a motion or not, the Council will decide what they are going to decide anyway, and there will still be a potential rezoning to go for approval. Would we have other opportunity to comment on that? Mrs. Yerger said probably not. Ms. Ray said then it's almost like we have to be prepared for commenting on that as well. Mrs. Yerger said you would see it back then if the zoning change were approved and then a development plan for a landfill would come back to us. Ms. Ray said at that point the zoning would be written how it's written with the buffers, x number of feet, all of that stuff. It's almost like we have to, even if we put through our suggestion not to rezone, maybe we need to think about if it is rezoned. Mr. Maxfield said no development like that would be approved to be a conditional approval. All those little conditions, some of them are big, would be where the Township's, the boards, would exert their wishes and their control. Ms. Ray said you are still going off based on what the zoning is written as. Whether it's exceptional use versus conditional use versus whatever any of that stuff, how big the buffers are, all that's going to be already in place. We need to consider talking about all of that. Mrs. Yerger said is there something in particular you are referencing? Ms. Ray said she's just saying, we haven't even talked about that part, but she's referring to buffers and making it conditional. She knows we're not zoning experts here, so we don't even have the definitions of what one is versus the other. Mr. Maxfield said special exception means basically that the ZHB decides and a conditional use means that Council decides. That's all that's being changed, the final decider. Mrs. Yerger said she thinks Ms. Ray is talking about the size of the buffers and things like that. Ms. Ray said that too, but she did underline conditional use approval instead of special exception, so conditional use is less complicated to get approved, correct.

Mr. Johnson said he copied it from the website today if you want him to read it. A special exception is a use for which the ZHB may grant permission following a public hearing and findings of fact consistent with this chapter provided that the use complies with the conditions and standards required by this chapter. Conditional use is a use for which the Township Council may grant permission following a public meeting and findings of fact consistent with this chapter and provided that the use complies with the conditions and standards required by this chapter. Additional regulation may be imposed by the Township Council to preserve natural features or to protect and/or enhance the nature and characteristics of the neighborhood or community. Making it conditional use is better for the environment.

Mr. Maxfield said think of this draft as a guide if it does go to development, all sorts of additional things occur, for any development.

Mr. Beardsley said if this goes forward, there will be a public hearing on the zoning itself, on the changes. That's when you'd have an opportunity to say you didn't think the buffers were big enough, etc. Mrs. Yerger said yes. Ms. Ray said as a board we should consider that too other than having to jump into some other meeting.

Mr. Maxfield said between different uses, there are always mandatory landscape buffers and all that, so maybe we want to make recommendations to increase that sort of stuff since if it does go through it is an intensive use. We can always make those recommendations. Ms. Ray said that's what she was asking; do we need to do that tonight? Mr. Johnson said actually his proposal doesn't say whether or not the zoning should be changed or not, it just says that if the zoning is changed, it would be worse for the environment. That's basically what it says. Let it up to the Council whether or not to change the zoning based on our advice. Mrs. Yerger said we are of the opinion that

changing the zoning would be worse for the environment. Mr. Johnson said he can't envision how a LM development would devastate more of the environment or the equal amount of the environment than the proposed uses in the zoning change, namely the landfill.

Mr. Kaye said are we allowed to speculate on that? If you are looking at it from an EAC standpoint, and we're looking at same acreage of LM with the change in the zoning and no change in the acreage of LM versus RA, then purely from an environmental standpoint, you say there's a significant change, we're speculating that change will then result in application to expand the landfill, etc., etc., but are we allowed to speculate on what that land may then be used for or are we only allowed to state...if we were in the situation where we are sacrificing RA land to turn it into LM land, that's obvious impact on the environment. If we are saying okay, 50 acres of RA is being changed to LM and 50 acres of LM is being changed to RA, at face value, there's no impact to the environment. Mr. Johnson said the remaining land will have a huge impact to the current environment. Mrs. Yerger said what he's saying is the additional uses in LI are much more detrimental than in that same amount of space of LM. That's what is part of Allan's proposal is.

Mr. Kaye said just looking purely at the change from LI to LM. Mrs. Yerger said yes. Mr. Kaye said or is it LM to LI? Mrs. Yerger said it's LM to LI. The additional uses have the potential regardless and it's more than just the landfill. There's mining and other heavy industrial uses would then be permitted there that are not in LM.

Mr. Maxfield said he was listening to Allan's statement and he goes to recommend a word change. We keep saying worse, worse, worse, can we use more of an environmental term like if we think that use is more impactful, can we use that. If we say worse, we are making those assumptions that make him really nervous. He doesn't want to make assumptions. Mr. Germanoski said a greater environmental impact. Mr. Johnson said where would we fit it in? Mr. Maxfield said wherever you put the word worse. Mr. Johnson said he didn't put the word worse in there, he said the damage would be greater. Mrs. Yerger said how about we classify it environmental. Mr. Johnson said of the environmental damage. Mrs. Yerger said of environmental impact. Mr. Johnson said the environmental impact would be worse. You don't want to say that. Impact doesn't really say, the impact could be good or bad. We're talking about a bad impact. Mr. Maxfield said we're talking about assumptions if we are talking about good or bad. Mr. Johnson said everything is an assumption. We don't know anything for sure. Mr. Maxfield said he doesn't want to make a recommendation on resources on assumptions. Mr. Germanoski said we're always making recommendations on assumptions, he thinks, anytime the Open Space Committee makes a recommendation for a conservation easement, we're assuming that property could be developed and that would be a loss of open space, so planning always requires assumptions. He thinks we do operate in assumptions. He thinks we have to. Mrs. Yerger said you're absolutely right. Mr. Germanoski said we could be wrong in those assumptions certainly. We all recognize that.

Mrs. Yerger said we have a recommendation again on the floor.

