



**Minutes of the Meeting
Delaware and Raritan Canal Commission
June 19, 2019**

TIME: 10:15 a.m.
DATE: June 19, 2019
PLACE: DRCC Office, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman John Loos; Commissioner Bruce Stout; Commissioner Mary Leck; and Director of Parks & Forestry Olivia Glenn. Commissioner Julia Cobb Allen attended by telephone.

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

GUESTS: Superintendent Patricia Kalleser; Mr. Michael Sellar, New Jersey Water Supply Authority (NJWSA); Mr. Robert von Zumbusch, D&R Canal Commission Advisory Committee; Mr. Wayne Petko; Mrs. Linda Barth and Mr. Robert Barth, D&R Canal Watch; Mr. Bill Johnson; Mr. Rikki Massand, Montgomery Township Landmarks Commission.

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 July 17, 2019.

Minutes

Vice-Chairman Loos called for a motion on the May 15, 2019 meeting minutes. Commissioner Stout made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice-Chairman Loos asked for comment and, hearing none, he called for a vote. The motion was approved unanimously.

Review Zone Projects

Zone A Projects

19-2786C 28 Mill Street -- Residential Addition (Stockton)

19-5352A Foundation Academy -- Proposed Soccer Field and Parking (Trenton)

Vice-Chairman Loos called for a motion on the Zone A projects. Commissioner Stout moved to approve the projects and Director Glenn seconded the motion. Vice-Chairman Loos asked for comment. Hearing none, he called for a motion to approve the Zone A projects. The motion was approved unanimously.

Zone B Projects

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

19-3453D Princeton University -- Temporary Softball Field (Princeton)

19-5350 General Tool Specialties, Inc. (Hillsborough)

19-2345B Carnegie Center -- Building 408 Parking Lot (W. Windsor)

19-5373 Antheil Elementary School -- Tennis Courts (Ewing)

19-4827A High Pt. Residential and Mixed Use -- Major Modification (Cranbury)

19-5381 Lamo Residence -- Barn & Amenities (Kingwood)

Vice-Chairman Loos called for a motion on the Zone B projects. Commissioner Stout moved to approve the projects and Director Glenn seconded the motion. Vice-Chairman Loos asked for comment on the Zone B projects.

Commissioner Leck inquired if for project 19-1004A Trenton-Mercer Airport -- Scotch Road Remote Parking Lot, the applicant had explored constructing a parking garage in lieu of a paved surface lot. Director Hutchison stated that the topic had not been discussed at meetings with the applicant or the applicant's engineers. The Director noted that given the proximity of the lot to the airport runway, there may have been federal or state regulatory constraints that precluded such a project. Mr. Ruggeri noted that a parking garage would still entail the creation of impervious surface coverage. Commissioner Leck noted that while that was true, a garage with multiple levels could create less impervious surface than an expanded asphalt surface lot.

Vice Chairman Loos called for further comment and, hearing none, called for a vote to approve the Zone B projects. The motion was approved unanimously.

Executive Director's Report

Director Hutchison reported on the monthly workload and fee collections. He noted that total fee deposits for Fiscal Year 2019 would be \$440,541, approximately \$12,431 greater than the same point in Fiscal Year 2018 and that the Commission would exceed its FY 2019 anticipated appropriate of \$387,000 by \$53,541.

The Director provided Commissioners with details of the nine preapplication meetings he attended since the May Commission meeting.

The Director noted that on May 31st, he participated in a site visit with the Park Superintendent and Naturalist, NJWSA and local officials from the City of Lambertville to review a planting plan for warm season grasses in the area where the NJWSA has conducted their recent maintenance tree trimming activities. Mr. Hutchison noted that the meeting was positive and there was a discussion of what native species could be left in place to supplement the plantings, and where the proposed plantings could be placed.

The Director noted that PSE&G had submitted a draft replanting plan for the vegetation removal activities they conducted in the Delaware and Raritan Canal State Park south of Amwell Road in Franklin Township, Somerset County. PSE&G was also examining a suggestion by the Vice-Chairman to plant wildflowers in the area between the Millstone River and Millstone Borough.

The Director noted that he received two complaints regarding the application of pesticide by the Black River and Wester Railroad on the railroad tracks in the area near Alexauken Creek in the City of Lambertville. The complaints alleged that glyphosate was being sprayed without warning or consideration of wind direction near the canal. The Director informed the Commissioner that he referred the complaints to the 1-877--WARNDEP line and followed up to ensure that an enforcement ticket had been opened by the DEP Bureau of Pesticide Compliance and Enforcement.

