

I. OPENING

CALL TO ORDER: The Environmental Advisory Council meeting of Lower Saucon Township was called to order on Tuesday, November 15 at 7:35 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, 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

Open Space Attorney: Terry Clemons

PLEDGE OF ALLEGIANCE

II. OPEN SPACE SUB-COMMITTEE

A. PROPERTY UPDATES

Mrs. Yerger said the Open Space Committee did meet in Executive Session and we do have an intent of making a motion. We talked about potential property acquisition.

MOTION BY: Mr. Beardsley moved that we offer Mr. Benner the opportunity to follow our policy and get a second appraisal and that we make an offer to him based on the average of the two appraisals and it should be based on our preferred list of appraisers, as per our policy, with a cap.

SECOND BY: Allan Johnson

ROLL CALL: 6-1 (Mr. Guerra – No)

(Mr. Guerra voted no because he wanted to stay with the original offer of the first appraisal.)

1. MARSON PROPERTY – 2383 WASSERGASS ROAD

MOTION BY: Mr. McCormick moved that the EAC recommend to Council that they seek an appraisal on the Marson property together with the two adjoining properties, Carber at 2387 Wassergass Road and Smith-Buroff at 2385 Wassergass Road, and ask the appraiser at the same time he appraises the Marson property individually as well as the three of them together as if they were one. That way we'll have the maximum flexibility to seek a appropriate conservation easement with the respective landowners once we have the appraisal of the land.

SECOND BY: Mr. Beardsley

ROLL CALL: 7-0

2. BENNER-WHITEMORE PROPERTY – EASTON ROAD BETWEEN LOWER SAUCON ROAD AND COUNTRYSIDE LANE

Mrs. Yerger said this was talked about in Executive Session.

III. NEW BUSINESS

A. ADOPT-A-ROAD CLEAN-UP – FALL CLEAN-UP CANCELLED DUE TO HALLOWEEN SNOWSTORM - Mrs. Yerger said we won't have a fall clean-up. We'll set a date for springtime.

B. DISCUSSION ON EIT REFERENDUM FOR OPEN SPACE

Mrs. Yerger said last week the EIT referendum did pass in Lower Saucon Township, so we are funded for another five years.

Mr. Maxfield said we talked about how we were going to do a brochure. He got home and started to design some type of brochure and then realized we didn't have any money for printing. He asked a printer and it would have been in excess of \$2,000.00. His wife, Keri, said she would make signs. That was a good idea, and then he spoke to Glenn Kern and Glenn said he'll do a website. Keri said research has shown that it takes people basically about three months to get to a website. She said make a Facebook page. Within two days, they had a couple hundred friends. They did the signs also, so between the Facebook page and the signs, people would have forgotten about it if they hadn't seen the signs. It all fell together at the last minute and we saved a lot of money.

C. HOUSE BILL 1950 – MARCELLUS PACKAGE

Mrs. Yerger said it really wasn't the Marcellus shale component. She's disgusted with this particular proposed bill. If you go down to paragraph 4, it starts with "HB 1950 is an awful bill – gas industry wish list. In addition to the embarrassingly low effective tax rate, other landmines are buried in the bill." This is the sentence that really bothers her "One would completely eliminate the current rights of municipalities to manage impacts of drilling through zoning. Another would privatize the review process for gas drilling permit applications from DEP". Basically what this bill does is it says utility companies can supersede the zoning of a municipality. That bothers her a lot.

Mr. Maxfield said what he read recently was that, and they are doing this north of us, they'll sink a well and if they decide to drill a lateral and they get the okay to tap gas off of somebody else's property, say two miles away, and they don't get the rights to tap gas off the intervening properties, they can bypass those. If those properties have a contract with a competing well company, and that well company never comes through and you have a drill coming through and they never get to do it. They also want to take the permitting process away from DEP and privatize it for private permittees.

Mrs. Yerger said a lot of the EAC's across the State are asking their Council's and municipalities to write a letter to their local representatives of the House to not vote or support this bill. We do have a Council meeting tomorrow night and she had hoped we might be able to make a recommendation to have our Council send a letter to our local representatives and State Senator to not support this bill.

Mr. Germanoski said he spoke to Lisa Boscola and she said phone calls and letters do make a big difference.

Mrs. Yerger said she encourages you to do this personally. The information came out of PennFuture. This one is bad on multiple levels stripping the rights of municipalities to control their own destiny, to some extent. It isn't the Marcellus Shale itself, it's got far more range and components in it than stripping the rights of municipalities and stripping DEP of any rights of the review process of the permitting.

Mr. Maxfield said most of the municipalities don't have zoning at all. Mrs. Yerger said yes, but for those that do, like Nockamixon, where Marcellus may be a problem, and it really isn't that far from us.

Environmental Advisory Council
November 15, 2011

MOTION BY: Mr. Maxfield moved that the EAC recommends to Council to have our Township Council send a letter to our State Senators and State Representatives to not support House Bill 1950, the Marcellus Shale package.

SECOND BY: Mr. Beardsley

ROLL CALL: 7-0

IV. DEVELOPER ITEMS – None

V. APPROVAL OF MINUTES

A. REVIEW AND APPROVAL OF OCTOBER 11, 2011 MINUTES

Corrections:

Mr. Germanoski:

Page 1, line 40, the word should be **trust** instead of crust.

