



**Minutes of the Meeting
Delaware and Raritan Canal Commission
November 26, 2018**

TIME: 10:10 a.m.
DATE: November 26, 2018
PLACE: DRCC Office, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice Chairman John Loos, Commissioner Bruce Stout, Commissioner Mary Leck, Commission Philip Lubitz and Director Olivia Glenn

STAFF: Executive Director John Hutchison, Mr. Joseph Ruggeri, DAG Melissa Abatemarco, Ms. Colleen Christie Maloney

GUESTS: Superintendent Patricia Kalleser; Mr. Mike Sellar, NJWSA; Ms. Heather Desko, NJWSA; Ms. Rosa Yoo, DEP/NJ Forestry Service; Mr. Robert von Zumbusch, D&R Canal Commission Advisory Committee; Mr. Timothy Holmes, PSE&G; Mr. Greg Oman, Menlo Engineering; Mr. John Diemer, 3509 Wick; Mr. Brad Fay, Millstone Valley Preservation Coalition.

Vice Chairman Loos announced that this was a monthly meeting of the D&R Canal Commission and that all provisions of the "Senator Byron Baer Open Public Meetings Act" had been met in the scheduling of the meeting.

Administrative Items

The Commission confirmed the December 19, 2018 Commission meeting date.

Vice Chairman Loos called for a vote to approve the proposed 2019 monthly meeting schedule. Commissioner Stout moved to approve the schedule, and Commissioner Lubitz seconded the motion. The meeting schedule was approved unanimously.

Minutes

Vice Chairman Loos called for a motion on the October 17, 2018 meeting minutes. Commissioner Stout made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice Chairman

Loos asked for corrections or discussion on the minutes. Hearing none, he called for a vote. The minutes were approved unanimously.

Review Zone Projects

Zone A Projects

- 18-2903E PSEG Switching Station Bathroom Construction (Hamilton)
- 18-4929B Odd Bird Brewing Sign/Door/HVAC (Stockton)
- 18-5316 NJEDA Department of Health Building (Trenton)
- 18-1904A Replacement of County Bridges 330.1 and 331.1 (Princeton)
- 18-4525B Jax Gennaro (Franklin)
- 18-5329 2 Old Prallsville Road Generator/HVAC (Stockton)

Vice Chairman Loos requested questions and comments on the Zone A projects.

Commissioner Stout noted that the county bridge replacement project, over Stony Brook and a tributary to Stony Brook, (DRCC# 18-1904A), would not incorporate the standards being determined by the joint DRCC/DOT Bridge Task Force, as the task force focuses on design principles specifically for bridges crossing the canal.

Commissioner Leck noted that, on the same project, a two-year maintenance plan for the plantings would not guarantee survival.

Vice Chairman Loos called for a motion. Commissioner Lubitz moved to approve the Zone A projects with recommendations as noted in staff reports and Director Glenn seconded the motion. Vice Chairman Loos called for further comment, and hearing none, called for a vote. The motion was approved unanimously.

Zone B Projects

- 18-0173B 3087 Route 22 LLC (Hillsborough)
- 18-4517A Apex Sports and Events (Hillsborough)
- 18-4531A Lawrence Gardens Major Modification (Lawrence)
- 18-4960C Montgomery Upper School Drop-off (Montgomery)
- 17-5125 Shake Shack (Lawrence)
- 17-3216C Victory Subaru (Franklin)

Vice Chairman Loos asked for comment on the Zone B projects, excluding 17-4437A 2999 Princeton Pike. Commissioner Stout moved to approve the projects. Commissioner Lubitz discussed his vote status with DAG Abatemarco as it relates to his position in the Kingwood Township government and one project engineer, Mr. Decker, who serves as Kingwood Township engineer. Commissioner Lubitz stated he would be impartial. Commissioner Lubitz seconded the motion. Vice Chairman Loos called for further comment and hearing none, called for a vote. The projects were approved unanimously.

17-4437A 2999 Princeton Pike (Lawrence)

Director Hutchison offered an overview of the previously approved project of DRCC# 17-4437A, including location, history of a previous project at the site, and mitigation for stream corridor intrusion.

