

**I. OPENING**

**CALL TO ORDER:** The Environmental Advisory Council meeting of Lower Saucon Township Council was called to order on Tuesday, January 13, 2009 at 7:01 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

**ROLL CALL: Members:** Chairman, Sandra Yerger; Vice Chairman, Tom Maxfield; Hazem Hijazi and Allan Johnson, Laura Ray, Dennis Aranyos, Ted Beardsley, EAC Members; and Stacy Ogur from Boucher & James.

**Associate Members:** Absent: Bob Davis. Glenn Kaye arrived at 7:09 PM. Tom McCormick arrived at 7:10 PM.

**Hellertown Liaison:** Terry Boos.

**Jr. EAC Member:** Jessica Null

**PLEDGE OF ALLEGIANCE**

**II. NEW BUSINESS**

**A. REORGANIZATION**

Mrs. Yerger said we will need to nominate a Chairman, a Vice Chairman and a Secretary. We will need to discuss the Open Space Committee also.

**Chairman:**

**MOTION BY:** Mr. Beardsley moved to nominate Sandy Yerger as Chairman to the EAC for 2009.

**SECOND BY:** Mr. Maxfield

Mrs. Yerger asked if there were any other nominations? No one raised their hand.

**ROLL CALL:** 7-0

**Vice Chairman:**

**MOTION BY:** Mrs. Yerger moved to nominate Tom Maxfield as Vice Chairman to the EAC for 2009.

**SECOND BY:** Mr. Beardsley

Mrs. Yerger asked if there were any other nominations? No one raised their hand.

**ROLL CALL:** 7-0

**Secretary:**

**MOTION BY:** Mr. Maxfield moved to nominate Laura Ray as Secretary to the EAC for 2009.

**SECOND BY:** Mrs. Yerger

Mrs. Yerger asked if there were any other nominations? No one raised their hand.

**ROLL CALL:** 7-0

Mrs. Yerger said they would be happy to have Terry Boos continue to be the Hellertown liaison. Mr. Boos said he would be glad to continue. She said they are delighted to have Jessica Null as Jr. EAC member.

Mrs. Yerger said she is hoping that Ted Beardsley and Allan Johnson are able to accept the role again to the Open Space Sub-Committee plus Tom McCormick, who isn't here tonight. She thinks we should talk to Mr. McCormick first to see if he still wants to be on the

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committee. Mr. Beardsley said he likes having him. He will email Tom McCormick to see if he's still interested. Mrs. Yerger said for January, we will keep Ted Beardsley, Allan Johnson and Tom McCormick. If we need to make any changes, we'll do that in February.

**MOTION BY:** Mr. Maxfield moved that for January we'll keep Ted Beardsley, Allan Johnson and Tom McCormick to the Open Space Sub-Committee and if we need to make any changes, we'll do it in February.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 7-0

Mrs. Yerger said we do have a vacancy. Glenn Clouser has resigned due to job constraints. If anyone has a friend or you have someone in mind, please extend that invitation. We have posted it on the website that there is a vacancy. In the meantime, think about it and ask around.

**B. GOALS AND PROJECTS FOR 2009**

Mrs. Yerger said you have the goals and projects for 2008 in front of you. We did not get a composting workshop done; however, we did work with the Saucon Creek Watershed Association to do the rain barrels. We did do an educational program and did the rain barrels. We did our electronics recycling. We did not complete the native plant garden, did not do a plant sale and did not do the composting workshop. Educational programs at Polk Valley Park – unfortunately, Polk Valley Park took a little longer, so we couldn't do that. We might want to look at that this spring. She talked to a Boy Scout and he wants to do the signage on the wildflower meadow and list some of the species in the meadow and some environmental benefits. Another Boy Scout wants to do blue bird boxes.

Mrs. Yerger asked if there are any new ideas for 2009? Mr. Maxfield said the homeowner's packet, he was pushing it last year, but he thinks we don't need it as we are functioning fine without it. That will be taken off the goals.

Mrs. Yerger said what else would we like to see happen again?