SECOND BY: Ms. Ray

Mr. Hijazi said he sees the exchange between the LM and LI, how about the RA? Is that going to be an issue or concern? How are we going to handle that? Mrs. Yerger said it would be the lack of exchange. Mr. Hijazi said is that because we are switching RA going to LI and other places LM going to RA, so we are leaving that alone? Mrs. Yerger said are you going to follow her lead and put it all in RA, as far as she is concerned. She doesn't want to go into that as that leads into something and she doesn't know if LM zone as she doesn't know what we have percentage wise in the Township. We would have to know the facts on that because obviously all Townships' are required to have a certain amount of all types of zoning. She's not sure where we are with that, so she doesn't want to go there at this point as she doesn't have the facts.

Mr. Johnson said is Laura Ray seconding his proposal or what Tom said? Ms. Ray said she's seconding Mr. Johnson's proposal. That's the only motion we have. Mr. Maxfield said he didn't make a motion, he just asked you to change a word.

Mrs. Yerger asked for any comment from the floor.

Maryann Garber said she represents the IESI Bethlehem Landfill. She did want to point out some things to the committee that she's not sure you are aware of and it's important for you to know these facts. The area that they are talking about that is proposed for this rezoning, that's currently LM, was LI as far back as anyone can remember. She has a copy of the 1988 Township zoning map that shows this whole area as LI. It wasn't until 1998 when the Township created this new LM zoning district and it took what is now LM which was originally LI and it moved it into this newly created district, LM. As Mr. Maxfield pointed out, since 1998, there has been no development in this LM district. There hasn't even been an application, so that land has sat there. That land was historically LI until 1998. Mr. Kaye said why did they change it? Ms. Garber said she can't speak for the Township, but she can tell you that representations were made that it was changed to stop the expansion of the landfill. Mr. Maxfield said that's pretty much stated in the P/C minutes from 1998. Mr. Kaye said when did the landfill start? Ms. Garber said it was originally owned by the City of Bethlehem and it dates back many, many years. Mr. Kaye said why didn't they change it to RA then? Ms. Garber said she can't speak to that, but it's important to recognize that this is an area that has been zoned LI for many years. The second thing she wants to point out is she's hearing a lot of concern about environmental impacts or damage from the landfill use. She thinks, let's be candid. Obviously the landfill would like to expand if the rezoning is put in place, so while it is important to understand that the Township is looking at this from a planning perspective, and you're rightly considering what's the difference between the uses that are already permitted in the LM district status quo versus what additional stuff would be permitted under LI. She does feel compelled to just respond to some of these assumptions about the environmental damage that would result from the development of a landfill at this property. She doesn't know if everybody here had the benefit of sitting in on the October 3, 2012 meeting that your Township Council held with DEP and with Township consultants and representatives from IESI. As the Township is going through sort of an informal process considering these zoning amendments, there are many, many concerns raised by residents of Steel City alleging environmental impacts and health impacts from the landfill. In order to separate fact from fiction, the Township engaged its own consultants. She has a list of the people who were consulted. It was the Township Engineer, Jim Birdsall; Special Landfill Consultant Laressa McNemar; Host Municipal Inspector, Chris Taylor; Geologist and Special Groundwater Consultant, Rich Sichler to address each and every one of the concerns that had been raised by the public. The Township's consultants looked at all those questions and then it cumulated in a four hour public meeting with the Township's consultants, DEP and IESI professionals. Each one of those concerns was acknowledged by the Township consultants and DEP as being unfounded. To the extent you are considering what the environmental damage is from the landfill use, this is a highly regulated industry use and all the sorts of concerns about groundwater contamination and other things that she's heard tonight, they have already been addressed by DEP and by the Township. A landfill is a legitimate land use. People may not like the land use, but she thinks to make a decision based on misinformation about environmental impacts, would be unfortunate. She just wanted to make sure everybody was aware of that and she would implore you to pull the minutes from that meeting as it was very detailed. The Township consultants spent a long time going through each and every issue that had been raised. The fact that it's a highly regulated use, doesn't necessarily mean that there's a lot of damage that will result from that. Quite the contrary, it's very regulated, so that environmental impacts aren't felt. On many of your uses that are already permitted in the LM district, aren't highly regulated. A gas station can leak. It has underground storage tanks, so she doesn't think you can make the assumption that your use is under the LM district status quo somehow are safer than a landfill use that would be permitted under the proposed rezoning. She just wanted to make sure that everybody had the right information before you make a decision tonight.

Mr. Germanoski said he just wants to reiterate that when we talk about groundwater contamination as he's using it, it's a potential for groundwater contamination, not de facto. Liners leak, liners are ruptured. We just witnessed a landfill slope failure in one of the local ones. It's an artificial landscape. The environmental impact he envisions is that is explicit and obvious is the artificial topography so it's transforming a landscape that's right now moderately natural topography to one that's artificial topography with materials in there that are going to generate leachate that has the potential to leak if a landfill liner ruptures, if the seal fails. We know that there will be leachate stored above those liners and in fact, he knows the regulations are significant, for monitoring into the future, but we're still living an experiment as far as how landfill liners are going to weather and evolve. Sanitary landfills are a relatively new engineering thing, forty years or so, so we're talking about something which will persist much longer than that as an evolving waste pile. There are unknowns with that. He wasn't aware that the number of applications for LM were zero since this changed. He thinks that's good news for the EAC that the speculation that if this is changed or left the same, that LM, there's going to be a proliferation and it's going to have the potential to have environmental impacts, so far the record suggests that there haven't been significant applications for that land use. He finds that encouraging.

Mr. Kaye said your point is well taken. That's what he was getting at before in terms of well, no one is crazy about the expansion of the landfill, but at least we know with what we are dealing with. We know the landfill that is there has an outstanding record in terms of adhering to regulations and how you run the thing, but that being said, things do go wrong as evidenced on the one that fell over.

Mr. Johnson said this will be like an evolving construction stage that will last for years. The whole thing isn't going to be covered with grass until you are finished. In the meantime, you'll be excavating the mountainside, and filling in and excavating, and it will go on for four or five years and all kinds of environmental problems could occur during that time. Mainly, a lot of water runoff and erosion and stuff like that. That's something else to think about.