The director described the mitigation proposed for the current project, \$12,000, which would be combined with mitigation funds from the previous project, \$38,000, and be used to remediate the failed septic system at the Port Mercer Canal House.

Director Glenn, Vice Chairman Loos and DAG Abatemarco discussed the use of mitigation for land conservation as compared to a septic project. DAG Abatemarco noted that the Commission's regulations provide that if an applicant proposes to mitigate for the potential negative impact of a project and such mitigation yields a better environmental result, then that would be sufficient mitigation if so determined by the commission. Vice Chairman Loos discussed the long-standing commission practice of requiring mitigation at a ratio of 1:1 onsite and 2:1 offsite, and how the Commission's regulations contain language that authorizes the deposit of mitigation funds to a mitigation bank in the NJWSA for water quality projects.

Commissioner Lubitz and Superintendent Kalleser discussed the status of the rental of the canal house, which is owned by the state, and used by the Lawrence Township Historic Society. A discussion ensued regarding the merits of connecting the house to the Ewing-Lawrence Sewerage Authority (ELSA), and whether or not the mitigation monies from DRCC #17-4337A, when combined with mitigation monies already deposited with the NJWSA, would be sufficient to complete the project. The commissioners agreed that the term "remediation" should be used rather than "replacement" with respect to the Port Mercer Canal House project, so that the option of repairing the existing septic system could be pursued.

Vice Chairman Loos called for a motion. Commissioner Stout moved to approve the project in accordance to the recommendation in the November 14, 2018 staff report, that the applicant shall remit the amount of \$50,000 to the New Jersey Water Supply Authority for that authority to undertake or cause to undertake the water quality improvement project providing for the remediation of the failed septic system at the Port Mercer Canal House, Block 5201.01, Lot 5.01, Lawrence Township, Mercer County. Commissioner Leck seconded the motion. Vice Chairman Loos asked for further comment, and hearing none, called for a vote. The motion was approved unanimously.

Vice Chairman Loos called for a second motion. Commissioner Lubitz moved to amend the DRCC# 14-4437 2014 Certificate of Approval to omit the reference set forth in Condition 1 to provide \$38,000 in mitigation. Commissioner Stout seconded the motion. Vice Chairman Loos asked for further comment. Hearing none, he called for a vote. The motion was approved unanimously.

Executive Director's Report

Director Hutchison reported on the commission's workload and review fee collections. He reported on the records filing project, scanning of certain records, staff matters and office maintenance and improvements.

Director Hutchison reported on meetings he attended, including a Circuit Trails Coalition meeting at which marketing, communication, and signage for trails were discussed, including a presentation by Mr. Jay Watson, D&R Greenway, on the Trenton Trail Loop and associated trails.

Director Hutchison discussed a DOT scoping meeting he attended at which bridges over the canal at Quaker Road at Port Mercer and River Drive at Titusville were discussed. He noted various design components of the bridges which are compatible with the standards discussed at the DRCC/DOT Bridge

Task Force. He discussed endorsing the Alexander Road Bridge Replacement design standards as a model for creating a memorandum of agreement between DOT and the commission.

Vice Chairman Loos noted that Director Hutchison's attention to the filing project and the resulting ability to return to use of the commission conference room is appreciated.

Mr. von Zumbusch requested that the DRCC/DOT Bridge Task Force revisit his concern related to original sloping top-rail of the bridges, when compared to the "New Hampshire" guiderail design that was approved by the Commission. Commissioner Stout and Director Hutchison agreed to obtain clarification at the next Joint Bridge Task Force meeting from the NJDOT on the question of whether a purely cosmetic addition to the New Hampshire guiderail could be implemented without the need for crash testing.

Park Superintendent's Report

Superintendent Kalleser reported on flooding at the Kingston Canal House and Mapleton Road Park Office, two washouts along the canal path which are located in the two areas washed out in May 2018, snow plowing, and the tree removal project in Hopewell on Route 29.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported further on the two washouts noted by the superintendent. He gave an update on the canal dredging project. He described Reaches 1, 2, and 4 as completed, with material drying to be trucked offsite in early December, and that Reach 3 would be completed next year. Reach 5 will be started next year, and, the following year, Reaches 5 and 6 will be completed.

