

**April 16, 2014 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.

DATE: April 16, 2014

PLACE: D&R Canal Commission Office
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Chairman Robert Bostock, Vice Chairman John Loos,
Commissioner Phillip Lubitz, Commissioner Bruce Stout,
Commissioner Ed Trzaska, and Mr. Ed Mulvan

STAFF: Mr. Vincent Mazzei, Jr., Ms. Colleen Christie Maloney, and
Deputy Attorney General Alison Reynolds

GUESTS: Ms. Stephanie Fox, D&R Canal State Park; Mr. Joe Shepherd, NJ Water
Supply Authority (NJWSA); Mr. Robert von Zumbusch, D&R Canal
Commission Advisory Council; Mr. Robert Barth, D&R Canal Watch and
D&R Canal Commission Advisory Council; Mrs. Linda Barth, D&R
Canal Watch; Dr. Theodore Chase, D&R Canal Commission Advisory
Council; Mr. Tom Boccino, Somerset County; Mr. Michael Thomas and
Mr. Nick Rotunda, T&M Associates; Mr. Jeffrey Chang, Heibrunn Pape;
Mr. Robert Freud and Mr. Brett Scapinetz, Dynamic Engineering; Mr.
Kevin Moore, Sills Cumis; Mr. Bryan Vandergheynst, RBA Group; Mr.
Kevin McCartney, Bohler Engineering; Mr. Paresh Kothan and Mr. Scott
Randby, One Commerce Drive

Chairman Bostock announced that this was a regularly scheduled meeting of the D&R Canal Commission and that all provisions of the Open Public Meeting Law of 1976 had been met in the scheduling of the meeting.

Administrative Items

Chairman Bostock confirmed that next month's commission meeting date is May 21, 2014.

Minutes of the Meeting

Minutes of the Meeting of March 19, 2014

Chairman Bostock asked for comments on the minutes and, hearing none, asked for a motion on the minutes. Vice Chairman Loos motioned to approve the minutes and Commissioner Stout seconded the motion. Chairman Bostock, Vice Chairman Loos, and Commissioner Stout voted to approve the minutes; Commissioner Lubitz, Commissioner Trzaska and Mr. Mulvan abstained. The minutes were approved.

Minutes of Executive Session of March 19, 2014 Meeting

Chairman Bostock asked for comments on the executive session minutes and, hearing

none, he asked for a motion on the minutes. Vice Chairman Loos motioned to approve the minutes and Commissioner Stout seconded the motion. Chairman Bostock, Vice Chairman Loos and Commissioner Stout voted to approve the minutes; Commissioner Lubitz, Commissioner Trzaska and Mr. Mulvan abstained. The executive minutes were approved.

Review Zone A Projects

Chairman Bostock asked Mr. Mazzei to give an overview of the Review Zone A projects.

13-4267A 7 Risler Street Improvements (Stockton)

Mr. Mazzei noted that the applicant would make several improvements to a single-family home. There is a stream corridor on the property; however, the project would not have an adverse affect on the corridor. Chairman Bostock asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Commissioner Lubitz moved to approve the project and Mr. Mulvan seconded the motion. The project was approved unanimously.

14-2291B Wegmans Addition (West Windsor)

Mr. Mazzei noted that the applicant proposed to add an approximately 1/4-acre addition to the existing food store; the project is not visible from the park. Chairman Bostock asked for comment from the commission and the public; Mr. Moore, Sills Cumis, noted that he was in attendance at the meeting for the applicant. Chairman Bostock asked for further comment and, hearing none, he asked for a motion on the project. Commissioner Stout moved to approve the project and Commissioner Lubitz seconded the motion. The project was approved unanimously.

13-3564A Josten Art Gallery (Franklin)

Mr. Mazzei noted that the applicant proposed to construct an art gallery on his property. Chairman Bostock asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Commissioner Trzaska moved to approve the project and Commissioner Lubitz seconded the motion. The project was approved unanimously.