Mr. Hijazi said as a member of the EAC, he does like the fact that you are highly regulated and there's always oversight from the DEP, from the Township committees and other professionals. How do you answer the question that you being regulated is something good, but for us to agree on this change, we're evaluating the fact that there is nothing now versus something that's going to change it. As an EAC, we would like to keep the space the way it is, naturally protected or undeveloped, now you proposing to expand being highly regulated is something great, but how can you convince us that this is better than the current status. What would you say to that?

Ms. Garber said her response again would be she thinks the fact that there have not been any applications to develop this property as LM is a consideration that's important to the Township. A Township is always striking a balance between wanting to preserve what might be a rural character versus fostering development in a smart way and in a planned way because that's how a Township survives and that's how it generates funds. Putting aside for the moment the fact that from a Township perspective, it might not be a good thing that is has a property that's zoned for an LM use that was created to stop the expansion of the landfill and no development has come in under that use. She thinks you as a committee has to look at the fact that is it zoned LM right now and there are lots of uses that are permitted under the LM zoning district, so you can't make this decisions assuming these properties are never going to be developed as LM. In determining whether the proposed zoning is something you would recommend from an environmental perspective, she thinks you have to look at what are the potential uses under th LM district now and again, let's be honest, she thinks everybody's concern is about the landfill use. The fact that you've got an additional use that will be permitted in this area, the fact that that use is highly regulated separates it from uses that could be potentially damaging that aren't regulated at all. That's the distinction that's important to acknowledge.

Mr. Johnson said if we change it to LI, it allows other uses besides the landfill. According to the Township's website, it allows concrete and asphalt plants, petroleum and hazardous substance storage, production of non-toxic and non-hazardous chemical products, waste transfer facility and/or recycling facility. Those are some pretty nasty uses too. Ms. Garber said all of which are highly regulated and permitted by DEP and other state agencies. She just wanted to make the point that when you are making the change from LM to LI, you can't assume that these properties aren't going to remain undeveloped in perpetuity. They are currently zoned for LM and there are a whole host of uses that would be permitted in LM district.

Mr. Sam Donato, District Manager for IESI Bethlehem Landfill said a couple of comments addressing tonight and Haz, you were talking about how the environment will change if the landfill does expand, and that is a very fair statement and that will happen. As he stands on top of that landfill and he looks across the street, and he sees the changes that have happened in the fourteen years that he's worked there. The Applebutter Road district is an industrial district with a 600 megawatt power plant, PPL's switch yard, the expanding Intermodal yard, the warehouse district. This is the only strip in our Township that is heavy industry and it will change, whether we develop it or the warehouse district comes in. The natural resources will be changed and will be mitigated. That's the process that developers go through. He's sure over the years this Board has met with other developers where there were wetlands on a property, or other situations and it has to be mitigated whether it's a fee in lieu of or they were developed in another area. That's progress. That's what happens. That's what's going on. In one area they were very fortunate to work with, they are working with the Environmental Education Center over at the SV school complex where they are in the process of developing a trail for the educational center. Our goal is if our project does get permitted and approved, is to expand our resources, our natural resources that we have to mitigate to the school property so the kids can get involved in developing, planning, planting, building, and taking advantage of natural resources, wetlands, so forth and so on. The project is a good project and they are very excited about it. To conclude, all developers develop property and things change, Haz. That area is a very industrial section and he's been there for fourteen years and has seen it change over that time period. Our facility compliments those industries. You mentioned about wildlife in the area. They probably have about 75 or 80 acres that are closed and capped. It's highly populated by turkey, deer, fox and other wildlife that are on their property every day. The areas you see that aren't green at this point is because they aren't at final elevation. The areas will be green. They will be vegetated. There will be an end use plan in play. There are programs that are in place. Last point he'd like to make is this Saturday, they are having an environmental education open house at their facility from 10 am to 2 pm. It's open to the public. They have a variety of vendors that will be there discussing liners, how they are built, how they protect groundwater. They will have people there that construct groundwater wells. How they do what they do and the planning that goes into developing a parcel and it's years of work before anything is submitted to a Township or a regulatory community.

Mr. Johnson said suppose the zoning is changed, and you expand your landfill to the limits of the new zoning. Are you going to stop there? Mr. Donato said at this given time, that is the only plan he's been working on for the last several years, so he can tell you that is the only plan he is working on. Mr. Johnson said he would say it's likely that the corporation will continue to expand. Mr. Donato said that's an assumption you can make, but he can tell you the facts are at this given time, this is the only plan he's working on.

Mr. Maxfield said he just wanted to open this up a little bit wider too. Sam made him think of this and he's been thinking about this for some time now. Everybody talks about the landfill as if it's an anti-environmental kind of situation. He's saying that the landfill now has operated in the State of PA, especially ours, is the most environmental way that scientists have come up with to deal with our garbage. We're all making garbage. Not one of us in this room recycles one hundred percent or doesn't make some kind of garbage. If we're really concerned, that's what we should be working on - stopping the flow of garbage. Now everybody is going to say we have garbage

coming from NJ, NY, but yes, that's interstate commerce, which we have no control over. That doesn't take away the responsibility of us as people to deal with our own garbage. He runs an Eco Club in his high school. One of the first things he says to them when they go to a cleanup, an adult in this society needs to be responsible for their own garbage. You need to know where it's going, how it's being dealt with, and the responsibility of it being dealt with properly. If you don't do that, then you are just shucking it off to another community. He is not willing to send this to somebody else's community. He doesn't believe in the not in my back yard thing. He thinks we have a responsibility as humans to deal with our own garbage and right now, this is how we do it. He doesn't want to see another landfill open up down in Pottsville and let them take our garbage, that's not responsible. To him it's a moral issue.

