



MINUTES OF THE MEETING OF NOVEMBER 10, 2010

TIME: 10:00 AM – 10:40 AM
DATE: Wednesday, November 10, 2010
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman David DeVecchio, Vice Chairman Martin Jessen,
Mr. David Knights, Ms. Alison Mitchell, Ms. Donna Mahon and
Mayor Phyllis Marchand

STAFF: Mr. Hahn and Ms. Holms

Mr. Lewin Weyl, Deputy Attorney General

GUESTS:

Linda Barth, D&R Canal Watch

Bob Barth, D&R Canal Watch, Canal Society of NJ

Patricia Kalleser, D&R Canal State Park

Jim Kyle, Kyle Planning & Design

Marco Paredes, Verizon Wireless

Chairman DeVecchio announced that this was a regular meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met.

MINUTES OF THE MEETING OF OCTOBER 20, 2010

Mr. Jessen moved approval of the minutes of the meeting of October 20, 2010; Ms. Mitchell seconded the motion and it passed without dissent.

Ms. Mahon joined the meeting at 10:10 AM.

REVIEW ZONE ACTIONS

Ms. Mahon moved approval of the following "A" Review Zone project applications:

10-0905A	Zelinack Pole Barn, Franklin Township
10-3923	New York Avenue Monopole, City of Trenton

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Chris Christie, Governor, Kim Guadagno, Lt. Governor Bob Martin, Commissioner

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Mr. Knights seconded the motion. Regarding the proposed monopole, Mr. Barth asked why the monopole had to be in the Canal Park Historic District, because it would have a significant adverse impact. Although he said he appreciated the Executive Director's work involving the proposed mitigation, he maintained that no mitigation is enough for the adverse impact that the monopole creates, and that the pole should be removed.

Ms. Mitchell said that although she struggled with the proposal she understood it would be located in an area that is already heavily impacted by urban development, and that its historic integrity was therefore already compromised. She also felt that the stipulation of removing the pole if it would not be used after 90 days of installation was a satisfactory protective measure.

The motion for the two "A" Zone project applications was then rescinded. Mr. Jessen moved approval of the Zelinack Pole Barn; Mr. Knights seconded the motion and it passed unanimously.

Chairman delVecchio left the meeting at 10:10 AM. Mr. Knights then moved approval of the New York Avenue Monopole conditioned upon receipt of mitigation in the amount of \$20,000.

Ms. Mahon said she consulted with the State Historic Preservation Office, and agreed with SHPO that the proposed mitigation was acceptable for the adverse impact. She asked whether there would be co-locators on the pole. Mr. Paredes said the pole was designed for three co-locators. He said that for now, the bus company would be using the pole (in addition to Verizon) because it was expanding its operations and needed a taller antenna for their radios.

Mr. Knights amended his motion. He moved approval of the monopole conditioned upon the following: 1) submission of mitigation in the amount of \$20,000, 2) the applicant will allow co-location of other carriers to the maximum extent as allowed by the design of the monopole, and 3) the lessee and all future lessees, shall, upon the expiration of the Term of the lease with the property owner, or within 90 days after any earlier termination of the Agreement, remove its building(s), antenna structure(s) (except footing), equipment, conduits, fixtures and all personal property and restore the Premises to its original condition. Verizon or its successors shall notify the Commission within 30 days of its intent to terminate its lease with the current property owner. Should Verizon or its successors terminate its lease with the property owner and the property owner exercises its option to purchase the monopole for its own use, this condition would be binding upon the current owner of the monopole. Specifically, the requirement to notify the Commission within 30 days if the pole and associated equipment are no longer in use, and to remove the pole and associated equipment and restore the area within 90 days of the termination of use.

Ms. Mahon seconded the motion. After further discussion regarding the potential removal of the pole, the motion passed unanimously.

Chairman DelVecchio re-joined the meeting at 10:25 AM.

Mr. Knights moved approval of the following "B" Review Zone project application:

10-4021 Merck Hangar Expansion, Ewing Township

Mr. Hahn said that although there were stream corridors within the airport itself, this project would not be encroaching into them. He said the FAA has prohibited Mercer County from deed-

restricting any airport land, but should a future project be proposed involving the stream corridors, he would recommend that the Commission require either deed-restricting the corridors, or justification regarding the FAA prohibition of deed-restrictions. Mr. Jessen seconded the motion and it passed unanimously.

Mr. Knights left the meeting at 10:30 AM. Mr. Jessen moved approval of the following "B" Zone project application:

10-3969 Princeton Forrestal Center Basin G2, Plainsboro Township

Mayor Marchand seconded the motion and it passed unanimously. Mr. Knights re-joined the meeting at 10:35 AM.

Mr. Jessen then moved approval of the following "B" Zone project applications:

08-3705	Alliance Realty Subdivision, Montgomery Township
10-2796B	Princeton Church of Christ Storage Building, Princeton Township
10-4047	Palmucci Warehouse Addition, Walters Avenue, Ewing Township
10-3006D	Peddie Golf Course Screening, East Windsor Township and Hightstown Borough

Mayor Marchand seconded the motion and it passed unanimously.

EXECUTIVE DIRECTOR'S REPORT

Mr. Hahn reported on the staff's monthly workload and incoming revenue. He noted that several municipalities within the Commission's Review Zone have passed resolutions that support the continuation of the Canal Commission, including Hopewell Borough, Stockton, and Franklin Township.

WATER SUPPLY AUTHORITY REPORT

In Mr. Shepherd's absence, Mr. Hahn reported that public outreach meetings were ongoing for the future dredging project of the main canal, and that the next public meeting would be held on December 13 at 5:00 at the Franklin Township Municipal Building. He said maintenance dredging was continuing in the Wilburtha Road section of the feeder canal, and repair work was underway at the Rooster Coup Spillway and Workhouse Spillway, also on the feeder canal. He said work on the Prallsville lock was almost complete.

CANAL PARK SUPERINTENDENT'S REPORT

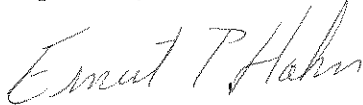
Superintendent Kalleser reported that the canal bridge at Firemen's Eddy was open to the public but would not recommend that cars with trailers or boats, etc., use it. Contractors for the spillway work are currently using it as their access. She said she would be taking family leave in early December, returning March 1st. The Commissioners wished her well.

PUBLIC FORUM

Mr. Barth reported that he met with Senators Ray and Kip Batemen, who were both supportive of the Canal Commission and would not recommend its abolishment. He said the Muletender's Barracks in Griggstown would be opened to the public next week for the first time since Hurricane Floyd (1999). He said the Raritan Millstone Heritage Alliance, a non-profit history advocacy group, is also actively supporting the continuance of the Canal Commission.

The meeting adjourned at 10:40 AM.

Respectfully submitted,

A handwritten signature in cursive script that reads "Ernest P. Hahn".

Ernest P. Hahn
Secretary