

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township was called to order on Tuesday, October 11 at 7:08 P.M., at 3700 Old Philadelphia Pike, Bethlehem, PA, with Sandra Yerger, Chairman, presiding.

ROLL CALL:

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

Associate Members: Dru Germanoski. Absent: Glenn Kaye

Planner: Karen Mallo – Boucher & James – Absent

Hellertown Liaison: Terry Boos

Jr. Council Member: Vacant

PLEDGE OF ALLEGIANCE

II. NEW BUSINESS

A. SAUCON VALLEY SCHOOL DISTRICT ENVIRONMENTAL EDUCATION CENTER – DAVID SPIRK, CHAIRMAN OF IMPLEMENTATION COMMITTEE

Mr. Spirk said he has a handout for the EAC members. He said the Saucon Valley School District (SVSD) talked to you awhile ago about this, when it was just a concept. Mrs. Yerger said she thinks it's a great idea. Mr. Spirk said we are basically talking about an outdoor classroom for the SVSD. The SVSD was sort of persuaded to do this and the goal is to do it without taxpayer's dollars. That's one of the reasons he's here today.

Mr. Spirk said there is a shot of the area from the satellite. The Polk Valley Park you can see at the bottom right hand corner of the page. The next page shows the property line. There is the Polk Valley Run, which is the water course that runs through the property and right now there is a cornfield and baseball and soccer fields. The third page is a master plan done by Land Concepts group. They are landscape architects. The volunteer group raised about \$8,000.00 and hired Land Concepts to come up with some ideas of how to make this outdoor classroom given the space they have.

Mr. Spirk said one of the first things they would like to do is put the walkway, roadway, entry way in the darker solid orange reddish line running virtually across the page. When they asked him to be the Implementation Director, they said figure out how to do it. There are no specifications. There are no plans other than this. There is no real plan of how to then go about doing it. He said the first thing he would do is go talk to the EAC. That is the trust of the group to promote environmental positive issues. They have a good knowledge base of what should be done and how it should be done and he felt that this was a good starting point. He was looking for direction. They want to make our community better. He would also like to ask if the EAC would like to take some amount of leadership role in this as a function of the community.

Mr. Spirk called Mr. Cahalan and asked to be put on the EAC agenda. He told Mr. Cahalan that he would like to ask the EAC what they thought the road or walk surface, should it be 3' wide, 4' wide or 10' wide. What should it be made out of? Impervious surface such as what's going in across the street? Mr. Cahalan had thought it was going to be impervious asphalt. Mr. Spirk was quite surprised about that. Mr. Maxfield said he doesn't think that's what we had agreed on. Mrs. Yerger said all the walkways in the park are pervious concrete. Mr. Spirk said all the parking lots are pervious concrete with infiltration areas. Carl Atkinson, as well as Sandra Fellen, are really

pushing this as well. They are just asking that the Foundation get it done without tax dollars. He believes it probably should be pervious. People talked about wood chips and it won't last down there.

Mrs. Yerger asked about ADA compliance? Do you have to comply with any of that? Mr. Spirk said they will and they want to. He's not so sure what the rules and regulations are, but for the stepping stones through the creek, he can't imagine how they would get that ADA. He would like to make the entire walkway ADA. The little hook coming above the path where it crosses over and meets the walkway to the school, they were thinking they would make a little area where a small accessible van could park there. They have some drainage pipes that he believes the school bought and Roger and Public Works are going to put in for them. There is some synergy already there. The thought was that we'd have a parking area there for accessible vans and those children would get out there and be able to go along the path. He thinks it would behoove everybody here and the Foundation if he comes to the EAC meetings on a regular basis. He would like to know if the EAC could give them help in making sure it gets done correctly. They plan on having some of the students actually do some of the work. Community groups could do some of the work. Ultimately, nobody knows what to do. What plant is invasive? What plant is deciduous? They are looking for the most inexpensive way to do it and to do it right.

Mrs. Yerger said she sees the "Naturalize Basin convert to wildflower warm grass meadow", on the plan, and there's the whole spectrum that you can plant certain things. Do you know why they decided to go with warm grass? Mr. Spirk said he doesn't know. There's nothing set in stone. Mrs. Yerger said it's going to depend on the nature of the basin what's going to do well there. Mr. Spirk thinks it would help the group of people who are trying to get this done if he could come to the EAC meetings on a more regular basis and give you a progress report and look for help. He thinks we should take it little chunks at a time. He doesn't think it would be tremendously realistic to say come up with everything you want us to do right now in the next month. Let's start by working on the path itself. The path is a way to get everything done. The path is the way to bring carts down there with plants. Bring carts down there to take the evasive plants out. Without the path, it's going to be very difficult to get any of this done. It will allow the teachers and classrooms to go down there and show them what we have. This is the raw material we are going to start with and this is our vision. This is how it's going to get done. They want to create this classroom and bring the children down and show them exactly what they can do in their environment to make it better.