Mr. Donato said to follow up on what Tom said, the solid waste system in the U.S. has a lot of components that we all don't realize how it works. We all realize we have curbside recycling for cans, bottles and newspapers. That's a great thing. Our kids do it like we put seatbelts on our cars. Everyone here has a child that if you throw something into the wrong container, the first thing they do, what are you doing Dad, that doesn't go in that container. Second, we have yard waste composting. No yard waste goes into any solid waste landfill today. This Township along with the Borough of Hellertown has their own compost operation. Materials incinerated – there aren't incinerators being built today because of the clean air laws. It's a fact, they just aren't being built. Medical waste is being incinerated and being removed from the waste stream. Solid waste landfills, our state-of-the-art. They meet all of the requirements. The liner systems are redundant and have been in play for over 40 years. They work. The groundwater monitoring systems work. Maryann mentioned the meeting in October with the Council members. He has the minutes and he will gladly hand it out to you and review it. Everything was vented. He was there for four hours and Tom was there. At the end of the evening it was stated, there were no outstanding issues.

Mr. Hijazi said as a member who sits on the Landfill Committee, he is familiar with IESI's operation and he feels comfortable with the compliance of the environmental rules and regulations, but he thinks at this stage, he thinks the concern is more from the potential neighboring properties. What would you say to the people if these are concerns about the operation of the landfill? Strictly not from the groundwater potential, groundwater pollution, liner punctuation, and having environmental damage from that perspective, but other concerns that could affect neighboring properties. What would you say to that?

Mr. Donato said he has a couple of answers for that. First, throughout the process of last year, they've heard from the neighbors of Steel City and the property owners along Skyline Drive. They've taken their issues into consideration such as they have moved the landfill from the north slope 300' off the ridge to south of the 69 kv power lines, so there won't be any visual impact with the residents of Steel City. Second, they heard a lot of feedback about the MSE wall they constructed. They eliminated that from the design. Third, they addressed the concerns with the residents along Skyline Drive by making purchase agreements available to them so they don't impact their homes and they don't impact their lifestyles. Again, no one has to sell their property. We ask them, we approach them; if they want to sell, we make an offer to them and they have a right to live one that property even after we purchase it. Mr. Hijazi said how do you typically respond to a complaint? Mr. Donato said they have a complaint log at their facility. Regardless of what the complaint is, it could be mud on the road, it could be a truck crossing the yellow line, someone getting a flat tire, the individual contacts their office and it could be an odor complaint also. They then investigate the complaint with himself and his compliance manager, Al Schleyer. They go out and investigate it and that day it's documented and they report back to the complainant what they found and how they can remediate it and correct it. It's documented and it's available for anyone to see. It's in their office and that's just a standard procedure no matter who calls or who complains. Whatever it is, they investigate it, correct it and get back to the person who complained and say this is what we found, this is how we corrected it, were you satisfied?

Mr. Kaye said the areas we are talking about rezoning, he sees the lots laid out on the map, are they all individually and privately owned or does the landfill own them? Mrs. Yerger said some are still privately owned.

Ms. Donna Louder, Lower Saucon Township Council Candidate. She also is serving her second term on the Landfill Committee. She said they are under contract from the landfill to be purchased. Skyline was bought up by the landfill. They bought it all. They spent millions of dollars on land over there. Mr. Kaye said to clarify his question; we are talking about rezoning land that the landfill already owns. Mrs. Yerger said for the most part. Ms. Louder said spot zoning. Mrs. Yerger and Mr. Maxfield said no, it's not spot zoning. Ms. Louder said she just wanted to bring it to everyone's attention that this property you are looking at by IESI is owned by IESI or under contract to be purchased by IESI. She is a Steel City resident and she can tell you can hear them. She hears the crushing machines going across the trash. Mr. Kaye said where is Steel City on the map? Ms. Louder said on the opposite side of the mountain. If you go up the side of IESI, and down the other side, that's where they are. Her home is less than one mile from IESI. They live on the other side of the mountain. At 4:00 AM yesterday morning she woke up to the smell and also the noise during the afternoon was excessive. She emailed Chris Taylor from Hanover Engineering. He emailed her back and said you need to make a phone call to IESI. Unfortunately, she wasn't able to get to that point, but at least it was documented with him. She would like to read a letter to you because this is very emotional to her. In the end our society will be defined not only by what we create, but by what we refuse to destroy. This quote can be found on the Environmental advisory Committee website and in publications. If this statement reflects what his committee represents, there is no need for her to reiterate the facts and tales of permanent destruction to the land that is occurring on the Applebutter Road corridor. The rezoning of this area will allow the IESI landfill to expand creating 250 plus acres of permanently, that's the difference between changing a business and allowing them to expand. This is permanent. Destroy land. The landfill currently has a life expectancy of 2-1/2 to 3 years without the rezoning. With the rezoning, they have approximately 15 years left here in our Township. She asks you, 15 years of revenue for a lifetime of destruction. She grew up in Steel City. That is her stomping ground. That land over there was farmland. It was full of corn and there were cows and on the opposite side of that street was the Bethlehem Steel. As a child, she remembers dropping her father off there for work. Mr. Kaye said when you say that land, what land are you talking about? Ms. Louder said IESI land - the expansion land. The landfill opened up in 1940 by the Bethlehem Steel. The city of Bethlehem owned it, Bethlehem Steel dumped over there. It was contained to a small area. She believes that Eastern Landfill came into the Township when Bethlehem City closed it. They sold it to IESI in April of 1998. IESI was allowed to expand part of that landfill that was originally there because the zoning of that portion was already allowing that kind of land use. Now they already purchased all the farmland over there, the RA land; and they want to change it to LI. What they are basically going to do is destroy because that land has no future use. So for 15 years, that landfill can sit there and it can be operational and we can take in all the tonnage of trash and then when they close it up and walk away, the DEP will bond us for 30 years. If IESI are good boys and girls, the DEP may release them from the bond. This is a Canadian based company. Are they coming back to make sure everything is status quo in our Township or is that where the taxpayers pick up the fee? Please, vote no to this. This is destruction of land and you are an Environmental Advisory Committee - the rezoning, the money, nothing else matters. There are effects from this landfill on our Township and in our city.

