

**February 15, 2017 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.
DATE: February 15, 2017
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice Chairman John Loos, Commissioner Julia Allen, Commissioner Mary Leck, Commissioner Phil Lubitz, Director Lynn Fleming

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

GUESTS: D & R Canal State Park Superintendent Patricia Kalleser; Mr. Michael Sellar, NJWSA, Mr. Robert von Zumbush, D & R Canal Commission Advisory Committee; Mr. Robert Barth and Mrs. Linda Barth, D & R Canal Watch; Mr. John Sacco, NJ State Forestry; Ms. Rosa Yoo, NJ Forest Service; Ms. Samantha Hense, NJ Forest Service; Mr. Mike Sellar, NJWSA; Ms. Julie Shelley, NJWSA; Mr. Jeff McVey, D&R Canal Watch; Dr. Michael Ehrenreich; Mr. Kevin Skeels, DRJTBC; Ms. Jennifer Silkensen, GSA; Mr. Jake Henry, GSA; Mr. Chris Corliss, Louis Berger; Mr. Timothy Hand, AECOM; Mr. Gregg Micalizio, AECOM; Ms. Rebecca Traylor, Baker; Mr. Mike Sidani, Baker.

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 Meetings Law of 1976 had been met in the scheduling of the meeting.

Administrative Items

The Commission confirmed the March 15, 2017 Commission meeting date.

Minutes

January 18, 2017 Meeting Minutes

Vice Chairman Loos called for a motion to approve the January meeting minutes. Director Fleming made a motion to approve the minutes and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for discussion and correction of the minutes. Hearing none, he called for a vote. The motion was approved unanimously.

Old Business

Dr. Ehrenreich requested to speak to the Commission at the beginning of the meeting. Due to several projects potentially requiring lengthy discussion, Vice Chairman Loos stated that Dr. Ehrenreich could speak at the beginning of the meeting.

Dr. Ehrenreich raised concerns that he had submitted articles to the NJDOT regarding two states that had adopted “mumble strips.” He stated that he did not believe NJDOT was following the spirit of the commission’s permit conditions. He asked the commission to demand that the DOT install the type of strips he spoke of.

Vice Chairman Loos stated that he read the Federal Highway Commission article to suggest only that the rumble strips be further examined, that DOT was meeting the requirements of the DRCC's permit and that the DOT should be deferred to regarding the issue of traffic safety.

Vice Chairman Loos asked the Commissioners if they had any comment. Hearing none, he stated that any further discussion would be during the public section of the meeting.

Review Zone Projects

Zone A Projects

16-4938 D & R Canal State Park Ash Tree Management and Restoration

Mr. John Sacco, Chief Forester for the State, provided an overview of the history of the ash tree issue in the nation and New Jersey. Ms. Rosa Yoo, Division of Forestry, gave a power point presentation regarding emerald ash borer in New Jersey which included the identification of emerald ash borer in two locations in the D & R Canal State park and nearby locations. Ms. Yoo further outlined the safety hazards related to emerald ash borer, mortality of trees, the added safety concerns within a linear park, the proposed project to fell approximately 1,500 trees, the chipping and cutting of the trees in place, and the replanting plan.

Vice Chairman Loos asked for comment. There was substantial discussion of the project. Vice Chairman Loos, Commissioner Leck, Commissioner Lubitz, Commissioner Allen and Director Fleming discussed the proposal including the areas of the park in which the largest number of trees will be felled, the use of whips for replanting, survival rates of plantings, and expected duration of the project.

Vice Chairman Loos called for a motion. Commissioner Leck moved approval of the project with the waiver described in the staff report, and Commissioner Allen seconded the motion. The motion was approved unanimously.

16-3165A I-95 Scudders Falls Bridge Pedestrian Bike Path and Modification (Ewing)

Director Dooley provided an overview of the status of the project including that the Commission had conditionally approved the expansion of Route I-95 over the park, Ramps C & G, the stormwater system, and bicycle and pedestrian bike path in 2013. The conditions included obtaining State Historic Preservation Office approval, and submitting the design of the bicycle and pedestrian path and aesthetic treatments to the Commission for approval. Director Dooley noted that the present proposal is to fulfill the conditions and also address modifications including changing Ramp M from private use back to a public roadway, changes in the number of spans and piers, and changes to the stormwater management system. Mr. Skeels, DRJTBC, introduced Ms. Traylor, of Michael Baker International, who provided an overview of the project for the applicant. She provided details on the proposed bike/pedestrian path which will cross the river, connecting to the D&R Canal State Park path.

There was substantial discussion of the project. Commissioner Lubitz raised concerns regarding the connection of the bicycle and pedestrian path and whether some additional measures were needed to ensure that bicyclists would stop at the entrance to the park. Bollards, removable bollards, speed bumps, rumble strips and landscaping on the canal side were discussed. It was determined that the measures as designed were adequate. Mr. Skeels noted that the DRJTBC has been working for years on the design, and that it will provide adequate safety. He also noted that

the DRJTBC is committed to matters of safety and, if any issues needed to be addressed in the future, the DRJTBC would work with the Commission.

Vice Chairman Loos called for a motion. Director Fleming moved for approval conditioned upon the payment of two million dollars for mitigation pursuant to N.J.A.C. 7:45-12 and as outlined in the 2010 Programmatic Agreement between the FHWA, PASHPO, NJSHPO, DRJTBC, NJDOT and PADOT. The two million dollars shall be used to construct an interpretive swing bridge and/or for other interpretation of the Delaware and Raritan Canal. Commissioner Lubitz seconded the motion. The motion was approved unanimously.

