

**MINUTES OF THE MEETING TO BE REVIEWED ON
April 17, 2013
Delaware and Raritan Canal Commission**

TIME: 10:10 a.m. – 11:45 a.m.

DATE: February 27, 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. Mark Texel

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

GUESTS: Ms. Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Mr. Bill Bogosian and Mr. Joe Shepherd, New Jersey Water Supply Authority; Mr. Robert Barth and Mrs. Linda Barth, Delaware and Raritan Canal Watch; Ms. Irene Rudolph, Lambertville Shade Tree Commission; Ms. Shirley Kessler, Ms. Leigh McKay, and Ms. Jane Wesby, Lambertville Residents; Luanne Ferragine; Joe Ujj

The meeting opened at 10:10 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.

MINUTES OF MEETING

Minutes of the Meeting of January 16, 2013

Vice Chairman Loos asked for comments on the minutes. Ms. Mitchell noted that on the bottom of page 3, Highlands "Commission" should be corrected to "Council." Mr. Texel noted that on page 4, Millstone Valley Preservation "Association" should be corrected to "Coalition." With those changes, Mr. Texel moved to approve the minutes and Ms. Mitchell seconded. The motion carried unanimously.

REVIEW ZONE PROJECTS

Review Zone A Projects

13-3441A Evans Antiques (Lambertville)

Ms. Mitchell moved to approve and Mr. Knights seconded it. Mayor Marchand asked for clarification regarding the location of the door and then the motion carried unanimously.

Review Zone B Projects

11-3481.01 and 3481.02 Friendship Road Townhouses and Commercial (South Brunswick Township)

12-4385 Rahway Steel Drum (Cranbury Township)

12-4296 Point Breeze Solar Project (Kingwood Township)

Ms. Mitchell asked for clarification regarding the location of the Point Breeze Solar Project and there was a brief discussion with Mr. Texel and Ms. Mitchell regarding the age and state of the buildings to be demolished. Mayor Marchand moved the project and Mr. Texel seconded. The motion carried unanimously.

Old Business

Vice Chairman Loos stated that one Commissioner may need to leave the meeting early, and therefore, if there was no objection, old and new business would be discussed next on the agenda. There was no objection.

1. D&R Canal Master Plan Proposed Process and Schedule

Ms. Mitchell raised a concern with timing. The draft process is good, but she is concerned with embarking on this endeavor without a full complement of Commissioners. It is likely that new Commissioners may join the Commission part way through the process. In addition, it is difficult to revise the plan when the Commission barely has a quorum. Ms. Mitchell suggested waiting and revisiting the issue each month. If there are appointments and a few new Commissioners who will sit for the whole process, then the Commission could move forward. Otherwise, the Commission runs the risk of having few Commissioners to start and conceivably only having one Commissioner who participates in the entire discussion.

Mayor Marchand stated that, based on her experience working on master plans in the community, Ms. Mitchell raises a good point. The process is fairly long, and it is difficult to have people leave or enter the process once it is started; there is a learning curve. In addition, everyone does not have the same information for review when some have discussed it for months and others are new. Perhaps later, there will be at least two new Commissioners. There is a chance that, if the process is started now, all the Commissioners could be new.

Vice Chairman Loos noted that if the appointments to the Commission are not made within two to three weeks, it may be June before action is taken due to the budget discussions.

Mr. Knights noted that acting now would be problematic. He suggested having an action level such as, when there are seven members on the Commission, the Commission would amend the Master Plan.

Ms. Marchand agreed with Mr. Knights that there should be a minimum number of Commissioners before we proceed with the Master Plan revision process; it would lend

stability. The process for review has been developed so, at that time, the Commission could act quickly by simply modifying the dates in the schedule.

Mr. Texel agreed. He proposed postponing by a month. He suggested selecting the Advisory Council as a way to ensure continuity on the plan. He also suggested that if additional Commissioners were appointed perhaps the schedule could be compressed and the end date retained. Mr. Texel further noted that the Commission has been discussing the revisions to the Master Plan for some time and that the Commission has responsibility to update it. He noted that having a committee of thoughtful people who represent broad interests will facilitate any potential change.