Gene Boyer, Lower Saucon, said what he's been hearing recently is you've been getting a lot of things as a business that goes on in LST. He asks you, what is more important, the natural resources or the money? You people are supposed to talk about the resources of the land. Where can we replace the land, the natural resources and the natural beauty of Mother Earth that's there now? What is the purpose of the EAC? To preserve the natural resources, he asks that question and he thinks that's what it is. He's been at a number of the meetings and he's always heard you talking about the conservation easement and things like that. You've been buying and doing that

kind of thing. He thinks that's what the decision has to be made on. He thinks Allan and Drew and Laura and others have talked about the fact, that it's land out there. As Donna had expressed, it's going to go away and it's not going to be used again. Looking at the process of rezoning, to him, it's like going through a tunnel and not seeing a light at the end. The light will show up when the landfill closes for him. Until then, anything can happen. A derailment on the path or lose resources of the beauty we have today. Why would we allow the destruction of Mother Nature's land instead of keeping RA and what's happening there. He thinks and agrees what Allan has mentioned in his proposal and the fact that the destruction of what would happen if the landfill goes through would be more devastating than what might happen if LM stays there. How do we know that IESI is really going to expand? Do we really know that they are or is it just a lot of PR? They have not made any plans or committed on anything on paper. As far as he's concerned, all of it has been talk. They started out with a presentation and it's just continuing to talk. Without knowing what IESI is really up to, other than scaring the LST residents, that they are the savior in the tax increase if the zoning is to go through and this natural area will be destroyed. The LVPC already has made a recommendation. They had had their people look at this and that's what their recommendation was. One thing that IESI cannot tell us is what comes into that trash. What comes into that area that is going to destroy that area to what it is now, a natural resource. This land in the Township is more important than changing the zoning that will allow one company to do whatever they want to do without having any written information about what they want to do. They might even sell to another company and then what happens. You're hearing talking to a company that has no commitment on the table and no paperwork on the table, and we get it rezoned and all of a sudden they decide to go out and we get stuck with somebody else. He thinks that you, as an EAC, should look at what the value of the land is and the land today. Drew mentioned and he saw the same thing. You see the landfill. You can see where they are digging and what they are doing and you can see the other areas where there are houses and so forth. Now they own those houses. It's not his fault they paid for them or maybe overpaid the people so they could buy that land so they could expand, but that's still green land and is still good. As far as not seeing it, just go over to the new Lehigh Valley St. Luke's Hospital. They had pictures at some of the presentations before. You can see the vultures. You can see the landfill. He doesn't know how he's going to make it lower as it's already visible from miles away. He thinks people have a difficult time understanding the possibility of destruction and destroying the land and being responsible for it forever. The PR is not about ecology now. It's not about preserving the land. He doesn't hear about keeping the RA zone for the homes there. Some of the people that had staked out their land and did what they wanted to, had to move. Tom told us at the P/C meeting months ago, probably a year ago, that he had seen, and had seen very compassionately an old man and had reviewed his comments. This land was something he was not going to leave, but he was going to leave. The land is for the LST people. If any of you were misled at what was at the end of this landfill, you would not want to live there or be close to IESI when they are thinking about expanding. His neighbor built a beautiful home about ten acres of land near the top of the mountain. Ask yourself, would you have built a beautiful home knowing that the landfill was coming your way and spend money for ten acres of land on the top. He's got a property that is all wooded and now he's looking at the landfill coming up to the other side. Each of you will remember this decision what you are going to make about the rezoning of this area and he hopes you make the right choices not to destroy the land, but to keep it as it is. It's not only about preserving the land here in the Township, but not destroying the land that is already RA. Aren't you looking to preserve land in the Township, he asks you that question again. Let's keep the animals, the real properties and closing the landfill hoping that we do not have problems before it closes or after it closes. There is no assurance of no problems going forward. He sat through four hours of that meeting that these people talked. He can't say that there was anything that they didn't cover, but he can tell you just as Dru brought it up, we had a landslide that was supposed to not happen down at Chrin. There is nothing to say that anything can happen at this landfill. So do we want to expand and allow it to happen to the area we have. He suggests we keep the zoning the way it is, RA and vote no.

Mr. Johnson said one thing you brought up that he didn't mention before was the viewscape. That's very important to citizens of LST. He knows that's one of the things of the Open Space Committee that they think of all the time when they look at a property. What's the view? Is it nice? That's important to the Township or otherwise it wouldn't be one of the requirements of the Open Space Committee. He would think the viewscape of the landfill is important. Mr. Boyer said it is above their wall and it can be seen. If you go back to the records, he knows you can hear people that came from the area on Freemansburg Highway, William Penn Highway that said they see that landfill above the mountain. Mr. Johnson said what about the people who live on the other side? Mr. Boyer said Wassergass. Mr. Johnson said absolutely, you just come down whatever that road is – Ringhoffer Road.

Mr. Germanoski said he thinks there's no question about the due diligence of the people operating the landfill and being in compliance. It's a heavily regulated industry. He thinks that in itself is very telling and we need to keep in mind that landfills are not common all over and this landfill like every landfill is accepting interstate transfer. It is commerce. It's not a philanthropic endeavor. This is a business we're talking about and the Township residents and real estate in this Township are being sold basically for other trash to be stored here. The fact that it's heavily regulated, there's a reason for that because the potential for negative impact is high and despite landfill liners being well designed and so forth you're dealing with something on the order of half a foot thick and a clay liner below that. There are unknowns and potential for impacts. Whether we talk about viewscales, re-contoured, artificial topography, that's a given. That's a guarantee that this topography will change. All you need to do is drive by and look at that landscape or drive by Easton Road and look at the landfill. That's a guarantee. We can't make this decision. We simply make a recommendation to Council. Council's responsibility is to look at the big picture revenues, these things. Our responsibility is to look at what's best for the environment in the Township or this fraction of the environment. Personally, he would be derelict in his responsibility to the residents of this Township not to vote in favor of Allan's motion. He would prefer that we strongly discourage Council from changing this zoning because he thinks it has the potential to have a negative impact on a portion of this Township, the topographic changes are guaranteed if expansion occurs. He thinks we have to keep that in mind and we do have to make assumptions, but they are educated assumptions. They are assumptions based on the situation as we know it. He certainly encourages his colleagues on this committee to take these things in consideration.