Mr. Allan Johnson would like to have a native plant sale. We can put it in the newsletter and set it up now. Mr. Maxfield said last time we did it in Spring and it was around Mother's Day. Mrs. Yerger said we could do it again on Mother's Day. She will call Hans Riemann and ask for his help for the native plant sale. We might extend the native plant sale at the Saucon Valley Farmer's Market. Mrs. Yerger said she knows some people sell plants there. Mr. Boos will check on it and get back to the EAC. Mrs. Yerger said we can always switch and offset bringing trees or flowers than stepping on someone else's toes.

Mr. Johnson said he'd like to do some investigation on ground water. Mrs. Yerger said we had a recommendation on doing a hydrology study and we took it to Council. Staff said to us that Hanover was working on a lot of that and Council would get back to us. She did ask Staff and they were having a staff meeting today and they were supposed to let her know what was going on. Ms. Ogur said she believes it is still on Brien Kocher's list to look at and he'll talk to Jim Birdsall as he's the one that did the most work. They will look into it. Mrs. Yerger said she's for it. Mr. Maxfield said every time we ever talked to Mr. Birdsall about it in the past, he said we have a lot of that information, so what we need to do is compile all of the township's existing hydrology information and create a plan in preparation for a possible hydrology study and/or plan for groundwater resource protection. Mr. Hijazi said first we should find out what information is available to us, then summarize it, compile it, and then we can assess it. In terms of expanding it or summarizing it to residents, to us, to Township staff, he thinks it's going to be helpful to know

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what we have. If Hanover has information available that can be compiled together, that would be helpful.

Mrs. Yerger said it's nice to have all this information, but what is the goal? We want to compile it, and assess it. Mr. Maxfield said when we first started talking about this years ago, he thought the goal, at that time, was to do what we are doing with the natural resources. If we have a carbonate area in the aquifers, we know that's susceptible pollution and we can guard against it plus at the same time, Hanover was pushing for drawdown tests for developers which was really, really expensive and was seen to be a hardship. If we had that information, we could determine where those zones are and that could be information we could actually use. We are talking about groundwater use and protection. Mrs. Yerger said compile existing township hydrology information, and assess the information to determine protection strategies relative to groundwater use.

Mr. Hijazi said does the township keep track of all the private wells? Mr. Maxfield said they are on maps, but not in a log. Only the ones around the landfill are in a log. He asked if you think we should have a log of private wells? We could estimate daily usage. Mr. Hijazi said there is information in terms of potential units, how many units do you consume, but he thinks that information may not be 100% complete, but the start of something.

Mrs. Yerger said south of us, they did some major hydrology studies as they are real worried about the drawdown from their aquifers. For them, they found substantial natural gas, especially in Nockimixon. They are very, very concerned they will not have any drinking water left. They have been working on that the last couple of years. One of the big concerns that started this in Nockimixon, they were having to go deeper and deeper to dig a well and get water. They were worried the ground water was not recharging. They were going from wells from 140 feet to well over 200 feet over a short period of time. They were having some real issues of getting ground water. They still don't have an explanation on it yet.

The EAC members said they would like to continue the electronic recycling. Mr. Beardsley said we have to make sure it gets into the Morning Call. It's not only for township residents, it's for anyone. Mrs. Yerger said maybe we can get Hellertown, Upper Saucon and Springfield involved.

Mrs. Yerger asked if we were interested in doing a composting workshop? Ms. Ray said it would be nice to do that, and we'd have to hook up with Penn State Co-Op. We'd have to set it up, but they get the earth machines.

Mr. Maxfield will check into the rain barrel workshop.

Mrs. Yerger said the completion of the native plant garden and we're kind of hung up with the E-House as they have plans for sustainability with the grounds, so she'd like to put that one on hold for right now. Mr. Maxfield said the immediate problem he has with the plant garden right now is in Spring we are going to have ragweed again. It would be nice to get in there and pull out the ragweed. The problem is when you do that, you break the soil and you break it up for more ragweed. It looks bad. Amongst it are some real nice plants. Mr. Boos said you could put plastic or cardboard down and cover it with mulch. He will meet them one day in March or April and evaluate and identify. Mrs. Yerger said maybe she can get Hans here also.

