

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, September 14, 2010 at 7:07 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL:

Members: Chairman, Sandra Yerger; Ted Beardsley, Colin Guerra, and Allan Johnson. Absent: Hazem Hijazi and Vice Chairman, Tom Maxfield. Laura Ray arrived at the meeting at 7:17 PM.

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

Planner: Kevin Kochanski – Boucher & James – Absent

Hellertown Liaison: Terry Boos

Jr. EAC Member: Vacant

PLEDGE OF ALLEGIANCE

II. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

1. **Charles Martin** – Mr. Beardsley said at the last meeting, Allan Johnson made a recommendation to get his land appraised, but we were waiting for our meeting with Terry Clemons to actually recommend it for an appraisal. He thinks we are ready to do that now.

MOTION BY: Mr. Beardsley moved that we recommend to Town Council that the Charles Martin property be appraised.

SECOND BY: Mr. Johnson

ROLL CALL: 4-0 (Mr. Hijazi, Ms. Laura Ray, and Mr. Maxfield – Absent)

2. **Memo from Laura Baird** – Mrs. Yerger said she has a memo from Laura Baird, our Open Space Consultant. Laura was asked by the Township Council to review the Open Space plan way back in May. We asked that someone revisit the Open Space Action Plan as there were concerns about agricultural not taking a priority, the score sheet, things like that, and to see if Laura had any recommendations. As you can see by the memorandum, she is in that process. Laura would like to come to our October meeting with Council's permission as long as it's something we want to see happen. She will talk about the Open Space plan and go over the score sheet, give you some samples and recommendations as she works in a lot of Townships. She can give you suggestions on what works and what doesn't work. They will be nothing mandatory; and hopefully, you can bounce off any other questions of situations that you would like to have an answer to that she's encountered in other Townships. She can help work us through some of those as we have hit some bumps. If we make a motion, you have a full month to think about any questions, any concerns you have with the action plan, the scoring, and get your questions ready. She will come and tell you what her opinion is and some of the pros and cons of our action plan and the things associated with it and we can go from there.

MOTION BY: Mr. Beardsley moved that we recommend to Town Council the EAC recommends that Laura Baird be invited to the next EAC meeting on October 12, 2010 to go over the Open Space Plan.

Mr. Johnson said is she aware of our conversation with Terry Clemons last month? Mrs. Yerger said she doesn't know if she is completely aware, but Laura works with Terry in

several townships and they work well together. She is the open space consultant and Terry is the open space attorney. They have worked together on multiple projects. Mr. Beardsley said we can always give her the minutes from last month when Mr. Clemons was at our meeting. Mrs. Yerger said she can make sure Laura has the minutes beforehand. Laura will give you some good input, and has a wealth of experience in multiple counties and townships. Mr. McCormick said we should ask her to go over our score card. Mrs. Yerger said she's worked with numerical scoring, different kinds of rankings, no rankings, she's seen it all. She would be very helpful in tweaking that to our satisfaction. Laura is familiar with Terry Clemons recommendations and developed an opinion on some of them. Mr. Beardsley said in reading through the minutes on the Terry Clemons section, it occurred to Ted that one of the things we hadn't thought of, at least on the Bilous property, was that the Township buy it, put a conservation easement on it and sell it. The appraiser is saying they can't appraise it as a conservation easement, but that's done quite often. Mrs. Yerger said we did offer to purchase it and Mr. Bilous was not interested. Mr. Beardsley said that would also establish what a conservation easement is worth locally.

SECOND BY: Mr. Johnson
ROLL CALL: 5-0 (Mr. Hijazi and Mr. Maxfield – Absent)

Mr. Johnson said he was just informed tonight that Mr. Marson and Mr. Carber on Wassergass Road are still interested in the conservation easement and he's wondering why we never contacted them. Mr. Beardsley said he was probably supposed to get copies of the Open Space Plan to them. Mrs. Yerger said on the "Preservation Property Evaluation Summary", the last recommendation was for Ted to send the plan and arrange for a site visit. Mr. Beardsley said he's glad they are still interested and he will send them the information. Mr. Johnson said they are still interested. Mrs. Yerger said we could ask the Township to send them the disk and give direction to Diane to do that. Mr. Beardsley said he will contact both of them and then get back to Diane about sending the plans to them. We might have to send them a paper copy as sometimes if they are elderly, they do not have a computer and do not know what the disk version is. The Open Space Plan is also on the EAC website. Mr. Johnson said there's a third person, Viktoria Smith, whose land is adjacent. Mrs. Yerger said if you look at the addresses, it's 2383, 2385, 2387 Wassergass Road. Mr. Beardsley said Viktoria Smith is the person who lives in New Jersey. He asked Diane to get the phone number for him so he can call her.