Zone B Projects

Vice Chairman Loos asked if there were any Zone B projects for which the Commission or public had comment. Hearing none he asked for a motion to hear the three projects en banc.

Director Fleming made a motion to approve 16-1876B Moores Grove Court Pool, 16-3585C Onyx Properties Retail Development and 16-1627B Belle Mead North Parcel Remediation. Commissioner Leck seconded the motion. The motion was approved unanimously.

Executive Director's Report

Director Dooley introduced Jasmine Davison who was hired as the administrative staff to the Commission.

Director Dooley provided an update on the purchase of computers and updating of the systems for the office.

Director Dooley noted that, in addition to sending the staff reports electronically, she had also sent related drawings to the Commission electronically. She requested feedback as to its usefulness or problems in transmission.

The Executive Director distributed the monthly work tally and discussed it.

Director Dooley noted that the DOT/DRCC Joint Bridge Task Force letters were issued and the first meeting should be in March or April. Director Dooley also noted that she would be attending a pre-application meeting for a project by Princeton University that may request directional drilling under the canal.

Vice Chairman Loos asked about the DOT and Amwell Road Bridge. Director Dooley noted that she had not received a formal application but had received a document from DOT. She would provide information to the Vice Chairman.

Park Superintendent's Report

Superintendent Kalleser noted work on the Route 518 bridge is now estimated to be completed on May 1. She noted that she could place a trail blazer sign at the aqueduct in Trenton along the road.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported on the NJWSA addressing leaks, including at the Griggstown Waste Gate and in Lambertville. He noted NJWSA is seeking designs for the the Landing Lane Spillway.

Old/New Business

Vice Chairman Loos asked for further comment on rumble strips. There was no further comment.

Bulls Island

Vice Chairman Loos raised that in September 2016, the Commission determined to develop a subcommittee of the commission to discuss revising the master plan as it relates to the closed northern section of Bulls Island. Ms. Dooley noted that Commissioner Stout was unable to be at today's meeting and asked that a statement be read into the record. Director Dooley read the statement:

I am sorry that I cannot be present at today's Commission meeting. Marlen has made me aware of the discussion about the Bulls Island Master Plan Subcommittee and, if possible, I would like my thoughts included in the record. I fully support the goal of the DRCC developing a master plan for this valuable state park resource. It is troubling that such a vital resource has remained inaccessible to the public for years. If the DRCC can serve as a body to develop a master plan for the public's use of this resource in the future, that would be a very positive contribution. That being said, I would ask that my colleagues be mindful of the fact that, as we have all acknowledged over the last many months, the DRCC's professional staff are taxed beyond reason with the current workload. Given this, I ask that my colleagues not establish a charge and a work plan for a Master Plan Subcommittee that exacerbates this situation. Thank you.

Vice Chairman Loos gave a brief update on staffing initiatives. Vice Chairman Loos asked Director Dooley for her comment. Director Dooley stated that, as previously discussed, the commission has been reduced in staff and the workload increased. In addition, she views this year as a rebuilding year with upgrading the existing computer systems, transferring the information from the dated data base, hiring staff and having to incorporate the files in the office. She would like to see this year as a rebuilding year and begin new projects next year. She noted that the commission was also discussing the electronic submission of information which is an additional workload.

Commissioner Lubitz discussed doing preliminary work on the matter, the upcoming change in administration, and hiring a consultant. Commissioners Allen and Leck discussed the value of moving forward. Superintendent Kalleser noted that the permitting may need to be updated and science related to flooding and conditions at Bulls Island may change. The commission discussed the subcommittee and determined that they could continue the project, including utilizing the Advisory Committee and not overburden staff. A meeting will be scheduled for next month. Vice Chairman Loos and Commissioners Lubitz and Allen volunteered to be involved in the working group.

Commissioner Allen left the meeting.

Odors in vicinity of Lambertville Sewerage Treatment Plant

Director Dooley reported that Mr. Horn, the head of the Lambertville MUA, stated that he would attend the March meeting to discuss the matter.

Electronic Submission of Application Materials

Director Dooley noted that she had developed an Electronic Data Policy as requested by the Commission. She discussed submissions, retention, and stream corridor mapping, and the office's ability to accept electronic materials.

There was substantial discussion including the request for several changes to state that Section 1A refers to "paper" copies, that throughout the document the language "other methods acceptable to the Commission" be added in addition to disk and USB flash drive, that the word "accepting" would be changed to "storing" in the last sentence of 1C, and a section D which mirrors section C but which states that there shall be electronic submissions once the in-house computer system has been updated. There was discussion about adding an exception for single-family homeowners, the ease with which a homeowner can submit an electronic application, and a GIS database which would track easements. There was discussion of storage of projects on the commission's computer systems, changes in software, and future access when software is outdated.

Vice Chairman Loos asked Director Dooley to revise the document based on the discussion and present a draft for consideration at the next meeting. Director Dooley was asked to discuss with DAG Abatemarco whether OPRA required retention of paper documents and whether rulemaking was required to adopt the policy.

Public Forum

Mr. Barth announced a D&R Canal Watch hike on February 18, at 10 am, from Prallsville to Bulls Island. He noted that the Lambertville hike on January 29 was attended by 125 people. He requested that Bulls Island be opened on a temporary basis, and suggested taking the signs down as a test to see what the problems would be.

Executive Session

There was no executive session.

Adjournment

There was no adjournment as there was no quorum. That was at 12:15 pm.

Director Fleming noted that the March meeting would be her last meeting as she is retiring.

Respectfully submitted,

Marlene Dooley, Secretary