Mr. Spirk said he would like to see paths all over our community. Maybe not exactly like the rail trail, but something similar to that where we could walk, ride a bike everywhere. The SVSD and this group here are all for somehow connecting this trail at the park down to the rail trail. How can we do that and start to make it happen. The property line runs north-south on the left hand side and maybe they could make a path. Mrs. Yerger said she believes the adjacent property is all cemetery land. Have you approached them at all? Mr. Spirk said no. Mrs. Yerger said the Polk Valley Run continues to run through and then cross under Main Street. Mr. Spirk said would we as a group want to bring it all through? He thinks the next logical step would be yes, but for now, he just wants to concentrate on this plan.

Mrs. Yerger said do you have anybody who will be able to write grants? Mr. Spirk said yes. The Foundation, they have people who have professional interest in writing grants, and they have already started doing that. They have people in there who regularly ask large corporations for donations and they are working on that. They have people who like to go to the general public and ask for donations and help. There are others who are just worker bees and want to help in that regard. Some have expressed their willingness to help physically on the site and other will help make calls to people. The grants are in the works. Mrs. Yerger said education is huge. Most corporations, most Foundations, education issues are top on their list. This kind of educational

packet is usually, for the most part, an easier sell. Mr. Spirk said he believes Majestic paid in part, or a great part, the cost to Land Concepts.

Mrs. Yerger said Mr. Spirk's instincts were right coming to the EAC and she's talking in terms of funding and helping to structure it. She would approach as many sympathetic partners as you can because the more sympathetic partners, not only will you get the help, but it becomes much more appealing because what you indicated this is a broad based community supported project. Maybe go to the Saucon Creek Watershed Association and talk to them. Polk Valley Run is an important tributary to the Saucon Creek. That way if you can form some type of partnership with them, get some in-kind services match money which is always appealing. If you want to formulate a work day with the EAC for invasive plants, and you get the different groups out there to help with that, it's very positive. Mr. Spirk said you have one person go out there once a week and sort of shepherd them.

Mr. Germanoski said to make this appealing, you could have students and teachers of universities help and get the free expertise. You get students who are learning the whole process. Youth organizations like the Boy Scouts and Girl Scouts always need service projects. There's Lance Lenhart at the high school. Mr. Spirk said Lance had a big part in this and will continue to have a big part. This is not necessarily Mr. Spirk's realm. His realm is to get the physical part done. They go hand in hand, getting the people to get it done.

Mr. Johnson said it looks like there is a lack mentioned here of the animals, amphibians and fish. Mrs. Yerger said there is a riparian habitat enhancement. Mr. Johnson said there has to be animals there and from walking the streams, there are amphibians and fish in there. Somebody that knows about those things should incorporate that into the plan. Mr. Maxfield said nobody knows better than Lance. Mr. Spirk said Lance has been going down there regularly. He's very familiar with it and he's pretty excited about this entire thing. Mr. Maxfield said they should use Lance as much as they can. Lance gave the EAC advice on invasive removal at Polk Valley Park. Part of it was Polk Valley Park has a lot of multi floral and the EAC was willing to go in and rip it down. Lance told them right now it's providing a great habitat for a whole bunch of different species and you probably don't want to go in there and rip it down. He would be a good person once the identification is done to come to the practical end of it as to whether it should be removed or not. Mr. Johnson said they walked this with the Saucon Creek Watershed Association and there were a lot of notes taken. We have some data.

Mr. Maxfield said things we need to consider. There's a crosswalk shown near the ADA accessible entrance. For some reason, when the park was designed and the traffic studies came up with either a crossing at the top or a crossing halfway down. They didn't even consider this area and he'd like to check with them and find out what the reason was. It was down further near the bridge and they had a back, like a Z cut to cross. Mr. Spirk said he remembers when they did that. He thought it was halfway in the straightaway. Mr. Maxfield said the traffic studies designated that was the best place to do it. He's going to find out about it. It didn't make sense to them. That's what he'd like to ask them and see if they have any info on it. The other thing was when you mentioned the trail construction, something is bothering him that there may be a reason they went with an impervious material for that and it may have something to do with the geology or something in that area. That might be the Planners. He will ask the Planners and get the information back to Mr. Spirk. Mr. Spirk said they are moving along on it pretty well. They have the stone base down on it. Roger's group is down there working on it. Ty Johnson is doing most of the excavation. They have a track loader, backhoe and it's stoned from the corner to almost the house and then it stops there. Mr. Maxfield said there is some different application there at the house because of the trees. Mr. Spirk said his thoughts were can we have the Township do some of the excavation and the Foundation with in-kind corporate money and buy the materials. Is that a possibility? Mrs. Yerger said they could consider making a recommendation to Council. Mr. Spirk said what is the best material for that trail? How wide should the trail be? Mr. Maxfield said