Mr. Johnson said the other night at the Saucon Creek Watershed Association meeting, one of their members, John Berry, wondered if it would be possible to do conservation easements along streams. Mr. Johnson told him he would bring it up at the EAC meeting. He thinks what Mr. Berry has in mind is just strip conservation easements that might be as wide as the riparian buffer as he's mainly interested in getting access for fishing. The question would be, if someone would be willing to donate a small conservation easement instead of a large one that we usually deal with, is that something that would be possible or something we would be interested in? Mrs. Yerger said first of all, technically, because there's no development, they can still donate it. Mr. McCormick said they can donate it and they can say what it's worth. We can buy it for a dollar or take it as a donation. Mrs. Yerger said that would be an excellent question to ask Laura Baird. Mr. Johnson said why wouldn't people just allow people to fish instead of going through a conservation easement. Mrs. Yerger said they can come down the middle of the stream. That's the waters of the Commonwealth, you just can't access it from the stream banks. Being a stream side owner, she knows the pros and cons of it. You have some people who are really considerate and nice, and then you have some people who will trash your place. They will leave garbage. There are people actually digging out trees that were just planted. There are some definite detriments sometimes and we have had people fish and sometimes

hunt on their property without incident or issue, but that's not always the case. It doesn't take a lot of people to spoil things. Mr. Johnson said if a landowner wanted to give people permission to fish, he could do that without a conservation easement. Mrs. Yerger said absolutely. Mr. Beardsley said it would have to be a conservation easement that allowed public access and people aren't going to be happy about having public access to their back yard. Mr. Johnson said that's the big problem. Mrs. Yerger said it could be something as simple as the fact that a lot of the property owners own dogs and having strange people on her property is something her dogs are not big on if she's not with them. If she's with them and tells them it's okay, it's okay. Someone walks on her property and they don't know who they are, it's not okay. It then becomes her liability as her dogs were not happy with the stranger on her property. Mr. Johnson said you'd think if the person was willing to donate a conservation easement, for the purpose of allowing fishermen, they would be willing to work out all those other things as the main purpose of doing it is to allow fishing. Mrs. Yerger said she thinks it's the lack of control of access. If you open up, people are showing up at 5:00 AM and 9:00 PM. Even if they don't, that's one of the concerns. If you could say you have access between 8:00 AM and 3:00 PM, but that's not the way they work. It's certainly something that is worth discussion. Mr. Beardsley said down by him they pitch tents. Mrs. Yerger said those are some of the issues landowners don't want to deal with. Bring it up when Laura Baird is here. Mr. Johnson said basically it seems the Township would have no problems with it as long as the people are willing to do it. Mrs. Yerger said the Township might have problems depending on whose liability it is. Mr. Beardsley said there are other issues if we say yes, we'll do it, then we have to be prepared to control it and pick up the trash and whatever else.

III. NEW BUSINESS – None

IV. DEVELOPER ITEMS

A. BAUMER SITE PLAN #SP 03-10 – 2521 RINGHOFFER ROAD

Mrs. Yerger said you had the application in your packet and a letter from Hanover. She distributed a letter from Boucher & James. This letter does cite environmental concerns. This is on Ringhoffer Road, a private residence, newly purchased, and he's a landscaper, by profession. He would like to use this as a nursery where people can come and select their stock. It's not going to be this giant commercial nursery; however, it does back up to woodlands and there's not a whole lot of area between the building envelope and the steeply wooded slopes, and there is some concern he's going to use the wooded area as his nursery, which means if he's putting substantial sized trees in there, we're not sure how that's all going to work out. More to the point, in talking to Kevin Kochanski from Boucher & James, it was the equipment. You have a 2" or 3" caliber tree, you're storing in the woodlands and you are going to be running a Bobcat to pull it out. It all depends on numbers. If you are storing ten trees as opposed to one hundred trees, there was some concern on the impact of the forest. Mr. Johnson said would he be growing the trees there or just getting them in big wraps? Mrs. Yerger said as far as she knows, he's bringing them in and selling them. There will be another area that is a nursery area. There's no way to calculate how much of the wooded area he intends to use. Mr. Johnson said it must be up close to Applebutter Road. Mrs. Yerger said it's the rancher that was up for sale. There's not a whole lot of area between the building envelope and the wooded area. The main thing was the natural resources, and since they are steeply sloped, they are considered environmentally sensitive. There is really no indication on the plan on how much they plan to utilize and how much they plan to disturb and that was a concern. Mr. Johnson said if you disturbed the ground and the things that grows on the ground, you could be creating a water runoff problem. Mrs. Yerger said yes, and if you look on page 2, section 2D, it says "the plan identifies three (3) trees proposed to be removed. However, it appears that there are several other trees that may be removed as a result of the proposed parking space and driveway entrance widening. The plans should be revised to clearly indicate which trees are