Mr. Kaye said the chronological figures we just heard, are they correct? If he remembers correctly, you said if the landfill does not expand and stays at its current state, it will be full in two or three years, but if it expands, it buys another fifteen years of activity. Mr. Donato said it's in a window between ten and twelve. It depends on the density. It depends on the material. It depends on how fast it comes in. It's somewhere in the ten to twelve years. It also depends on the size. Mr. Kaye said when the landfill is full, what happens to it then? Mr. Donato said when the landfill reaches its final design capacity, it's going through a closure process. As they reach their final contours in specific areas, they start installing a high density polyethylene cap and they put soils on top of that and they try to get some native vegetative grasses that are native to the areas back on those areas that have been filled. Second, the facility gets into what is known as gas recovery where you are extracting natural gas from the decomposition decomposing of the waste and you are extracting that. At this time, it's going to the area power plant. Mr. Kaye said the one across the street? Mr. Donato said no, the small one right on the north side of Applebutter Road, not the 600 megawatt power plant. It's only a 5 megawatt plant. That plant is currently using the landfill gas to generate power for plus or minus 2,000 homes. Those plants expand. You would put other engines on as the gas curve got higher. Mr. Kaye said even after the landfill shuts down, the gas production increases? Mr. Donato said it actually has a peak or a window of about ten years plus or minus and then the curve goes down. The waste we are putting in place today will take roughly about ten years until it gets to its peak and then it starts declining its production. The use of landfill gas as an alternative fuel is green energy as you can get. The waste that we all put on our sidewalks once a week generates a renewable fuel which is methane gas, landfill gas. It's a way of reducing our

dependency on foreign oil. We're going to make electricity. There are other avenues that the new technologies are starting to explore. Landfill gas – one is a high BTU fuel where it goes directly into a gas pipeline and it goes out. If we were close to some manufacturing, landfill gas gets piped directly to a boiler unit that a manufacturer would use to create steam to supplement their energy source at the plant if they are using natural gas. There are other sources for it. Then you develop an end use plan where the facility would go into passive recreational. It's opened back up to an open space and animals get on it. There have been other end use plans such as golf courses, but if anyone plays golf, a lot of golf courses are going broke as there aren't enough members to support them. To develop a golf course on a landfill is such a long shot. The other thing they have explored and they really haven't touched based on it, they have talked to other companies about developing a solar panel field on that facility to pick up sunlight to develop additional resources to produce energy from the sun. They are in these developmental talks, but it's out there as they have a large area that has a direct view of the sun. At the end, you are turning a landfill into an energy park where you are extracting landfill gas, basing solar panels there. You have passive recreation and it's open space.

Mr. Germanoski said do you routinely monitor methane production and loss as far as escaping? He knows you know what you are collecting with your collection system, but as far as similar to sort of just doing air quality testing to see if there's high methane. Is that something you investigate? Mr. Donato said they have probes around the perimeter of the facility that they test on a quarterly basis for any gas migration. They also are required to do surface monitoring emission and record it. They have people come out and are experts and monitor their cap, monitor any area to see if there are any visible emissions. If one is identified, they go out and they fix it. Mr. Germanoski said have they identified or recognized methane emissions, natural gas emissions? Mr. Donato said there are methane emissions primarily around the gas well collection. When a liner gets around a well and you have a bentonite seal and clay, over the years, it settles and you have to come back and rebuild it and you correct it. When they identify those areas, their remediation crew comes and fixes it. He believes, and he doesn't have the statistics. If you are on a farm that has probably 100 head of cow and have a liquid waste tank there collecting the manure, he believes the generation of methane and possibly Allan can comment on that, will be a hell of a lot greater than the visible emissions that they don't collect, that do escape.

Mr. Germanoski said methane is a very powerful greenhouse gas. With all of this there are pluses and minuses. Mr. Donato said give and takes and if he told you there would never be a give, he'd be lying to you. There's always going to be an issue no matter what business you are in.

Ms. Donna Louder, Council Candidate, Landfill Committee, said regarding BRE. BRE is just back up and running after almost eighteen months being down after the contaminating the Bethlehem sewage treatment plant where they had to evacuate because of discharge of chemicals and dangerous toxics that went into the waste water treatment plant. She just wanted you to know that BRE is dependable as far as an electricity producing company.

Mr. Maxfield said he needs to correct the record at this point. Because he's heard the story so many times, he and his friend from Council called the sewage disposal plant and they said there was no evacuation. There was simply a bad smell in the room so they left the room. They said there were not gobs of toxics that came down, it was simply petroleum based gunk's that gunked up their pump and the reason the fine was issued was because the pumps had to be cleaned, it was the pump room. He hates to say it like this, but they said it was like a bad odor from somebody who...Ms. Louder interrupted and said according to the report, it was in April, and she doesn't have it in her hand, but the City of Bethlehem released a report that they had to be evacuated and actually one of her neighbors works there. Mr. Maxfield said he got it straight from the mouth of the Director of the plant. Ms. Louder said IESI is telling you all the wonderful things they do, but she just wanted to make sure everything is understood and all the little details of the wonderful things they do. Ms. Ray said they discussed the BRE issue many, many times, for months and

months. Mr. Maxfield said but it's important to get the story straight too. Ms. Ray said she thinks we knew.

Jay McLaughlin said he works at the plant and was asked by his fellow employees of IESI to speak just about the human environment at IESI. They have good jobs. They also have a view when you look towards the plant that is not a great viewscape either. In the City of Bethlehem, they really take Applebutter Road very seriously as an industrial zone. When they got there to work, basically helping Bethlehem out of a situation fourteen years ago, those power lines were there on Lower Saucon's side. There is a human element to this too.

