



**Minutes of the Meeting
Delaware and Raritan Canal Commission
May 15, 2019**

TIME: 10:10 a.m.
DATE: May 15, 2019
PLACE: DRCC Office, Stockton, New Jersey

ATTENDING COMMISSIONERS:

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

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

GUESTS: Superintendent Patricia Kalleser; Mr. Michael Sellar, Ms. Angela Gorczyca, and Ms. Heather Desko, New Jersey Water Supply Authority (NJWSA); Mr. Robert von Zumbusch, D&R Canal Commission Advisory Committee; Mrs. Linda Barth and Mr. Robert Barth, D&R Canal Watch; Ms. Tina Shutz and Ms. Lois Johann, NJDOT; Ms. George Caruso, Gannett-Fleming Engineers; Ms. Judy Detrano; Mr. Bill Johnson.

Vice-Chairman Loos announced that this was a monthly meeting of the Delaware and Raritan Canal Commission and that the provisions of the "Senator Byron Baer Open Public Meetings Act" (OPMA) had been complied with in the scheduling of the meeting.

Administrative Items

Vice-Chairman Loos confirmed that the next regular meeting of the Commission would take place on June 19, 2019. Commissioner Lubitz stated he would not be able to attend.

Minutes

Vice-Chairman Loos called for a motion on the April 3, 2019 Special Meeting minutes. Commissioner Stout made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice-Chairman Loos asked comments and, hearing none, called for a vote. The motion was approved unanimously.

Vice-Chairman Loos called for a motion on the April 17, 2019 meeting minutes. Commissioner Stout made a motion to approve the minutes and Commissioner Lubitz seconded the motion. Vice-Chairman

May 15, 2019

Loos asked for comment and, hearing none, he called for a vote. The motion was approved unanimously.

Review Zone Projects

Zone A Projects

19-2578A 1254 River Road Pool and Tennis Court (Hopewell)
19-5315B 23 South Main Street-Residence, Carriage House, and Barn Renovations (Stockton)
18-5103B Alexander Road Over D&R Canal Bridge Replacement--Str. No. 3000-155 (Princeton/West Windsor)
19-5359 PSE&G Line Replacement at Carnegie Road (Lawrence)

Vice-Chairman Loos called for a motion on the Zone A projects. Commissioner Stout moved to approve the projects pursuant to their staff report recommendations. Commissioner Lubitz seconded the motion. Vice-Chairman Loos asked for comment.

Commissioner Lubitz, Mr. Ruggeri, and Commissioner Stout discussed the placement of the gas line in the structure of the Alexander Road Bridge project. Commissioner Stout noted there would be a 36-inch clearance under the bridge.

Mr. Barth inquired why the Commission would permit the replacement of a stormwater outfall for the Alexander Road Bridge project, and questioned why the Commission does not as a matter of policy prohibit all stormwater outfalls into the Delaware and Raritan Canal as a water quality improvement measure.

Mr. Ruggeri noted that the replacement of an outfall structure in a stream corridor is a conditional use pursuant to the provisions of N.J.A.C. 7:45-9.4(a)6. Mr. Ruggeri noted that in the case of the Alexander Road Bridge Replacement, the project provides for the in-kind replacement of an existing 15-inch corrugated metal pipe outfall to the canal with a 15-inch reinforced concrete. He noted that the applicant had demonstrated to the satisfaction of Commission staff that this stream corridor intrusion met the definition of conditional use within the stream corridor, and as such would be permitted.

Director Hutchison noted that in order to unilaterally direct all outfalls be considered "prohibited" rather than "conditional" uses, the stream corridor impact standards would need to be revised either singularly, or as part of an overall re-adoption of the Commission rules, which expire in 2023.

Commissioner Lubitz requested that staff maintain a running list of possible rule amendments that could be "parked" until the time a re-adoption of the rules proceeds. Director Hutchison noted that there were other substantive issues that staff had noted with respect to updating the Commission rules, and agreed to keep a list going forward.

Vice-Chairman Loos called for further comment and, hearing none, called for a vote. The Zone A projects were approved unanimously.

Zone B Projects

19-1004A Trenton-Mercer Airport -- Scotch Road Remote Parking Lot (Ewing)

May 15, 2019

19- 4391 PSE&G Plainsboro Substation and Dey Road Switch Rack (Plainsboro)
19-2790A Ewing High School -- Parking Lot Expansion (Ewing)

Vice-Chairman Loos noted that the review for one project on the agenda, 19-1004A Trenton-Mercer Airport -- Scotch Road Remote Parking Lot (Ewing), was not administratively complete and therefore would not be considered by the Commission.

Vice-Chairman Loos stated he would entertain a motion to approve the remaining Zone B projects: 19-4391 PSE&G Plainsboro Substation and Dey Road Switch Rack (Plainsboro) and 19-2790A Ewing High School -- Parking Lot Expansion (Ewing). Commissioner Stout motioned to approve the two projects and Commissioner Leck seconded the motion. Vice-Chairman Loos asked for comment and, hearing none, he called for a vote. The projects were approved unanimously.

