

Upper Makefield *Township*

Environmental Advisory Council Meeting

May 10, 2022 Meeting Minutes

The May 10, 2022 public meeting of the Upper Makefield Township Environmental Advisory Council was called to order by Chair Kathryn Benson at 7:00 p.m. In attendance were the following members of the Environmental Advisory Council: Chair Kathryn Benson, Vice Chair Harry Barfoot, Member Bud Baldwin, Member Jack Wiseman, and Member Nicole Khan. Also in attendance were Board of Supervisors Thomas Cino, Tim Thomas, Ed Ford, Ben Weldon, and Zoning Officer Denise Burmester.

Confirmation of Quorum: Ms. Benson confirmed a quorum.

Public Comment:

Mr. Thomas, 134 Glenwood Dr. addressed public concern of flooding in Mt. Eyre that has standing bodies of water and flooding of septic fields. He requested Township Engineering to assist in reviewing the issue. Mr. Thomas also suggested some tree planting could be beneficial.

Mr. Baldwin suggested contacting Public Works who will contact Township Engineer if needed. Mr. Barfoot stated Public Works will check to clean out the culvert.

Anne Marie Murray, 490 Brownsburg Rd., stated concern about the recent cut of the swale between the ball fields and playground at Brownsburg Park. She requested clarification on plan for the meadow in this swale and the maintenance of the meadow.

Approval of Meeting Minutes:

- A. February 8, 2022:** A motion was made by Mr. Baldwin and seconded by Mr. Barfoot to approve the February 8, 2022 meeting minutes with no changes. Motion carried by a unanimous vote.
- B. April 12, 2022:** A motion was made by Mr. Baldwin and seconded by Mr. Barfoot to approve the April 12, 2022 meeting minutes with no changes. Motion carried by a unanimous vote.

Riparian Items:

A. LandStudies Proposal of Services:

Ms. Benson provided an overview of the goals of the LandStudies proposal to include the following:

- Getting the best return on available funding.
- Identification of problem spots and detailing an action plan.
- Introducing additional BMP to the solution, such as instream solutions.

Ms. West and Ms. Gutshall from LandStudies of Lititz, PA joined the meeting via video. The following are the discussion points to define a proposal by Land Studies:

- Scope of the study was discussed to include the following:
 - Members stated that the focus of the project needs to be Brownsburg East to the canal. Additional properties downstream, to include McHale, Gill, Patel, and Golf Course. Ms. West stated they can revise the proposal to cover the stated properties.
 - Ms. West noted that changes by the canal and river will not give as much of a return to overall Jericho Creek restoration, but recommendations for this area can be made.
 - There was EAC Member concern that property owners may not be willing to engage to help with the sediment problem and if not inclusive, a Plan B may be necessary. Ms. Gutshall stated that the original study was based on water quality and not on flood resiliency. She said that sediment will still be a flow deterrent and is still relevant from the prior study. Ms. Gutshall stated that flood mitigation and water quality does go hand and hand.
 - Tree Inventory of those that may be impacted or removed with proposed solutions.
 - Members asked if there is a minimum linear footage limit to identify the scope of the project? Ms. West stated the prior study was driven by the Township MS4 requirements, requiring a 2000 sq. ft. range to meet MS4. She felt it was no longer a driver.
- Design considerations were discussed to include the following:
 - Ms. West noted that the 2020 study included a design for the Golf Course, Falkenstein and Sycamore Farms HOA property along Stoneybrook Road. This design provided stabilization and restoration. She stated there was a lot of upstream instability.
- Property Owner considerations were discussed to include the following:
 - It was felt that there are willing property owners that will participate.
 - Mr. Barfoot stated he was unsuccessful in engaging with the property owners upstream to participate. EAC Members felt that the initial presentation to the upstream property owners did not provide answers to their questions and concerns.
 - He stated that Mr. Patel is open to working with the Township.
 - Ms. West asked that the Committee be sure the property owners understand the goals and are willing to go forward. It was agreed that the EAC will provide the details to them. LandStudies asked about the timeframe, and EAC agreed to get the information to them as soon as the proposal is received.
- Design considerations were discussed to include the following:
 - Mr. Barfoot commented that the Patel property may be the last to change because of his location to the McHale/Gill property. The discussion continued regarding the area along Brownsburg East that was moved with hurricane Ida and the stream had doubled/split into 2 streams at the Falkenstein property.
- Funding and Grant considerations were discussed to include the following:

