

**May 17, 2017 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10 a.m.
DATE: May 17, 2017
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice Chairman John Loos, Commissioner Bruce Stout, Commissioner Mary Leck, Commissioner Douglas Palmer, DEP Administrator Edward Mulvan

STAFF: Executive Director Marlene Dooley, Mr. Joseph Ruggeri,
Deputy Attorney General Melissa Abatemarco, Ms. Colleen Christie Maloney

GUESTS: Superintendent Patricia Kalleser; Ms. Stephanie Fox, D&R Canal State Park; Ms. Beth Gates, Mr. Marc Brooks, Ms. Heather Desko, Mr. Mike Sellar, NJWSA; Mr. Chris Doyle, Solitude Lake Management; Mr. Mark Heilman, SePRO; Mr. Robert Barth, D&R Canal Watch; Mr. Robert von Zumbusch, Dr. Ted Chase, and Mr. Herb Spiegel, D&R Canal Commission Master Plan Advisory Committee; Mr. Wayne Birchler and Mr. Mitch Neuman, Lennar; Mr. Mitch Ardman, Reynolds Group; Mr. Jonathan Slass, E&J Equities; Mr. Andrew French, French and Parrello.

Administrative Items

Vice Chairman Loos noted that the next scheduled Commission meeting date is June 21, 2017.

Executive Director's Report

Director Dooley discussed the monthly work tally. She discussed meetings she attended in the previous month, including a preconstruction meeting for the Scudder Falls Bridge project and a meeting regarding Princeton University's 20-year plan. She noted an AT&T cable would be decommissioned at Griggstown in June, general permits would be issued for NJWSA seepage projects, and PSE&G will be doing work regarding overhead wires in Hamilton area of the park.

At 10:05 a.m., Commissioner Palmer entered the meeting. Vice Chairman opened the meeting by announcing 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.

Minutes

April 19, 2017 Meeting Minutes

Vice Chairman Loos called for a motion on the April 17, 2017 meeting minutes. Mr. Mulvan made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice Chairman Loos asked for any corrections on the minutes. Hearing none, he called for a vote and the minutes were approved unanimously.

Review Zone Projects

Zone A Projects

Vice Chairman Loos asked for comments and questions on the Review Zone A projects:

16-2091H NJAW Canal Road Treatment Plant: Spoils Stockpile Facility Modification (Franklin)
17-5021 1424 River Road Demolition (Hopewell)
17-4618A 51 Lambert Lane (Lambertville)
17-5026 82 South Main Street Fence (Stockton)

Commissioner Stout and Director Dooley discussed the materials to be stored at the Canal Road Treatment Plant spoils stockpile site. Vice Chairman Loos called for further comment on the Zone A projects and hearing none he called for a motion. Mr. Mulvan moved to approve the Zone A projects and Commissioner Leck seconded the motion. Vice Chairman Loos asked for further comment, and hearing none, called for a vote. The projects were approved unanimously.

New Jersey Water Supply Authority (NJWSA) Aquatic Plant Management Plan

Director Dooley noted the presentation at the April 2017 meeting in which the NJWSA explained that hydrilla was identified within the canal, the difficulty in treating for the invasive plant, the plant's impacts to water flow, and treatment options including use of fluridone and endothal. She discussed NJWSA's progress since the last meeting, including finalizing the management plan and that the NJWSA is requesting use of fluridone, NJWSA has obtained required permitting for an aquatic pesticide permit, and obtained review and concurrence from NJDEP Historic and Parks. She noted that NJWSA was attending the meeting to further answer questions and explain public outreach and signage.

Ms. Gates, Executive Director of the NJWSA, presented information about the plan to manage hydrilla within the canal, including developing a three-year plan to keep hydrilla under control. A low dose of herbicide would be administered over a 120-day period to limit and prevent tuber germination. She discussed the proposed treatment and impact upon customers.

Ms. Desko, NJWSA, described the outreach program, including a website, that tracer dye had been released and results of the test analyzed, that the NJWSA had communicated with its customers and community officials along the canal, and there would be continued testing during the treatment cycle. She presented regulatory and informational signage to be placed on existing structures at 108 locations along the canal. Commissioner Leck and Ms. Desko discussed transporting invasive species. Ms. Desko discussed up-dating the plan annually.

Vice Chairman Loos, Commissioner Stout and Director Dooley discussed issuing a general permit and whether the permittee would be required to present again if there was a change in dosage, should the plants show resistance for instance. Ms. Gates discussed the importance of treating hydrilla immediately, in its early stage of growth.

Mr. Spiegel, Ms. Gates, and Dr. Chase further discussed public outreach through emails, the website,

signage, and newspaper announcements. Director Gates noted that the NJWSA had reviewed 24 treatment options, and concluded that two options for this year, fluridone treatment and continued hydro-raking, were the best option to control hydrilla in the canal.