Park Superintendent's Report

Superintendent Kalleser reported that the Trenton Battle Monument improvement project was underway, including planting, sidewalks and curb cuts, and future signage. She reported on a May Day at the Princeton Nursery Lands site the week before, and the upcoming Children's Day on May 19 at the Rockingham Historic Site. The superintendent reported that park staff was busy with mowing, maintenance, and other preparations for the summer season.

Executive Director's Report

Director Hutchison reported on the monthly workload and fee collections, preapplication meetings, a canal quarterly meeting, and receipt of first floor office furniture.

The Director reported that he participated in a meeting on May 3rd with the Park Service, the NJWSA and the Mayor of Lambertville regarding tree maintenance along the canal embankment in that city. Also, in attendance were the City Clerk and the President of the city's Environmental Commission. The Director noted that the meeting was cordial, and that there was broad conceptual agreement on a plan proposed by Ms. Fox, the Delaware and Raritan Canal State Park Naturalist for the NJWSA to plant warm season grasses in certain areas of the canal where trees were removed, and in two other areas. The additional plantings were suggested by the Mayor, so that the new plantings would not "feel out of place" vis-à-vis the look of the canal in other areas of Lambertville. Director Hutchison noted that the Commission would work with a local environmental group and Ms. Fox on the plan. NJWSA Director Gates also agreed to present the replanting plan to the Lambertville City Council and to advise the City Clerk when maintenance activities are planned, so that notice could be provided by the city to its residents.

Director Hutchison noted that he was gratified that all parties had agreed to keep the lines of communication open and have further conversations going forward. However, he noted a concern about the suggestion that State agency activities on State property should be subject to municipal approval. The Director noted that "Delaware and Raritan Canal State Park Law of 1974" clearly authorizes the Commission -- not the several municipalities appertaining to the canal -- with the authority to approve any physical change to the park, consistent with the park Master Plan. He noted that as the Commission Executive Director, he cannot participate in any process that subordinates the authority of Commission - which is set forth in State law -- to a municipal government.

May 15, 2019

The Director reported on his May 1st meeting of Abbott Marshlands Stewardship Council Plan Steering Committee meeting at the Johnson Environmental Center in Princeton. The Abbott Marshlands Cooperative Plan is being updated by the Abbott Marshlands Stewardship Council, upon which both the DEP and the Commission sit as members. The primary purpose of the plan is to provide a framework for the council to promote, manage, enhance and protect the Abbott Marshlands using the resources and expertise available to each partner group. The council is meeting on May 17th to discuss the outline that the steering committee drafted, and to establish next steps and goals going forward.

The Director reported on May 3rd he received an email from a Mr. Richard Smith of Montgomery Township, who was directed to the Commission by former-Commission Chairman John Weingart. Mr. Smith, who is an author and reporter for the *Montgomery News*, was interested in the "lost" canal milepost at Rocky Hill. The Director related the historic significance of the mileposts. The Director noted that Superintendent Kalleser, Mr. Sellar went out to Rocky Hill to view the marker, which has fallen into the embankment. NJWSA Director Gates graciously consented to have the authority staff remove the marker from where it is now and move it to the park office at Mapleton Road for examination. Director Hutchison expressed the hope that the marker could be restored it to its original location.

Director Hutchison and Vice-Chairman Loos discussed meeting with staff of the DEP Parks and Forestry to cooperatively devise a plan to reopen the northern portion of the Bulls Island Recreation Area to park users.

Commissioner Lubitz stated he appreciated Director Glenn for her willingness to advance a solution on the issue of Bulls Island.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported on the status of the canal dredging project, and that dredging started on May 3, beginning with Reach 3, from "the Farmer's Bridge" to the Griggstown Lock. He reported that a temporary repair at the Six Mile Run culvert was underway and the permanent repair design was under way. Mr. Sellar also reported that NJWSA staff was waiting for the Delaware River water level to drop to proceed on maintenance repair work to a leak at Brookville Hollow culvert south of Stockton Borough.

Commissioner Lubitz and Mr. Sellar discussed repair of areas of the canal wall or bank that have been breached between Prallsville Mills and Bulls Island. Mr. Sellar reported that test borings would be made.

Old Business

NJDOT Planting Plan: DRCC# 18-3921D Route 29 NJDOT Tree Removal Project MP 14.3 to MP 22.3
Director Hutchison briefed the Commission on the history of the project which included approval by the Commission conditioned upon the NJDOT presenting a replanting plan to Commission staff. Ms. Johann, DOT's office of Landscape Architecture, presented the planting plan for DOT, including the number, size, native species, and locations of plantings at three sites along Route 29.

Ms. Shutz of NJDOT and Vice-Chairman Loos discussed the forecasted survivability of the trees NJDOT proposed to plant, noting the Commission's preference for larger trees, rather than seedlings.

