

**Upper Makefield Township
Board of Supervisors
And
Environmental Advisory Council
November 13, 2012 Meeting Minutes**

The November 13, 2012 joint public meeting of the Upper Makefield Township Board of Supervisors and Environmental Advisory Council was called to order by Chair Dan Rattigan at 6:30 p.m. In attendance were the following members of the Board of Supervisors: Dan Rattigan, Bud Baldwin, Larry Breeden, Tom Cino and Mary Ryan. Also in attendance were the following members of the Environmental Advisory Council: Catherine Magliocchetti, Paul Gregor, Ed Ford, Keith Miller, Bob Needle and Phil Sandine. Interim Township Manager David Nyman, Township Solicitor Mary Eberle, Esq., Township Engineer Larry Young, P.E., Director of Planning and Zoning Dave Kuhns and Assistant to the Township Manager Judy Caporiccio were also present.

Public Comment

There was no public comment.

Riparian Restoration and Preservation Grant Program

Ms. Ryan stated that the Riparian Restoration and Preservation Grant Program has been in place for five years, and despite highlights in the township newsletter, eNews and website, only five grants have been completed. She attributed that low number to the cumbersome administrative process and recommended that the Environmental Advisory Council be charged with brainstorming ideas to streamline the process so the money can be dispersed to residents and begin making a difference in the stream management.

Mr. Breeden agreed that the process is cumbersome and that the EAC should offer suggestions for the process. He said he has developed suggestions for checks and balances.

Mr. Greger agrees the process is cumbersome, but emphasized that the intent of the program was that the funds should be spent on repairs and not on administrative costs.

Dr. Ford explained that DEP permits are required for the projects, which include engineering, and he cautioned against adding additional requirements that would create redundancy with DEP engineering costs.

Mr. Young said there is little review at the beginning of the process, and he suggested refining the parameters that determine a project's eligibility. He noted that holding joint Board of Supervisors/EAC meetings has been very beneficial from an efficiency standpoint.

Mr. Breeden said he sees the process as three parts: riparian, remediation, and beautification to get the desired result of the riparian and remediation.

Ms. Ryan and Mr. Baldwin stated that the intention of the program is for restoration to improve stream function, not for landscaping or beautification.

Ms. Magliocchetti said that the EAC conducted a stream assessment and sent letters directly to eligible homeowners. Their goal is to encourage the use of the program in areas surrounding the headwaters as well as along the streams. To that end, they are willing to assist in revamping the program to encourage its use.

Mr. Cino noted that digital mapping and walk-throughs have provided the background to help understand the problem, and the next step is to determine the best way to attack the problems.

Mr. Rattigan suggested separating the problem into two phases: improved outreach to residents and improved process.

Mr. Young noted that the requirement for a unanimous vote can cause a problem for homeowners who have completed preliminary work only to have a single vote halt the project.

Dr. Ford concurred and said he also feels the problem with the grant program is the unanimous vote. He has been involved since its development and feels that the township's role in the riparian program is for oversight only, and that after many hours of review by both professionals and volunteers, just one vote can create a roadblock.

Mr. Breeden expressed concern that there is not widespread advertising of the project and that 75% of the work is awarded to the same contractor.

Ms. Magliocchetti stated that this restoration is a highly specialized type of work with a limited number of contractors qualified to do the work, and her belief is that it was the intention of the settlement provisions to allow homeowners to pick their own contractors.

Mr. Breeden expressed his belief that the wording in the establishing resolution obligates homeowners to abide by all state and federal regulations, including advertising and bidding.

Ms. Eberle suggested that when streamlining the process, the EAC disregard how the current process works and start from the beginning. Then all recommendations would go to the court for approval.

Mr. Greger expressed his opinion that the intent of the wording in the establishing resolution refers to environmental requirements and not bidding requirements.

The consensus of the board was to task the EAC with streamlining (reviewing and simplifying) the process which would then be reviewed by the Board and sent to the Courts to amend the original settlement.

Ron Smolow, a party to the Agreement, said the original purpose was to remediate and restore the riparian areas, and he expressed concern about the pace of the program because the longer the delay in the process, the more erosion that will occur. He is in favor of streamlining the process, but encouraged the Board to continue to move forward during that process.

Dr. Ford said he would like part of the restructuring to include money for a preliminary study to determine which areas would have the most impact. He is concerned that placing bidding and advertising requirement on homeowners would discourage their participation.

Mr. Breeden said he would be in favor of removing the unanimous vote if there was a system of checks and balances in place, including selection of design engineer, construction engineer and audit trail.

Mr. Rattigan, Mr. Baldwin, Ms. Ryan and Mr. Cino were in agreement with removing the unanimous requirement, although Mr. Cino wanted to continue to work both tracks. Mr. Rattigan further noted

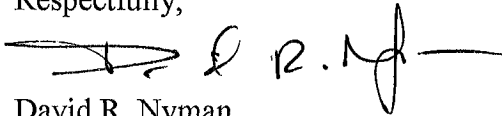
that there currently are checks and balances in place, contractors are shopped around and the township currently holds the right to audit.

Ms. Eberle was directed by the Board to contact stakeholders and determine if there is opposition to the changes the township is considering: removal of unanimity, addition of advertisement of projects; general streamlining of the process and expenditure of funds for a preliminary study. She will relay the results to the EAC promptly in order that they may begin their review of the process.

Adjournment

Mr. Rattigan declared the meeting adjourned at 7:30 pm.

Respectfully,

A handwritten signature in black ink, appearing to read "D. R. Nyman", with a horizontal line extending to the right.

David R. Nyman
Interim Township Manager
Approved: December 4, 2012