Mr. Johnson asked if we wanted to work on the timbering ordinance this year. Mr. Maxfield said his personal feeling was that it's one of those things that in the township boundaries, if we don't go looking for it, it's not going to show up. You haven't had that many applications for it and he wouldn't want to be putting the idea of applications into people's heads. We've had only one or two a year of inquiries. It would be nice to have a comprehensive plan of what to do, but it's kind

of like if it's not broken, don't go near it. Mrs. Yerger said Penn State wants to come in and evaluate the forest behind her house, let's see how that goes first. Mr. Johnson said do we want to include that in our goals for 2009. Mr. McCormick said in a prior discussion, an attorney had pointed out that the current ordinance was conceivably susceptible to challenge as not being permissive enough. He's not sure whether that was a valid point or not, so the motion before us was should we make the ordinance more permissive as it's not subject to be challenged enough as only once or twice a year do people even ask about it or make an application. We should hope for the best, is which the ordinance not be challenged, and if it is, at that time, we'd have to remediate. That was the motion, should this body recommend a more permissive ordinance. Mr. Boos said he'd like to sit down with Chris Garges and speak with him about this.

Mr. McCormick said we should talk about whether we should promote better stewardship of the forest in the township, but that's a different question on whether the ordinance should be changed. Mr. Beardsley said he doesn't think Mr. Johnson was talking about changing the ordinance. He was suggesting we get better educated about it. Mr. Maxfield said that's a really good point and really falls in line of what we're seeing people come before Council. The main problem we've had with trees and lumber in the last couple of years are people that come and buy a piece of property and just start clearing a section of it. An educational program would make a whole lot of sense. Mr. Boos said maybe we could schedule a half hour walk through behind Mrs. Yerger's house. She said sure. It's a very typical forest and there are two old logging trails and the deer have kept it open. You are seeing re-growth after 100 years. She would like to see this go somewhere and do a forest/woodlands type education whether we need to bring in an arborist. Maybe we can put together a forest/tree stewardship workshop. The management of forests is very subjective, so she's not sure where our responsibility comes in. Are we worried about timbering because the question is bigger than that. We don't venture down the road to tell orchard growers how to grow their plants. We don't venture down the road to tell our farmers how to farm. Just because it's woodland, and valuable, it's almost like a farming component and we don't go down the road to tell our farmers how their best management practices should be handled. She understands timbering is more code enforced and that's where she's having a small problem. Mr. Beardsley said the Sub Committee is looking at this on a fairly regular basis. We are telling people if they want to timber their property, it's not going to be as valuable for conservation purposes. He doesn't know if that's true. Mrs. Yerger said it depends, again, why you are preserving the property. If you are preserving it for habitat, then again, it depends on the type of habitat. Foresting opens it to different types of habitat. There's no clear cut answer on that. She took up the foresting program and all she ended up with was more questions than answers and she tried to be open minded.

Mr. Maxfield said in Lower Saucon, it's kind of like the way we've addressed development. With forests, we're always trying to gain ground lost. We have to realize a lot of the water problems we have now, a lot of the pollution in creeks is because of past bad practices. He's a firm believer in forests do not have to be managed. Forests manage themselves and every time we get our hands involved, we tend to screw it up. He'd rather not encourage people to do that.

Mrs. Yerger said she would like to add that we come up with as much as we can, some kind of uniform conservation easement language for wooded properties. What do we want to protect – goals and objectives for what we would like to conserve on wooded properties. That might help the Sub Committee when they do talk to the property owners. We need to come up with some type of policy. We have the open space plan, but we've never defined it in terms of what kind of resource protection policy we want to see. Mr. Beardsley said that would help. Mrs. Yerger said it has to be broader than just timbering. We need to look at habitat protection and all of the components and why are we working to preserve these properties. It's more like a conservation easement policy and goals and objectives.