if the Township was going to be part of this, but he's not sure they are, if it is the pervious concrete, that's a specific width of 8' because it goes on with Roger's paver. That's why he wants to figure out what the material is first and that will guide them as to what to do. They can find that out tomorrow. Mr. Spirk said the beautiful part about the school and the volunteers who are trying to put this together, they don't have a lot of opinions and knowledge as to specific things like that. When he threw it out there that he's pretty sure it has to be pervious, and he'd try to make it pervious, if he could. He was quite surprised when he talked to Mr. Cahalan that he thought it was mostly impervious asphalt going in across the street. It could be impervious over there and pervious over here. It doesn't matter. He's not sure. They'd like to make a path that has good utilitarian value. The children can use it. The ADA accessible can use it, and if need be, some sort of carts to bring material in and out can be utilized as well. Mr. Maxfield said this would have been a pervious thing unless there was some problem. That's what he wants to find out. Geologically, that same problem would occur over here. If there's an infiltration problem or something like that or high water table, he'll find that out tomorrow and let Mr. Spirk know so we can keep the exchange going. Mr. Spirk said he'd like to know how it's going to get done. This is probably one of the things Public Works could help with. He'd like to see a broad based community effort. If the Township could help in that way, it would be great. From there on, it's a lot of hand work, which then the community and community groups can help out. He's pretty sure we're going to get groups like the Boy Scouts, Girl Scouts, universities, soccer team. There's no negative here.

Mr. Johnson said you are going to have to think about what kind of maintenance equipment you are going to need to get down into that area. When you get in there, you are going to start tearing out plants and doing excavation work, so you are going to need machines. Mr. Spirk said that's why he thinks it probably should be at least 8'. Mr. Johnson said you have to figure out what kind of weight it's going to support. Most of the park is walkways. It's going to be used like a roadway. Mr. Germanoski said if Mr. Maxfield hears what the reason is geologically, he'd be interested to find out about it.

Mr. Spirk said on the rail trail there have been some accidents and people have gotten hurt. There was a woman who broke her ankle right near the Meadows Road crossing. She's on board and said whatever road surface or walks are made of, if one of the children gets hurt, we should be able to get down there quickly. It's hard to plan for everything and every issue that may or may not happen. The most important thing from his perspective is let's make a surface that will allow us to be there a long time and in the short-term help us make it happen.

Mrs. Yerger said she walked this area a lot years ago and it's flood plain. If we could use the pervious, it probably would be beneficial to the whole area. You are draining off the slope and you want it to drain down naturally into the Polk Valley Run. In the long term, it's probably going to be easier to maintain as you are going to be putting grass and vegetation all around it.

Mr. Spirk said this trail, the idea was to keep it at the level of the fields. Where the flood plains begin, he's not really sure. He doesn't believe the fields are in the floodplain. Mrs. Yerger said because you have such a sloped area and so much impervious above it, anything you can do to get it to go in the ground is great. Mr. Spirk said we are creating an environmental learning center. Mrs. Yerger said you will probably get it funded easier.

Mr. Johnson said is there access in the wintertime? Mr. Spirk said he thinks they will bring the students down the entire school year.

Mrs. Yerger said we welcome Mr. Spirk back anytime. She asked if he had any set goal that he would like, other than investigating the walking surface and seeing maybe some cooperation between the Township, is there anything else that you are looking for us to do? Mr. Spirk said his goal is to try to have something, if not completely planned, done within the next couple of months.

His thoughts were he wants to concentrate on this surface, and the way to get it done. In the spring, start talking about what should we attack first? Should we attack the wildflower meadow? Should we put a little pavilion up first to enhance the learning process? What is it that we want to do at that point? He would think the weather and the times of year have something to do with it when you want to attack the evasive stuff. Everything, in his opinion, hinges on this trail. It would be certainly cost effective to have the trail in first. If by next month, there are some concrete ideas of what we are going to utilize on the trail and maybe in between that time if Mr. Maxfield tells us why this other surface across the street was made the way it was, maybe we have some direction on what to make this trail. Maybe he will come to Council and talk about getting the Township involved in it. Mrs. Yerger said it plans on how much you plan on seeding, and if you are going to be doing a lot of disturbance, there are certain areas where it might actually be better to do some of the disturbance before you put the trail in depending on what kind of equipment you plan on bringing in. Mr. Maxfield said it is a floodplain area and going to be mucky whatever. Mr. Spirk said there are the Jaycees that go down and do work on an afternoon, and part of the classroom learning that day is go see the community group do some form of work down there. Without the trail you are limiting it to only able bodied people and it would be difficult if thirty 12-year olds were going down with a couple of teachers and the first thing they are going to say is stay on the trail and watch. He doesn't think people are going to care if it takes years. If it takes years and there has been some learning experiences coming out of it, getting it done is not necessarily the goal.

