



**April 16, 2024 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 2:05 p.m.
DATE: April 16, 2024
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission office. Chief Robin Madden, Designee for Commissioner of Environmental Protection Shawn LaTourette; Commissioner John Reiser; and Commission Douglas Palmer participated via online platform and teleconference.

STAFF: Executive Director John Hutchison, Deputy Attorney General Bruce Velzy, and Ms. Colleen Maloney were present in the Commission office. Commission Engineer Joseph Ruggeri, Communications Director Darlene Yuhas, and Executive Assistant Erica Vavrence participated via online platform.

GUESTS: Robert Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Michael Sellar, Facilities Manager, New Jersey Water Supply Authority (NJWSA); Lauren Rojewski, Superintendent, Delaware and Raritan Canal State Park; Michael K. Ford, PE, Van Cleef Engineering Consultants; Mathew Hainzl; Mark Gorda; Larry Wohl; Steven Grabowski; Anthony Rudolf, Stockton Inn.

Vice-Chairman Stout announced that this was a monthly meeting of the Delaware and Raritan Canal Commission and that the provisions of the “Senator Byron Baer Open Public Meetings Act” (OPMA) had been complied with in the scheduling of the meeting.

Vice-Chairman Stout announced that the meeting was being taped pursuant to the exception set forth at Section C.(1) of DEP Policy & Procedure 2.85 “Prohibition of Recording in the Workplace” Policy adopted on September 18, 2019.

Since Commission members were participating in person and via telephonic device pursuant to Article III, Section 4 of the Commission Bylaws, Vice-Chairman Stout directed the Executive Director to call

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the roll:

Vice-Chairman Stout	Present
Commissioner Designee Madden	Present
Commissioner Reiser	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Absent
Commissioner Palmer	Present

Director Hutchison stated that a quorum was present.

Administrative Items

Confirmation of May 15, 2024, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for May 15, 2024, at 10:00 a.m.

Minutes

Approval of the Minutes of the March 20, 2024, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the March 20, 2024, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Designee Madden made a motion to adopt the minutes as proposed, which was seconded by Commissioner Lubitz.

Vice-Chairman Stout asked Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Absent
Commissioner Palmer	Yes

The minutes were approved.

Review Zone Actions

Zone A Projects

22-2654B	400-600 Atrium Drive -- Office Complex Demolition -- Warehouse Construction (Franklin Township)
24-3673C	The Stockton Inn -- Renovations (Stockton Borough)
24-4725C	17 Mill Street -- Dog Run Fence -- Major Modification (Stockton Borough)
24-5509B	769 Millstone River Road -- Major Modification (Montgomery Township)

Vice-Chairman Stout inquired if any Commissioner preferred to review any of the Review Zone A projects separately. Hearing no such request, he asked for a motion on the Zone A projects.

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Commissioner Lubitz moved to approve the projects, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, he asked if the public had any comments. Hearing none, Vice-Chairman Stout directed Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Absent
Commissioner Palmer	Yes

The motion was carried.

Zone B Projects

22-2015B Amwell Road-Mill Lane -- Subdivision/Single-Family Residences (Hillsborough Township)
22-3599C The Pennington School -- Additions and Improvements (Pennington Borough)
24-5384B Princeton Plasma Innovation Center -- Building Expansion (Plainsboro Township)

Vice-Chairman Stout inquired if any Commissioner preferred to review any of the Review Zone B projects separately. Commissioner Lubitz disclosed that although he had once attended the Pennington School, it would not have any bearing on his ability to make an unbiased decision on the project DRCC #22-3599C. Vice-Chairman Stout asked for a motion on the Zone B projects. Commissioner Designee Madden made a motion to approve the projects, which was seconded by Commissioner Lubitz. Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, he asked if the public had any comments. Hearing none, Vice-Chairman Stout directed Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Absent
Commissioner Palmer	Yes

The motion carried.

Executive Director's Report

Director Hutchison noted that with respect to the staff report for DRCC #24-3673C, the staff was indebted to former Commissioner Marfy Goodspeed, whose website <https://goodspeedhistories.com/>, contains a wealth of information on the history of Hunterdon County and interesting genealogical information on many of its oldest families.

Director Hutchison reported on the Commission workload for the period encompassing March 20, 2024, to April 15, 2024. He stated that in addition to the 7 projects listed on the April meeting notice, staff

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issued 10 deficient staff reports, 9 jurisdictional determinations, 8 certificates of approval, and 7 general permits. In addition to those matters, staff organized and conducted 8 pre-application meetings related to proposed and pending projects. As of April 14, 2024, the Director noted that 17 projects were undergoing staff review.

Director Hutchison reported that fee collections continued to trend downward and totaled \$9,800 for the month, which amount was considerably less than the \$34,675.62 collected in April 2023, and much less than the \$45,662.50 collected in April 2022. He stated that with 10 months of the 2024 Fiscal Year completed, the Commission had collected \$264,812.50, which was slightly more than 50% of the FY 2025 anticipated appropriation of \$500,000.

