

**September 21, 2016 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.  
DATE: September 21, 2016, 2016  
PLACE: D&R Canal Commission Office, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice Chairman John Loos, Commissioner Mary Leck, Commissioner Julia Cobb Allen, Commissioner Bruce Stout, Commissioner Phil Lubitz, Director Mark Texel

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

**GUESTS:** Superintendent Patricia Kalleser, D&R Canal State Park; Mr. Michael Sellar, NJWSA; Mr. Robert von Zumbusch, D&R Canal Commission Advisory Committee; Mr. Herb Spiegel, D&R Canal Commission Advisory Committee; Mr. Jim Melleth, Churchill Consulting Engineers, Mr. Jim Murawski, E2 Project Management; Dr. Michael Erinreich; Mr. Gregory Riccardi, Parker McCoy.

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. He noted that there was a quorum.

**Administrative Items**

Vice Chairman Loos asked all to confirm the October 19, 2016 commission meeting date. The date was confirmed.

**Minutes**

**August 17, 2016 Meeting**

Vice Chairman Loos called for a motion on the August 17, 2016 meeting minutes. Commissioner Lubitz made a motion to approve the minutes and Commissioner Stout seconded the motion. Vice Chairman Loos, Commissioner Allen, Commissioner Stout, Commissioner Lubitz, and Director Texel voted to approve the minutes. Commissioner Leck abstained. The motion carried.

**Public Comment**

Vice Chairman Loos recognized Dr. Ehrenreich, who requested to speak early in the meeting about the commission's previous approval related to NJDOT installing rumble strips in the vicinity of the D&R Canal State Park. Dr. Ehrenreich discussed the language in the Certificate of Approval, and that he believed the DOT was required to install either the delineators or the mumble strips. Vice Chairman Loos discussed the issue and stated that the minutes reflected the Commission's decision and written approval, and NJDOT's actions were consistent with the decision. Vice Chairman Loos suggested that the executive director could contact DOT periodically to determine the status, if any, of development of the mumble strip policy.

**Review Zone Projects**

**Zone A Projects**

Vice Chairman Loos asked the commissioners if they had questions on any of the Review Zone A projects before a vote *en bloc*.

- 16-4676A 16 Wilson St Garage (Lambertville)
- 16-4899 1008 Canal Rd Barn Restoration (Franklin)
- 16-4820 J & J: Landing Lane Sidewalk (New Brunswick)
- 14-3141F Canal Walk III (Franklin)
- 16-4866 Mercer County Bridge Replacement: Bakers Basin Road (Lawrence)

Commissioner Stout and Mr. Ruggeri discussed the methods to measure elevation, referred to on 16-4899 1008 Canal Road Barn Restoration.

Commissioner Leck and Mr. Friebel discussed the standards for stabilizing soil related to 15-2877A.1 Johnson & Johnson South Building Renovation and Parking Modification, and Commissioner Leck recommended specifying that organic material be added to the soil to benefit plant growth.

Commissioner Stout and Director Dooley discussed 14-3141F Canal Walk III. Director Dooley noted the new development was within an area previously approved for residential development within a General Development Plan, and that the project includes moving a detention basin out of the stream corridor.

Director Texel discussed special use permitting for the 16-4866 Mercer County Bridge Replacement: Bakers Basin Road with the park superintendent.

Vice Chairman Loos called for further questions on the Review Zone A projects. Hearing none, he called for a motion. Director Texel moved to approve the Review Zone A projects, and Commissioner Lubitz seconded the motion. It was approved unanimously.

**Zone B Projects**

Vice Chairman Loos asked the commissioners if they had questions on any of the Review Zone A projects before a vote *en bloc*.