Mr. Johnson said some trails are marked as soft trails. Is that just a walking path over the dirt covered with something like woodchips? Mr. Spirk said he can't imagine that will last. There were some people that mentioned that and he doesn't see that working. He'd rather see stepping stones, which are really put down into the earth and then filled back around it, something firm to stand on. Those trails probably won't have an ADA access.

Mrs. Yerger said they can certainly talk to the Township and will bring it up at the next Council meeting on October 19th for discussion. Mr. Spirk said if you would like him to come to a Council meeting at some time, he'd be glad to.

Ms. Stephanie Brown said she did go to SVSD. She had Mr. Lenhart and they would go out to the Saucon Creek. It's nice to see this. Right now, she doesn't live too far from the Trexler Nature Preserve that was just opened up to the public. In terms of trails and getting some idea of what you are looking for, you should take a ride up there. They did put an ADA accessible trail in. They have smaller trails that branch off. That was done in cooperation with Wildlands. She asked if the Foundation contacted any groups like that? It may be something they would want to get involved with. Mrs. Yerger said they would be looking for funding. Mr. Spirk said he doesn't know about that, but he will certainly bring it up at the next meeting. He believes they have identified hundreds of partners. Ms. Brown said when the rail trail went in, there were discussions on whether or not to have someone come in and be a big sponsor of it. She said are we going to sell the naming rights to rail trail. If you came to Council and addressed some of these things, that would help like what your vision is and what the community wants. Mr. Spirk said his idea was to have it all done as a community effort. Ms. Brown said with Polk Valley Park, there wasn't much community involvement. She's someone who grew up and was into nature and she's learned a lot of things about native plants on her own. You can teach kids about native plants and what they are, but when they go home, there's the disconnect with the parents who just paid the landscaper to put all those nice plants in, which generally aren't native plants.

Mr. Spirk said he's the Chairman of the Parks and Recreation Board and they are always short of members, they can always use volunteer help. The park, from the time the ground was taken by eminent domain until it was opened, the community could have come and expressed their opinion any time. Mr. Maxfield said he remembers a lot of meetings with sports associations, neighbors and everybody. There was a lot of community involvement. Mr. Spirk said we still try to have as

many people come and express their opinion. They now have the Saucon Valley Joint Recreation Study committee.

Ms. Brown said you have Polk Valley Park across the street, what is the accessibility to the public of this and in long term of maintenance, you get it built, does it become part of the SVSD property? What kind of accessibility does the public have? Mr. Spirk said he would assume they have expressed thoughts to link it to the sidewalk across the street and then eventually link it to a sidewalk at the cemetery, if not, all the way to the rail trail in some fashion, he's pretty sure they are expecting people to walk on it. Ms. Brown said if people came there on a Sunday afternoon, there wouldn't be a problem? Mr. Spirk said he's pretty sure if you had a child and you wanted to take him to the school grounds and have them play on the playground, you can do that. Mrs. Yerger said people use the playground all the time. She doesn't see a problem with people utilizing it. Mr. Spirk said they did a native plant garden. It's all ours and we are all taxpayers and have access to it.

B. SPRINGFIELD TOWNSHIP OPEN SPACE COMMITTEE

Mr. Jim Nilsen said he's Co-Chair of the Open Space Committee, he lives in Springfield Township, and he's a gentleman farmer and has preserved property in Bucks County Ag. Mr. Hans Reimann from the Springfield Township Open Space Committee was also present.

Mr. Nilsen said this is the first time that he's aware that Springfield Township has come to this committee to talk about preservation of property that actually is in both Townships. It is a small parcel overall. They have found through Ann Rhoades that they've had some studies and some exceptional value property in the Springfield Township portion. They do have an interest in doing a natural area preservation on their portion of the property. He wanted to see if there was interest with Lower Saucon to partner with them and preserve the parcel as a whole, work together and share soft costs. He's not familiar with Lower Saucon's open space program. Hans shared with him the pamphlet the Lower Saucon Township EAC has done. He also brought some maps of Springfield Township that he will share.

