

**June 19, 2013 MINUTES OF THE MEETING**  
**Approved July 15, 2013 with correction from meeting by Vice Chairman Loos**  
**(for correction, see page 9 in bold)**

**Delaware and Raritan Canal Commission**

TIME: 10:05 a.m. – 12:25 p.m.  
DATE: June 19, 2013  
PLACE: Canal Commission Office  
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Mr. David Knights, Vice Chairman John Loos, Mayor Phillip Lubitz, Mayor Ed Trzaska, Mayor Julia Cobb Allen, Dr. Bruce Stout, Ms. Alison Mitchell, and Mr. Mark Texel

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

GUESTS: Mr. Bill Bogosian and Mr. Joe Shepherd, NJ Water Supply Authority; Superintendent Patricia Kalleser and Ms. Vicki Chirco, D&R Canal State Park; Mr. Ed Mulvan, and Mr. Bill White, NJDEP Natural and Historic Resources; Mr. Gene Cardone, NJ State Treasury; Mr. Robert von Zumbusch, DRCC Advisory Council; Ms. Edie Sharp, Delaware River Mill Society; Mr. Paul Kayne, swing bridge model builder; Mr. Robert Barth, D&R Canal Watch; Mr. Jim Lee, Hunter Research; Ms. Jessica Resinger, Mr. Erik Villari, and Mr. Allen Roth, with Joseph B. Callaghan, Inc; Ms. Mary Paist-Goldman, Princeton Hydro; Mr. Bob Maurer, Byram Resident; Ms. Maria and Mr. Walter Janucik, Hillsborough Residents.

**Administrative Items**

**New Commissioners Join Commission**

Deputy Attorney General Kim administered the Oath of Office to Ms. Cobb Allen, Mayor Lubitz, Dr. Stout, and Mayor Trzaska.

The meeting opened at 10:05 a.m. Vice Chairman Loos announced that the meeting 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 the Meeting**

**Minutes of the Meeting of May 15, 2013**

Vice Chairman Loos asked for comments on the minutes. Ms. Mitchell moved the minutes and Mr. Knights seconded. Vice Chairman Loos asked for comments. Mr.

Knights welcomed the new commissioners. He noted that Mayor Marchand would no longer serve as a commissioner and took the opportunity to thank Mayor Marchand for her years of service to the commission.

The newly sworn in commissioners abstained from voting on the minutes; Mr. Texel, Mr. Knights, Ms. Mitchell and Vice Chairman Loos voted to approve the minutes and the motion passed.

### **Review Zone Projects**

#### Review Zone A Projects

13-4439 Glen Cairn Arms Demolition (Trenton)  
13-4444 14 Bridge Street Generator (Stockton)  
13-3212B Prallsville Mills Restroom (Stockton)  
13-3596A Martorana Addition (Hopewell)  
13-3613 Swing Bridge (Hopewell)  
13-4438 9 Arnett Avenue (Lambertville)  
13-4446 7 Arnett Avenue (Lambertville)  
13-2289B River Walk Skylights (Lambertville)

Vice Chairman Loos outlined the manner in which Review Zone projects have been discussed at commission meetings. Vice Chairman Loos then asked if any projects required individual discussion. Mr. Knights requested that the Prallsville Mills Restrooms and Swing Bridge projects be discussed.

Vice Chairman Loos asked if the commissioners had questions on the remaining projects.

#### 13-4439 Glen Cairn Arms Demolition (Trenton)

Mr. Texel asked when Thomas Edison State College is expected to construct a new building on the Glen Cairn site. Ms. Dooley estimated six months. Ms. Mitchell asked if the project site is in the floodplain. Mr. Mazzei stated that Glen Cairn is in the Delaware River floodplain but it does not have a commission stream corridor. Mr. Knights, Mr. Texel and Ms. Dooley discussed the historic districts and the neighboring Kuser Mansion. Ms. Dooley noted that the project was conditioned on State Historic Preservation Office approval (SHPO).

#### 13-4438 9 Arnett Avenue and 13-4446 7 Arnett Avenue (Lambertville)

Mr. Texel asked for clarification regarding the minimum square footage for stormwater review. Ms. Dooley stated that, in Review Zone A, it is 800 square feet of new impervious surface since 1980. Mr. Texel asked if the structures are historic; Ms. Dooley was uncertain on the exact date but noted that both homes were severally fire damaged.

Mayor Lubitz moved to approve the six Review Zone A projects other than the Swing Bridge and Prallsville Mill projects; Dr. Stout seconded the motion.

