

**June 18, 2014 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.

DATE: June 18, 2014

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

ATTENDING: _____

COMMISSIONERS: Chairman Robert Bostock, Vice Chairman John Loos, Commissioner Mary Leck, Commissioner Phillip Lubitz, Commissioner Bruce Stout, and Commissioner Mark Texel

STAFF: Mr. Joseph Ruggeri, Deputy Attorney General Alison Reynolds, and Ms. Colleen Christie Maloney

GUESTS: Superintendent Patricia Kalleser, D&R Canal State Park; Mr. Joe Shepherd, NJ Water Supply Authority (NJWSA); Mr. Robert Barth, D&R Canal Watch and D&R Canal Commission Advisory Council; Mr. Charles Waaben, VAST Center; Mr. Artie Bifulco, Van Cleef Engineering; Ms. Shirley Kessler; Mr. Richard Brown, Carroll Engineering; Mr. John Giuliano, The Center for Great Expectations; Mr. Mitchell Mastrangelo, Van Note-Harvey; Mr. Jeromie Lange, Maser Consulting; Mr. Max Popkin, Maxwell Associates; Mr. Michael Barry; Mr. Walter Bronson, ACT Engineers.

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 July 16, 2014.

Minutes of the Meeting

Minutes of the May 21, 2014 Meeting

Chairman Bostock asked for a motion on the minutes. Vice Chairman Loos moved to approve the minutes; Commissioner Stout seconded the motion. The minutes were approved unanimously.

Minutes of Executive Session of the May 21, 2014

Chairman Bostock asked for a motion on the minutes. Commissioner Stout moved to approve the minutes; Commissioner Leck seconded the motion. The minutes were approved unanimously.

Minutes of Executive Session of April 16, 2014 Meeting

Chairman Bostock asked for a motion on the minutes. Vice Chairman Loos moved to approve the minutes; Commission Leck seconded the motion. Chairman Bostock, Vice Chairman Loos, and Commissioners Leck, Lubitz, and Stout voted to approve the minutes; Commissioner Texel abstained. The minutes were approved.

Review Zone A Projects

Chairman Bostock noted that 14-4509 Center for Great Expectations is a Zone B project and will be considered with the rest of the Zone B projects. Chairman Bostock asked Mr. Ruggeri to give a brief description of the Review Zone A projects.

14-4079A 40 Ferry Street Generator (Lambertville)

Mr. Ruggeri noted that the applicant is installing a pad and generator at a home in Lambertville. Chairman Bostock asked for comment from the commissioners. Commissioner Lubitz asked about the fee and staff time related to review of the project. Ms. Christie Maloney described the review and fee of \$50. There was discussion related to commission fees, reviews, and projects resulting from storm events, such as installation of generators. Chairman Bostock asked for comment from the commission and the public; hearing none, he asked for a motion on the project. Commissioner Texel moved to approve the project and Commissioner Lubitz seconded the motion. The project was approved unanimously.

14-2354A 6 South Main Street Improvements (Stockton)

Mr. Ruggeri noted that the applicant was making improvements to a home which received commission approval for construction of a garage at a previous time. Chairman Bostock asked for comment from the commission. Vice Chairman Loos asked about the approximately 1,000-square-foot driveway, which staff had noted appeared not to have been permitted by the commission. The applicant noted that the garage and driveway area had been constructed by a previous owner. Vice Chairman Loos requested that the file reflect that 1,000 square feet of driveway was installed without consideration to stormwater management and that future projects on the property should consider this. Chairman Bostock asked for further comment from the commission, and then the public; hearing none, he asked for a motion on the project. Commissioner Lubitz moved to approve the project and Commissioner Stout seconded the motion. The project was approved unanimously.

14-4553 60 Canal Street Overhang (Lambertville)

Mr. Ruggeri noted that the project would add a small roof or overhang over the front door of the home, which is located canal-side. 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 Commissioner Texel seconded the motion. The project was approved unanimously.

14-2349B 243 North Union Street Improvements (Lambertville)

Mr. Ruggeri noted that the redeveloped factory site involved improvements including new garage-door style windows, a pizza oven, and installation of windows on a building in the rear of the complex. The applicant, Mr. Popkin, noted that the project is not in Lambertville's historic district. Chairman Bostock asked for further comment from the commission and the public; 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.

Review Zone B Projects

Chairman Bostock asked Mr. Ruggeri to give a brief overview of the Review Zone B projects. He noted that the 08-3688 Cranbury Station Park would not be considered, as it was incomplete.

14-4509 Center for Great Expectations (Franklin Township)

Mr. Ruggeri noted that the project is a non-profit residential center and the applicant is adding an addition to the building.

14-3599B Pennington School Modification (Pennington)

Mr. Ruggeri noted that stormwater management facilities for this project were to be modified from those approved by the Commission in 2013.

14-3184A Plainsboro Plaza (Plainsboro Twp)

Mr. Ruggeri described the proposed upgrades to this shopping center.

14-1454A Ellsworth Center Redevelopment (West Windsor Twp)

Mr. Ruggeri described the proposed upgrades to this shopping center.

14-2308E Mercer Airport Taxiways H, B, F (Ewing Township)

Mr. Ruggeri noted that existing taxiways would be rehabilitated, with no additional impervious surface proposed.

14-3906A Sentinel Data Center (Franklin Twp)

Mr. Ruggeri noted the applicant would build an addition and modify a driveway to a property for which the Commission granted an approval in 2010.