Mr. Hijazi said since we are talking about the landfill, the issue is not necessarily allowing the landfill if there was nothing in there. The issue is more of an expansion of the landfill and how does that play with respect to the existing landfill expanding versus keeping the area without the expansion.

Mr. Kaye said the existing part of the landfill is going to be full in two or three years anyway. So the plans you talked about capping it off and so forth and letting grass grow over it, that 200 odd acres, that's going to happen there anyway. It's just about making a new part next to it that will start up from scratch and so forth and run for another 15 years.

Ms. Stanlick said she's curious about the buying of the property on Skyline. Walk her through what that arrangement is. You bought the land and then the people have a lease up until a certain time they can stay. Mr. Donato said he can comment on it but it's business confidential between the owners and himself at this given time. Yes, we opened a discussion with a property owner if they choose to sell their property. We start a dialog and see where we end up. As part of that dialog, they have the right to live in their property for the simple reason that where we are to those properties on the west side of Hader Lane if you are familiar with Skyline Drive, it will take the landfill ten years from the day that the permit is received. The permit, it could take three to four years, so there's a period of 13 to 14 years that these homeowners can still live in their house undisturbed if they choose to enter into an agreement.

Mr. David Willard, 1809 Meadow Ridge Court, member of the Council, said he thinks you all realize this is part of a formal municipal planning process which involves recommendations from the regional planning commission, our LST P/C, and this body, then it comes to the Council to advertise this amendment and then a final vote. He does appreciate the Chair directing the Council tonight to concentrate on environmental issues. He also appreciates Mr. Germanoski's comments in that regard, and he thinks we are going to take everything into consideration, but tonight's recommendation should be strictly on environmental factors.

ROLL CALL: 6-1 (Mr. Maxfield – No)

Mr. Johnson said there are a couple other things in this proposal that really don't have to do with the environment, but have somewhat to do with the environment. He's referring to the proposal if these proposed changes go through, they would have to provide natural resource land to make up for any natural resources that they ruined. The one part he wanted to especially bring the attention to is that there should be a statement in here that says that the land that is proposed to be substituted for the land that they use up, should the quality and the quantity of the natural resources on that land should be okayed by Council. It doesn't say anything about the quantity or the quality of the natural resources on the land. Ms. Ray said it does say equal acreage. Mrs. Yerger said it's approval of Township Council land that is currently occupied....but may be also dedicated to the Township. It's No. 6. Ms. Ray said she doesn't think the quality is necessarily the same because it's pretty much impossible. Two parcels won't have the same exact features. That would be Council's decision what they are trading. Mr. Johnson said what he is afraid of is they could propose land that doesn't have the valuable resources on it like the land they are using. Ms. Ray

could not approve it then. Mr. Johnson said doesn't it have to be in writing. It's not in writing. Ms. Ray said it is in writing. Mr. Johnson said they don't say anything about the quantity and quality of the natural resources. They insinuate. Ms. Ray said the quantity is in No. 1. Mrs. Yerger said the quality is subjective. She doesn't know how you are going to put it and say quality for quality. Quantity we can talk about. Quality is impossible. Mr. Johnson said quality is something we look at every time we go out and look at open space. Mrs. Yerger said she understands that, but still there's a list of quality. If they have a deciduous forest as opposed to a coniferous forest, and maybe the quality of one is much better than the other, it's not the same thing. When we value land we score it independently. To try to compare the two is going to be next to impossible. Mr. Johnson said he wanted to bring it up. Ms. Ray said that sort of goes with what she said before aside from the other stuff we talked about if this is the ordinance, this would be our chance to put in our input to the ordinance short of coming to the public hearing just as an individual. Mrs. Yerger said you have something else you are concerned about? Ms. Ray said not specifically. She sees they recommended bigger buffers over from the P/C and then something about the Gardner property which she doesn't know what that's about. Mr. Maxfield said it had to do with a property that was split. It was a zoning district line that goes down through his property and it does not follow the property line. Ms. Ray said they already suggested a different buffer. Maybe that we'd want to follow up on as well. A bigger buffer can't be a bad thing. Mr. Johnson said didn't the P/C talk about a 300' buffer? Mrs. Yerger said do you want to echo that? We want to be specific on what we want to change. Ms. Ray said 100' is nothing. YOU have to do 100' for almost anything. Mrs. Yerger said do you want to make an official recommendation to support the P/C's recommendation. Mr. Johnson said he was at the P/C meeting and he didn't see anything in writing. Ms. Ray said it's on the memo we got tonight. Mrs. Yerger said it was sent to us. Ms. Ray said on the page of the ordinance, part of it is industrial activities be conducted at least 100' from any property line, boundary line, wherever that fits in. It looks like it's 180-109 F2.a1. She would like to increase that buffer as well if industrial activities are going to be allowed in the zoning. Mrs. Yerger said if this ordinance takes place. Ms. Ray said correct. That's what we were talking about.

- MOTION BY:** Ms. Ray moved to recommend to Council that the buffer area, if they rewrite the ordinance No. 2013-04, Section 180-109 F2.A1 refers to add a sentence requiring that certain industrial activities conducted at least 100' from any property line or zoning boundary line and then it goes to another part. She would recommend increasing that buffer to the 300' as recommended by the P/C.
- SECOND BY:** Mr. Johnson
- ROLL CALL:** 7-0

Mr. Johnson said he noticed something in the proposal, it might be a typo, but nobody else talked about it. In Section G, we're talking about an industrial use within the LI zone, not a limited industry zone. That's on page 4. He doesn't think they meant that, but he's just pointing it out. Mrs. Yerger said it's in our minutes and they will take a look at that. Mr. Johnson said there's another one, page 5, paragraph 6, at the end, shouldn't it be may also be considered instead of may be also considered. Mrs. Yerger said we can connect the two words. She's sure Leslie will take care of that.