Mr. von Zumbusch asked if the Glen Cairn Arms applicant would be required to

document the historic structures on site. Vice Chairman Loos asked Ms. Dooley to contact SHPO and request that they require the applicant to photograph and document the historic structures.

The motion to approve the Review Zone A projects passed unanimously.

#### 13-3212B Prallsville Mills Restroom (Stockton)

Ms. Dooley outlined the project. Ms. Sharp, of the Delaware River Mill Society (DRMS), noted that the project is 80% funded from the federal government and 20% from the state. Mr. Knights asked Ms. Sharp to explain the role of the DRMS and later her role as Delaware River Scenic Byway administrator; Ms. Sharp outlined the DRMS role, the need for the new bathrooms and that DRMS would be responsible for maintaining the new bathrooms. Vice Chairman Loos asked if there would be signage and Ms. Dooley noted that there would be signs and a motion activated light. Dr. Stout asked if the facility will use a septic system and Ms. Dooley said it will be piped to Stockton's existing sewer system. Mayor Lubitz asked if there is a fee associated with the application and Ms. Dooley noted that the restrooms are within the Delaware and Raritan Canal State Park (D and R Canal State Park) therefore D and R Canal State Park is the applicant; commission rules exempt the D and R Canal State Park and the NJ Water Supply Authority from payment of fees.

Mr. Knights noted this project was on the agenda two months ago but unable to be acted upon because of lack of quorum; Vice Chairman Loos noted that, because it is a state project, it would not have received automatic approval under the commission rules as would a private project.

Mr. Robert Barth expressed support for the project and asked questions regarding the hours of operation and the construction of the ramp. It was stated that the bathroom would be open 24 hours a day and the ramp would be wood.

Mr. Knights moved and Ms. Mitchell seconded the project. Mr. Texel abstained. Mr. Texel noted that he was the Director of State Parks and that, at this time, it had been determined he had to abstain from voting. All other commissioners voted in favor. The motion passed.

#### 13-3613 Swing Bridge (Hopewell)

Ms. Dooley outlined the history of the project including the history of swing bridges on the canal, selection of the project location, available parking, references to the project in the Master Plan documents and use for interpretation of canal history and education. Ms. Dooley noted that D and R Canal State Park Historian Vicki Chirco, D and R Canal State Park Superintendent Patricia Kalleser, and Mr. William White of the NJDEP Office of Resource Development were in attendance. She also noted that representatives from Hunter Research, Callaghan Engineering, Inc., and Princeton Hydro, and Mr. Paul Kayne, who built a model of the swing bridge, were all in attendance. Mr. White further outlined the history of the project including the goal, funding overall including that the design was funded by a Scenic Byway grant, public bidding process, process for

determining the historic design, present day building codes and requirements that altered the design such as ensuring handicap accessibility, and long-term maintenance issues such as painting the 39-foot center of the A-frame.

Ms. Chirco presented the model of the swing bridge which was the basis for the design of the bridge; Ms. Chirco outlined the history of creating an historically accurate model of the lock and later a swing bridge for educational programs. Ms. Chirco introduced Mr. Kayne, who had built the model and who spoke on its development. Mr. Kayne described the creation of the model including the historical research and the identification of a swing bridge plan for the replacement of a swing bridge from 1916 discovered in the archives and outlined minor differences. Mr. Kayne explained the mechanisms for operation of the swing bridge, the crank mechanism, and method for securing the bridge. There was discussion regarding three slightly different swing bridges at three different locations (Rocky Hill, Griggstown and Kingston).

There was substantial discussion regarding the turning mechanism by which the swing bridge would be operated, difficulty of operation, and the amount of time to open the bridge, including Mr. White noting that the mechanism would be higher and similar to a captain's wheel, that the gear mechanism was modified to allow smaller stature individuals to operate the bridge, that it is estimated to take 15 minutes to swing the bridge 90 degrees, that the bridge would routinely be in the locked position and only opened for educational and flood events, and that there was sufficient clearance for kayaks, canoes, and NJWSA maintenance crafts to travel under the closed bridge.

Mayor Lubitz asked about the cost of a second bridge now that design work had been completed for this bridge. There was substantial discussion with Mr. White, Ms. Dooley, Mr. Loos and Mr. Knights participating and which included that the current design was estimated at \$228,000, the construction is estimated to be 1.3 million dollars, the design was funded by a grant and the bridge construction is anticipated to be funded by mitigation funds as part of the I-95 Bridge expansion at Scudder Falls. Mr. White estimated that a second bridge which would include design, permitting, and construction, would cost approximately 90% of the current project.