proposed to be removed”. Those are some of the concerns. Mr. McCormick said he thinks the Boucher & James is exactly right. We should say they should comply with the Boucher & James letter. They should show they are going to comply with the rules. Mr. Boos said from a forestry aspect, depending on what kind of equipment he would be driving in the woods, soil compaction and root disturbance are the main factors as far as health of the forest. If you are on an established permanent small trail then you’re okay, but if you are all over the place, that’s a separate issue. Mrs. Yerger said that was another issue that Kevin Kochanski brought up with her. They don’t know how much heavy equipment they will be using. To keep it in compliance with the ordinance, they would have to keep it within 15% of disturbance. Ms. Ray said they need to calculate that out. Mrs. Yerger said yes, and we’re back to making sure they pay particular attention to the environmental protection standards as recommended by Boucher & James. Mr. Germanoski said he thinks Mr. McCormick is right going with 2B and 2D on the Boucher & James letter, this way it draws attention to our concerns.

- MOTION BY:** Mrs. Yerger moved that the Township require the applicant to adhere to the environmental protection standards as listed in the September 7, 2010 Boucher & James review letter, paying particular attention to the requirements on Sections 2B and 2D.
- SECOND BY:** Ms. Ray
- ROLL CALL:** 5-0 (Mr. Hijazi and Mr. Maxfield – Absent)

V. APPROVAL OF MINUTES

A. REVIEW AND APPROVAL OF JULY 13, 2010 MINUTES

- MOTION BY:** Ms. Ray moved for approval of the July 13, 2010 minutes.
- SECOND BY:** Mrs. Yerger
- ROLL CALL:** 4-0 (Mr. Beardsley abstained as he was absent; Mr. Hijazi and Mr. Maxfield Absent)

B. REVIEW AND APPROVAL OF AUGUST 10, 2010 MINUTES

Mr. Beardsley said on page 4, line 31, the first word should be comparable. Page 5, line 45, the fourth word should be obtaining, not containing. Page 7, line 45, take out the words “he has” concerns. Page 10, line 40, first word should read “pretty” substantial kink.

Mr. Johnson said page 10, line 14, the second word should be “going”. Page 11, line 22, take out the words “you are” and replace it with “your”.

- MOTION BY:** Mr. Beardsley approved the August 10, 2010 minutes, with corrections.
- SECOND BY:** Mr. Johnson
- ROLL CALL:** 3-0 (Ms. Ray and Mr. Guerra abstained as they weren’t at the meeting; Mr. Maxfield and Mr. Hijazi – Absent)

VI. OLD/MISCELLANEOUS BUSINESS

- Mr. Germanoski said earlier on, he had commented on perhaps we could interface some students on class projects regarding GIS with the Township. He put Chris Garges in contact with John Wilson at Lafayette College who runs the GIS class. They agreed they are going to meet and discuss this. For example, trying to get higher resolution on geologic features like wetland springs, vernal pools and so forth. They are going to meet and discuss possible opportunities for our students in the GIS class to improve and maybe add language to the Township GIS. It’s a first step in that direction and he anticipates they will organize something to work on this semester. He thinks we should keep in mind when you see deficiencies in the database, Chris has a lot of things to do, and so being able to update GIS is not something he’s going to be able to do like he would like, so if we use the GIS and see the output and say it would be great if we had information that

could be digitized, then bring it up and they'll try on a year-to-year basis to get this on a project list. Mrs. Yerger said that's great, thank you very much.

VI. UPDATES/REPORTS

A. SPRINGFIELD TIRE RECYCLING EVENT – SEPTEMBER 18, 2010 – 9 A.M. – 2:00 P.M.

Mrs. Yerger said this is this Saturday. If you need to get rid of tires, it's a perfect opportunity to get rid of them at a site where they can be recycled and pass it along to anyone else who may need to get rid of tires.