The Director noted that on June 4th he attended a site visit with the Superintendent of the Park, DEP SPHO and Mr. Sellar of the NJWSA at the park parking area/pedestrian bridge directly opposite the Speiden House/Little Valley Stables properties on Canal Road in Franklin Township. The contractor engaged in the dredging of the canal became aware of the replacement of a culvert that ran along Canal Road at the parking area. It was concluded that Franklin Township, due to heavy rainfall and flooding along Canal Road, determined that the existing culvert was either damaged or not adequately performing, and thus needed to be replaced. Franklin Township replaced the culvert with a new corrugated pipe culvert and covered the pipe with gravel. During the clearing of the downstream portion of the culvert, Franklin Township removed a tree previous trimmed during the canal project, that was located in the vicinity of a previously non-visible well of potential historical significance. Upon clearing the tree, the existing well was uncovered resulting in a large 2-3' cavity near Canal Road.

DEP SHPO identified that the archaeological monitor for the dredging project (Jesse Walker-AECOM) investigated the area and determined that during replacement of the culvert, part of the existing historical foundation (of a former bridgetenders house) located at the site was damaged. Additionally, SHPO explained that the use of the corrugated piping was not the recommend piping to be used near the historical structure. Following this, SHPO noted that Franklin Township should construct a headwall at both the upstream and downstream portions of the culvert, with the downstream portion tying in to the existing historical structure. The headwall materials will need to match the existing adjacent structures. SHPO also requested Franklin Township to fill in the open well for public safety. Franklin Township has agreed with these requirements and will be submitting a permit application to the Commission for the proposed work.

The Director reported to the Commission that he and the Vice-Chairman attended a conference at Rutgers University on "Resilience in the Raritan" on June 7th. Conference presentations and panel discussions explored the impacts of climate change on Raritan basin communities and environs, with the

intent to advance renewed watershed planning efforts that will promote resilience throughout the Raritan River, Basin and Bay. The morning session consisted of an overview of changing climate conditions followed by panel presentations and discussion about what those changing conditions will mean for the physical, ecological, socio-economic, and engineered systems in the Raritan region. The afternoon session consisted of discussion on strategies and interventions that are currently being implemented in the Raritan region to reduce the risks posed by climate change and how hazard mitigation planning can reduce vulnerabilities to communities across the region. Director Hutchison commented that the conference was useful in that it highlighted how the Commission could incorporate climate change planning into future rulemaking.

The Director noted that one of the general permits issued in May was for the in-kind replacement of the wood decking on the South Bound Brook former railroad -- now pedestrian bridge over the canal. The bridge deck was destroyed in a fireworks accident on July 4, 2017. Although fixed in place and used for pedestrians, the South Bound Brook rail bridge is one the four remaining swing bridges over the canal.

The Director noted that on June 6, 2019 he attended a scoping meeting at the NJDOT to discuss the proposed replacement of the Main Street Bridge which carries Somerset County Route 527 over the Delaware and Raritan Canal in South Bound Brook Borough. This bridge is also a former swing bridge that has been fixed in place since the closure of the canal. Although the purpose of the meeting was to choose a preferred alternative design, that was not accomplished. There is also some uncertainty regarding the ownership of the pedestrian bridge that parallels the road bridge. Although similar in design to the pedestrian walkway on the Queen Bridge over the Raritan River, Somerset County has indicated that they do not own that bridge. Since NJDOT proposes to use the bridge as a pedestrian detour while the road bridge is being replaced and the pedestrian crossing reconfigured, its ownership and inspection history are important to research. The Director requested the canal stakeholders had any insights on the ownership of the bridge, that they should contact him.

The Director reported on the delivery of replacement furniture items, and the purchase of a color copier/scanner/printer for the engineering office.

Vice-Chairman Loos requested a report on purchasing of the Commission vehicle. The Director reported that the necessary paperwork had been filed with DEP General Services, but that approvals were required from seven different officials. The Director noted that he was hopeful that the issue could be resolved soon.

At 10:35 a.m., Commissioner Allen left the meeting.

Park Superintendent's Report

Superintendent Kalleser reported on Emerald Ash Borer ash tree treatment within the park. She also noted briefly that the Franklin Township sewer main issues entailed the closure of sections of the multiuse trail in South Bound Brook Borough.