Mr. McCormick said is there a specific property? Mr. Reimann said he applied to Lower Saucon's program a couple of years ago. It's his property. The EAC Open Space Sub-Committee was there. At the time, they all realized they don't know exactly where that County boundary dissects the property. He has since had a couple of studies done, one of which was the Bucks County Natural Areas Botanist, Ann Rhodes. She found an endangered species there of sedge. It's a type of sedge that is similar to a grass, it's a short hair sedge. The population is entirely in Springfield Township. That gave the impetus to the County and Springfield to realize this is an important place to preserve. He knows Lower Saucon Township has already expressed interest in following Springfield's lead because his property is part of your targeted area for preservation of woodlands and things like that. The Springfield Township Committee was hoping that Lower Saucon would agree to share soft costs on a percentage basis, per acreage, in each Township. The concept that he heard was that doing the survey as a whole and the appraisal as a whole so that the cost would be reasonable for both Townships. Mrs. Yerger said they did that with Mease. Mr. Beardsley said they would recommend it if Springfield Township was going to go along. He will look for the score sheet, but it may not have been formally submitted. Mr. McCormick will check also to see if he has the score sheet. Mr. Reimann said he wants to point out, and it's in his amended copy of Springfield's application, he's part of the greater environmental minded group in this area on both sides of the county line. He's offering Springfield a partial donation, which he would want to extend to Lower Saucon. Thirty percent (30%) of the value per acre preserved of the easement value. He wants to make sure the property is preserved. If he gets a couple of bucks, that's fine. Thirty percent (30%) off of the easement value per acre, preserved in either Township is what he would offer.

Mrs. Yerger said she's assuming Hans has talked to Kristine Kern at Bucks County? Mr. Nilsen said they have. Mr. Nilsen said they looked at it positively and it would be something they would like to do. There are some things Mr. Reimann will have to address to meet their concerns. Once those are addressed, they would look positive in moving forward. The Springfield Open Space Committee had asked Mr. Reimann to step out and they talked about it quite a bit among themselves. Because it is someone within their Open Space Committee, they want to make sure everything is 100%. It's a smaller property so there are other concerns they must address. The last hurdle they really see is working on the property together as far as soft costs. They have no issue on proceeding forward with it. He's here tonight to get a pulse of this committee's intention and they will go ahead and move forward from that point. The thought is whatever the building envelope is, take that out and whatever the acreage is, divide it out percentage wise into the soft cost and everything else they can share.

Mr. McCormick said we don't chat about soft costs. What is that, the pre-closing costs and appraisal? Mr. Nilsen said yes. Mr. Beardsley said when they said they would recommend this to Council if Springfield Township was going to go ahead, we assumed there was going to be some cost involved for Lower Saucon Township other than the easement cost. There would be legal fees, appraisal fees and survey fees. If we are going to go forward with that, he doesn't think the Lower Saucon Township EAC is going to have a problem recommending to Council that they pay for what they are going to get.

Mrs. Yerger said we are looking at how many acres? Mr. Reimann said it's about three or four acres in LST. The total property acres are 14.1. That would be about ten or eleven in Springfield. In the Springfield portion, he's probably looking at a three acre building envelope. You'll read it in both the reports that their concerns are the old church camp buildings. He was more concerned for the last 26 years in the natural environment there than in the buildings. A lot of the buildings are in bad shape. He's in the process of eliminating several and he's gutting two more. That was the concern Mr. Nilsen was mentioning. More of the buildings have to disappear to make the habitat more viable to the Bucks County Open Space board. The building envelope would be the barn, an old dining hall, the workshop, the old bathhouse where they live and one or two of the A-frame cabins. Mr. Maxfield said the adjustments you are planning on making, none of them are within Lower Saucon Township? Mr. Reimann said correct. It's all in Springfield Township. Mr. McCormick said the EAC Open Space Sub-Committee assessed the entire property as they didn't know where the line was. Mr. Maxfield said they will have the endangered species on the Springfield Township property. Mr. Reimann said Ann Rhoades went almost to the top of the property.

Mr. McCormick said he would recommend to Council Hans Reimann's property at 2915 Springtown Hill Road, which is in follow-up to the EAC Sub-Committee's open space visit in summer of 2009 as well as a visit today from folks from the Springfield Township Open Space Committee. The Lower Saucon Township EAC Open Space Sub-Committee assessed the land and deemed it worthy of conservation, but recognized that since most of it is in Springtown Township, Springfield Township's EAC should probably look into it.

MOTION BY: Mr. McCormick moved that the EAC recommends to Lower Saucon Township Council that they confirm, by letter, to Springfield Township, that we will collaborate with them on seeking a conservation easement on Mr. Reimann's land at 2915 Springtown Hill Road, with the understanding that Mr. Reimann expects to sell any development rights under such conservation easement at a discount of 30% off their appraised value and the two Township's would respectively share the cost of getting such conservation easement ratably according to the percentage of the land in each Township. The Reimann land is approximately fourteen (14) acres, approximately ten (10) of which is in Springfield Township and approximately three (3) or four (4) acres which is in Lower Saucon Township.

SECOND BY: Mr. Maxfield

ROLL CALL: 5-0 (Laura Ray and Colin Guerra – Absent)

Mrs. Yerger said their Council meets next Wednesday and it will come before them then. Mr. Nilsen and Mr. Reimann may attend if they wish. They will make sure that Council gets a copy of Hans Reimann's letter from Kristine Kern from Bucks County Planning Commission and Dr. Rhoades.

Mr. Maxfield said let's make sure we give Council a copy of the assessment our EAC Open Space Sub-Committee did.

