

**April 19, 2017 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:05 a.m.
DATE: April 19, 2017
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice Chairman John Loos, Commissioner Julia Allen, Commissioner Mary Leck, Commissioner Phil Lubitz, Commissioner Bruce Stout, Mr. Edward Mulvan

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, NJWS; Mr. Robert von Zumbush, Mr. Herb Spiegel, D & R Canal Commission Advisory Committee; Mr. Robert Barth, Mrs. Linda Barth, and Mr. Wayne Petko, D & R Canal Watch; Mr. Maril Walters, DEP; Mr. Jeremiah Bergstrom, Landscape Architecture; Mr. Christopher DeGrezia, Drinker Biddle; Mr. Bob Gill, Menlo Engineering; Mr. Bob Goodman; Mr. John Jengo, Stantec; Mr. Jon Gosselin, Mr. Mark Heilman, SePRO; Mr. Cody Gray, Mr. Justin Newrolin, UPI; Mr. Glenn Sullivan, Solitude Lake Management; Mr. Steven Spinweber, Sudler; Mr. Scott Minnich, GPI; Dr. Theodore Chase, Franklin Twp; Mr. Ken Klipstien, NJWSA; Mr. Tom Gace, FTHPAC; Ms. Aniki Samokgyi; Mr. Ken Wagner.

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.

The following members of the commission were present at 10:05 a.m: Vice Chairman Loos, Mr. Mulvan, and Commissioners Leck, Lubitz, and Stout.

Administrative Items

The Commission confirmed the May 17, 2017 Commission meeting date.

Minutes

February 15, 2017 Meeting Minutes

Vice Chairman Loos called for a motion to approve the February 15, 2017 meeting minutes. Commissioner Lubitz made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice Chairman Loos asked for discussion and correction of the minutes. Hearing none, he called for a vote. Commissioner Stout and Mr. Mulvan abstained; Vice Chairman Loos, and Commissioners Leck, and Lubitz voted to approve the motion. The motion was approved.

Review Zone Projects

Zone A Projects

Vice Chairmen Loos asked if the commission wished to discuss any Review Zone A Projects:

17-4989 D&R Canal State Park Comcast Installation (S Brunswick; Delaware; Franklin)
16-4936 150 Grouser Road (Franklin Twp)
17-1755A 7 Lambert Lane (Lambertville)
17-3442A Carmosino Townhomes (Lambertville)

There was no discussion. Vice Chairmen Loos then asked for comment from the public. Hearing none, he asked for a motion on all the Zone A projects. Mr. Mulvan motioned to approve the projects and Commissioner Stout seconded the motion. The motion was approved unanimously.

Zone B Projects

Vice Chairman Loos asked if there was comment from the commission or the public on two of the Zone B projects:

17-4974 Weston Mill Dam Removal
16-2963A Cranbury Corporate Park

Hearing none, he asked for a motion on the projects. Commissioner Stout moved to approve the two projects, and Commissioner Lubitz seconded the motion. The motion was approved unanimously.

Vice Chairmen Loos then asked for comment on the remaining Zone B project:

17-2789M TCNJ Lions Stadium Storage Building

Commissioner Stout abstained from discussion and vote stating for the record that he is employed by the college. Commissioner Lubitz moved to approve the project and Commissioner Leck seconded the motion. Vice Chairman Loos called for comment from the commissioner and the public. Hearing none, he called for a vote. Vice Chairman Loos, Mr. Mulvan, and Commissioners Lubitz and Leck voted to approve the project. Commissioner Stout abstained. The motion was approved.

Commissioner Allen entered the meeting at 10:15 a.m.

Executive Director's Report

Director Dooley discussed the monthly work tally and fees collected.

The director distributed a news article regarding a Princeton University project which might propose new bridges over the canal.

The director noted she had been contacted by two Franklin Township residents related to a proposed compressor station in Franklin Township. One resident requested that the commission register as an intervenor with FERC. There was discussion about the project, its location in Review Zone B, the basis for previous intervention and policy on when the Commission might register as an intervenor. Commissioner Lubitz noted, based on his experience in Kingwood Township with the PennEast Pipeline, that projects and pipeline routes can change. Vice Chairmen Loos called for a motion. Commissioner Lubitz motioned

that the commission register as an intervenor on the matter with FERC. Commissioner Leck seconded this motion. The motion was approved unanimously.

Director Dooley discussed a meeting related to a proposed flood wall at Swan Creek in Lambertville and its potential impact on the canal and park.

Director Dooley and Commissioner Stout discussed the first Commissioner/DOT joint task force meeting on bridges which cross the canal.

The director provided an update on the office computers and upgrading of the systems in the office. There was discussion about computer support services.

The director noted that the NJWSA would make a presentation on an aquatic management plan later in the meeting.

Park Superintendent's Report

Superintendent Kalleser reported that repair on the Prallsville Mill sinkhole would begin the following week. She also noted that Forestry will begin treatment of 106 ash trees in May. She noted that DOT anticipated opening of the Route 518 Bridge by May 1.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that a request for proposal for rehabilitation of the Landing Lane Spillway was in progress. He discussed erosion along the Raritan River bank which could impact the canal, and a request for proposal to address it. Mr. Sellar discussed three leaks that were discovered in Griggstown, Lambertville south of the wing dam, and one-half mile downstream of the Blackwells Mills Causeway and the steps to address them. There was comment and discussion regarding how leaks are identified.