- 10-4072 American Landscape Building (Franklin Twp)
- 16-2318A Elizabeth Ave Elementary School Expansion (Franklin Twp)
- 16-1935B BMI Warehouse (S. Brunswick)
- 15-2877A.1 Johnson & Johnson South Building Renovation and Parking Mod (Montg)
- 16-4909 Updike Barn Restoration (Princeton)
- 16-4798A Central Jersey Nurseries (Hillsborough)

Commissioner Lubitz, Director Dooley, and Mr. Ruggeri discussed maintenance of the existing stormwater facilities for the project 16-2318A Elizabeth Ave Elementary School Expansion. Mr. Ruggeri noted that he reviewed maintenance records and explained that the existing outlet structure was to be retrofitted and improved as part of the project. Vice Chairman Loos suggested the motion be made

to approve the project in accordance with the staff report recommendation and the report. Commissioner Leck noted that the school could use the stormwater facility as an educational resource on the campus.

Vice Chairman Loos called for comment on the Review Zone B projects with the exception of the Elizabeth Avenue School project:

10-4072 American Landscape Building (Franklin Twp)

16-1935B BMI Warehouse (S. Brunswick)

15-2877A.1 Johnson & Johnson South Building Renovation and Parking Mod (Montg)

16-4909 Updike Barn Restoration (Princeton)

16-4798A Central Jersey Nurseries (Hillsborough)

Hearing none, he called for a motion. Commissioner Stout motioned to approve the Zone B projects with the exception of 16-2318A. Commissioner Lubitz seconded the motion. It was approved unanimously.

16-2318A Elizabeth Ave Elementary School Expansion (Franklin Twp)

Vice Chairman Loos called for a motion on 16-2318A. Commissioner Lubitz motioned to approve the project noting there will be construction on the detention basin per the submitted engineering report. Commissioner Stout seconded the motion. It was approved unanimously.

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

Director Dooley discussed the monthly work tally and fees collected. She noted that the commission would no longer lease the office from the Delaware River Mill Society (DRMS) but from the DEP who owns the building. This was determined because the Commission is "in the DEP" pursuant to the Statute. Details of a formal agreement will be worked out with the Parks department and the Office of Leases. Also, Director Dooley noted that the DRCC keeps files in one bay of a building on the Prallsville site maintained by the DRMS, and that space is specifically not included in the agreement with the DEP. The historic files stored in the space are accessed on a daily basis.

There was discussion about office limitations and priorities including the need for staff, updated computers, and stream corridor inspections. Commissioner Lubitz discussed a staged plan to move to a more paperless office, and suggested using a consultant to review the technology needs of the office and create a plan and report. Vice Chairman Loos discussed staffing and noted that a job description might include computer skills. Director Dooley further discussed completing day-to-day work and addressing broader office needs. Director Texel discussed a courtesy review by DEP Office of Information Technology staff to create a plan for the office.

Director Dooley noted that she had submitted comments to FERC regarding the PennEast pipeline draft environmental impact statement on behalf of the Commission.

She noted that she attended a Lambertville Municipal Utilities Authority flood wall meeting, at which design was discussed, and she noted the impact the project would have on the park. It is completely on state property and in the canal park and it introduces walls into the canal. She requested an alternatives analysis from the authority.

Director Dooley reported that the I-95 Scudder Falls Bridge was in its last design stages, and was

currently submitted to the commission for review of modifications and the design of the bike path. The commission had previously conceptually approved the project in 2013.

Director Dooley discussed the 2016 budget. The executive director, vice chairman, Commissioners Stout and Lubitz, and Director Texel discussed full time equivalent (FTE) positions, a professional services contract, temp services, varying strategies for staffing the office and moving forward.

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

Superintendent Kalleser discussed vandalism at the Prallsville Mills public restrooms which necessitated closing at least one of them until repairs are made. She noted that there was also vandalism at Carvallo Park in Lambertville. She discussed the Emerald Ash Borer and funding which has been secured to removed trees and replant. The project would be a five-year project, starting at Landing Lane and moving through the park. Mixed hardwood would be planted. The plan will require permitting. Trees will be removed along the multi-use trail and in parking lot areas.

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

Mr. Sellar stated that weed harvesting is complete, resulting in a better flow of water, and the Cherry Tree Lane Spillway project is underway.