Mr. Nilsen said in their Township, the EAC is one total committee and Open Space is another. They've been recognized in their community of Bucks County, by the areas preserved. He brought along maps that show the activities that they've been doing in their Township. They've caught some attention from the County and State level as they are wondering what they were doing in Springfield Township. Most of the ag preservation seems to be going up in their neck of the woods. Mrs. Yerger said we will give Ms. Palik a copy of the map for our files.

III. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

1. CHARLES MARTIN – 2256 SILVER CREEK ROAD

Mr. Beardsley said he and Laura Baird went to meet with Mr. Martin. Mr. Martin is anxious to move ahead. He wants at least \$8,000.00 an acre. Ms. Baird seemed to think that was in the ballpark. The EAC Sub-Committee is ready to recommend an appraisal. His building envelope is going to be two (2) acres. He has a 65' right-of-way over the pipeline, which doesn't appear on the tax records. He had it surveyed and he will show the survey to the appraiser.

MOTION BY: Mr. Beardsley moved to recommend to Council that they go forward with an appraisal to the Charles Martin property located at 2256 Silver Creek Road.

SECOND BY: Mr. Johnson

ROLL CALL: 5-0 (Laura Ray and Colin Guerra – Absent)

2. JOHN SKRABAN – 2176 SPRINGTOWN HILL ROAD

Mr. Beardsley said he saw Mr. Skraban and Mr. Skraban said he got a letter from Attorney Treadwell which said here is the amount of money you can get and if you're not interested, it's over - either accept it or not. Mr. Beardsley said there's more to it than that. They did recommend the property, so Mr. Beardsley is recommending that Terry Clemons get in touch with Mr. Skraban and explain to him some of the other tax benefits that he could get to sell the easement at the appraised value. Mr. McCormick said if Mr. Skraban is showing he's still interested, Terry Clemons could have a conversation with him. He wished he understood what had gone on here. Mr. Beardsley mentioned the letter, take it or leave. Mr. McCormick read the letter and in no way, did he interpret it that way. That's the way Mr. Skraban interpreted it. That calls for Mr. Beardsley's recommendation further. He thinks Terry Clemons should chat with Mr. Skraban. That was good developable land from the Open Space Sub-Committee's perspective. Mrs. Yerger said she also thinks at one point Mr. Skraban was uncertain how much he wanted to pull out for his son. That was one of the other hesitations. Mr. McCormick said we could ask when Terry speaks to him, he not only speaks about the process that we agree upon price, but the process that goes into the documentation meaning you have to be very, very specific about what building envelopes are to be maintained, etc. It's worth doing. Mrs. Yerger said she has no problem with the recommendation to Terry Clemons. We may need to help Terry ask the right questions. Mr. McCormick said are they allowed to talk to Terry or does Council

have to allow them? Mr. Maxfield said he thinks the Open Space Sub Committee can talk to Terry anytime. Mr. McCormick said he will send Terry an email copying everyone. He would tell Terry that Mr. Skraban wants a better understanding of how the price is finally agreed to and share the building envelope discussion and other tax benefits. He will send the email tomorrow.

3. BENNER/WHITMORE – EASTON ROAD BETWEEN LOWER SAUCON ROAD AND COUNTRYSIDE LANE

Mr. Beardsley said an appraisal has been ordered. The fellow who showed them the property told them it had been approved for eighty (80) dwelling units with a package plant. He just wants somebody to tell the appraiser that so that when the appraiser makes the appointment to meet with the property owner, he can bring it up and we can settle whether it's been approved or not. Mrs. Yerger said it's not. Mr. Beardsley said that's the issue. If the property owner thinks he can build 80 dwelling units there and put in a package plant, he's going to be looking for a lot more money. Mr. Maxfield said he's looking for more money, but the appraiser has spoken to Chris Garges and said he is aware of no approved plan. He has a copy of the submitted plan at home from 1988 and it's nowhere near being a proposed plan. Mr. McCormick said he has spoken to Attorney Benner. Heinbecker does not own that land. He is not the decision-maker. Benner is. Benner understands clear as day. Mr. McCormick told him you can threaten to put in Epcot Center, nobody cares. An appraiser will give them a number; they will tell you the number. You will like it or you won't. Mr. Benner said he understands. All the nonsense about 80 building units and package plants is not going to matter. Mr. Benner knows it's public money, it's an appraisal, it's done. If there's developability as expressed by an approved plan, the appraiser should know that and if there's not, the appraiser should know that also. It will be okay. He might say no, which is okay, if the money is not right. Benner knows the scoop.

4. MARSON PROPERTY

Mr. McCormick said last time he sent Terry Clemons an email, did we get an answer? Mr. Beardsley said Terry Clemons is willing to meet with Mr. Marson. They just haven't made the arrangement yet. They will meet at the Springfield Township municipal building.

