

**MINUTES OF THE MEETING TO BE REVIEWED ON
February 27, 2013
Delaware and Raritan Canal Commission**

TIME: 10:15 a.m. – 12:20 p.m.

DATE: January 16, 2013

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. Charles Stieber, and Deputy Attorney General Jung Kim

GUESTS: Ms. Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Mrs. Linda Barth, Delaware and Raritan Canal Watch; Mr. Bill Bogosian and Mr. Joe Shepherd, New Jersey Water Supply Authority

The meeting opened at 10:15 a.m. Vice Chairman Loos announced that this was a regularly scheduled meeting of the Delaware and Raritan Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met.

Vice Chairman Loos asked if there were any administrative items. There were none.

MINUTES OF MEETING

Minutes of the Meeting of December 19, 2012

Vice Chairman Loos asked for a motion to approve the minutes. Mayor Marchand moved to approve the minutes and Ms. Mitchell seconded the motion. Mr. Mulvan abstained. The minutes were approved with Mr. Mulvan abstaining and four Commissioners voting to approve.

REVIEW ZONE PROJECTS

Review Zone A Projects

Vice Chairman Loos stated that there were no Review Zone A Projects.

Review Zone B Projects

12-3648B Quaker Bridge Mall Phase 1.01B
12-4380 Princeton Research Lands
12-3144C Middlebush Phase III
12-3038B Monroe Chase Conversion

Vice Chairman Loos recused himself on 12-3144C Middlebush Phase III because of his consulting work with Franklin Township and involvement with issues related to Middlebush Park. Vice Chairman Loos explained that that the Middlebush Phase III project would be subject to the 45-Day rule because of lack of quorum.

Mr. Mulvan motioned to move the three remaining Zone B projects; Mr. Knights seconded the motion. The projects were approved unanimously.

Projects Subject to the 45-Day Rule

12-2296B Eden Area Demolition

12-3144C Middlebush Phase III

Vice Chairman Loos stated that there were two projects for which the Commission did not have sufficient quorum to vote and therefore would be subject to the 45-Day rule. Vice Chairman Loos noted that Mr. Knights would recuse himself from voting on the Eden Area Demolition project due to his involvement with Princeton University. There was a brief discussion regarding when the projects were complete and the date from which the 45 days would run. Ms. Dooley stated that she issues a letter that indicates the day on which the project was deemed complete and the day on which the project is approved.

Executive Director's Report

Ms. Dooley reported on the staff's monthly workload and fees (see attached report). Ms. Dooley discussed the recent increase in application meetings and the types of projects that will be coming before the Commission.

Ms. Dooley noted that L. 2011 c. 167 was approved on January 5, 2012 and becomes effective February 1, 2013. This law requires a number of local agencies and boards to maintain internet websites and to post certain information on that site. Ms. Dooley noted that the Commission website was in compliance with the new requirements but added that the website may need to be reviewed in light of the proposed Master Plan process.

Delaware and Raritan Canal State Park Superintendent's Report

Superintendent Kallesser stated that the Port Mercer Canal House has been restored. She also noted that the Millstone Valley Preservation Coalition has been designated an official "friends" group. Lastly, Superintendent Kallesser stated that the Colonial Park spillway project will begin soon which will require closures on the causeway.

Vice Chairman Loos asked about the status of the Calhoun Street House. Superintendent Kallesser stated that it is fully restored and outlined the restorations. There was extensive discussion regarding the process for seeking tenants. Superintendent Kallesser, Vice Chairman Loos, Mr. Knights, Mr. Mulvan and Ms. Mitchell all spoke regarding the costs of renovation, the number of groups that had toured the facility, parking for the site, the prior Custodial Legislation regarding historic buildings, the rent for the Calhoun Street building, and the type of groups eligible to rent the structure.

Vice Chairman Loos asked the status of the Easton Avenue Bridge. Mr. Mulvan stated that the project is in the program study stage. The DEP is looking at different bridge designs, options, etc.

New Jersey Water Supply Authority Report

Mr. Shepherd reported that the NJ Water Supply Authority (NJWSA) is continuing to conduct tree work related to Hurricane Sandy. The NJWSA is also working on the design, the Request for Proposal and permitting aspects related to the Raven Rock-Prallsville Guardbank Repair.

Vice Chairman Loos asked for an update on the dredging project in Franklin Township. Mr. Shepherd stated that the NJWSA is awaiting Army Corps Permits and that the project is expected to begin in 2014. Mr. Shepherd explained that the water will remain in the Canal during the dredging process, sonar will be used to identify large objects which will be removed from the Canal, a vacuum process will be used, the material will be decanted and the spoils removed by truck. Mrs. Barth asked about the length of time for the project and Mr. Shepherd stated that the process will occur over three seasons.