- EAC noted that funding requirements will be based on the scope and design costs as proposed by LandStudies but are aware that costs could exceed the Riparian Fund balance and are exploring funding sources beyond the Township. Members and the need to move forward with funding sources is essential.
- It was noted that the DEP is allowing banking for future projects.
- Ms. Gutshall has funding access with the DEP and organization Green and Greener.

Ms. West noted that they understood the scope and technical requirements. They would prepare proposal follow-up for the next EAC meeting.

Public Comment included the following:

Mr. Cino, 16 Brandywine Ct., Chair of Board of Supervisors, firmly stated that if the Board is not presented with a detailed plan to vote on and if it doesn't remove the problem, it will not get approved. The residents at the bottom of the creek are losing multiple feet of property each year. Something must be done to stop it from happening. He emphasized the need to present an actionable plan that guarantees to stop the erosion of the properties at the end of the creek. He further stated the following points are to be included in the analysis and design presented to the Board of Supervisors:

1. A clear plan to stop erosion downstream.
2. A plan that is actionable to resolve the erosion problem.
3. A plan that focuses on Flood Mitigation efforts.
4. A design that includes preliminary Engineering.

B. Live Staking Project:

- Ms. Dorph and Dr. Walter, Master Watershed Stewards and Master Gardeners from Penn State Extension, were introduced to the EAC. They received extensive training in watershed management. Ms. Dorph is a resident of Upper Makefield and shared that she understood the flooding problems the Township faces. They are presently watching the erosion at Jericho Creek.
- Dr. Walter explained that their mission is to bring technologies from Penn State to the local communities and to make the technologies useable through education and hands-on training.
- They specialize in Live Staking and Stream Bank Stabilization. He stated Live Staking is simple, cost effective, and easy for the homeowner. It consists of taking trees and shrubs that grow along streams, cutting and replanting them, as they will develop spontaneous roots and grow. 2,530 live stakes were put in Buck County this spring from Snipes Farm to Lake Nochamixon. 10 people can install 150 live stakes in an hour. Stated that no DEP permits are required and is non-disruptive to the stream banks. The stakes can be installed from mid-March to beginning of April (There is a very limited time to accomplish). You need to use dormant wood and plant quickly around the local creeks. This consists of driving down a piece of rebar 1½ ft down and measuring the amount of erosion that has occurred. It is checked monthly.

Ms. Dorph continued that a Live Stake Nursery can be started and just take clippings and plant. The stakes are approximately 2-3 ft. long and diameter as wide as a “pinky finger” thus making them easy to drive into the ground.

- Members questioned the results of past years. Dr. Walter explained that the impact of planting shows results in 1 year and with no erosion. He continued to explain about their work with the Conservation District with the erosion
- Members suggested they could offer next March to the property owners as an alternative measure for helping erosion. Ms. Dorph and Dr. Walker offered to help with all aspects of the project. This process can be done on all native trees and needs to be done in wet areas in the Spring before the ground dries in Summer.
- The EAC will look to work with LandStudies and be in touch with Penn State Extension with the Riparian Work they are doing.

Public Comment:

Mr. Thomas, 134 Glenwood Dr. and Board of Supervisor, suggested to publicize more regarding the Riparian goals. At present, there is no mission statement regarding the Tree Fund balances.