5. CHUCK PROPERTY

Mr. Germanoski said he printed out a map of the Chuck property and the Whitmore/Benner property showing both of the properties. It demonstrates that if those both could be open space acquisitions, this would be prime real estate for development. Mr. McCormick said they are working on the Benner property. The other one they knew it was for sale, and they asked staff to look into that. Mr. Maxfield said he talked to staff today to make sure it was going to be in their next packet, and they are going to email the information out ahead of time to the Council members so we can decide how we want to proceed. Right now they provided us with maps, but they are checking with the realtors to find out the asking price. They asked them to find out as much as they can about the property, so Chris Garges is on it. He thinks when it comes down to it, if you have knowledge of the property itself and the hydrology and the possible problems with it if it was being developed, you may want to talk about that in Executive Session. Mr. Germanoski said what he knows about it is it would be transferrable from the adjacent property. The hydrology of that landscape will be the same as the other land, same slope, same aspect. Mr. McCormick said the leverage is really on the easements as opposed to the acquisition. Could it be possible for the Township to acquire it and then list it for sale with a five-acre building envelope? Mr. Maxfield said that's his idea and what he was thinking.

IV. **DEVELOPER ITEMS** – None

V. **APPROVAL OF MINUTES**

A. **REVIEW AND APPROVAL OF SEPTEMBER 13, 2011 MINUTES**

Corrections:

Page 2, line 1, should read “Mr. Maxfield said why don’t **we** ask him to highlight the watershed area.....

Page 3, line 19, take out the word **you**. It should read “There’s a lot of steep slopes and a gorge where it’s very steep”.

Page 5, line 52, should read “Mr. Maxfield said there is that property you may be aware of that is reduced **in price** on.....

Page 6 of 7, line 48, after \$1, add **million**.

MOTION BY: Mr. Maxfield moved for approval of the September 13, 2011 minutes, with corrections.

SECOND BY: Mr. McCormick

ROLL CALL: 5-0 (Laura Ray and Colin Guerra – Absent)

VI. **OLD/MISCELLANEOUS BUSINESS**

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

Mr. Maxfield said by this time next month, the referendum will be done. We are past the election by that time. He’s had some setbacks, but now he’s down to the wire, so the brochure has to be done. He will contact Glenn Kern and Tom McCormick and get it done. Tom McCormick had a really good contact from the Sierra Club who is the local chapter President and he’s going to spread our open space information to local members. We can maybe get them behind us also. Mr. McCormick said the President can sort his membership by place of residence and pull out the people in Lower Saucon Township. Mr. Maxfield said that’s a pretty good resource.

VII. **UPDATES/REPORTS**

A. **EAC ADOPT-A-ROAD CLEAN-UP – OCTOBER 22, 2011 (VOLUNTEERS NEEDED)**

Mrs. Yerger said volunteers are needed. Mr. Boos said he may be able to help. Mrs. Yerger will get back to Diane and let her know if they are going to keep or change the date if they can find some volunteers.

B. **UPPER SAUCON TOWNSHIP CLEAN-UP ELECTRONICS RECYCLING DAY – OCTOBER 22, 2011**

Mrs. Yerger said if you missed the Lower Saucon Township recycling day, you can go to this recycling day.

C. **REPORT ON AERC RECYCLING DAY HELD ON SEPTEMBER 24, 2011**

Mrs. Yerger said there is the report from AERC in your packet. There were 135 cars that went through and all the recyclables are broken down. Mr. Beardsley said AERC said they got a lot of things. Ms. Palik said AERC was happy with the response from the residents.