Ms. Dooley noted that four people have requested to be members of the Advisory Council. Ms. Dooley noted that the present process is to submit names through the first week of March and then the Commissioner's vote on the Advisory Council at the March meeting.

Mayor Marchand and Ms. Mitchell expressed support for establishing the Advisory Council. Mayor Marchand suggested having them begin background preparation. Ms. Mitchell suggested asking the Advisory Council to assist not just with Master Plan review but as an advisory committee with other projects because they should have historic preservation and environmental expertise.

Vice Chairman Loos noted that if the update of the Master Plan is deferred until the Commission has seven Commissioners, it is likely action will not be taken until the July meeting. The regional hearings should not be held in the summer therefore the schedule would be delayed until the fall. It is during that time that the Commission will receive the most comments and the Advisory Council's role begins.

Mr. Knights noted that waiting for seven Commissioners, having an Advisory Committee, having fall public hearings and compressing the schedule to still meet the September 2014 end date is aggressive but possible.

Ms. Mitchell noted that there is no required schedule for updating the Master Plan and does not feel it is urgent to do so now. She agrees that it should be done periodically but there has not been a full Commission in some time. It has not been updated in ten years and much of the plan does not require change.

Mr. Texel stated that the recent storms have created urgency; he noted that the storms have impacted resources and changed State Park's vision of development, preservation, and recreation and how to protect those resources.

Vice Chairman Loos asked for comment from members of the public.

Mr. Barth urged the Commission to update the Master Plan. He noted that the plan had not been updated in over 10 years and that there are 34 combined years of experience on the Commission that could be lost tomorrow and should be captured in a review of the

Master Plan. He also stated that the level of review is not onerous since it would require reviewing an existing document and not creating one from the beginning. The Commission could simply check the Master Plan, see if it is correct and obtain public comment. And, if new Commissioners join, they will bring new ideas.

Vice Chairman Loos stated that he would like to keep the process going; he does not mind delaying a month or two, but wants to move the process forward. He suggested a letter to the Governor, Senate President and chairs and members of the Senate Judiciary Committee stating the importance of the Commission and of the mandate to update the Master Plan but noting the Commission's hesitancy to embark on the process and asking for consideration to vote on new Commissioners. Mr. Knights also suggested sending the letter to the Senate Environment Committee and including the difficulty of accomplishing the basic work of the Commission because there is barely a quorum.

Vice Chairman Loos also suggested that the Commissioners talk to potential candidates about the opportunity to serve on the Advisory Council. Vice Chairman Loos stated that there was consensus to delay the process by one month, send a letter to the appropriate state representatives, and redouble efforts to get people on the advisory committee. At the March meeting the Commission will discuss again.

Lambertville Bridge Street Crosswalk

Ms. Dooley distributed the Department of Transportation's (DOT) response to the City of Lambertville regarding a request for a crosswalk where the Canal Path meets Bridge Street; DOT requested elimination of parking near the crosswalk for visibility and safety concerns. Vice Chairman Loos, Mayor Marchand, Mr. Knights, and Mr. Texel discussed "line of sight," elimination of parking and safety. Ms. Mitchell noted that the path stopping at a road is an invitation to cross. Mr. Texel suggested drafting a letter of support for the crosswalk. Vice Chairman Loos recommended that the Commission send a letter to Mayor DeVecchio stating the Commission reviewed the letter from DOT and support the crosswalk and copy the DOT Commissioner.

Prall House Crosswalk

Ms. Mitchell stated there was a meeting between the Delaware River Mill Society, as leaseholder of the Mill, and NJ Conservation Foundation, which owns the Prall House, regarding rectifying the incorrect location and design of the crosswalk. They would now like to meet with interested parties, such as groups who have offices at the Prallsville Mills complex, to outline the issues. Mr. Knights recommended first ensuring that Stockton is in agreement prior to contacting the Department of Transportation. Vice Chairman Loos recommended obtaining a resolution from the town. Mr. Knights and Ms. Mitchell agreed.

March Meeting Date

The Commission unanimously confirmed the March 20 meeting.

Executive Director's Report

Ms. Dooley reported on the staff's monthly workload and fees (see attached report). She noted an increase in meetings on projects that had received approval but were never built and now are being modified and projects found deficient several years ago that are now moving forward.