The Superintendent noted that there would be an upcoming meeting with NJDOT to discuss the planned mitigation project in the "Devil's Tea Table" area along State Highway Route 29 in Kingwood Township, Hunterdon County. The project would purportedly improve public safety by remediating the rockface and installing rockfall control measures. However, she noted that the project had potential visual impacts for Delaware River communities in New Jersey and Pennsylvania.

The Superintendent also briefed the Commission on alternate planning for the Delaware River Sojourn. The Sojourn is a seven- or eight-day guided paddling trip on the Delaware River that combines canoeing/kayaking, camping, educational programs, historical interpretation. The alternative arrangements that were being contemplated due to high water in the river

The Superintendent also reported on a management agreement DEP has entered into related to the Kugler Woods. She also noted that on June 8th the DEP "Hooked on Fishing-Not on Drugs" Youth Fishing Challenge was held; a free statewide event to promote fishing among youths and their families in which no license is required to fish regardless of age.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported on the status of the canal dredging project within Reaches 3 and 5, the Landing Lane spillway project, and a Raritan River bank project. He reported that the dosage of herbicide for Hydrilla was reduced by 10% and that the Six-Mile Run Culvert rehabilitation required dewatering for inspection before a schematic design could be made. Mr. Sellar reported on the Cedar Grove watershed water sampler installation and the Brookville leak repair. He reported on three sewer main breaks within four days in Franklin Township, necessitating flushing of the canal.

Old Business

Commissioner Stout reported to Commissioners on the status of the draft memorandum of agreement that would be reviewed at the June 28th meeting of the NJDOT/Commission Bridge Task Force. He noted that only two significant issues remained for discussion, involving the installation of pedestrian-activated crossings at certain roads that cross the canal, and the design and colors of guiderails at canal bridges. Commissioner Stout thanked Deputy Attorney General Abatemarco for her work on the draft document.

New Business

There was no new business.

Public Forum

Mrs. Barth reported there would be a municipal public meeting at which there would be discussion about traffic and the Griggstown Causeway. Mr. Massand, vice-chair of the Montgomery Township Landmarks Commission and River Road resident, spoke of his concern that the municipality may be considering a new or expanded roadway to manage traffic over the Griggstown Causeway and there would be a meeting in late August or September. He asked that the Commission be proactive on the matter.

Mr. Barth reported that the 28 Mill Street project brought to mind his concern that the canal towpath in Stockton, currently closed to park users, remains closed. He commended NJWSA and DEP on the vegetation plan proposed for the park in Lambertville. Mr. Barth also voiced concern about repair work being done on the bridge over the canal at Washington's Crossing in the Titusville section of Hopewell Township, Mercer County. He noted his concern about replacing the remaining swing bridges on the canal, and stated his preference that if a swing bridge were to be removed, that it be preserved and displayed at a nearby park site showing the gearing, wheels, and keys.

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Mr. von Zumbusch expressed his concern that the NJDOT was not maintaining the canal bridges, and that many were in need of a fresh coat of paint. Commissioner Stout noted that maintenance was directly related to allocation of funds, which is often beyond the ability of NJDOT staff to control. Director Hutchison volunteered to contact NJDOT and make them aware of Mr. von Zumbusch's comments.

Mrs. Barth reported on a successful canal boat dinner cruise in the Lehigh Valley, hosted by Canal Watch, which would benefit the East Millstone canal site.

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.

Mr. Johnson, a Stockton resident, stated his concern about crosswalks at Ferry and Bridge Streets in Stockton Borough and the crossing at Bridge Street in Lambertville. Director Hutchison noted that the crosswalk at Ferry Street would need to be addressed by the Borough of Stockton, that Bridge Street in Stockton was either a county road or municipal street, and that Bridge Street in Lambertville was under the jurisdiction of NJDOT, being State Highway Route 179.

Executive Session

At 11:00 a.m., Vice Chairman Loos noted the commission would go into executive session to discuss personnel matters. Commissioner Stout made a motion to enter executive session and Commissioner Leck seconded the motion. It was approved unanimously.

Public Session

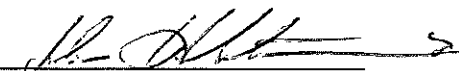
At 11:30 a.m., the Commission returned to public session. Vice Chairman Loos noted that personnel matters had been discussed including a salary adjustment for a Commission staff member which was processed by DEP, and ongoing consideration to the engineering hourly rate regulated by the CSC.

Adjournment

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

The meeting adjourned at 11:35 a.m.

Respectfully submitted,



John Hutchison, Secretary