

MINUTES FOR REVIEW AND APPROVAL AT THE
OCTOBER 19, 2011 MEETING

MINUTES OF THE MEETING OF SEPTEMBER 21, 2011
Delaware and Raritan Canal Commission

TIME: 10:00 a.m. – 12.15 p.m.
DATE: September 21, 2011
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Vice Chairman Martin Jessen, Mr. David Knights, Mr. John Loos, Ms. Donna Mahon, Ms. Alison Mitchell; and Mayor Phyllis Marchand by teleconference.

STAFF: Ms. Marlene Dooley, Deputy Attorney General Lewin Weyl, Ms. Colleen Christie Maloney.

GUESTS: Mr. Joe Shepherd, NJWSA, Mr. Bill Bogosian, NJWSA, Ms. Patricia Kallessner, D & R Canal Park Superintendent, Mr. Paul Rosenwinkel, Mr. Joe Jaworski, Mr. Mitch Livingston, Mr. Tom Letizia, Esq., Mr. Ralph Petrella, Mr. Neil Acevedu, Mr. Chad Adams.

The meeting opened at 10:05 a.m. Vice Chairman Jessen 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 MEETINGS

Minutes of the Meeting of August 24, 2011

Mr. Loos moved to approve the minutes and Mr. Knights seconded the motion. The minutes were approved unanimously.

REVIEW ZONE ACTIONS

Zone B Projects

Two Zone B projects were reviewed first, as Mayor Marchand was unavailable to attend the meeting after 10:30 a.m. Mr. Knights recused himself from the following projects under review: 11-4200 Munich Re-insurance and 11-3706A 800 Scudders Mill Road. He left the room at 10:15 a.m. and Mayor Marchand joined the meeting by teleconference at that time.

11-4200 Munich Re-insurance

Ms. Dooley described the scope of the project on the Forrestal Campus. She stated, in part, that it is a solar array over an existing parking lot and that it has piping within the columns to allow for water run off. The applicant's project engineer described the specifics of the system further. Mr. Loos moved for approval and Ms. Mitchell seconded the motion. It was approved unanimously.

11-3706A 800 Scudders Mill Road

Ms. Dooley described the project at the former Merrill Lynch site which includes work on the facade and entrances, a turn-about, landscaping, and water quality improvements. Mr. Letizia, the applicant's attorney, noted that the project is important to the New Jersey economy, as the improvements are preparing the site for occupancy by the Novo Nordisk world headquarters. He described the alterations, including two entrances into the building, no net increase in impervious surface, and the water quality improvements. The water quality treatment involves a bio swale which is over-designed to address the new hardscape and possible future construction. Ms. Mahon moved for approval of the project and Mr. Loos seconded the motion. It was approved unanimously.

At 10:30, Mr. Knights returned to the meeting. Mayor Marchand left the meeting.

Zone A Projects

11-4222 6 Washington Ave. Residence

11-4219A Stockton Market Sign and Facade

Mr. Knights moved for approval of both Zone A projects and Ms. Mitchell seconded the motion. They were approved unanimously.

Zone B Projects

11-4151 Chase Bank Site Plan

11-1870 McDonald's New Brunswick

11-1996C NJM Data Center Generator

Mr. Knights moved for approval of the above Zone B projects and Ms. Mahon seconded the motion. The projects were approved unanimously.

EXECUTIVE DIRECTOR'S REPORT

Ms. Dooley reported on the staff's monthly workload and incoming revenue. She noted that staff processed 3 deficiencies, 6 jurisdictional approvals, 8 General Permits 1, and one subdivision. She stated that application fees brought in \$10,750 in revenue last month. Ms. Dooley noted that the office met all 30-day review deadlines regardless of the office operations difficulties presented by Tropical Storm Lee and Hurricane Irene.

Ms. Dooley reported that the office did not flood but was required to prepare for flooding both with the hurricane and tropical storm; the preparations greatly impacted office operations. She outlined the steps involved and noted the number of days to prepare and put back the office, and days without electricity and internet service. On days that the office could not be open, work was

accomplished at satellite locations such as Bulls Island and the Water Supply Authority to allow the work to continue.

Ms. Dooley offered an update to the Scudders Falls Bridge at Bernard Drive. She reported that the last permit to be issued, a Land Use Permit, was issued in late August 2011 and the DOT redesign was expected to be completed soon.

Ms. Dooley distributed photos, sent to her from the New Jersey Water Supply Authority, which illustrated the severity of storm-related damage in the Canal and Canal Path.

D & R CANAL PARK REPORT

Ms. Kalleser started by thanking the New Jersey Water Supply Authority for their assistance in helping with the tropical storm and hurricane damage. She reported on some of the damage. The Demott Lane Footbridge in Franklin Township floated 100 yards downstream; ten buildings sustained water damage; and the camping season at Bulls Island was ended by the storm damage.

She also noted that the Canal Park path in Alexandria Township is in need of repair and that the Office of Resource Development will help with that repair. The Millstone Aqueduct Lower Bridge is back in place; the Blackwell Mills Outhouse floated down stream; the Muletenders Barracks had water above the first-floor ceiling; the Sherman House was flooded to the attic; and the Kingston Locktenders House had the door blown out of the basement by flood waters. She stated that water and mold issues would need to be addressed.

NEW JERSEY WATER SUPPLY AUTHORITY REPORT

Mr. Shepherd, of the New Jersey State Water Authority, reported on the extent of damage from the tropical storm and hurricane. He stated that the flood guard bank in Stockton is being temporarily repaired. The Rubber Mill gates in Lambertville are getting repaired. He noted that gravel bars developed in the canal at Washington's Crossing, Brookville Creek and Prallsville Mills. Embankment failures and scour occurred from Kingston to Landing Lane. Tree removal crews were working past Griggstown. A contractor has been hired to design a repair for the damage at Port Mercer. The NJWSA was waiting for a meeting with FEMA which would address damage from Hurricane Irene and they are expecting that 75% of damage repair costs will be covered by FEMA. The NJWSA has sent a preliminary damage assessment for Tropical Storm Lee to the State which will send it on to FEMA. Mr. Shepherd noted that, even with all this damage, the supply of water to customers was not interrupted.

Ms. Mitchell commented that she was impressed with the amount of damage done by the storms and the scope of repair undertaken by the NJWSA. Ms. Dooley noted the tremendous amount of repair work addressed by the NJWSA. Mr. Loos noted the incredible effort put forth by the Park, NJWSA, and staff at the Canal Commission. Ms. Kalleser noted that Canal Watch was of great assistance in the clean up of the Canal Park.

NEW BUSINESS

Mr. Loos reported that Mr. Knight, Ms. Mitchell and he met with the Governor's Chief of Staff Richard Bagger to discuss issues related to the Canal Commission. The meeting was very productive. The members were told that the Commission would continue and members expect that the Commission will soon be able to hire additional staff. Mr. Loos further related that the