Ms. Dooley noted that the Commissioners were all aware of the tragic event of Ms. Majoras drowning in the canal in Lambertville. The office has received calls raising questions regarding the potential for lighting the path, fencing, and safety equipment. There were members of the public present to discuss those issues.

Public Forum

There was extensive discussion regarding the recent tragic event and issues of lighting, fencing, posting of signs and gates.

Mr. Joe Ujj of Point Pleasant, Pennsylvania said Ms. Majoras was his friend and that he has had two friends that drowned in the canal and noted that there was a third death as well. He is concerned for children or a tourist unfamiliar with the path. Mr. Ujj noted that he created a Facebook page to assist in finding Ms. Majoras and now those people have begun a discussion regarding how to make the area safer. Mr. Ujj noted that lights in dark areas on the path and fencing are the first areas of interest. Mr. Ujj is aware of and understands that there may be some resistance to lighting. He noted that there is lighting along some parts of the canal. He also noted that even though the path is closed at night, people are on the path because Lambertville is a residential and tourist area. He felt low, downward facing, and motion activated, solar lights, that would only activate if someone walks by, would not be light polluting, would only light the foot path and would not encourage people to come to the path at night. He also noted that there is fencing along some parts of the canal and there are areas such as Coryell to Bridge Streets and Coryell to York Streets where if one fell into the canal, it would be difficult to get out due to the depth and walls. Mr. Ujj has begun and would like to continue to discuss these issues with the public and state officials; he will be having a meeting with residents who live along the towpath in March; he requested that state representatives attend. Mr. Ujj said that the community planned to provide the funding for the fence and light projects. Regarding signs along the path, he noted that with a crowded path, headphones, and the speed of bikers, signs are not heeded.

Ms. Leigh McKay, stated that she lives adjacent to the canal path on Clinton Street in Lambertville, a little further from the area that Mr. Ujj discussed. Ms. McKay stated that she would not be opposed to fencing, but is opposed to lighting and believes other residents would be also. She believes it is a safety issue for residents. She feels that any type of lighting will bring more traffic on the canal at night and encourage intruders. She noted that the path is closed at night and more should be done to let people know that that path is closed at night; she felt better improved notice would address the concerns. Ms. McKay noted that the commercial area is only a couple of blocks on either side of Bridge Street. Coryell Street north has no business; it is residential. She also suggested improved signage for bike traffic.

Ms. Shirley Kessler stated that she lives on the path in Lambertville south of Bridge Street. Ms. Kessler expressed her love for living along the towpath and the natural state of the path. She does not support lighting the towpath. She might support protective railing where the path is narrow such as near Coryell Street. Ms. Kessler stated she would like to see the "washout" near Bridge Street repaired; she is concerned that it is a dangerous spot for bikers. Ms. Kessler noted that individuals need to think about self preservation when dealing with nature. The State can not protect everyone. She is sympathetic to the issue because her brother drowned in a river from the current. The loss is horrific. But she also recognizes that he used a certain amount of misjudgment. She does not want to impact natural surroundings around the river. She feels the Commission should put up signs and allow people to make wise decisions. When interacting with the canal, park users need to be careful.

Vice Chairman Loos and Mr. Texel asked for clarification regarding the washout. There was a discussion regarding the permitting required, expediting permits and the need for the project to be publically bid, a design, engineering and historic review. There was also discussion regarding the manner in which the area was presently secured.

Mr. Texel noted that fatalities or injuries in the State Parks are seriously discussed and receive the DEP Commissioner's attention immediately. Mr. Texel noted that any needed mitigation would be reviewed and that, as a property owner, the State would also need to examine the use of the resource at unauthorized times. Mr. Texel stated that signs may be a deterrent for tourists and, if determined to be needed, something that could be accomplished more quickly. Mr. Texel stated that the Park Service would consider all options but cost is always a consideration. Mr. Texel stated that lighting the path would create more of a "river walk" and would require a larger, long term discussion with the city and planning to ensure historic integrity and the review of impact to neighbors. He noted the San Antonio River Walk as an example.