Dr. Stout asked about access to the bridge and Ms. Dooley outlined the related safety and handicap accessibility improvements to the parking area adjacent to the bridge.

Mayor Trzaska asked how often the bridge will be operated and Ms. Chirco said it would be used during educational events and by request; the public will not be able to open it on their own. Mayor Trzaska noted that he would expect the bridge to be popular, that it could attract people to the park as a scheduled event, and he envisioned many requests to see it in operation. Ms. Chirco noted the model was popular for adults as well as children and that she would work with groups, such as D & R Canal Watch, to operate the bridge in addition to Park staff.

Vice Chairman Loos, Ms. Mitchell, Mr. Knights, Mr. White, Ms. Dooley, and Ms. Chirco discussed the role of the bridge tenders and manner in which the bridge was historically

operated, the selection of the present location, and that the bridge when closed would be an additional pedestrian access point for crossing the canal. Mr. Texel asked if the ladder will remain on the bridge and Superintendent Kalleser said the lower rungs would be removed on the bridge for safety reasons.

There was substantial discussion regarding the two interpretive signs including Vice Chairman Loos suggesting less wording and larger sizing of text and Mr. Texel suggesting the use of QR codes for smart phones to download information. Mr. Lee from Hunter Research discussed the development of the signs and Mr. Knights noted Hunter Research's experience and positive work on signs for Mapleton Road.

Mr. Texel raised questions regarding the operation of the bridge in emergencies such as floods. Superintendent Kalleser explained that Parks would work closely with NJ Water Supply Authority in such cases.

Mr. Barth expressed support for the bridge and noted the great educational opportunities it would provide. However, he noted the need to have a working lock also. Mr. Barth raised concerns regarding the 15 minute time to open the bridge. There was substantial discussion with Mr. Barth, Vice Chairman Loos and Mr. Roth which included Mr. Roth outlining both the operation of the swing mechanism, wheel, process for determining a user friendly and safe timeframe to open the bridge, specifics of the wheel, that the structure is 30-40 tons, the process of working with the gear manufacturer, and the ability to make adjustments in the field.

Mr. Barth asked why the A-frame would be white; Ms. Dooley outlined the differences in the design including that the A-frame would be metal not wood due to weight, current construction requirements and maintenance issues, that there had been discussions of having the A-frame left unpainted due to maintenance concerns, painting it black, and powder coating it white; it was determined that the A-frame could not be powder coated due to the length. It was noted that Parks had concerns with maintenance and ability to paint the A-frame and that SHPO had determined the white color was appropriate historically. Mr. Texel stated that the commission should defer to SHPO regarding color as they are the appropriate entity and have the expertise to make that decision; Vice Chairman Loos agreed. Mr. White noted that Ms. Chirco had identified additional information regarding the color of the bridges and they would continue to discuss this issue more with SHPO.

Vice Chairman Loos asked if there are any other questions or comments on the project. Mr. Maurer of Kingwood asked the impact of the project on the commission's budget. Vice Chairman Loos stated that there was no impact because the commission is not paying for the bridge. Mr. Maurer asked about additional maintenance and costs associated with that maintenance. He noted the bridge is a great project but expressed concern with D and R Canal State Park taking on additional responsibilities when it is difficult to meet existing responsibilities. Mr. White and Ms. Chirco noted maintenance costs are an issue and were specifically examined during design and specific efforts were made to minimize maintenance in the design; maintenance would largely be limited to

painting and lubrication of pivot points and that the latter is infrequent; Mr. White noted that they are examining types of paint used to reduce the need to paint.

Mr. Texel asked if mitigation funds could be set aside for future maintenance. Ms. Dooley and Mr. White both stated mitigation could not be used for staffing or such purposes; Ms. Dooley stated she would discuss appropriate uses with the Deputy Attorney General and report back to the commission at a future date. Mayor Lubitz discussed that the state budget is a yearly budget and has limited ability to address future issues.

Mr. Lubitz motioned to approve the project and Mr. Trzaska seconded the motion. Mr. Texel abstained. The motion passed.

#### Review Zone B Projects

12-2583C 24 Engelhard (Middlesex)  
13-3735B Chand Palace Modification (Somerset)  
13-3174A Somerset Gate (Somerset)  
13-1985C Triangle School Yard Paving  
13-3144D Middlebush Park Phase IV

Mr. Knights moved to approve the Review Zone B projects. Ms Mitchell seconded the motion and there were no questions or public comments. The motion carried unanimously.

