

Upper Makefield *Township*

Environmental Advisory Council Meeting

April 8, 2014

The April 8, 2014 public meeting of the Upper Makefield Township Environmental Advisory Council was called to order by Chair Ed Ford at 6:30 p.m. In attendance were the following members of the Environmental Advisory Council: Chair Ed Ford, Member Bud Baldwin, Member Kyle Dudley, Member Lorraine Muth, Member Bob Needle, Member Keith Miller, Planning & Zoning Department, Dave Kuhns, and Board of Supervisor Liaison Mary Ryan. Also in attendance were Township Engineer Larry Young and Supervisor Larry Breeden. Vice-Chair Cathy Magliocchetti appeared via phone.

I. Call to Order - 6:30 p.m.

II. Public Comment

III. Approval of Meeting Minutes

A. March 11, 2014. Motion made to approve. Second, all in favor, motion passed.

IV. Discussion Item.

A. Falkenstein-303 Stoneybrook Road.

Mr. Young met with Supervisor Tierney, Supervisor Ryan and Ms. Eberle to discuss the Falkenstein Riparian Grant Submission. Mr. Young debriefed the EAC with the history of the submission stating that in 2008 the grant was agreeably reviewed by the EAC and Planning Commission with the hesitation being a where is the stream in relationship to the rear property line? At that time the Board authorized money to be spent, Pickering, Court & Summerson were hired to stake the rear property line. At that time it was determined most of the stream was on the golf course side of the property line. No additional money was spent towards stream remediation on the Faulkenstein's property. The Township then contacted the owner of the Jericho National Golf Course. On the owner's behalf the Township went through several design consultants for stream remediation to protect the four properties bordering the golf course property. In the end, the owner of the Golf Course wanted was asking too much from the design consultants and the projects went nowhere. Supervisor Tierney met with Mr. Young and felt that something could be done to remediate Mr. Falkensteins' property using the grant program. Mr. Young stated that it's back to where it started, where is the stream? There should be no money expended until the rear property line is determined. Ms. Magliocchetti asked how close the stream is to the house. Mr. Young stated the stream was approximated 30 feet from the house and that the lot was an odd shape. In 2006 Mr. Faulkenstein acquired an emergency permit from the DEP to return the stream to its' 1999 (pre-Floyd) location. At that time the estimate to perform that work was \$135,000. Dr. Ford questions if the stream edge has encroached onto the homeowner's property, who is going to pay for the survey, the Township or the homeowner? Township Solicitor has advised nothing can be done to the stream without the golf course consent, otherwise it's considered trespassing. Mr. Kuhns added that ideally this should be a joint Riparian Grant Application. Mr. Young estimates it would cost approximately

\$600.00 to have a survey performed to determine the back property line. Mr. Baldwin commends Mr. Tierney for reaching out to the Faulkensteins' and trying to find a remediation and feels that if this project is completed it would be most impactful downstream as well. Dr. Ford questions how much is the golf course liable for the water flow problem because of all the trees that were removed. Ms. Magliocchetti feels that the Township followed the storm water management practices that were in place at the time the golf course was constructed therefore the Township has no obligation to the homeowner to determine the rear property lines. Mr. Young reminded the EAC there are two approaches to this project, armor what is currently existing or return the stream to pre-existing condition. Which is most cost and fix effective? In 2008 the Riparian Fund was used to determined the rear property line, which now the stakes are gone.

Mr. Tierney was to approach the owner's of the golf course and report back the EAC at this meeting. Ms. Magliocchetti stated that as of their last conversation Mr. Tierney did not contact the golf course as they were to meet with the golf course together and she did not believe he is going to approach the golf course.

Mr. Baldwin spoke to Falkensteins' about the two options correcting the stream and they need to come to a conclusion. Three years earlier Mr. Baldwin spoke to representatives at the golf course about filing a joint application. The golf course wanted an "hold harmless" clause in the application so the homeowners wouldn't sue the golf course.

Mr. Ryan feels that it's been three years since the golf course has been approached and their perspectives may have changed. Also the homeowner's should pay to have a survey done to determine the rear property line and have permanent markers installed.

Mr. Needle brings up if the golf course is hesitant in participating in remediating the stream, could we approach the Township Solicitor to see what the options would be?

Mr. Baldwin will contact the Falkenstiens' to acquire a survey.

The EAC would like the minutes to reflect that Mr. Tierney is to contact golf course and report the meeting back to the EAC at the next meeting.

B. Edelson-65 E. Brownsburg Road.

Ms. Magliocchetti describes to the EAC the conditions to the stream and property at 65 Brownsburg Road East during her recent walkabout. She believes this to be a good candidate for the Riparian Grant. She goes on to recommend a joint meeting with the Board and the EAC to discuss further. Dr. Ford asked Mr. Young if he saw this project with good remediation potential. Mr. Young agreed that with correct planning this project would have excellent flood storage and minimum to no impact to structures. He would recommend it. He reminds the EAC that this project was awarded and paid the initial engineering of \$3500.00. They would like to move forward with the final permitting and planning. They would need to get three estimates of the work to be done.

The EAC recommend proceeding with this application.

Ms. Ryan explains that the reason the Board has not moved forward with this application is because it requires an unanimous vote. Mr. Tierney has not familiarize himself with this application enough to vote on it. It would not go forward.

Dr. Ford speaks frankly with frustration that the EAC spends quality time reviewing these applications and taxpayers spend valuable money putting them together only to have the Board waste both on sitting on them, not getting anywhere because of personal differences.

Ms. Magliocchetti asks to have the joint meeting next week. Mr. Kuhns response saying he will look into getting a meeting together.

V. Liaison's Report

A. Board of Supervisors: Mary Ryan

Ms. Ryan and Ms. Magliocchetti inspected trees at the Historic Park that were planted two years ago. So far there is a Maple forest and healthy White Pines. The Holly has died.

The Supervisors' will be signing a Resolution for Paul Greger's tree planting. The saplings are coming as a give away at the ceremony. The tree to be planted is an Eastern Red Bud. A local flautist will be playing at the ceremony. Local Girl Scouts will be in attendance and a flyer with Paul picture and a poem will be the hand-out. Mr. Dudley order the plaque. Mr. Baldwin will ask public works to dig a thirty gallon hole. The family has asked the ceremony start at 10am to accommodate family coming from out of town. The EAC congratulation Ms. Ryan on a job well done organizing the event.

B. Park and Rec.: Cathy Magliocchetti

Ms. Magliocchetti reports Lookout Park will have trees planted.

C. Planning & Zoning: Dave Kuhns

Dave Kuhns reports on Eagle Scout both new and completed within the Township.

VI. Adjournment.

Motion to adjourn 8:00pm. Second, all in favor, motion passed.

Next meeting – Tuesday, May 13, 2014 at 6:30 p.m.

Meeting minutes approved at the May 13, 2014 EAC meeting.