Commissioner Stout and Vice Chairman Loos discussed the permit process and asked Ms. Gates to confirm that the limit of treatment is 2 -4 parts per million this year. Ms. Gates conferred with staff and stated that the target limit is 4 parts per million. Director Dooley anticipates that NJWSA would report monthly on the project. Director Gates noted they plan a monthly conference call with their customers.

Vice Chairman Loos noted that most of the stakeholders and advocates for the canal are recreational users but a major purpose of the canal is the water supply function. He noted that those who are advocates for maintaining the canal for recreational and wildlife purposes should recognize that the NJWSA keeps the infrastructure of the canal and its surrounding areas functioning, including breaches to be fixed and maintenance of the path. It is vital that the commission work cooperatively with the NJWSA to keep the canal as a water supply. Ms. Gates thanked Vice Chairman Loos and noted that NJWSA has budgeted \$16.5 million for maintenance of the structure going forward.

Vice Chairman Loos asked for a motion on the project. Commissioner Stout made a motion to approve the application as submitted and Commissioner Leck seconded the motion. Vice Chairman Loos asked for further discussion. Hearing none, he called for a vote. The project was approved unanimously.

Zone B Projects

Vice Chairman Loos asked for questions and comments on Zone B projects.

17-5000 Greenacres Residential (Lawrence)

Ms. Dooley described the project, a residential development at a golf course. Commissioner Leck, Mr. Ruggeri, Director Dooley, and the applicant's representative, Mr. Birchler, discussed groundwater recharge, soil types and soil testing and identification related to the project.

16-3017E E&J Equities Solar (Franklin)

Commissioner Stout asked Director Dooley to report on the applicant's conditional use in the stream corridor and noncompliance related to previous Commission reviews and approvals at the site. Director Dooley described the stormwater outfall which can be a conditional use. She also described the history of permitting for the site. She noted that the applicant would agree to mitigation and conditions in the permit to address the failure to remove the road as previously agreed. The recommended conditions for approval were to increase the existing stream corridor easement by 0.7 acres, 7.25 acres of additional conservation easement area, removal of 0.66 acres of roadway, providing a bond to ensure removal of roadway, and notifications of commencement of work, completion of the project, and removal of the roadway. Vice Chairman Loos called for further comment, and hearing none, requested a motion. Commissioner Stout voted to approve the project with conditions listed and Commissioner Leck seconded the motion. It was approved unanimously.

Vice Chairman Loos called for further comment on the remaining three Zone B projects:

- 17-2435C Princeton Place at Hopewell Parking Expansion
- 17-3341H Riverview Residential Development (Plainsboro)
- 17-5000 Greenacres Residential (Lawrence)

- Hearing none, he called for a motion. Commissioner Stout motioned to approve the three remaining Zone B projects and Mr. Mulvan seconded the motion. Vice Chairman Loos called for further discussion, and, hearing none, he called for a vote. The projects were approved unanimously.

Park Superintendent's Report

Superintendent Kalleser discussed completion of the Prallsville Mills sinkhole project, potential closures of the path related to the Scudder Falls Bridge project, landscaping plans on display at the Mapleton Office for causeway plantings, possible path closures at Blackwells Mills to Route 514 related to a seepage repair project, and the preparation of park areas for the tubing concession in Kingwood Township.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar noted that leaks were being addressed in the vicinity of Lambertville and Blackwell Mills. Work at the 10-Mile waste gate is under review by the governor's office and NJWSA is waiting for engineer's recommendation for the Griggstown waste gate.

Old Business/New Business

Vice Chairman Loos noted there would be a field visit to the upper section of Bulls Island after the meeting with the Bulls Island subcommittee. Vice Chairman Loos noted that discussion on electronic application materials would be rescheduled for another meeting. Commissioner Palmer noted he spoke with staff at the Lambertville MUA regarding odors from the sewerage treatment plant.

Public Forum

Mr. Barth thanked Park Naturalist Stephanie Fox for her assistance with Canal Watch's first bilingual walk. He noted Canal Watch activities, including the May 27 book signing by Linda Barth at Blackwell Mills, the June 11 Canal Watch Meeting which features a discussion on a spy who worked for George Washington, and the July 1 bike hike from Kingston to Griggstown.

Mr. von Zumbusch noted the Kingston Historical Society would host a lecture on farming in the Millstone Valley at the firehouse on June 6 at 7:30 pm.

Commissioner Leck noted a walk at the Bordentown Bluffs hosted by the D&R Canal State Park.

Commissioner Leck, Vice Chairman Loos, and Mr. von Zumbusch discussed the Route 518 bridge.

Adjournment

Vice Chairman Loos called for a motion to adjourn. Commissioner Stout moved to adjourn and Commissioner Palmer seconded the motion. It was approved unanimously.

The meeting adjourned at 11 a.m.

Respectfully submitted,


Marlene Dooley, Secretary