#### **Executive Director's Report**

Ms. Dooley reported on the staff's monthly work tally and fees for the preceding month (see attached report).

#### Prallsville Crosswalk

Ms. Dooley noted that a meeting with DOT regarding the Prallsville Mills Crosswalk was scheduled for the next day; Mr. Knights, Ms. Mitchell and Vice Chairman Loos discussed the crosswalk including that the crosswalk is in Review Zone A and must be context sensitive.

#### Manufactured Treatment Device Maintenance

Ms. Dooley reiterated the discussion from the May meeting that resulted in the requirement of an annual report to the commission regarding maintenance of manufactured treatment devices. Mr. Lubitz questioned the mechanism for verifying submission. Ms. Dooley stated that the commission would keep a list of those who are required to submit. Mr. Mazzei described a manufactured treatment device and its operation.

#### Easton Avenue Bridge

Ms. Dooley noted that the designs for the potential type of bridge to be built at Easton Avenue in Franklin had been submitted and would be discussed at a future meeting.

### Master Plan

Ms. Dooley outlined the creation and role of the Advisory Council. She noted that the first meeting had taken place and the Council had a general discussion of the history of the commission and Master Plan. She noted that the Council would be having additional meetings to focus on updates to the Master Plan.

### **D and R Canal State Park Superintendent's Report**

Superintendent Kalleser noted that there was a volunteer cleanup in Trenton that resulted in a 15-cubic yard dumpster being filled with debris. She further noted that during Tropical Storm Andrea, there was flooding at Rockingham, in Griggstown, three buildings flooded with the water reaching the first floor of the mule tenders barracks, flooding the basement of the bridge tender's house and the water surrounded the Sherman house; work will be required on the parking lots. The Griggstown bridge tenders house restoration is in progress and it will become a scenic byway office of the Millstone for the section between Route 514 and 27. Mr. Trzsaka asked if any measures can be taken to protect against flooding; Superintendent Kalleser stated the office will be on the second floor and anything on the first floor will be capable of being moved during a flood. Superintendent Kalleser also noted that the Delaware River had elevated water levels and there were several water rescues.

There will be an event on Saturday June 22 at the Kingston lock tenders house for the 100<sup>th</sup> anniversary of the Lincoln Highway (Route 27). Staff met with South Brunswick and Princeton University regarding the Mapleton Preserve. She noted that Thomas Edison State College may be interested in becoming a tenant at the West Hanover Street Canal house.

The Superintendent regretted to inform the commission that a deceased person was recovered from the canal in Lawrence Township; no further details were available at the time of the meeting.

### Bulls Island

Ms. Chirco noted a meeting she had on June 6 with a family that used to have a summer home on Bulls Island; they discussed the house and the history of Bulls Island from the 1940s through 1960s. Ms. Chirco has been corresponding with the family for some time and is recording the history.

### Concession for a Tubing Operation in D and R Canal State Park

Superintendent Kalleser noted that the D and R Canal State Park had issued a request for bids for a concession to have tubing on the Delaware River near Kingwood. One applicant applied. There will be a process for determining final details; the applicant is applying for NJDEP Land Use and Army Corps permits to construct steps leading into the river at the Fairview location. Due to the present condition in that area, a six-foot fence was erected and the area presently closed to the public. Once authorization is received for the steps, the gates will be opened. Ms. Dooley noted the current tubing operation was not within the commission's Review Zone. There was a discussion with

Ms. Mitchell and Superintendent Kalleser regarding parking including Superintendent Kalleser noting that the operation will be using the Kingwood boat launch as the launch point.

Mr. Maurer from Kingwood noted meetings that had been taking place in Kingwood with a focus on the former gas plant property being used by the tubing operation for the entrance; Parks is focused on their contract; and the State Police are focused on traffic issues. Mr. Maurer noted the need to consider the impact of the overall operation. For example, there may be issues related to buses making u-turns on Route 29. State Police may be redirecting buses and the buses could go to the Park boat launch in Byram in an effort to find a place to turn around. Vice Chairman Loos stated that the commission does not have jurisdiction over the tubing operation. Mayor Lubitz noted that Kingwood's review would consider traffic in the area. Mr. Texel stated he could speak to Mr. Maurer after the meeting regarding D and R Canal State Park issues.