B. FALL E-CYCLING EVENT – OCTOBER 2, 2010 – NAZARETH INTERMEDIATE SCHOOL

Mrs. Yerger said Council decided that the Township itself was going to pass on the E-cycling event for the fall and do more investigation. There are several new vendors that have come on the horizon and they would like some time to analyze it. Bethlehem is getting a new vendor for the first time and they are doing it because their new vendor is actually providing them with a capacity to expand what they can recycle at the same event. They will be taking, not only E-cycling, but taking hazardous materials, and they might be considering tires. It may be a one-stop drop. If that goes well, Karen Dancho is on top of it and she is looking into it and will talk to the people in Bethlehem and see if it was a positive experience and they were happy with the vendor. If so, we will go with a spring event. Mr. McCormick said the Nazareth one is October 2 and that has dollars associated with it. Mrs. Yerger said she thinks the Bethlehem will also have dollars associated with it. It is not free. She will forward the information to Mr. McCormick. Mr. Beardsley said he received a call from Glorinda from A-Plus. She wanted to know why the Township was dropping them. She said they have all the certifications and she will give them to the Township. Mr. Beardsley doesn't know what we want to do about that. He read in the minutes that she sent a letter to the Township and it was supposedly in the packet, but he doesn't remember seeing it. Mrs. Yerger said we can get you a copy. Mr. Cahalan had asked Glorinda for verification of her certifications and her response was she already gave it to the EAC, and she doesn't know what you need it for again. Mr. Beardsley said the EAC never got it. Mrs. Yerger said Glorinda said she addressed the EAC's concerns at the EAC meeting she attended. The EAC has all that information. We have never gotten any paper certification, hard copy certification from them and that was the request. The Township has been trying to get that from them for awhile. They very well may have them, but we've never seen them. Mr. Beardsley said he will call her back. Mrs. Yerger said she can get the EAC a copy of Glorinda's letter. Mr. Johnson said the only certification Glorinda asserted to was the U.S. Government Environmental Protection Agency. Mrs. Yerger said that's why we put it on hold with them. There are other certifications that can be reviewed and certified that you ethically dispose of your collection of the E-waste and you do the environmentally responsible thing. There are agencies that will give you certification. Mr. McCormick said he's glad Mr. Beardsley is going to call her, as wouldn't it be fantastic if we could do this for free again. He wonders though why A-Plus does it free and everybody else charges. It makes you wonder what her business model is and why it's so different than everyone else's. He'd like to hear there's a good answer to that. Mr. Beardsley said they did start charging for monitors. Mr. McCormick said the other recyclers charge for everything. Mrs. Yerger said this is not the first time we have requested copies of their certification. If they can produce it, we will gladly reconsider them for the spring. We can make it an Earth Day event.

C. EAC ADOPT-A-ROAD CLEAN-UP – OCTOBER 2, 2010 STARTING AT 9:00 A.M.

Mrs. Yerger said they will meet at 9:00AM. Please mark you calendar. She will do training with Roger and pick up the supplies for the group Friday before. They can do it from 9:00 AM to 10:30 AM or so. This depends on how many people show up.

D. HOUSEHOLD HAZARDOUS WASTE DROP-OFF EVENT – OCTOBER 9, 2010 – NORTHAMPTON COMMUNITY COLLEGE

Mrs. Yerger said there's a flyer in your packet on the Household Hazardous Waste drop-off at the Northampton Community College.

VII. HELLERTOWN REPRESENTATIVE – REPORT

Mr. Boos said the Hellertown Police Department will be having a pharmaceutical disposal session coming up on Saturday, September 25th. Mrs. Yerger said the Hellertown Police Department has a program where you can take prescription drugs that you are not taking anymore or the drugs have become outdated, and they will accept them and dispose of them properly. You are probably aware that the number one pollutant in our water system is prescription drugs. If you can, please bring them to the Police Department's disposal session.

VIII. NON-AGENDA ITEMS

➤ Mr. McCormick asked when the Rails to Trails would be open? Mrs. Yerger said it's on the agenda tomorrow night to approve the bids for the fencing on some of the areas that are a little hazardous. We had put it out for public bid and have gotten back responses. They would like to get it open by the end of this year. The only municipality that isn't cooperating is Coopersburg at this point, so it won't go as far as they hoped. Mr. McCormick said he heard Upper Saucon wasn't going to do it either. Mrs. Yerger said she heard Upper Saucon has approved funding. She's assuming that indicates intent they plan on going forward. Funding was an issue for a lot of people. Mr. Boos said it officially ends where Blindermans is. Then the railroads changed. Mrs. Yerger said there's a small section between Bethlehem and Hellertown that Norfolk Southern will not relinquish. Mr. Boo said at the end of this year, he doesn't believe the Water Street crossing will be in. Hellertown would lose about a half mile and Coopersburg a half mile, so you'd be dealing with about 6-1/2 miles.