Old Business

None.

New Business

Ms. Desko provided an update on the 2018 Hydrilla treatment plan, which was completed for the year on September 30. She described a successful outcome and that further treatment will be needed, with an intense monitoring schedule beyond that.

Ms. Yoo presented on the Spotted Lantern Fly, a non-native invasive insect, which has been found in Warren, Hunterdon, and Mercer Counties. She described the life cycle, including adults killed off in the winter, with eggs wintering over and hatching in June. The Spotted Lantern Fly mainly hops, rather than flying, and is known to damage plants, trees, vines, grape vines, and crops such as alfalfa and hay, in addition to Tree of Heaven (ailanthus). Damage can reduce crop yields. Ms. Yoo discussed quarantine zones, permits, monitoring and treatment. Information can be found at the USDA and NJDA websites.

Vice Chairman Loos noted the November 29, 2018 public meeting on Walk-Bike-Hike Somerset County presented by Somerset County and the North Jersey Transportation Planning Authority. He stated he would attend the meeting to represent the Commission to advocate that the proposed Easton Pedestrian Bridge be placed into the Somerset County plan.

Commissioner Lubitz discussed stormwater standards and any potential updates due to changes in climate patterns. Commissioner Lubitz, Mr. Ruggeri, Vice Chairman Loos, and Director Glenn discussed rainfall amounts and stormwater standards and obtaining information on the potential of DEP updating standards. Vice Chairman Loos asked Director Hutchison to get information on potential updates from DEP and prepare a draft letter to be reviewed next month.

Director Glenn reported on a public meeting on November 28, 2018, hosted by the D&R Greenway Land Trust regarding bicycle trails and connector routes between the D&R Canal Path in Downtown Trenton and the Delaware River Heritage Trail in Hamilton Township.

Public Forum

Mr. Fay, a Griggstown resident, discussed the objectives of the nonprofit Millstone Valley Preservation Coalition (MVPC), including preservation, education, recreation, and tourism within the Millstone Scenic Byway. He noted concerns within the park including parking and boating access, insufficient trail maintenance, and preservation of historic resources. Mr. Fay noted his group's interest in bringing attention to the Millstone Valley Scenic Byway in 2026, the United States' 250th anniversary.

Commissioner Stout noted the general underfunding of both state and national parks and that the commission could revitalize to be a strong advocate for funding of state parks. Vice Chairman Loos discussed possible creative funding for the D&R Canal State Park, such as increasing the levy of NJWSA water users to generate funding for parks maintenance or amending the DRCC statute to give the commission authority to collect review fees for funding for maintenance of the park. Further discussion included license plate sales and an income tax checkoff. Director Glenn noted the importance of engaging other planning organizations and funding sources that have an interest in the D&R Canal, and also leveraging DOT opportunities. Director Glenn stated that an annual report is in development to be shared with the public and legislature, which would highlight resources and challenges of the state park system.

Vice Chairman suggested a license plate celebrating the 45th anniversary of the D&R Canal State Park and have the money dedicated to the park.

Superintendent Kalleser discussed the "Canal Quarters" program in Maryland, a camping experience where people rent a canal house, and the resulting funds are directed to up-keep of the canal property.

Mr. Fay commented further on the MVPC's plans for the 250th anniversary of the country, and the MVSC engaging private entities to support programs celebrating the 250th anniversary of the United States. Commissioner Leck noted that areas on Duck Island with archaeological ruins could be a valuable educational resource.

Mr. von Zumbusch noted the Kingston Historical Society would host an open house from 3:30 to 5:30 on December 2.

Vice Chairman Loos reported on the engineers pay rate matter.

Adjournment

Vice Chairman Loos called for a motion to adjourn. Commissioner Lubitz motioned to do so and Commissioner Leck seconded the motion. It was approved unanimously. The meeting adjourned at 12:05 p.m.

Respectfully submitted,



John Hutchison, Secretary