### **NJ Water Supply Authority (NJWSA) Report**

Mr. Shepherd introduced himself and explained his role as the facility manager for the D and R Field Office for NJ Water Supply Authority and introduced Mr. Bill Bogosian, manager of the Raritan System. Mr. Shepherd noted two issues on the canal currently. There is a leak at the Washington Crossing spillway; the NJWSA is moving more water in the canal this time of year and the abutment at the Washington Crossing Bridge formed a leak. The second issue is a large sinkhole on Whitehead Road in Lawrence by the Saturn Chemical Plant superfund site. The NJWSA has repaired the sinkhole along the canal embankment and has stabilized the area; EPA will be involved because they administer the site. Superintendent Kalleser noted that the NJWSA is repairing the Colonial Park Spillway. Mayor Trzaska noted that section of the path is currently closed; Superintendent Kalleser stated that the path should be open by mid-July.

### **Old and New Business**

There was no old or new business.

### **Next Month Meeting Date**

Vice Chairman Loos and Mayor Lubitz both stated that they would not be able to attend the July 17 commission meeting. Mr. Knights offered to run the meeting.

### **Public Forum**

#### **Swing Bridge**

Mr. Kayne, a retired crane operator and who constructed the model swing bridge on display at the meeting, thanked the commission for the opportunity to speak on the project. He suggested that weathering steel will have a brown patina without the need to paint. Mr. White said that, at present, SHPO had required the bridge to be white; he will continue to discuss all options with SHPO.

### **Copart of Connecticut Vehicle Processing Facility**

Ms. Janucik stated that she is a Hillsborough resident; she is concerned regarding a vehicle processing facility that has many older cars that could be leaking fluids. She



noted that the company intends to bring more vehicles into their facility. Staff offered to meet with her after the meeting to get more information.

Mr. Barth welcomed the new commissioners. He noted that the next D&R Canal Watch hike would be in the Cadwalader Park area in Trenton; he offered his assistance to the new commission members including providing tours of the canal.

Ms. Sharp stated an Arcadia book about the Historic Byway from Frenchtown to Trenton is being created.

Mr. Maurer raised questions about flooding in Byram in Kingwood Township. He stated his concern about water along the railroad bed in Byram which was causing potholes on Byram Lane, which is a private road that the residents maintain. There is concern it is also causing mosquito breeding. He believes that the issue is related to Parks not maintaining an existing ditch on Park property. Superintendent Kalleser said she would look into it and discuss the matter with Mr. Maurer.

Mr. von Zumbusch stated that the Kingston lock tenders house would soon have an exhibit about the Lincoln Highway (Route 27) which was once part of a paved route from Times Square to San Francisco. The association will have a tour of the road by car.

Vice Chairman Loos called for a motion to go into Executive Session **for the purpose of discussing personnel matters**. Mr. Texel moved the motion and Mayor Lubitz seconded. The meeting went into Executive Session at 11:50 am.

The public meeting came back to order at 12:20 pm.

Vice Chairman Loos stated that the commission is examining the promotion of the clerk typist position and authorizing Executive Director Dooley to find a position that meets current work being performed including the possibility of a professional title.

Vice Chairman Loos said the commission decides the effective date for promotions and the motion would be authorizing the executive director to establish the groundwork and determine potential appropriate titles and salaries with NJDEP. He said that if it were cleared by the NJDEP, Executive Director Dooley would have to report back to the commission regarding title, promotion and set the salary. Ms. Mitchell asked if Ms. Dooley needs authorization to explore promotions. Vice Chairman Loos stated the need to provide direction. Dr. Stout asked if a vote is binding. Vice Chairman Loos stated they are authorizing the executive director to pursue a promotion but it is not binding. Mr. Knights moved and Ms. Mitchell seconded. Seven commissioners voted in favor. Mr. Lubitz opposed. The motion passed.

The commission also passed a motion for the executive director to examine the ability to use a technical assistant three position for the office. Ms. Mitchell moved and Mayor Trzaska seconded it. Mayor Lubitz raised concerns that hiring or promotions could affect the budget. Mayor Trzaska reminded the commission that this is exploratory and is not

binding. Six commissioners voted in favor, Mr. Knights abstained, and Mr. Lubitz opposed the motion. The motion passed.

Mr. Knights moved to adjourn the meeting. Mayor Lubitz seconded. The motion passed unanimously. The meeting ended at 12:25 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marlene Dooley". The signature is written in black ink and is positioned above the printed name and title.

Marlene Dooley  
Secretary