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Mr. McCormick said when you've done a township specific or a developer specific matter, its so fact driven. We shouldn't all decide if timbering should or should not be allowed on properties. That issue must have been looked at hard from the conservation community. Mrs. Yerger said it's an issue there too. Mr. McCormick said if he's given an assignment to start googling and see about proper timbering, there must be some kind of best practices. Who are the biggest sponsor nationwide of conservation? Mrs. Yerger said LTA, Land trust Alliance and they incorporate all of the land trust whoever they are. Mr. McCormick said maybe we should go to the LTA and say we are struggling with what our open space policy should be with respect to any ready, willing and able landowners who would like to conserve their space and we'd like to cooperate with them, but timbering is an issue. Mrs. Yerger said PALTA is the Pennsylvania branch and they might even be more familiar and they deal with Pennsylvania forests. We may need to contact someone from PALTA. Mr. McCormick said he'll reach out and look into PALTA. Mrs. Yerger said we can add this one later after we find out more about it.

Mrs. Yerger asked Ms. Null if she had anything to add, she can come back to the next meeting and let the EAC know. Ms. Null said she could put awareness brochures around the school. The EAC will funnel plant sales, etc. through Ms. Null.

Mr. Maxfield said he would like to see if there is a list of private wells.

The EAC goals for 2009 are:

1. Conduct a native plant sale, in collaboration with local watershed associations, at the farmers' market.
2. Compile and assess existing Township hydrology information to determine use and protection strategies. In addition, inquire into the existence of a log identifying current private wells located in the Township.
3. Continue the electronic recycling program.
4. Conduct a composting workshop and a rain barrel workshop.
5. Reassess and maintain the native plant garden at the E. House.
6. Develop a conservation easement policy.

**MOTION BY:** Mr. Maxfield moved to recommend the above EAC goals and objectives to be presented to Town Council for adoption.

**SECOND BY:** Mrs. Yerger

**ROLL CALL:** 7-0

Mrs. Yerger asked Mr. McCormick if he would still like to serve on the Open Space Sub-Committee. Mr. McCormick said he would like to still serve.

**MOTION BY:** Mrs. Yerger moved to re-elect Ted Beardsley, Tom McCormick and Allan Johnson to the Open Space Sub-Committee for the Lower Saucon Township Environmental Advisory Council for 2009.

**SECOND BY:** Mr. Aranyos

**ROLL CALL:** 7-0

Mrs. Yerger said Council has been very impressed with the Sub-Committee's progress and work and they spoke very highly of them.

Mr. Maxfield said we have to rescind our earlier vote on the motion regarding the Sub-Committee? No one was opposed for rescinding Mrs. Yerger and Mr. Maxfield's vote.

C. **ORDINANCE 2008-11 AMENDING ORDINANCE 2003-08 TO REDUCE MINIMUM DISTANCE FOR WEED REMOVAL**

Mrs. Yerger said it's basically the same ordinance they had except for a 50 foot setback they used to have, it's now a 25 foot setback from the macadam of a street and from your neighbor's property line.

D. **ACT 4 PROPERTIES ASSESSMENT**

Mrs. Yerger said you have a copy and we had a request so we can have you aware of these ordinances. The properties preserved have their millage rate frozen and it will not go up. We had a request that these properties be published. It's the acreage, the property owners, and it's public knowledge in the court house. Mr. Johnson said anyone that puts their land into conservation easement, their millage rate is frozen as of the date they do it. If so, they can tell that to their perspective people they speak to. Mrs. Yerger said yes, the property that is under easement, the millage rate is frozen. We notify the county. Everything would be frozen. Mr. McCormick said we can't say the property tax won't ever go up as if it's reassessed ten years from now, we could reassess the entire township and they could tell you it's assessed more. Mrs. Yerger said make them understand this does not apply to their houses, the building envelope area. It's only on the open space, conserved property.

Mr. Beardsley said if they do reassess it ten years from now, they have to compare the properties to other properties that have conservation easements on it, so your taxes should actually go down. Mr. McCormick said should we make it the townships' process to make sure every six months we see if there have been any easements and make it a best practice, that every time an easement is granted, we do it or look into it every six months. Mr. Beardsley said whenever an easement is placed, the County should be notified. Mrs. Yerger said she thinks they were, but they never managed to get it from there to their assessment office.