Old Business

Vice Chairman Loos raised the issue of the Commission website for discussion. He confirmed with Superintendent Kalleser that the website is hosted, paid for and administered by Parks. Vice Chairman Loos expressed concern that the Master Plan process will require a large amount of information to be posted quickly and it was unfair for the Commission to expect Parks to do an extensive amount of work on the Commission's behalf. Vice Chairman Loos wants to investigate and discuss at the next meeting the Commission hosting their own website; the website should encourage the use of I-Map and contain more information electronically. Vice Chairman Loos stated that the Commission should investigate having a staff person trained to become a Webmaster. Mayor Marchand said she checks the website and it suits her needs but with the Master Plan process, it is a good time to update the website and see how to make it better. Vice Chairman Loos stated that soon there would be new Commissioners and that under their remaining tenure the Commissioners should improve the website and ensure it is funded and stands on its own. Vice Chairman Loos asked Superintendent Kalleser if her office had concerns with the Commission hosting its own website, the cost of the existing website and having links between websites. Superintendent Kalleser said Ms. Chirco should be consulted on the website. Superintendent Kalleser suggested splitting the cost and retaining a joint website. Superintendent Kalleser stated that it costs \$80 for 2 years to host the existing site.

There was discussion regarding hosting and redesigning the site. Mr. Knights and Ms. Mitchell discussed the need to explore the issue more because website design can be expensive and there are many supplier issues. Mayor Marchand recommended asking other Commissions what they do and whether they handle their sites in house or externally. Mr. Knights suggested contacting the D & R Greenway. Vice Chairman Loos asked staff to contact the Pinelands and Highlands Commissions.

Master Plan

Vice Chairman Loos stated that he had developed a draft process for renovating the Master Plan and copies were distributed. He noted that the document was developed to begin a process for receiving comment and updating the Master Plan. The process was based, in part, on the past Master Plan development processes and the regulatory requirements. Vice Chairman Loos recommended that each section of the draft process and schedule be discussed.

Hearings

There was substantial discussion regarding the hearing provision. Vice Chairman Loos noted that the process identifies evening hearings in Franklin and Stockton and a daytime hearing in Trenton. Mayor Marchand and Mr. Knights recommended that there be an evening hearing in addition to the daytime hearing for Mercer County residents because park usage is so heavy. It was agreed that there would be a total of 4 public hearings, with an evening hearing in Princeton. Vice Chairman Loos noted that the hearings would be recorded but not transcribed.

Notice

There was substantial discussion regarding who should receive individual notice of the Master Plan review process. All Commissioners, Superintendent Kallesser and Mrs. Barth discussed additions to the individuals and groups for the individual notice list. The following were suggested:

Somerset Horse & Pony Association
Jersey Outdoor Recreation Bicycle Association.
Millstone Valley Preservation Association
Preservation New Jersey
Delaware River Mill Society
D & R Greenway
Friends groups
New Jersey Business and Industry Association
NJ Home Builders
New Jersey Association of Industrial and Office Parks
Delaware River Joint Toll Bridge Commission
Canal Society of NJ
Friends of the Delaware Canal
East Coast Greenway

Vice Chairman Loos stated that the process is to notify the mayors and planning board chairmen in each town and county within the catchment area. There was a discussion and determination that the catchment area should be as broad as possible and that any community that would have residents subject to our permit review should be included.

Advisory Council

Vice Chairman Loos noted the process recommended an Advisory Council (Council) and that a Council was established during the previous updates to the Master Plan. Mayor Marchand and Vice Chairman Loos noted that the Council would be made up of individuals who will work with the Commission to review comments and provide suggestions. Ms. Mitchell recommended guidelines to ensure that the Council represents a broad spectrum. It was determined that the areas listed in the Legislation establishing the Commission would be a guide. There was discussion regarding including individuals with historic, recreation, municipal, and environmental backgrounds. Ms. Mitchell suggested a representative from a canal society. Vice Chairman Loos and Mr. Knights suggested "elected officials."

There was substantial discussion regarding setting a limit on the number of members on the Council. It was agreed that there would be seven members with Parks and the Water Authority as ex-officio members for a total of nine members.

Mayor Marchand, Ms. Mitchell and Mr. Mulvan discussed what materials a potential candidate should submit for consideration. It was determined that candidates should submit a letter expressing interest, a résumé or biography, and list their affiliation.