➤ Mrs. Yerger said you have an application for Lerch. She wanted to have maps there for the EAC Sub-Committee so they can call Mr. & Mrs. Lerch and make arrangements.

➤ **MARCELLUS SHALE SEVERANCE TAX FORUM**

Mrs. Yerger said this is in the packet, but not on the agenda, but on Thursday, September 16, 2010, Wildlands is posting a Marcellus Shale severance tax forum. It's a hot issue if you saw the paper two weeks ago. There are communities who signed on early and completely contaminated wells throughout their community. It's something that needs to be looked at. It's a FYI, and she's not being pro or con, but we are the only state that does not have a severance tax on Marcellus Shale. It's something to consider. If you can't make this forum, there's another one down in Doylestown at the Heritage Conservancy on September 20th. They are having these forums all over the state.

➤ **OPEN SPACE FUNDING**

Mrs. Yerger said this just came through and she was asked to circulate it. There is a group that is getting together that are trying to organize to get the Northampton County to reconsider their position on open space funding to go back to the one-quarter of one percent to go for open space funding issues, and to not divert it all to multiple things. These are the editorials for you to read, and if we want to digest these and somehow becoming involved as an organization, we can certainly do that next month. This isn't going to go away anytime soon. Take it with you and read it. It's a local hot environmental issue. If anyone has any really good ideas, we'd love to hear them.

Environmental Advisory Council
September 14, 2010

- Mrs. Yerger said they are going to do a bike event at Town Hall on October 2, 2010 if anyone is interested in bike racing. Our Zoning Officer is involved with this.
- Mr. Johnson said in the Northampton County Conservation newsletter we got, there was a page in there where they talked about farmland preservation update. Does that make it easier for us to get some of the farmland in Lower Saucon in the conservation easement? Mrs. Yerger said as far as funding – no. Their funds are very limited. She talked to Ms. Benzoni and if you can remember back to the Rowe farm, they ranked them and basically have enough money for one, or possibly two farms a year. That again begs the question with the county funding.
- Mr. Johnson said he got the August 4, 2010 Bethlehem EAC minutes. They are modifying their zoning ordinances in Bethlehem. There was a statement in the minutes that said the new ordinance proposed increased densities for development containing work force units, the preservation of open space in the RR district and use of LEED technology which has to do with green building. Then the next sentence says special regulations were added for the use of solar panels and wind turbines. We've been trying to come up with some discussion about what should be included in the Lower Saucon Township ordinances having to do with solar panels and wind turbines, so maybe somebody can get a copy of what Bethlehem did so we can look at it. Mrs. Yerger said we can certainly try. She knows the wind and solar is still with Boucher & James and Hanover. They are still looking at these ordinances. She can ask them tomorrow night at Council. Mr. Johnson said he would think Bethlehem would give us their draft ordinance so we can get some ideas on solar and wind turbines.
- Mr. Johnson said he went to a Mid-Atlantic Renewable Energy Association meeting the other night and they had two students from Lehigh there who had worked on a study of applying the micro hydro power in the Lehigh Valley. They made a presentation at the meeting and it sounded like they did a pretty thorough job. They are preparing a paper which once it's approved by their professors, will be made public. That might give us some ideas on how we'd want to handle micro hydro in Lower Saucon Township. Micro hydro is using water power to run very small turbo generators, the type of turbo's that are turned by water pressure. They generate a little bit of power, maybe two kilowatts, not a big deal, but it can get bigger. At the Saucon Creek Watershed meeting, one person said the City of Easton was considering utilizing some of the potential hydro electric power generation with the dam on the Lehigh River. That would be a pretty big job. That's a little bit bigger than micro hydro. Micro hydro is something that the sustainable energy community has been talking about for years and it seems like it has come to the Lehigh Valley. Ms. Tokura said she knows the students and has connections. Mr. Johnson said when you hear they finally can hand out the paper they are presenting, try to get a copy for us. Ms. Tokura said she will do that.

X. PUBLIC COMMENT – None

IX. ADJOURNMENT

MOTION BY: Mr. Beardsley moved for adjournment. The time was 8:13 PM.

SECOND BY: Mr. Guerra

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

Sandra Yerger, Chairman

Next EAC Meeting: Tuesday, October 12, 2010