

Upper Makefield *Township*

Environmental Advisory Council Meeting

January 8, 2019 Meeting Minutes

The January 8, 2019 public meeting of the Upper Makefield Township Environmental Advisory Council was called to order by Chair Bud Baldwin at 7:00 p.m. In attendance were the following members of the Environmental Advisory Council: Chair Bud Baldwin, Vice Chair Nicole Khan, Member Cathy Magliocchetti, Member Tim Thomas, Member Jack Wiseman and Member Keith Miller. Member Kyle Dudley was not present. Also, in attendance were Resident Joe Wesley, Resident Jim Kelly, Resident Lynn Breen, Resident, Ed Breen, Resident, Land Studies Kelly Gutshall, Planning and Zoning Director Dave Kuhns, Planning and Zoning Administrator Denise Burmester.

Confirmation of Quorum: Bud Baldwin confirmed quorum.

2019 Reorganization of Committee:

A motion was made by Ms. Magliocchetti to appoint Mr. Bud Baldwin as Chair and Mr. Keith Miller as Vice Chair for 2019. The motion was seconded by Mr. Wiseman. The motion carried with a unanimous vote. Absent for vote was Nicole Khan.

Public Comment:

There was no public comment.

Approval of Meeting Minutes:

A. December 11, 2018:

A motion was made by Ms. Magliocchetti to approve the December 11, 2018 minutes with no amendments. The motion was seconded by Mr. Thomas. The motion carried with a unanimous vote.

Discussion Items:

A. Watershed Restoration Plan - *Land Studies and Property Owners Meeting:*

Mr. Baldwin opened the topic explaining that the topic to be discussed is information LandStudies provide in the prior EAC meeting, and specifically, Jericho Creek from Thompson Mill to Brownsburg Road. Mr. Baldwin will take the discussion to the resident at the corner of Thompson Mill and Pineville Road who was unable to attend the meeting due to health concerns.

Ms. Kelly Gutshall, President of LandStudies, Inc. lead a discussion with an explanation of the Watershed Restoration project, the studies done on Jericho and Hough's creeks, the opportunities for improvement and the goals of the project as explained in the status report issued September 11, 2018.

Jericho Creek was identified as more impaired than Hough's Creek, requiring for repairs and issues to address. Ms. Gutshall gave some history as to how Jericho Creek became impaired over many years of agriculture use, damming and deforesting. Ms. Gutshall explained the creek study, including walking the creek to investigate the issues, and identify the critical locations within the Watershed that had the most benefits to restoration. Breech #1 was

identified as a project that would provide the most benefit to the overall Watershed and a concept plan was developed. The concept plan is to restore the stream to its original, natural stream to stop the erosion and sediment movement that degrades water quality and causes destructive water erosion and flooding. Starting with projects at the upper part of the watershed will reduce additional costs for maintenance as project work moves downstream.

The residents raised the following questions and concerns with the planned changes to the creek across their properties:

- Type of work to be done. Ms. Gutshall explained this would be an excavation project with heavy equipment to move the creek to the original flood plain. Contractor for the project will be managed by the Township through a bidding process for selection, working with the homeowners through this bid process as well.
- How wide will the restored creek be? Will it be reduced? Ms. Gutshall explained that the channel becomes smaller, but the floodplain around the channel is increased to reduce the slope to the edge of the channel.
- Will trees along the existing channel be impacted? The residents stated that the trees along the front of their property are important to them and their privacy, and they do not want to lose that privacy barrier. The residents had been told in the past by the Heritage Conservancy that they did not want them to disturb any trees or anything around the creek. Mr. Baldwin noted that Jeff Marshall of the Heritage Conservancy will be involved in review of the projects. Ms. Gutshall also explained how the permitting process for these projects ensures the review and oversight of all interested agencies and organizations with their expert input. With the success of several projects now complete, there is history to see how well these projects are working and how they improve the community. Ms. Gutshall later explained that tree and low lying grass planting is part of the restoration project.
- Impact to access to the properties were discussed as a resident concerned, specifically the bridges over the creek to get to their homes. Ms. Gutshall and Ms. Kahn explained that the design will be built based on the original creek path, and that where it is possible, will keep to existing bridge structures in the design.
- Further questions were asked about water quality and concerns were discussed. Ms. Kahn explained Upper Makefield's responsibility to ensure water quality for our section of Bucks County and the sediment that is currently occurring in the creek is increasing Total Suspended Solids (TSS) which can cause problems for the stream health and water quality. Degradation of water quality impacts the wells of residents, and feeds into the Delaware Canal and Delaware River, impacting other communities. Mr. Kuhns noted that PA DEP (Department of Environmental Protection) is demanding that we take action on this creek.
- Ms. Magliocchetti explained how the project and funding was originally started by a group of residents who gained some funding from a legal settlement that resulted in a \$3 million dollar riparian fund. The residents felt the best use of that settlement was to address and improve the water quality and improve flooding problems in the Township. The approach in 2008 was addressing small know problems in the Township but that