Review Zone B Projects

Chairman Bostock asked Mr. Mazzei to give a brief overview of the Review Zone B projects. Commissioner Trzaska noted that he would abstain from discussion and voting on the two Montgomery Township projects, as he is mayor of that municipality.

12-3334C Hillsborough Lawn & Garden (Hillsborough)

Mr. Mazzei noted that the applicant proposed to build a retail facility with associated parking and walkways.

14-4511 One Commerce Drive (So. Brunswick)

Mr. Mazzei noted that the applicant proposed to add additional parking to the site.

13-2226B Phase 1-Mercer Mall Expansion (Lawrence)

Mr. Mazzei noted that the applicant proposed to add supplemental parking spaces and paved walkways, and also to expand an existing building.

14-4517 GSA Depot Park Phase 1 (Hillsborough)

Mr. Mazzei noted that the county proposed to redevelop the army depot site to create a park featuring athletic facilities and other improvements. Much impervious surface will be removed.

Chairman Bostock asked for comment from the commission and then the applicants and public on the four Review Zone B projects. Hearing none, he asked for a motion on the four projects. Commissioner Stout moved to approve the four projects and Commissioner Lubitz seconded the motion; the projects were approved unanimously.

Chairman Bostock then asked Mr. Mazzei to give a brief overview of the remaining two Review Zone B projects.

13-2551C Skillman Trail System (Montgomery)

Mr. Mazzei noted that the county proposed to redevelop the site to create a pedestrian trail and park. Stream corridors are on the site and the applicant submitted a comprehensive plan in which there were various approved activities in some areas of stream corridor.

13-3879A Montgomery Five (Montgomery)

Mr. Mazzei noted that the applicant proposed to make changes to the site related to driveway areas of the previously approved project.

Chairman Bostock asked for comment from the commission on the remaining two Review Zone B projects. Hearing none, he asked for a motion on the four projects. Commissioner Lubitz moved to approve the projects and Mr. Mulvan seconded the motion. Chairman Bostock, Vice Chairman Loos, Mr. Mulvan, Commissioner Stout, and Commissioner Lubitz voted to approve the two projects. Commissioner Trzaska abstained. The projects were approved.

Executive Director's Report

In Ms. Dooley's absence, Ms. Christie Maloney distributed a work tally to the commission.

D&R Canal State Park Superintendent's Report

In Superintendent Kalleser's absence, Ms. Fox reported that the Millstone Valley Scenic Byway Visitors Center would open at the Griggstown bridgetender's house that weekend. She noted that the sinkhole which appeared in the backyard area of the Prallsville Mill appears to be an old mill raceway and that park staff has fenced off the area until action is taken to correct the matter.

New Jersey Water Supply Authority (NJWSA)

Mr. Shepherd, NJWSA, reported that the NJWSA was in communication with Transco regarding a gas line repair in Ewing. Flood guard bank repair from Raven Rock to Prallsville is being addressed, with an additional 17 areas discovered to be in need of repair. Commissioner Lubitz asked Mr. Shepherd to comment on the last month's minutes which note that NJWSA was addressing trees which had fallen over the course of

the winter. Mr. Shepherd noted that tree removal work is done every year and fallen trees are removed to improve flow in the canal. Commissioner Lubitz noted that trees fall.

Old/New Business

DAG Reynolds noted that the commission would not take a position on the Lambertville Municipal Utilities Authority Proposed Amendment to Upper Delaware Water Quality Management Plans, as it would be inappropriate to take a position when the projects are within the Commission's jurisdiction. Mr. Mazzei explained that the MUA would propose the expansion of sewer service. Commissioner Lubitz motioned to accept the advice of the DAG and not act on the request to comment; Commissioner Stout seconded the motion; the commission agreed unanimously.