Aquatic Plant Management Plan

Ms. Heather Desco, NJWSA, Watershed Protection Program, discussed the the invasive aquatic plant species, Monoecious Hydrilla, including the difficulty in managing it and its impact on water flow. She discussed NJWSA's earlier strategy to manage hydrilla including hydro-raking. Ms. Desco noted that the NJWSA hired a contractor, SOLitude Lake Management, to assess the situation and develop and implement an aquatic management plan.

Mr. Chris Doyle, a certified lake manager with SOLitude Lake Management, gave a presentation describing the difficulty of hydrilla and the risks of not eradicating it. Mr. Doyle discussed various alternatives for eliminating hydrilla, including physical controls such as benthic barriers, dredging, dyes/colors, and mechanical and hand removal, and biological controls, such as grass carp. He also discussed chemical control using herbicides and the associated water restrictions, permitting, affect on non-targetted species, and negative public reception, and the multi-year management program. Mr. Doyle noted other hydrilla projects his company managed.

Mr. Mark Heilman, a representative from SePro, discussed the herbicide Fluridone, including the application method and exposure periods, treatment timeframe, potential treatment dates, restrictions, EPA standards for use, levels of use specific to hydrilla, and treatment on other water bodies. The best treatment start time would be mid-May to June.

There was discussion related to the herbicide treatment. Commissioner Stout, Commissioner Lubitz, and Commissioner Leck discussed the EPA's review process of the herbicide, and concentration and exposure with Mr. Heilman. Vice Chairman Loos and Ms. Desco discussed water users on the feeder and main canal. Mr. Barth and Mr. Heilman discussed water treatment protocol and the results of hydro-raking the previous year. Mr. Spiegel and Mr. Heilman discussed the outcome of water flow in canal if hydrilla is not treated. Mr. Goodman offered a Cornell Cooperative Extension website for reference.

There was discussion about public outreach. Commissioner Lubitz asked about the role the communities drawing water from the canal play. Ms. Desco noted that the NJWSA would meet with customers of the canal that afternoon. Vice Chairman Loos asked which permits were required. Ms. Desco and Director Dooley noted that a DEP Land Manager Review was occurring and that DEP Pesticide and commission permits are required.

Mr. Justin Nawrocki, a representative from United Phosphorus Inc, discussed the herbicide Endothall, including the application method and exposure periods, treatment timeframe, potential treatment dates, restrictions, EPA standards for use, levels of use specific to hydrilla, and use on other water bodies. Commissioner Leck and Mr. Nawocki discussed the method of the herbicide. The best treatment start time would be in July to August.

Vice Chairman Loos asked the NJWSA about the next steps, specifically materials they might submit to support a general permit from the commission. Director Dooley noted this would include potential sites for treatment, timing and a recommendation for treatment. She noted that the next commission meeting is May 17. Commissioner Lubitz noted that community outreach efforts should be included in the application or presentation. Ms. Desco noted WSA had not made a formal decision and needed to complete the aquatic plant management plan.

Mr. Ken Klipstein, Director of the Watershed Protection Program for NJWSA, discussed the reviewing agencies including that there had been a steering committee with DEP assistant commissioner offices. Director Klipstein discussed a general permit for the potential site for dosing. He noted that the NJWSA has been managing aquatic plants a long time. He noted vegetation had been historically managed mechanically without commission permit and they are maintaining weed harvesting with this project. He noted the three-party agreement covers aquatic plant management.

Commissioner Lubitz discussed water quality, that mechanical harvesting affects flow but not necessarily water quality, and that chemical use would affect water quality. Vice Chairmen Loos agreed and noted that WSA would need a permit from the commission to use a chemical product. He asked about schedule, and if the issue could be addressed at the May meeting, specifically if an approval at the May 17 meeting would be acceptable. Ms. Desco agreed it would be acceptable. Vice Chairmen Loos requested that all three powerpoint presentations be sent to the commissioners, in anticipation of a proposal at the May meeting. Mr. Klipstein noted the NJWSA is, too, concerned about water quality in addition to quantity. Commissioner Lubitz noted that WSA has been a good partner and he appreciates the thorough presentation. Director Klipstein noted he understood and the NJWSA would be moving on a parallel track with other approvals they require. Director Dooley noted she would share the three-party agreement with the commissioners.

Mr. Ken Wagner noted that the presenters were technically qualified and sent to inform the commission and he discussed the low level of herbicides that might be used.

Old/New Business

Vice Chairman noted that the members of the commission and advisory committee would meet to discuss Bulls Island as it relates to the Master Plan, post-meeting. He noted the Lambertville Sewerage Treatment Plant representative would speak at a later date. Vice Chairmen Loos stated that any discussion of the Electronic Data Policy and staffing matters will be postponed until the May 17th meeting.

Public Forum

Mr. Barth announced the upcoming Canal Watch walks including the April 29th Light Rail Canal Tour, April 30th Bird Watch, and May 6th Bilingual Canal Hike. Park

Superintendent Kallessar announced the upcoming Millstone Valley Annual Coalition meeting that would be held on May 7th, at which Rutgers student planting plans for Griggstown and Blackwells Mills will be on display.

Commissioner Stout left the meeting at 12:00 p.m.

Ms. Aniko Samogyi, a Franklin Township resident, discussed concerns with the proposed compressor station in Franklin Township. Vice Chairmen Loos informed Ms. Samogyi that the commission had voted to register as an intervenor, however, he noted that intervention did not mean that the Commission is opposed to the project.

Executive Session

There was no executive session.

Adjournment

Vice Chairman Loos called for a motion to adjourn. Commissioner Lubitz motioned to adjourn and Mr. Mulvan seconded the motion. It was approved unanimously. The meeting adjourned at 12:10 p.m.

Respectfully submitted,

Marlene Dooley, Secretary