about a year ago the approach was changed to have a Township wide approach to address the water quality issues and flooding, and have an understanding of where it would be most beneficial to direct the funding and restoration efforts. Cost of construction and design would be covered by the Riparian Fund. The residents would be asked to enter an agreement with the Township to preserve and maintain the watershed improvements put in place in perpetuity. Mr. Baldwin explained that this grant money would be enough to do the project in the top sector from Thompsonville Road along Pineville that has been identified as the highest priority. The following projects will be funded by seeking additional grant money for the 'shovel ready' grants available through the state that would leverage the Township funds.

- Ms. Gutshall walked the residents through the map of the project sections and the strategies planned for the different sections. The strategy of bringing the creek back to its natural creek path is planned for the Jericho Creek bed between Thompsonville Road and Eagle Road, the section discussed today, as well as the other sections colored in teal. The other colored sections have different strategies.
- Impacts of flooding were further to discuss, including the flooding and the degradation of Pineville Road and the road bed falling into the creek. The bridge on Eagle Road needs to be stabilized to reduce the community flooding and stabilize the creek. Ms. Gutshall noted that flooding band aids such as retaining walls and past flood stabilization does not stabilize the creek and the flow of the creek. Story of residents driving through the flood waters and how they had to be rescued by Township was shared.
- Residents pointed out that the tributaries appeared to be in worse condition and sending the sentiment downstream contributing to their issues. Ms. Gutshall noted that these were projects identified with stabilization projects and are identified on the project map. Residents felt that these should be addressed before their project is addressed on Pineville Road. The bridge on Eagle Road near Mr. Baldwin now floods on a regular basis and residents cannot get through.

Next actions are:

- Engaging Heritage Conservancy for review and input.
- LandStudies analysis status report to be provided to the residents who attended the meeting today in person or as communicated in absence.
- Residents committed to reading the report and meeting together to discuss the plan and providing feedback. They understand their responsibly and will stay engaged.
- LandStudies invited the residents to join them for a visit to some of the successful projects in the area that they can see the end result of a creek restoration project. The residents were open to the visit.

B. Delaware River Protection, Yard Waste – *Continuation from the July 10, 2018 EAC Meeting:*

Mr. Kuhns noted that the Township Solicitor is researching this topic but the solicitor is concerned with the ability for the Township to adopt this ordinance because it may be pre-empted by a PA law or DBRC (Delaware River Basin Commission).

Next actions are:

- Township Solicitor advice forthcoming.
- Ms. Magliocchetti to research other Townships that may have enacted similar ordinances.

Liaison Report:

A. Board of Supervisors: Diana Nolan

Ms. Nolan was not present due to a conflicting Board of Supervisors meeting occurring at the same time.

B. Park & Recreation: Cathy Magliocchetti

Nothing to report.

C. Planning & Zoning: Dave Kuhns

Nothing to report.

Adjournment:

A motion was made by Mr. Baldwin and seconded by Ms. Magliocchetti to adjourn the meeting at 8:12 p.m. Motion carried by a unanimous vote.

Approved: February12, 2019