Page 2, line 17, the word should be **invasive** instead of evasive.

Page 3, line 29, the word should be **invasive** instead of evasive.

Mr. Johnson:

Page 5, line 40, the word should be **discussion** instead of discsi9ons.

Page 9, line 41, it should read “It demonstrates that if those both could be open”.

Page 11, line 27, it should read “The DEP guy said you can argue that the creek is”.

Page 11, line 51, it should read “control is the DEP coming out and looking at it when it’s done”.

MOTION BY: Mr. McCormick moved for approval of the October 11, 2011 minutes, with corrections.

SECOND BY: Mr. Johnson

ROLL CALL: 7-0

VI. OLD/MISCELLANEOUS BUSINESS

- Mr. McCormick said he doesn’t know if anything has to happen at this time, but he wanted to go back to the long motion on the October 11, 2011 minutes at the bottom of page 7. He made a motion and it carried that we would share the costs with Springfield Township ratably according to the conservation easement appraisal per Mr. Reimann’s land. We pay our fair share according to how many acres we have. If you look at Manager Jack Cahalan’s letter that’s in the packet, and he just wants to make sure there is no misunderstanding, the letter dated October 27, 2011 to Mr. Rich Shilling, the Manager at Springfield Township, it reads “Due to only a small portion of land being located in Lower Saucon Township, our Council has agreed to share the cost based on the percentage of land located in the Township.” Mr. McCormick agrees with that. Then it goes on to say “Should Springfield acquire an appraisal and proceed with a conservation easement, Lower Saucon Township agrees to pay our proportionate share”. Mr. McCormick said the actual motion we made, and he suspects the motion that Council made, was solely with respect to the costs of getting the appraisal. We didn’t recommend proceeding with the actual easement. We don’t have dollars yet. His motion was only about, let’s split the cost on the appraisal and we’ll collaborate with Springfield on maybe getting a conservation easement. The letter here that Mr. Cahalan wrote says, guys, knock yourselves out, do a conservation easement, and let us know how much we have to pay. Mrs. Yerger said she thinks that was the desire of Council. They took it a step further. They took your motion and they agreed with it. Mr. McCormick said can they do that without having a dollar in front of them? There was no price. Council is going to have to revisit that. You can’t disburse funds on a will do it. He understands it’s only about 10%. Mrs. Yerger said if you want to look at the Council minutes, you’ll see the discussion. Mr. McCormick said was Council misunderstanding the recommendation of this body? Mrs. Yerger said no. It was their choice to go a step beyond. It was a good catch and a good question.

VII. UPDATES/REPORTS – None

VIII. TERRY BOOS – HELLERTOWN REPRESENTATIVE – REPORT

- Mr. Boos said the Northampton County Conservation District is attempting to pursue the stream restoration of Silver Creek and Silver Creek Country Club. His understanding, at least before this week, was they potentially should be able to at least be able to undertake some of that restoration hopefully this winter, February or March. He has to talk to Jim Wilson. They have a Watershed meeting this Thursday, so he's sure there will be some additional details. At this point, it didn't look like the entire project as it was envisioned will be funded, so it will be whatever funds are available will be what gets done. Each County had some money available for it, and Lehigh County, as he understands, was they were going to transfer those funds into the Northampton County conservation district to the project.

IX. NON-AGENDA ITEMS

- Mr. McCormick said he wants to thank everyone who expressed their support at the County level, Northampton County, for including in the budget as much funding as possible for natural area preservation in addition to parks and farmland or ag preservation. With respect to our open space initiatives going forward, the Council, as you all know changed. The election had material results. He's not sure if anyone knows exactly what that is going to mean, and we are in budget season and there are a few things pending around the process for natural areas over the next six weeks before the year's out, so there's some lame duck session stuff that could impact us going forward, but the net is that in the years to come, there will hopefully be more funding available for Northampton County for natural area preservation. As you know, we don't have a ton of ag land down here that meets the County's goals, so we are left with natural areas and again, in recent years, there hasn't been a lot of funding been made by Northampton County Council for natural areas. That should improve, so hopefully we'll have the ability to leverage County money as we look at stuff in the years to come. Whitetail Bowman is an exception; it is half funded by Northampton County, so that's good. There should be more good news in the years to come, so we should keep that in mind.
- Mrs. Yerger said she was informed we are closing on Whitetail Bowman on Friday, November 18th. That will be another parcel that is preserved.
- Mr. McCormick said he's on the Northampton County Open Space Advisory Board, so he works with Maria Bentzoni, who you know is nominally the farmland person, but she also manages the natural area. With respect to any properties we find, if we are in charge of the process and we want to seek funding from them, he'd be happy to act as the liaison with Maria and figure it all out. Hopefully, we'll know in the next few weeks about the budget and if there's money coming out.

X. PUBLIC COMMENT – No public comment

XI. ADJOURNMENT

MOTION BY: Ms. Ray moved for adjournment. The time was 8:05 PM.
SECOND BY: Mr. Beardsley
ROLL CALL: 7-0

Sandra Yerger, Chair