

**MINUTES OF THE SPECIAL MEETING TO BE REVIEWED
NOVEMBER 19, 2012
Delaware and Raritan Canal Commission**

TIME: 12.05 p.m. – 12:40 p.m.
DATE: November 5, 2012
PLACE: Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Mr. David Knights, Vice Chairman John Loos, Mayor Phyllis Marchand, Ms. Alison Mitchell, and Mr. Edward Mulvan.

STAFF: Ms. Marlene Dooley, Ms. Colleen Christie Maloney, Mr. Vince Mazzei, Mr. Charles Stieber and Deputy Attorney Jung Kim.

GUESTS: Mr. Bill Bogosian, NJWSA, City of Lambertville Mayor David DeVecchio, City of Lambertville Engineer Christine Ballard.

The meeting opened at 12:05 p.m. Vice Chairman Loos announced that this was a specially scheduled meeting of the Delaware and Raritan Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met.

REVIEW ZONE A

12-4352 South Franklin Street Improvements (Lambertville)

Mr. Knights asked Mayor DeVecchio to outline the project and the related issues. Mayor DeVecchio first thanked the Commission for the meeting. Mayor DeVecchio outlined the project and explained that the project was part of an effort to control serious flooding of residences on the hill above Route 29. He further explained that he had a conference call with Executive Director Dooley and the Delaware River Joint Toll Bridge Commission to seek an extension for the funding of the project beyond the present December 31, 2012 deadline but could not obtain an extension. Mayor DeVecchio noted that the City has agreed to pave the road and address water quality off-site although additional time was needed to meet these requirements. Mayor DeVecchio also noted that the City originally told residents the road would not be paved. The City has agreed to pave the road but wants to inform the residents of this change.

David Knights made a motion to move the project. Mayor Marchand seconded the motion in order to discuss the project.

Mayor Marchand stated that she understands the Mayor's position but is concerned that the discharge to the Canal be as brief a time as possible. She questioned whether the paving could be done in less than six months and how the Commission could be certain the paving occurred

within the time period and was not extended beyond that time. Mayor Delvecchio assured the Commission that the paving will be done within the six months. Mayor Marchand asked the Deputy Attorney General to determine if penalties could be assessed if the discharge lasted more than six months. Mayor Marchand also stated that Ms. Ballard should have a condition in the construction contract to levy fines against the contractor if the paving is not completed within six months to ensure the timeline is met.

Vice Chairman Loos and Ms. Mitchell questioned what would occur if the residents were opposed to paving the road. Mayor DelVecchio stated that the street must be paved as a condition of the approval of the project. He noted that he had already spoken to some of the residents and that their primary concern was with addressing the flooding. The street is not highly traveled and most of the traffic is residents who live on the street.

Ms. Dooley noted for clarification that the collection system will be in place and discharging to the tributary prior to the road being paved; therefore there will be a discharge that is not consistent with the regulations for some period of time. Ms. Dooley asked for specifics related to the construction schedule.

Ms. Ballard stated that the contractor will start work next week. Work will progress from the bottom to top of the hill. The outfall will begin discharging in December. She further outlined the reasons additional time was needed for paving which included that the asphalt plants typically close December 15 and reopen March 15 and that the winter weather conditions would not make paving possible. Mr. Knights stated that this was typical of what he knew of the industry but he also stressed that the paving needs to occur as soon as possible.

Mr. Loos asked if during the period the road is not paved whether the water going into the Canal would be substantially worse than it is currently. Mr. Mazzei stated that the amount of sediment that will be entering the Canal will increase if the road is not paved. Mr. Mazzei said the increase in sediments during this time is not possible to calculate but will probably not be significant. Mr. Mazzei explained that, currently, sediment drops off as it travels down the mountain and into the Canal. Mr. Bogosian agreed with Mr. Mazzei that there will be a slight increase in sediments from the road going to the Canal. Mr. Bogosian expressed concern that if there is an increase in sediments, the NJWSA will have to remove those sediments. This is difficult because of the permits required and the costs associated with dredging. Mr. Bogosian asked the City representatives what measures would be taken to address the increase in sediments during this interim period. Ms. Ballard responded that Lambertville has permits and approvals from the Hunterdon County Soil Conservation District and outlined those requirements; she noted that her firm will have an inspector to oversee construction at the site. She will also work with Mr. Mazzei during the design process.

There was discussion of possible interim measures to address the discharge including plugging the pipe until the road was paved and/or during storm events, placing gravel on the road, and matting to control runoff. Ms. Ballard agreed to these measures.

Mayor Marchand moved to approve the project. Mr. Knight seconded the motion. The project was approved unanimously.

Mr. Knights moved to adjourn the meeting. Ms. Mitchell seconded the motion. The motion was approved unanimously and the meeting adjourned at 12:40 p.m.

Respectfully submitted,



Marlene Dooley
Secretary