C. Township’s MS4 Annual Report for MCM#1 – Public Education:

- Mr. Wesley Plaisted with Tri-State Engineering presented the Annual Report for MS4 Minimum Control Measures to the EAC.
- Mr. Plaisted noted that there is a problem with sediment in the creeks in Upper Makefield with DEP concerns about water quality. DEP does not focus on flood mitigation with the MS4 program. Unfortunately, LandStudies will not work for MS4 with the new approach, and the plan was not done in urban areas, so Brownsburg to Stoneybrook did not meet MS4 standards. A Permit was submitted DEP with a 5-year timeline to complete. At present, the Permit has not been approved. Also noted, that the DEP does not allow “armoring” the stream bank for credit. Staking is accepted and is in the MS4 plan.
- He again reiterated that the DEP requires the project in the urban area to get credit. There are only a few urban areas in Upper Makefield.
- There are 6 MCMs that must be done annually for DEP credit:
 1. Public Education and Outreach (Both Township Administration and Public Presentations)
 2. Public Involvement and Participation i.e., Live Staking
 3. Illegal discharge and detection. Public Works and Tri-State do these types of inspections. They look for odd smell or colors. (There is an Ordinance against lawn clippings, chemicals, and construction site runoff.)
 4. MS4 public reports and forms are available at the Township. DEP can do a surprise inspection to be sure it was investigated and handled.
 5. Post Construction water management i.e., Basins to capture E&S and all basins are inspected 2x within a 5-year period. There is a difference between private and municipal basins. Brownsburg Park has municipal basins.
 6. Spill Prevention (Good housekeeping for the Township) i.e., Oil spill.

This is handled by the Public Works Department.

- Some streams have maximum daily loads which indicates how much pollution (sediment) can be put into the stream per DEP. Mr. Plaisted stated that the Jericho Creek requires 10% reduction each year of TDML. A study will be done, and they take in consideration of what's been done to help the situation. i.e., Live Stakes and a credit can be given. 90% of sediment comes from erosion. DEP does not like formations, i.e., rocks, as the stream redefines itself around these structures as solutions to control the sediment. Natural stream bank stabilization is what DEP is looking for. Mr. Plaisted will follow up with Penn State Extension regarding the erosion measures as well as Emily at LandStudies.

D. Bridlewood Farms Stormwater:

No recommendations are back yet. Ms. Burmester and Mr. Young from Tri-State Engineers are setting up a date and time to walk the property with the HOA.

E. McHale/Gill Jericho Creek 1312 River Road: Postponed further discussion.

F. Earth Day Review:

Members stated the Township Bags and Pinecones were a big hit. It was felt that the majority of those attending were NOT from Upper Makefield, so a question was presented regarding getting more Upper Makefield residents to participate in outings. Suggestion was noted to host something in the Township at Gunther Farm or Opening Day at the Parks, as past outings were successful. Stated it should be done within the Township and invite other groups. Have different committees bring information to present to the local constituents. EAC agreed that further discussion to be continued in the future.

Liaison Reports:

A. Board of Supervisors – Dr. Edward Ford:

- He mentioned the Conditional Use Application for the Sunoco Pipeline Project. A lot of conditions on the noise, clean up, restoration and replacement of trees.
- The Scott Farm concluded the sale for \$170,000.00 final bid to the VA. He is hoping for restoration of the property as it needs extensive clean-up.
- He and Mr. Cino went to PSATS and listened to presentation on electric vehicles. The State received \$175,000,000.00 settlement from Volkswagen and is using this for erecting charging stations. Dr. Ford raised concerns with Electric Vehicles to include the EPA testing and energy source for the electric charge. Discussion continued about the pros and cons with Wind and Solar energy sources.
- The Planning Commission asked Sunoco Pipeline where the closest pumping station was. It was confirmed it is located across from The Friends Meeting House in Dolington. Planning Commission was commended on their excellent work in their thoughtful questioning of the Sunoco representatives from the pipeline.

B. Planning and Zoning – Denise Burmester:

It was noted that the staff is actively working on the concerned residents regarding the downstream flooding. It was suggested to have a “town meeting” with residents to answer all questions and revisit the “new” plan so they can understand what is being proposed.

Adjournment:

A motion was made by Mr. Barfoot and seconded by Mr. Baldwin to adjourn the meeting at 9:08 p.m. Motion carried by a unanimous vote.

Approved: June 14, 2022