

**July 20, 2016 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:10 a.m.  
DATE: July 20, 2016  
PLACE: D&R Canal Commission Office, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice Chairman John Loos, Commissioner Bruce Stout, Commissioner Phil Lubitz,  
Director Lynn Fleming, Commissioner Douglas Palmer

**STAFF:** Executive Director Marlene Dooley, Mr. Joseph Ruggeri, DAG Jung Kim,  
Ms. Colleen Christie Maloney

**GUESTS:** Superintendent Patricia Kalleser; Mr. Michael Sellar, NJWSA; Mrs. Linda Barth, D&R Canal Watch; Mr. Robert Barth, D&R Canal Watch; Mr. Robert von Zumbusch, D&R Canal Commission Advisory Committee; Mr. Ed Zakrzewski; Mr. Tom O'Shea, Van Note-Harvey Associates; Mr. Bob McCarthy, Mr. Gregory A. Player, and Mr. Neil Pieszchala, PSE&G; Mr. Tom Letizia, Pepper Hamilton; Mr. Nicholas Ginther, LLA, and Ms. Kathy Hering, DW Smith Associates; Mr. George Fallat, Mercer County.

Vice Chairman Loos 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**

The commission confirmed the August 17, 2016 commission meeting date. Vice Chairman Loos noted he would not be able to attend the August 2016 meeting and that Commissioner Lubitz, as secretary, would run the meeting.

**Minutes**

**June 15, 2016 Meeting Minutes**

Vice Chairman Loos called for a motion on the June 15, 2016 meeting minutes. Director Fleming made a motion to approve the minutes and Commissioner Stout seconded the motion. Vice Chairman Loos asked for corrections on the minutes. Hearing none, he called for a vote and the minutes were approved unanimously.

**Review Zone Projects**

**Zone A Projects**

**16-31211 Prallsville Mills Grist Mill Headrace Temporary Stabilization**

Director Fleming discussed the water flow during and after the temporary repair, the timeline for the project, and funding for a permanent repair. Superintendent Kalleser noted that the temporary stabilization may be completed by the end of the calendar year and that the DEP would inform the

Delaware River Mill Society (DRMS) about possible grant options which they might seek. Director Fleming noted the importance that the DRMS follow through with seeking a permanent repair.

Mr. Barth noted concern about the affect of dewatering on wood elements of the race, and taking measures to make sure the site will be restored in the future.

Vice Chairman Loos asked for a motion on the project. Commissioner Stout made a motion to approve the project and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for comment and hearing none he called for a vote. The project was approved unanimously.

16-4721A Washington Rd at D&R Path Safety Enhancement Modification (Princeton)

Vice Chairman Loos called for a motion on the project. Commissioner Stout moved to approve the project and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for comment.

Mr. von Zumbusch commented that the pedestrian crosswalk is essential but the overhead arm was an unnecessary visual impact and intrusion.

Commissioner Stout and Director Dooley discussed the project site. Director Dooley noted Parks, NJWSA and she reviewed the conditions at the site, including allowing access to park and NJWSA vehicles. She commented on the heavy vehicle traffic and heavy park use. She recommended that the project be approved with two conditions, that the applicant would work with commission staff to locate the poles and that the applicant get authorization should infrastructure be placed on state park property.

Commissioners Lubitz discussed delegating the approval of placement of the poles to the executive director.

Director Dooley restated the modified motion which was to approve the project conditioned upon the applicant working with the superintendent of the D&R Canal State Park and representatives of NJWSA to ensure the location of poles and any ancillary equipment does not hinder vehicular access, the applicant shall obtain any necessary approvals from DEP for placement of equipment and infrastructure on park property, and approval of the placement of the poles by the executive director of the commission. Commissioners Stout and Lubitz confirmed the language in the motion.

Mr. Fallat, Traffic Engineer for Mercer County, described the traffic conditions at the site, including average traffic speed, the geometry of the road, the visibility concerns and requirements, and that the county has complied with requests from the Princeton Historic Preservation group, Princeton University, and the mayor of Princeton.

Vice Chairman Loos asked for further comment and hearing none he called for a vote. The project was approved unanimously.

16-1894B Titusville Presbyterian Church Backyard Fence

Vice Chairman Loos asked for a motion on the project. Commissioner Stout made a motion to approve the project and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for comment. Hearing none, he called for a vote and the project was approved unanimously.

### **Zone B Projects**

Vice Chairman Loos stated that the project 16-3349F IAS Dining Hall was removed from the agenda and that Zone B projects would be handled en bloc. Commissioner Stout asked for information on the Ewing PSE&G substation stream corridor. Director Dooley noted that she recommended approval of the project including a waiver based on no adverse impact due to grandfathered structures, improvements to the corridor and that this was consistent with the commission's past practice. She noted the applicant explored alternative sites, elevated the structures at the facility, removed impervious surface within the stream corridor, and would place a portion of the property in a stream corridor easement.