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

IX. NON-AGENDA ITEMS

- Mr. Maxfield said he's going to ask the EAC to make a recommendation to Council based on some information given to him by a DEP employee. When they had the flood, there was flood damage done to some properties, and streams were filled with sediment. He found out through inquiring with a couple of the agencies, mainly DEP, that they are in the habit of after floods handing out emergency permits. They've been doing it for the Saucon Creek, after a small examination of the property. The emergency permit will allow any resident who has a waterway on their property to hire somebody with a backhoe and go dig out the creek, which is 180 degrees of where we have been and have been responding to the things DEP has told us to do. That is not what they have told us to do. After talking to DEP, he found out that there is not only one or two permits, but fifteen to eighteen emergency permits pulled in our area. That's fifteen to eighteen residents to hire someone to dig in a stream somewhere. It really annoyed him and he couldn't understand why they would allow this. They came out, they had a small discussion first, which is the only plan that existed, then they come out later and say it's okay or not okay what you did. That kind of impact on the creek is what really worries him. He talked to DEP and said this is not right. The DEP guy said he's been doing this for twelve years and they are expecting a lot more heavy duty storm events and a lot more storm events and flooding. You can't be handing out fifteen to eighteen permits every time it floods for people just to dig. The DEP guy said you can argue that the creek is impacted already from the floods. Mr. Maxfield said how does he change this? The DEP guy said write your government representatives. Mr. Maxfield was really upset at the lack of following existing policy, and of oversight of a lot of different things. He was going to ask the EAC to recommend to Council that they address our representatives and say this process really needs to be re-examined. Mr. Johnson saw this property also. One of Mr. Maxfield's neighbors was the one that alerted him to it. They got into the creek, dug out the creek and suddenly four or five dump load trucks showed up with soil and they said that the FEMA guy came out and told them to do this. FEMA supposedly sent representatives around to people who were asking for FEMA relief and said to them, if this was my property, I'd fill this whole flood thing in, so they had four or five dump load trucks of soil and the intent was to fill in their floodplain area. Chris Garges said today to them, unless they show him a permit from one of these agencies that supersede the Township's permits, then this isn't going to happen. They had no E&S controls around it. DEP issued the emergency permit. They notified County Conservation of the permit. They did not notify the Township of any of these. They said it was the permittee's responsibility to notify the Township, and as far as they know, only one family has notified the Township so far out of the fifteen to eighteen in our area. He doesn't know if it's a shortage of manpower or a short-term solution, but whatever it is, we need to address this. We can't be protecting our creeks and have them destroyed at the same time. A bulldozer in a creek is unacceptable. Mr. McCormick said were some of these permits issued by DEP to landowners who don't care or in all cases, these were permits requested by landowners. There are fifteen to eighteen properties in our Township that are being altered in some way? Mr. Maxfield said the DEP persons statement was "in your area, and it was requests from people". He did say if there are gravel bars in the creek or silt built up, they encourage people to go in and dig them out in the creek. The DEP permit supersedes almost everything. The only control is the DEP coming out and looking at it when it's done. Even County Conservation would have to log a complaint with DEP. It's really a situation where he doesn't understand why this is occurring at all. People buy floodplain property and they cut down all the trees next to the creek and they wonder why their property floods. This is ten years of us being taught something different and DEP tell them to go the other way when it comes right down to it. He would like them to address this. They need to answer for what is going on. It's all on the Saucon Creek. Mr. McCormick said he hears it's the permittee's job to tell the Township and most of them probably don't know that or don't care, and it may not be a requirement, but does the DEP permit supersede? If DEP says you can do this, does the Township have no say? Mr. Maxfield said no, not unless we can convince them that they need to re-examine it. County Conservation has had questions about

this particular one that he and Mr. Johnson saw and County Conservation has been addressing DEP about it. He doesn't think the homeowner is going to get to do what they want to do. He eyeballed the property as it was on the main road, but who knows where these other properties are and what is happening to our streams. The Meadows could get in there and dredge out the whole thing and DEP could say go ahead and do it. A 20 minute talk at the site does not explain to someone how to restore a stream, what that restoration entails, the need for engineering, the soil conditions, all those kinds of things that can play into it. Every time they grade a swale, they have to plot it and then you have someone in there digging in the stream. It's unacceptable. Mr. McCormick said is there a Pennsylvania wide organization that advocates on behalf of the waterways that can be made aware of this? He doesn't know if anyone at DEP is going to care what we say. Is there someone else that can be made aware of this process? Mr. Boos said Clean Water Action. Mr. McCormick said maybe we can copy them on the letter so they are at least aware of it. Mr. Maxfield said he understands the way the policy works and it comes down from the governor and the DEP policy is changing in the State because of the governor. It doesn't seem very hard to get one of these emergency permits. That's 50' within of the stream they are allowed to make alterations.

Ms. Stephanie Brown said all the problems down at the Meadows with what you just explained, she never heard them say they ever got an emergency permit, but they did say they got permission from FEMA. That's probably where it started. She asked if the Township can put something on the website saying if you got one of these permits, you need to contact the Township. It may not be the best way to stop it, but it would get it out there. You don't want any more catastrophes like at the Meadows. Mr. Maxfield said the whole policy comes from the State. Ms. Brown said it may help to address this through the Township website.

- MOTION BY:** Mr. McCormick moved to recommend to Council to contact our representatives about the current DEP policy as to dredging and permitting of the streams.
SECOND BY: Mr. Johnson
ROLL CALL: 5-0 (Laura Ray and Colin Guerra – Absent)

- Mr. McCormick thanked everyone who helped him with the Northampton County Space budget initiatives and they can still help spread the word to people who do not know about it.

X. PUBLIC COMMENT – No public comment

XI. ADJOURNMENT

- MOTION BY:** Mr. McCormick moved for adjournment. The time was 8:54 PM.
SECOND BY: Mr. Johnson
ROLL CALL: 5-0 (Laura Ray and Colin Guerra – Absent)

Sandra Yerger, Chair

Next EAC Meeting: Tuesday, November 15, 2011