Vice Chairman Loos asked Mr. Mulvan for an update on the replacement of the Demott Lane Bridge. Mr. Mulvan noted that he expected a June installation. Regarding the proposed Easton Avenue Bridge, the project was being moved forward. Commissioner Lubitz asked about the proposed Swing Bridge. Mr. Mulvan noted that when mitigation funds are received, he is prepared to bid the project out.

Vice Chairman Loos noted that a pair of bald eagles is nesting in the vicinity of Weston Canal Road and Randolph Road.

Mr. Mazzei noted that he prepared a memo regarding the commission's review of projects which involve maintenance of roads in Zones A and B where there is no expansion of impervious surface. A General Permit 1 is available for such work in Review Zone A, but not Review Zone B. DAG Reynolds noted she would like to do a legal analysis of the issue. Vice Chairman Loos noted a gap in the regulations, and asked the DAG to review the possibility of passing a resolution to address the issue. Chairman Bostock asked Mr. Mazzei to proceed with past practice until the issue could be reviewed.

Mr. Mazzei noted he had been asked by the commission to look into the status of the old Laurie Rubber Plant in East Millstone, which is located adjacent to the canal. He noted it appears that NJDEP has done testing to confirm contaminants. The NJDEP is requiring the owner to create a remediation plan, which is due May 7, 2014, for the site. Vice Chairman Loos noted the owners left money to a charitable foundation for purposes other than cleaning up the site and the site was sold to owners who may not be able to afford a clean up. The commission should be concerned about sediment leaching into the canal.

Public Forum

Mr. Barth noted the new pedestrian crossing at the canal path on Bridge Street in Lambertville. He noted the opening of the Millstone Valley Scenic Byway Visitors Center which would feature state dignitaries and an 18-minute film on the byway. Mr. Barth noted the Canal Watch hike schedule and the May 10th NJ State History Fair, which may offer the opportunity for a canal boat ride.

Dr. Chase noted that the Laurie Rubber property was purchased by a company for its patents and then it was sold. The NJWSA canal dredging project will stop before reaching the site because of concern with the pollutants.

Mrs. Barth noted that New Jersey would be celebrating its 350th anniversary and there would be merchandise at pop-up stores. Chairman Bostock noted that a 350th anniversary would be the sesquicentennial.

Executive Session

Chairman Bostock asked that the resolution allowing the commission to enter into executive session be entered into the record:

WHEREAS, N.J.S.A. 10:4-12 permits the Delaware and Raritan Canal Commission to conduct a meeting from which the public is excluded in certain circumstances; and

WHEREAS, the Delaware and Raritan Canal Commission has determined that such certain circumstances exist; and

WHEREAS, the minutes of the executive discussion shall be made available to the public when the matters under discussion are no longer confidential in nature; and

WHEREAS, the regular meeting of the Commission will reconvene at the conclusion of executive session;

NOW, THEREFORE, BE IT RESOLVED by the Delaware and Raritan Canal Commission that it shall enter into executive session for the following reasons, as outlined by N.J.S.A. 10-4-12: To discuss legal and personnel matters.

This resolution shall take effect immediately.

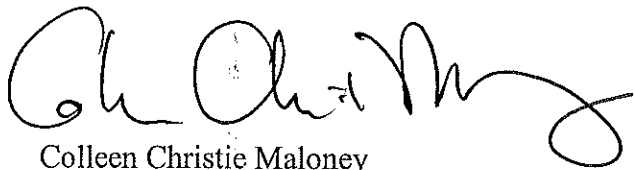
Vice Chairman Loos motioned to approve the resolution and enter into executive session and Mr. Mulvan seconded the motion; the motion was approved unanimously. The commission entered into executive session at 10:40 a.m.

Public Session

Chairman Bostock called the public session back to order at 11:05 a.m.

Chairman Bostock noted he would entertain a motion to adjourn the meeting. Commissioner Lubitz motioned to adjourn and Commissioner Stout seconded the motion; the motion was approved unanimously. The meeting adjourned at 11:05 a.m.

Respectfully submitted,



Colleen Christie Maloney