Chairman Bostock asked for comment from the commission on the Review Zone B projects. Commissioner Leck asked about maintenance of stormwater facilities related to the Pennington School modification. Mr. Ruggeri described the conservation and maintenance agreement between the commission and the applicant, and the operation and maintenance manual provided to the commission. There was discussion about the commission's follow-up on the monitoring of stormwater management facilities, including detention basins and manufactured treatment devices. Commissioner Lubitz suggested taking a random sampling of projects to inspect and Vice Chairman Loos suggested such inspection would be a great summer intern project, with appropriate supervision. Mr. Bifulco noted that the municipality of Pennington requested and monitored the maintenance logs for the Pennington School. There was further discussion about inspecting stormwater management facilities.

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

Commissioner Texel left the meeting at 10:30 a.m.

Executive Director's Report

In Ms. Dooley's absence, Ms. Christie Maloney distributed a work tally to the commission. Chairman Bostock noted his appreciation of commission administrative and engineering staff.

D&R Canal State Park Superintendent's Report

Superintendent Kalleser reported that the Black and Western Railroad Historic Trust met with stakeholders, including the D&R Canal State Park, commission staff, and NJWSA, regarding the goal of reopening the passenger line between Ringoes and Lambertville. A culvert north of Warsaw Road was repaired by the DOT and park staff was repairing ruts left in the park path. The Prallsville Mill restroom project has commenced. The VAST Center was awarded an equipment grant and was working on a labor grant for the community service program in Trenton. Volunteers from Deloitte cleaned up along the Crosswicks Creek. Related to the NJDEP "Stop Dumping" initiative, persons responsible for dumping of construction debris in the vicinity of Duck Island had been fined. Park staff was addressing a fence encroachment in Stockton. Starting this weekend, parking in the park along Route 29 in Hunterdon County will be limited due to the seasonal opening of the NJDEP concession commercial tubing operation. A Byram resident identified an individual found dumping debris in a Byram area ditch.

Commissioner Lubitz requested information related to the commercial tubing operation and tubing amongst boat traffic in Byram. Superintendent Kalleser explained the logistics and impact to park users. Byram resident Bob Mauer noted that, at one time last summer, the logistics of the commercial tubing operation resulted in private tubers needing to float further down the river towards boat traffic and a more dangerous area in the river.

New Jersey Water Supply Authority (NJWSA)

Mr. Shepherd, NJWSA, reported that the Cherry Tree Lane spillway and apron, built in the 1950s, required repair. He also reported that the South Bound Brook spillway blowout was repaired and the towpath restored.

Old/New Business

Commissioner Lubitz noted concern about applicants' expense related to making an application to the commission for projects such as homeowners' generator installations. He noted his concern about duplicative process and municipalities having already charged a review fee. Vice Chairman Loos noted that the commission reviews a project for different reasons, visual impact, for instance, in Review Zone A projects. He noted that a \$50 fee for homeowners' generators is essentially a jurisdictional determination. There was discussion about fees and fees following storm events.

Superintendent Kallasser noted a matter at the Byram boat launch, where a conflict of user interest resulted in jet skiers damaging the river embankment with their recreational vehicles and by digging out steps. She asked Mr. Ruggeri for assistance in considering the impact of the damage.

Commissioner Texel returned to the meeting at 10:50 a.m.

Public Forum

Mr. Barth commented that the New Jersey Water Supply Authority's response to the blowout in South Bound Brook was well done. On July 5, D&R Canal Watch will sponsor a 3.5-mile walk from Alexander Road to Kingston. Mr. Barth noted his concern about a new traffic light installed at Route 287 and Weston Canal Road, the berm and landscaping related to a commission-approved project at Zarapath, and the odor emitted by the sewage treatment plant in Lambertville.

Vice Chairman Loos commented that he enjoyed the interesting slide presentation he recently attended. Mrs. Linda Barth, D&R Canal Watch, who is an educator, author, and historian, gave the talk about the history of the canal. Vice Chairman Loos encouraged fellow commissioners to attend future presentations made by Mrs. Barth.

Mr. Maurer, a resident of Byram, presented illustrations and noted his concern about the poor drainage conditions of the ditches running along the path in the Byram Colony. He is concerned that, when it rains, the conditions undermine the private lane, creating potholes and areas for mosquito breeding. He stated that he presented his concern in March of 2013 to the commission. There was discussion regarding the conditions and possible solutions for the 4/10-mile-long area. Chairman Bostock noted the commission would be happy to facilitate getting in touch with those who might help.

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.

Commissioner Lubitz motioned to approve the resolution and enter into executive session and Commissioner Texel seconded the motion; the motion was approved unanimously. The commission entered into executive session 11:15 a.m.

Public Session

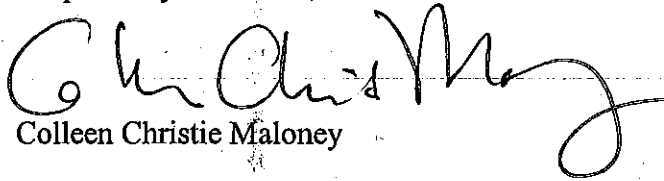
Chairman Bostock called the public session back to order at 11:35 a.m.

Vice Chairman Loos discussed composition of a letter related to personnel matters.

Commissioner Texel noted he would prefer to allow the NJDEP Chief of Staff to take action on staff matters before such letter was prepared by the commission.

Chairman Bostock noted he would entertain a motion to adjourn the meeting. Commissioner Texel motioned to adjourn and Commissioner Lubitz seconded the motion; the motion was approved unanimously. The meeting adjourned at 11:40 a.m.

Respectfully submitted,



Colleen Christie Maloney