There was discussion regarding inviting comment from individuals who have been closely involved with the creation of the park and the Commission. It was determined to seek comment from the original sponsors of Legislation which created the park and Commission, previous executive directors, previous Commissioners, and all legislators within the catchment areas.

Vice Chairman Loos noted that Ms. Dooley will work with the Advisory Council, once established, to arrange meetings as needed. Ms. Mitchell noted there may be varying level of involvement with some members wanting to review comments and drafts only and others wanting to meet.

Schedule

Superintendent Kalleser expressed concern that revising the Master Plan is a complex project and the schedule is very compact. There was discussion regarding the Abbott Marsh Master Plan and municipal planning boards taking years to complete these efforts with the assistance of outside consultants. Vice Chairman Loos stated he would be willing to extend the timeline but felt the updating of the Master Plan should be done and should be done in house.

Ms. Mitchell stated that the public comment period on the first draft of the Master Plan is too short; one month would not allow the public enough time to review a first draft. Mr. Knights, Ms. Mitchell, Mr. Mulvan and Vice Chairman Loos all recommended 90 days from January 15, 2014 to April 2014 to create a first draft of the Master Plan.

Mayor Marchand and Ms. Mitchell both commented that the two month period for public comment on the present Master Plan is also too short. Vice Chairman Loos recommended

extending the public comment period to June 15, 2013. All agreed the time period would be from March 1 to June 15, 2013.

Vice Chairman Loos noted that now that there would be hearings from March to June 2013, it would allow the Executive Director to summarize the comments from the hearings over the summer. The Commission and Advisory Council would then receive the summary of comments at the September 2013 Commission meeting and respond with recommendations by December 31, 2013.

Vice Chairman Loos stated that the next step would be for Ms. Dooley to create a draft Master Plan. The Commission discussed and suggested January 1 through April 2014 for the first draft revised Master Plan to be written.

Ms. Mitchell and Mr. Mulvan suggested that the draft revised Master Plan be discussed at the April 2014 Commission meeting with Ms. Mitchell noting that the public should receive the draft in advance of the April 2014 Commission meeting. Mr. Mulvan and Mayor Marchand agreed it should be posted on the website with other Commission meeting items and Mayor Marchand suggesting that a note be added that there would only be limited copies available at the meeting to avoid wasting paper. Vice Chairman Loos agreed that the April 2014 Commission meeting would be the time for both the Commissioners and public to provide comment on the first draft of the Master Plan with all having 90 days to review.

Mayor Marchand recommended a vote after the summer at the September 2014; Mr. Knights agreed. Vice Chairman Loos recommended the September 2014 Commission meeting to vote on the Master Plan.

Vice Chairman Loos summarized the changes to the Draft Process for Amending the Master Plan and schedule:

Page 1

GENERAL PROCESS

Hearings

First paragraph change three hearings to four hearings

Second Paragraph add:

- Princeton (evening)

Page 2

Notice

Amend list of organizations to include the additional groups and individuals referenced earlier in the minutes.

Advisory Council

Amend first sentence to state that the Advisory Council shall be 7 members from areas referenced in the Statute establishing the Commission, canal groups and 2 individuals in an ex officio capacity, one from the New Jersey Water Supply Authority and one from the Delaware and Raritan Canal State Park.

SCHEDULE

Page 3

#4

Change February 20, 2013 Commission Meeting date to February 27, 2013 Commission Meeting date.

Page 4

6

Change the time period from March 1 through April 30 to March 15 through June 15. Change the number of hearings from three to four.

#7

Change the time period from May 1 through July 15 to June 15 through September 15.

#8

Change the time period from July 16 through September 18 to September 16 through December 31.

#9

Change the time period from September 19 through December 11 to January 1 through April 1, 2014.

#10

Change the date from the December 18, 2013 Commission Meeting to the April 2014 Commission meeting to present the first draft of the revised Master Plan.

New #11

Move 10 b and c to new #11 and state public may comment from April 2014 through July 15, 2014.

New #12

Move #11 to #12 and change the date from January 15, 2014 Commission meeting to September 2014.

Vice Chairman Loos directed Ms. Dooley to make the changes and to put the revised draft Master Plan Process and schedule on the Commission website. Mayor Marchand asked if the Commission might wish to issue a press release for the media. Vice Chairman Loos said the Commission can discuss a press release as needed at the February 2013 Commission meeting. Vice Chairman Loos noted that the more the

present Commissioners can do regarding the Master Plan process, the easier it will be for future Commissioners.

Change of Meeting Date

During the discussion of the Master Plan Schedule, Vice Chairman Loos and Mayor Marchand stated that they could not make the February 20, 2013 meeting. The meeting date was changed to February 27, 2013.