May 15, 2019

Dr. Leck also noted that the larger the trees used, the better chance of survival. Ms. Shutz noted that NJDOT was sensitive to ensure that any planting did not run afoul of SHPO requirements for conducting archaeological surveys when digging, and that the likelihood of such a requirement grew with the size of the trees, unless SHPO agreed to permit the trees were planted within a berm.

Superintendent Kalleser shared information on her experience with SHPO archaeology requirements as they related to a previous tree planting plan in the Delaware and Raritan Canal State Park, and noted that archaeology was a concern and that SHPO could also be concerned with the design of any berm into which replacement trees were planted.

Vice-Chairman Loos directed that NJDOT work with Commission and Division of Parks and Forestry staff to resolve the potential archaeological issues posed by the planting with SHPO. Mr. Caruso, the NJDOT tree removal contractor, anticipated that absent any bureaucratic delays, tree removal work would commence after July 1st.

NJWSA Hydrilla Report

Ms. Desko offered a brief history of previous treatment of hydrilla, an invasive aquatic plant, in the D&R Canal, including plant surveys, number of treatment days, dosing information, and the outcome and success of the program. She reported that the treatment will begin approximately May 28, and the NJWSA would monitor the project as in previous years.

New Business

There was no new business.

Public Forum

Mr. Johnson, a Stockton resident, stated his concern the crosswalk where the Delaware and Raritan Canal State Park Multiuse Trail crossed Ferry Street in Stockton Borough. He noted that the street is often plagued by vehicles operating at speeds higher than the posted speed limit of 25 m.ph. He noted that drivers inadvertently drive west on Ferry Street in the mistaken belief -- possibly the result of faulty GPS directions -- that they are on Bridge Street, heading toward Pennsylvania. Vice-Chairman Loos indicated that Ferry Street was a municipal street under the jurisdiction of Stockton Borough, and that he raise his concerns with the borough's governing body and asked Director Hutchison to follow up on the crosswalk issue with the borough.

Mr. Johnson offered his opinion about one-year survivability for the previously discussed DOT tree planting program. Vice-Chairman Loos noted that the Commission certificate of approval for the project mandated a three-year survivability.

Mr. Johnson noted his appreciation that there were to be discussions about opening Bulls Island, as he and his family have long enjoyed the park, and he volunteered his assistance.

Ms. Detrano, a Lambertville resident, noted her appreciation that the Commission staff had met with the Lambertville Mayor related to vegetation clearing by the NJWSA and her appreciation that Commissioner Stout recommended transparency on the matter. She noted her request to attend the May 3 meeting was refused by Lambertville. Ms. Detrano noted the area that was "clear cut" by the NJWSA resulted in a view that displayed the commercial and industrial nature of the neighborhood. She

May 15, 2019

observed that this view was not aesthetically appealing, especially in the heart of the town where tourists come to be introduced to Lambertville. She further reported she would be unable to attend the June Commission meeting and regretted missing an update on the tree trimming/cutting matter. Director Hutchison assured her that the Commission's meeting minutes, once approved, were available to any member of the public and are posted on the Commission website.

Mrs. Barth noted that the City of Lambertville had recently reduced the places where residents can take their lawn clipping and vegetated waste. This had resulted in residents were throwing their lawn and garden materials into the canal. Director Hutchison noted he would contact the city clerk. Superintendent Kalleser noted that anyone observing anyone tossing waste into the canal should contact the Park Police at 1-800-WARNDEP.

Mr. Barth noted his appreciation that the Commission and the Division of Parks and Forestry were addressing use of the northern end of Bulls Island

Mr. Barth offered information about upcoming D&R Canal Watch activities including: a fundraiser boat ride and bike ride; and the June 9th D&R Canal Watch annual meeting at Griggstown, which would feature photographs of flora and fauna of the canal taken by former Commission Director Amon.

Mr. von Zumbusch reported on the June 6th presentation of the Kingston Historical Society on Dutch barns, a Millstone-Kingston Greenway meeting that evening at the Kingston fire house on the topic of mushrooms, and a presentation by Princeton University students at Princeton's Lewis Center, 185 Nassau Street, about the Millstone River and the D&R Canal State Park.

Ms. Detrano reported that the Mayor of Lambertville has private meeting times posted on the city website, and that the ability of residents to dispose of garden waste has been limited.

DAG Abatemarco reported she would be no longer be serving at the Deputy Attorney General assigned to the Commission and that she had accepted a position with the NJDEP Green Acres program. Commissioners and Director Hutchison offered thanks to Ms. Abatemarco for her wise counsel to the Commission and best wishes in her new position.

Vice-Chairman Loos stated the Commission appreciated the participation of NJDOT, the NJWSA, and the public in the meeting, and noted that this participation has informed and improved the Commission's work.

Executive Session

There was no executive session.

Adjournment

There being no other business, Vice-Chairman Loos entertained a motion to adjourn. Commissioner Lubitz moved to adjourn, which motion was seconded by Commissioner Leck. The motion was approved unanimously.

The meeting adjourned at 11:30 a.m.

May 15, 2019

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", written over a horizontal line.

John Hutchison, Secretary