Vice Chairman Loos asked if the commission wished to discuss any more Zone B Projects:

- 15-4759 Cornerstone Professional Center Parking Expansion (Hillsborough)
- 15-0018A Proposed Wawa Food and Fueling Station (Franklin)
- 16-2197E Educational Testing Service GDP Phase I (Lawrence)
- 16-4847 T & T Tree Service (W. Amwell)
- 15-3090A Princeton Audi Service Center
- 16-0005A 750 College Rd East Parking Addition (Plainsboro)
- 15-3477A Aurolife Pharma Parking Lot Expansion (S. Brunswick)
- 16-2097C Diversatech Building Expansion (Hopewell)
- 16-4803 PSEG Ewing Substation
- 16-4867A 20A Tulsa Court (S. Brunswick)
- 15-4777 56 Hillside Terrace Residence (Montgomery)
- 16-4834 8A Corsalo Road Home Construction (W. Amwell)

Vice Chairman Loos then asked for comment from the public. Hearing none, he asked for a motion on all the Zone B projects. Director Fleming made a motion to approve all the Zone B projects. Commissioner Lubitz seconded the motion. The motion was approved unanimously.

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

Director Dooley discussed the monthly work tally and fees collected. She discussed the status of a commission/DOT joint taskforce, a site visit to the Route 518 Bridge, and Lambertville matters including a flood control project and odor from the sewerage treatment plant, and residents' concerns related to a new condominium project near Lambert Lane and Coryell Street. There was discussion of the work shutdown of the Route 518 Bridge. Director Dooley reported on a letter related to access through the park for first responders along the Delaware River.

### **Park Superintendent's Report**

Superintendent Kalleser reported that, as Director Dooley noted, the Route 518 Bridge Replacement project is presently "on hold." The parking lot was closed during the road project and remains closed. This situation has resulted in limited parking for park users in the area and for a longer period of time than originally anticipated. She also noted that there had been confirmation of the emerald ash borer in South Bound Brook and Goat Hill in Lambertville, and that the park is a site for the game Pokemon Go. She discussed a meeting with Kingwood Township, DOT, and Parks regarding a crosswalk at the Cooley property on Route 29, a Nation Recreation Trails grant application for signage, and the tubing concession involving the park.

### **New Jersey Water Supply Authority (NJWSA) Report**

Mr. Sellar discussed a repair at Five Mile Lock, weed harvesting along the feeder canal, and an apparent leak in Titusville which the NJWSA was investigating.

### **Old Business**

#### **Bulls Island**

Director Fleming referred to a letter submitted by D&R Canal Watch and she discussed fatalities at various parks related to trees, DEP Park's response and differences at Bulls Island, such as fair weather, flooding, tree types, and insufficient root systems. The subsequent investigation provided information related to the diseased root structure of trees on Bulls Island due to three significant floods. Vice Chairman Loos noted his appreciation of Director Fleming's clear and succinct explanation of the situation.

#### **Odor from Lambertville Sewerage Treatment Plant**

Director Dooley discussed two modifications to the plant for odor control and her contact with the City of Lambertville, in which she was informed there were no complaints and there is a hotline which people can call with concerns. Mr. Barth noted his concern of the odor and taking school children on the path to interpret the canal in such circumstances. There was discussion about the best way to make complaints known. Vice Chairman Loos asked staff to pull minutes from commission meetings and that the commission would continue to discuss the matter at the next meeting.

### **New Business**

Vice Chairman Loos discussed the Amwell Road (Route 514) Bridge replacement and his interest in exploring burying a large PSE&G utility pipe, currently adjacent to the bridge, beneath the canal so as to improve the park users' experience. He suggested the commission go on record to request that the pipe be buried in the course of the bridge replacement project. Superintendent Kalleser noted the impacts the Laurie Rubber site may have on such a project. There was discussion about pedestrian walkways on the bridge. Mrs. Barth noted that the height of the bridge above the water and clearance allowing watercraft are of high concern. Commissioner Palmer made a motion to pass a resolution in which the commission would support the burying of the gas pipe line if feasible. Commissioner Stout seconded the motion. Mr. Sellar noted that such a project would not be able to impede the flow of water in the canal. Mr. von Zumbusch observed that Transco and Sun pipelines are buried. The commission approved the motion unanimously.

Commissioner Palmer noted concerns related to the proposed PennEast pipeline and potential impacts to the canal. He requested a copy of the letter the commission issued on the matter.

### **Public Forum**

Mr. Barth complemented the NJWSA's work on the path at the Five Mile Lock and the Rutgers Prep restoration. He commented on the need to open Bulls Island. Vice Chairman Loos noted that he understood the DEP may be submitting a plan regarding the park. Mr. Barth noted that D&R Canal Watch's August 13 hike from Rocky Hill to Griggstown was cancelled because access to the parking lot and is not available.

Vice Chairman Loos requested a motion to move into executive session to discuss litigation, personnel, and real estate. Commissioner Stout moved to enter executive session and Commissioner Lubitz seconded the motion. The motion was approved unanimously. At 11:30, the commission entered executive session.

At 12:05 pm, the commission returned to open meeting. Vice Chairman Loos called for a motion. Commissioner Stout motioned to approve a salary increase of 5.56%, or \$2,623.37, for Colleen Maloney. Director Fleming seconded the motion. It was approved unanimously.

**Adjournment**

Vice Chairman Loos called for a motion to adjourn. Director Fleming motioned to adjourn, Commissioner Palmer seconded the motion. It was approved unanimously. The meeting adjourned at 12:10 pm.

Respectfully submitted,



Marlene Dooley, Secretary