Prall House Crosswalk

Ms. Dooley noted that this issue was raised at the December 2012 meeting and had been requested to be placed on the January agenda. Ms. Mitchell stated that the Delaware River Mill Society has had concerns about the crosswalk since it was installed and was asking NJ Conservation Foundation to be involved in the issue and to attend a meeting. Ms. Mitchell stated that the crosswalk was supposed to be a different design, it was never sent to State Historic Preservation Office, and the location is incorrect and unsafe. Mr. Knights noted the design is supposed to be context sensitive/historic and that the signs, location and design are not correct. Mr. Knights stated he would like to be involved and suggested another letter to DOT. Vice Chairman Loos and Mr. Knights stated that the Commission should be involved. There was discussion regarding the road being a state road, the need for Stockton's support, a traffic survey performed for Stockton in 2004 and using the historic crosswalk designs in Hopewell as an example. Mr. Knights suggested contacting Dennis O'Neal, the engineer for Stockton. Ms. Mitchell was attending the next crosswalk meeting, would suggest to Ms. Sharpe to include the Commission, and relate the discussion that took place.

Public Forum

Mrs. Barth made a presentation regarding establishing a boat ride on the Canal. Mrs. Barth stated that there is a group in Scotland called Seagull Trust that gives boat rides to disabled people. Mrs. Barth stated that people with certain disabilities are calmed by the boat ride. Mrs. Barth submitted photos of two different styles of boats to the Commission but stated that their potential project would have a different design. She stated there is a boat builder in Albany, NY, that has worked on canal boat projects around the country; the company has built boats for the Park Service in Washington, DC, and in Indiana. Mrs. Barth stated that they would propose an electric powered boat. Mrs. Barth also stated that the project would require a dock and the proposed location is the Griggstown Causeway next to the Sherman House. The boat would travel from the causeway to the lock and back. The total trip length would be seven tenths of a mile for a total trip length of a mile and a half, resulting in an approximately 45 minute boat ride. Mrs. Barth said if there was sufficient money they would like to restore the lock and show people how it works. Mrs. Barth said the cost of the project is approximately \$500,000 for the boat and equipment. Canal Watch would own and operate the boat ride and it would require a licensed captain. Canal Watch would seek funding.

Vice Chairman Loos stated the Water Supply Authority is an important part of the discussion. He asked Mrs. Barth if the Water Supply Authority would support an electric boat in the canal; Mrs. Barth said she did not know. Vice Chairman Loos encouraged

Mrs. Barth to work with the Water Supply Authority early on in the planning stages of her project.

There was substantial discussion involving all Commissioners including the length of the ride and other canal boat rides in Georgia and Great Falls. Mayor Marchand asked if the ride would be open to only the handicapped and Mrs. Barth said yes it would be, initially. Vice Chairman Loos noted that a boat ride is part of the Master Plan. Ms. Mitchell stated that Commission would have to review the Master Plan on this issue.

Mayor Marchand asked if Mrs. Barth had spoken to Franklin Township and there was discussion regarding contacting Franklin Township. Mrs. Barth asked the Commission about other permits which might be required and there was discussion regarding approvals from the Coast Guard, Army Corp, State Historic Preservation Office, DEP Parks Special Use and Concession Permits. Also, the Commission review would involve traffic studies, parking, aesthetics, historic and natural impacts, and structures in Zone A potentially requiring stormwater review. Ms. Dooley noted that, while not a permitting entity, the Water Supply Authority has the lease for the Canal and is responsible for and has authority over the structure. Ms. Mitchell again noted that the Water Supply Authority needs to be in agreement with such a project.

Mrs. Barth, Vice Chairman Loos and Superintendent Kalleser discussed the farm bridge near Griggstown and the operation of it, that it is a pedestrian and equestrian bridge, whether the boat could be put in at that location, whether that bridge could be a swing bridge and the limitations of parking in the area and that Griggstown is part of the area subject to the dredging project. Ms. Dooley noted that the State is already designing a swing bridge in a different location.

Executive Session

Vice Chairman Loos stated that the Commission would enter into executive session to discuss legal matters. He invited the public to stay and stated that the Commission will return to the public meeting following the Executive Session.

Ms. Mitchell made a motion to enter Executive Session; Mr. Mulvan seconded the motion. It was approved unanimously at 11:45 a.m.

Public Meeting

At 12:15 p.m., the Commission reentered the public meeting. Mayor Marchand moved to adjourn the meeting; Mr. Knights seconded the motion. The motion was approved unanimously and the meeting adjourned at 12:20 p.m.

Respectfully submitted,



Marlene Dooley
Secretary