III. **OLD/MISCELLANEOUS BUSINESS**

A. **REVIEW AND APPROVAL OF DECEMBER 2, 2008 MINUTES**

Mrs. Yerger asked if there were any additions or corrections. Mr. Beardsley said on page 6, line 27, he doesn't think Tom McCormick recommended the Mease property as he hasn't been at the Mease property, so take out his name. In line 30, it says Mrs. Yerger said moved, take out "said". Mr. Johnson said on the same page, line 13, Skraban should be corrected. Line 19, it originates by the driveway and not on the driveway. Line 22, it should say "he noticed a". Line 24, little stream along Mr. Meases's driveway, "the wetlands are on the property immediately adjacent to Mr. Mease's property". Line 36 and 38, it should be Skraban. Line 39, there are only two properties between them. Line 41, it should say "He wants to know how that would be handled". Ms. Ray said line 48, quality should be "qualify". Mr. Johnson said page 2, line 20, last word should be "field" and not swale. Page 9, line 11, should be "DCNR" in the agenda title. Page 8, line 24, there's a blank line which should be "Durham Bat Mine". Page 7, line 22, evasive should be invasive. Mr. Maxfield said on page 8, line 30 should read "Mr. Maxfield said back when the NRI was done, he thinks it was general knowledge that in headwater areas there were some rare and threatened species".

**MOTION BY:** Mr. Johnson moved for approval of the December 2, 2008 minutes, with corrections.  
**SECOND BY:** Mr. Maxfield  
**ROLL CALL:** 4-0 (Mr. McCormick, Mr. Beardsley and Ms. Ray Abstained – they were not at that meeting)

IV. **UPDATES/REPORTS**

**A. OPEN SPACE SUB-COMMITTEE**

Mr. Beardsley said Vanscavage called him and Mr. Beardsley spoke to him. He is considering purchasing another fifteen acres that adjoins his property. Mr. Beardsley told him as soon as the Sub-Committee could get together, they would come and take a look at it.

Mr. Beardsley said someone else was in touch with him, but he lost his information. It was in the beginning of December 2008. He'll come across it. He never heard of him before. Mrs. Yerger said to email Jack or Leslie and they will know who the most recent inquiry is.

Mr. Maxfield said that additional fifteen acres would take it up to what? Mr. Beardsley said twenty-five acres. Some is in Lower Saucon and some is in Springfield. Mrs. Yerger said Mr. Beardsley should first go and assess the property before they talk to anyone else about it.

**B. LVPC STEEP SLOPES GUIDE AND MODEL REGULATIONS**

Mrs. Yerger asked if anyone read this yet? She said how about if we read this and come back in February and we'll go over it then. Mr. Johnson said he read it and it's a great educational tool and recommends everyone read it.

**V. NON-AGENDA ITEMS**

- ❖ Mr. Boos said he'd like to arrange a walk through at Mrs. Yerger's property. He will schedule it as it's right here in town and he doesn't mind doing it. They could schedule it in February. He said let's try to schedule it after the next meeting in February. Mrs. Yerger said let's tentatively schedule for February 7 and see how the weather is.
- ❖ Mrs. Yerger said she passed around a one page project from Rebecca Kennedy from Lehigh County Conservation District. In your packet, you have a draft recommendation letter. Take a quick look at it. This is the letter that is recommending those projects. Mr. Hijazi said he read it and there is some confusion. Mrs. Yerger said it's a draft letter and we can tweak it to suit us. She's looking for endorsement from the EAC's. It's a DEP grant that is being applied for by the Lehigh County Conservation District on behalf of the Saucon Creek. It's some remediation projects. They've done the assessment and they've also done the Rivers Conservation Plan. Part of the Rivers Conservation Plan has these action steps that they would like to take. Take a look at the letter. She needs a motion to send this letter of recommendation on to the Lehigh County Conservation District.

**MOTION BY:** Mr. Hijazi moved to recommend sending a letter of support for the Saucon Creek Pilot Implementation Project to the Lehigh County Conservation District.