Mr. Knights stated that he believed lights would be more problematic than guardrails. Mr. Knights noted that the Canal Path is seventy miles in length and the impact of any decision on all the areas would need to be considered. He also noted that over time fencing was discussed and concerns were raised regarding fencing some portions and not others and, in doing so, creating other dangers and perhaps increased liability; we would need to re-examine those discussions. Mr. Knights described a similar discussion regarding fencing the Hopewell Railroad Station and the decision, ultimately, not to fence the area.

Mayor Marchand expressed her sympathy for Mr. Ujj and the others who knew Ms. Majoras. Mayor Marchand stated she has questions about fencing and lights and would like to look more closely at the locations. She agreed with Mr. Knights that fencing can be a problem. Mayor Marchand also noted that it could be disconcerting to walk from lighted areas of the path to unlighted portions. Also, partial fencing could lead to a false sense of security. If you walk on the path, you are aware it is open and that you need to be careful because there is no barrier. The Commissioners would also need to consider

the setting of a precedent for the seventy mile path. Mayor Marchand will need to consider further and think about it in context to other areas of the Canal.

Vice Chairman Loos said that decision making in state government is a slow process which can be frustrating but which also serves to identify problems and obtain public input. He noted that the Canal is a historic resource and the Commission has a responsibility to protect it. Guard rails and lights were not a part of the historic canal or the Master Plan for the Park. But use of historic areas can change with time. Updating the Master Plan is the process that would allow for widespread outreach and discussion on any areas that require change including guardrails and lighting. Vice Chairman Loos also raised the option of solar sensitive gate closures. He is aware of a park in Franklin Township that is using them. Vice Chairman Loos also noted that he examined the Park signs. The signs are filled with rules all listed in the same type face. When he first looked at the sign, he did not see the hours of operation. Vice Chairman Loos stated that the Commission should consider improved signage.

Ms. Dooley noted she and Commission staff walked the path in the stretch that Mr. Ujj discussed. They examined the existing fencing. And, while State Parks has not erected lighting and the Canal Commission has not permitted lighting, some residents have placed lights at the back of their properties.

Vice Chairman Loos asked for final comments. He thanked people for the good discussion and stated that the Commission will take all comments under consideration.

Mr. Barth of D&R Canal Watch announced a scheduled hike of the Princeton area of the canal and handed out a guide book to Central Jersey historical sites from the Raritan Millstone Historic Alliance.

Superintendent's Report:

Superintendent Kalleser noted that Lambertville received a letter from DOT regarding the Crosswalk initiative in Lambertville. She will coordinate a meeting with Lambertville and Executive Director Dooley. Ms. Kalleser attended a DEP Land Use meeting regarding the tubing operation in Kingwood Township. She and Commission staff attended a meeting at the GAF landfill in South Bound Brook to see the progress of the site.

Camping reservations are now to be made on line through Reserve America; Superintendent Kalleser noted that Bulls Island camping is still closed. She met with the director of the Millstone Valley Preservation Coalition on various issues. Ms. Kalleser stated that the Griggstown Bridge Tenders project will begin shortly. Superintendent Kalleser said the scenic byway signage will need to come before the Canal Commission. The path is closed in Franklin Township and Route 514 to Weston Causeway until June for the Colonial Park spillway restoration. Superintendent Kalleser noted that she and Ms. Dooley attended the Ogden Rooney hearing in Delaware Township for the selling of the Holcombe House on 6 acres. Superintendent Kalleser stated that there are architectural, historic, and conservation easements on the property.


Water Supply

Mr. Shepherd reiterated that the work has begun on Colonial Park Spillway rehabilitation. Barring any unforeseen difficulties, work will be done by the middle of summer. They received permits from Army Corp, Hunterdon County Soil Conservation, NJDEP Land Use, and Freshwater Wetlands programs for maintenance dredging of the Bulls Island inlet. With the overlapping limitations, there is an approximately six-week window available for the work. Mr. Barth asked the time period; it begins August 1.

Mr. Loos noted that last month, Canal Watch launched a committee to examine the issue of a boat ride on the Canal. The group has identified five or six potential sites.

Mr. Texel moved a motion to adjourn. Vice Chairman Loos seconded. The motion carried unanimously.

Respectfully Submitted,


Marlene Dooley
Secretary