- IV. DEVELOPER ITEMS** – None
- V. UPDATES/REPORTS** – None
- VI. APPROVAL OF MINUTES**

A. REVIEW AND APPROVAL OF AUGUST 13, 2013 MINUTES

Mr. Johnson said on page 3, line 37 and 37, it says “Mrs. Yerger said one is on Apple Street and one is on Easton Road.” It should be one is on Wassergass Road. What’s his name is on Wassergass Road. Mr. Maxfield said no, it’s on Easton Road. Mrs. Yerger said if you look further up, we were talking about the Whitmore property which is on Easton Road. Mr. Johnson said that one isn’t purchased. It says Mrs. Yerger said we purchased a conversation easement. We’re talking about that Whitmore. It says we have not purchased any property in years since the Dravec property. Mr. Boyer said how close is the Dravec property to that. Mrs. Yerger said he’s talking about the Whitmore property. Mr. Germanoski said the next line substantiates that as he said it’s one to two miles apart.

MOTION BY: Mr. Maxfield moved for approval of the August 13, 2013 minutes.

SECOND BY: Mr. Beardsley

ROLL CALL: 6-1 (Mr. Hijazi – Abstained, was not at the meeting)

VII. OLD/MISCELLANEOUS BUSINESS – None

VIII. TERRY BOOS – HELLERTOWN REPRESENTATIVE – REPORT

- He said we have a shipment of 500 shrubs and trees coming in this weekend. He’s not sure when they will be coming in. On Friday, he, Jim Wilson and anybody else that’s available will start digging holes and putting stock in. They are looking for anybody who would be available to help this weekend. We’re going to be planning on Saturday. There’s some Smooth Alder, Grey Dogwood, Arrow Wood, as shrubs, and Bass Wood, Red Maple, Red Oak, as tree stock, so there is some diversity there. They also did some cleanup and weed puling of the rain garden beds that were planted this summer. Those are looking pretty good right now with all that extra material removed. That’s pretty much it for Tumminello. They appreciate any help that anybody could give them this weekend to at least get started. They will continue to put stock in whatever doesn’t get done this weekend.
- He said the Borough is replacing a bridge over Silver Creek on Harris Street between Main Street and Front Streets. That should be completed by the end of the month. The old bridge is out. The new bridge is poured concrete. As of yesterday, they have the sides and decking completed already. That’s moving along and should be completed by the end of the month. Mr. Maxfield asked what time they will start working on Saturday? Mr. Boos said he’s not sure, but he thinks maybe by 9:00 am. It will be up on the Borough website.

IX. NON-AGENDA ITEMS/PUBLIC COMMENT

- Mr. Gene Boyer said he was at the last EAC meeting and Tom made a comment tonight about what was preceding and said he wants to get the story straight. He was very disturbed. Not everybody who he sees tonight was there, but he’s a resident of LST and he was disturbed. He would like to read into the record what is missing on the transcript of the minutes of August 13th. He was given a copy which you have in front of you. He came to the microphone. He made a comment and asked a question on what was being discussed and going on during the meeting. Allan brought up some of his questions in the review of the minutes. During his question, he was almost stopped by Tom Maxfield; however, Sandra did step in and allow him to speak. Other members of the Council did give him positive comments and answers to the questions and it was helpful to understand the two properties were not adjacent to each other. Later, he heard a disturbing comment that was made about him, not an appreciated as a citizen of LST. He obtained an audio recording of the meeting and he also has a recording of what was said about him. On line 40 that was given to him by the Township Manager, the last comment was made by Mr. Germanoski. It said “they are not adjacent”. Sandra acknowledged after that comment his comment. He said okay and thank you for the time he was given. Sandra acknowledged something, he’s not sure what it was, and said “it’s

junk”. Tom’s comment in the background is “bullshit”. Sandra agrees saying, it is, relax. That’s it. Line 42 starts with a conversation of Charles Martin. He doesn’t appreciate this type of language behind his back as a citizen of the LST. If you want to listen to it, he has it right here. Mrs. Yerger said she doesn’t remember anything he said was junk. Mr. Boyer said do you want to listen to it? Mrs. Yerger said she said you were junk? Mr. Boyer said she said it’s junk. Mrs. Yerger said she doesn’t think it was that, they were talking about something else, not only that, but we are allowed to have conversations from what she understands, and if you interpreted it to be directed at you, she apologizes to you, but she does not remember having any conversation directed at you. Mr. Boyer said absolutely. Mrs. Yerger said she was talking to Mr. Maxfield; she was not talking to you. He was taking to her. If you misinterpreted it and took it as directed to you...Mr. Boyer interrupted and said he would like to have a kind of understanding between the two of you what happened in that instance after he said to you that this conversation started. Mrs. Yerger said you have to understand that was a sidebar about a private conversation that was not dealing with you. It was not public record. It was not for the minutes and it was not directed at a resident. They were talking about something else which she does not have the right to disclose to you. She is sorry you assumed it was directed at him. It was not. We had a different conversation. We were talking about other things. It was not you. That was not public record. It was not any recommendation. Mr. Boyer said it’s on the record. It’s on the tape if anyone would like to listen to it, come see him. Mrs. Yerger said they are allowed to have conversations as a board here that are not directed at the public. You don’t have to take her word for it; you can check it with Mr. Cahalan, our Manager. She’s very clear about that. We are allowed to have sidebars. Mr. Boyer said you said something immediately after he left the table. Mrs. Yerger said it doesn’t matter. It could be while you are still there. Mr. Boyer said he spent an hour here and then all of a sudden you said something immediately after he left the table. That’s what upset him. Mrs. Yerger said it was to Mr. Maxfield. It was not addressed to you. If you have any corrections to the minutes, you have to talk to Mr. Cahalan. Mr. Boyer said thank you for your apologies. Mrs. Yerger said it’s true. They were having another conversation and she regrets you assumed it was you.

X. ADJOURNMENT

MOTION BY: Mr. Hijazi moved for adjournment. The time was 9:05 P.M.
SECOND BY: Ms. Ray
ROLL CALL: 7-0

Sandra Yerger, Chair