**SECOND BY:** Mr. Maxfield

**ROLL CALL:** 7-0

- ❖ Mr. Hijazi said there's a letter in the packet saying the Township received a grant for \$19,000 for recycling, what does the Township do with the money? Mrs. Yerger said it goes back into the general coffers. Mr. Hijazi said it drew his attention because on the landfill, there was the issue of recycling. Is it an open grant? Mrs. Yerger said the State awards grants according to how much you recycle and to her knowledge, the way they count the recycling is from the trash haulers. It has nothing to do with the landfill at this point. Mr. Maxfield said we were getting back minimal money and the Township hired a consultant who said he could increase the money and had done so for several other townships and said he could do it for Lower Saucon Township, and he increased it quite a bit.

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- ❖ Mrs. Yerger said we have always donated money to the Cooks Creek Watershed and Township staff has asked if we would like to do a small donation. We've done \$100 every year for membership to Cook's Creek. They wanted to know if we just continue to donate \$100 a year or for \$350 you can become a life time member.

**MOTION BY:** Mr. Beardsley moved to recommend the Township continue to support the Cooks Creek Watershed Association by make a \$100 donation for the year.

**SECOND BY:** Ms. Ray

**ROLL CALL:** 7-0

- ❖ Mrs. Yerger said the township has submitted an application for a grant with the Saucon Creek Watershed Association and Heritage Conservancy and a couple of other partners for funding to help remediate the detention basin. We bought four parcels up in the old Clover View development because the Elliot Building Group went bankrupt. We bought them because they were wetland and headwater areas. It's where the springs literally bubble up through the ground to start the Saucon Creek East Branch. We were stuck with partially constructed detention basins. We are remediating this detention basin to turn it into a functioning, naturalized wetland type of storm water mitigation. We applied for a \$15,000 grant from the Cora Brooks Foundation. This is an FYI. If we get the grant, it would entail some volunteer work and we would want to plant some of the trees and smaller shrubs up along that basin. Part of that grant is \$8,000 towards the purchase of the actual plants. Some will have to be done by Township staff and we might be working with the Saucon Creek Watershed Association for education on why we are naturalizing this area and why we are turning it back into wetlands and meadows. Mr. Maxfield said the waters up there are the headwaters for the East Branch. Mrs. Yerger said this is a FYI and the project will be ongoing.
- ❖ Mr. McCormick asked about the Giant trying to put gas pumps there. Mrs. Yerger said it's still pending. Mr. Maxfield said we heard that they are going to try whether they have to challenge our ordinance or not. The problem is the designation of the tank, because it's encased in a concrete shell, DEP considers it an above ground tank. It's in the ground, but in a concrete vault. Mr. McCormick said they may very well win that from a DEP perspective, but what happened here, we told them our ordinance, what was our action? Mrs. Yerger said they haven't gotten that far yet. They are still wrestling with DEP. Mr. Maxfield said they did an informal presentation, that's it. They are negotiating with DEP and they are presenting their tank as an above ground tank. Mrs. Yerger said email Leslie Huhn and she can probably tell you where Giant's application process is. Mr. McCormick said our ordinance says you can't put underground tanks in a carbonate area. Underground tank might be defined in the ordinance, and if it's not, you would look for the meaning of the phrase. That's a legal determination. Mrs. Yerger said she's not happy about it. Any expertise you can lend to us, we'd be more than happy to take it. They have to come before us before approval. They haven't really given us much information. Mr. Hijazi and Mr. McCormick would like to see any correspondence from the Giant that the Township is cc'd on. Mr. Maxfield said even though it's a carbonate area, they said it's extremely stable and solid. Our ordinance says no tank in the ground in a carbonate area.
- ❖ Mr. Beardsley said he'd like to get a link on our website for freecycle.
- ❖ Mrs. Yerger said she has flyers on storm water monitoring seminar. It's \$5.00 if you want to go. It's in February. Let us know and we're going to carpool.
- ❖ Mrs. Yerger said the Maintenance Policy for Township Parks - please take a look at it only in the environmental slant and we'll talk about it next meeting.

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**VI. ADJOURNMENT**

**MOTION BY:** Mr. McCormick moved for adjournment. The time was 8:45 PM.  
**SECOND BY:** Mr. Beardsley  
**ROLL CALL:** 7-0

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Sandra Yerger, Chairman