### **Old Business**

#### **Bulls Island**

Vice Chairman Loos noted that further review of Bulls Island by DEP has revealed that greater work needed to be done than originally proposed, as in the intervening time period, trees have fallen and invasives have populated the area. The DEP plan would need a complete modification and the current administration would not go through the permit process at this point.

Vice Chairman Loos discussed the possibility of amending the Master Plan for the northern section of Bulls Island State Park. He noted that this area of Bulls Island floods on a regular basis. He further noted that the Commission has the responsibility of planning for the park in its statute. He suggested bringing experts in such as DEP and conservation group foresters and Rutgers climate specialists to examine the closed area of Bulls Island to provide support to amend the DRCC Master Plan and to submit a planning document to the DEP in the next administration. He suggested beginning the process of amending the Master Plan for the Bulls Island section of the park, and considering a comprehensive plan for Bulls Island. Commissioner Lubitz noted he would be in support of such a plan, and specifically considering the park from a historic perspective.

Commissioner Lubitz noted it was unacceptable to have the public park closed for so long with no public access.

Commissioner Allen discussed the number of trees which had fallen and how park users enjoy the water view and park.

Director Texel described the risks and consideration of the safety of park patrons from the DEP's perspective after the tree study and report were made. Commissioner Stout noted it was absurd to consider the trees in the report when there are trees which were not assessed and could fall. Commissioner Stout noted the issue is not about risk but liability.

Director Texel suggested that the area currently closed on Bulls Island could be designated as a Natural Area and designated by the Natural Lands Trust. Vice Chairman Loos noted the commission could nominate the area to the Natural Lands Trust, and then he described the process and that numerous approvals would be required. Superintendent Kalleser requested that the Commission talk with park staff about the Natural Lands Trust as such a designation makes it very difficult to manage invasives.

Vice Chairman Loos and Commissioner Allen discussed risk. Commissioner Allen noted that risk has varying levels and the varying levels must be assessed. Vice Chairman Loos noted the Commission could seek testimony from specialists.

Commissioner Stout and Vice Chairman Loos discussed hiring a consultant to amend the Master Plan for Bulls Island. Director Dooley discussed the staffing issues facing the commission for such a project. Vice Chairman Loos noted that the Master Plan Advisory Committee might be able to contribute to such a project.

Director Dooley noted that the Commission is charged with planning for the park in the Statute but also noted that the Parks department has responsibility for managing the park and that determining risk and liability is their responsibility.

Commissioner Lubitz asked for the chart identifying terms of commissioners.

Commissioner Leck noted it would be useful to develop a plan as the public is very interested in Bulls Island, which was illustrated with the large public meeting attendance.

Commissioner Stout noted the impact of taking on such a project as amending the Master Plan on the Commission office staff, and that there are pragmatic issues, such as computers and staffing, to be resolved.

Vice Chairman Loos proposed calling a meeting of the advisory committee to help develop a plan on how to proceed with the amending process and the resources needed. It was suggested that Vice Chairman Loos, Director Fleming, and Superintendent Kalleser participate. Commissioners Lubitz and Stout stated that they would also like to participate.

Commissioner Lubitz noted that Linda Barth was honored the night before at the Spirit of Somerset Awards for books she has written.

Superintendent Kalleser and Vice Chairman Loos noted the October 15 Canal Fest at East Millstone, where there will be music and the Park Historian Vicki Chirco will lead a tour on the path.

Commissioner Leck noted activities planned to celebrate World Rivers Day that Sunday at Crosswicks Creek.

Mr. von Zumbusch noted Canal Watch will host two walks, October 1 from Blackwells Mills and October 15 from Kingston, and that the details are available on the Canal Watch website.

Vice Chairman Loos called for a motion to adjourn. Director Texel made the motion and Commissioner Leck seconded the motion. It was approved unanimously. The meeting adjourned at 12 p.m.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marlene Dooley".

Marlene Dooley, Secretary