Director Hutchison reported that on April 2, Vice-Chairman Stout, Commission Treasurer Lubitz, and Commissioner Designee Madden met with the DEP Office of Budget and Finance staff to discuss the Commission's fiscal condition. The discussion covered the impact of the imposition of fringe and indirect program costs on the Commission, and the necessity of revising the Commission's application fees, which have not been increased since they were created in 2009 and were not calculated to cover fringe, indirect, and Office of the Attorney General (OAG) representation costs. Director Hutchison stated that a fee increase proposal was not imminent and considerable research and document preparation would be required for any rule proposal, as anyone familiar with the "Administrative Procedure Act" was aware. However, he stated, it is clear to even the most casual observer that the structural imbalance in the Commission's fee schedule must be addressed as long as fringe, indirect, and OAG costs were to be imposed.

Director Hutchison reported that the DEP Office of Budget and Finance signed the completed grant agreement for the project to revise and update the Commission Master Plan. The documents were sent to the New Jersey Historic Trust for signature, after which time the grant monies would be deposited into a DEP account. Director Hutchison thanked Stephen Matis and Carolyn Shaw at the DEP for their assistance with advancing the project.

Director Hutchison reported that on Wednesday, April 17, he and Darlene Yuhas would have another meeting with Bill White of the DEP Office of Resource Development to continue perfecting the grant scope of work document.

Director Hutchison reported that the project file digitization project continued to make steady progress. Since the previous month's meeting, hourly staff scanned the contents of 19 more file boxes, bringing the total number of boxes scanned to 78, which represents about 14% of the total.

Director Hutchison reported that the Department of Treasury State Print Shop prepared a limited run of 50 hard copies of the 2023 Commission Annual Report, which, as required by State law, would be transmitted to the Governor, the presiding officers of the Legislature, and the State Librarian. He stated he placed a few copies in the magazine rack in the main entry to the Commission office.

Director Hutchison reported that on April 10, he and Darlene Yuhas met with Ted Settle, a Bound Brook resident, former State employee, and talented photographer of the Delaware and Raritan Canal. Director Hutchison stated that Mr. Settle displayed some of his many photographs of the canal and indicated his

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willingness to share his historic images of the canal with the Commission. In addition, Mr. Settle also volunteered to help caption the Commission's collection of historical photographs. Director Hutchison stated that Mr. Settle's assistance would be of great help to the Commission staff as it builds a database of historical photographs derived from a variety of sources outside of State Government.

Park Superintendent's Report

Superintendent Rojewski reported that park staff was addressing tree damage throughout the park from recent storms. In addition, the Superintendent reported repairs, including some resurfacing, to the multiuse path would be made along the main canal in the areas of Princeton, Kingston, and Bound Brook to address storm damage that occurred over the winter and early spring.

Superintendent Rojewski reported that the New Jersey State Park Police continued to investigate incidents of vandalism and political graffiti at the pedestrian bridge which conveys the park multiuse trail over the Alexauken Creek aqueduct in the City of Lambertville. She stated park staff continues to address vandalism repairs and graffiti removal.

Superintendent Rojewski reported that the NJWSA completed its repairs of the canal embankment in Hopewell Township south of the Fireman's Eddy public access area on the feeder canal and that the multiuse trail had been reopened.

The Superintendent reported that work along the canal embankment in Stockton Borough would be completed soon and by the NJWSA, and that the multiuse trail would likely be reopened to park patrons in late spring.

New Jersey Water Supply Authority Report

Mr. Sellar reported that, due to weather restrictions, the rehabilitation of the Six Mile Run culvert was delayed until July, at which time the contractor would remobilize to the site to work on the headwall located between the Delaware and Raritan Canal and the Millstone River.

Mr. Sellar reported on the status of the rehabilitation of the canal embankment in Stockton Borough, including that the anticipated completion of the project would be in late April or early May.

Mr. Sellar stated that a feasibility study commissioned by the NJWSA had determined that the proposed water quality project to improve the water quality of the Delaware and Raritan Canal by modifying the Cedar Grove Brook overflow weir structure through the creation of an area upstream of the weir to facilitate easy removal of accumulated sediment, would result in a low return on investment, and, therefore, the project would no longer be pursued.

Mr. Sellar reported that the project to replace 11 lock gate sluice gates and associated operating assemblies at four locations on the Delaware and Raritan Canal in Somerset County (DRCC #22-5924) was progressing. He stated that work would commence with the April 22, 2024, gate replacement of the South Bound Brook lock.

Mr. Sellar reported that NJWSA was addressing downed trees and would commence its spring mowing

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along the canal.

Mr. Sellar reported that work to correct the leak at the so-called “Workhouse Spillway” located across N.J. State Highway Route No. 29 from the Mercer County Correctional Center in Hopewell Township was complete; however, some final work on the landscaping by the contractor may be required.

Mr. Sellar reported that work to repair damage on the “lower roadway” at the Bulls Island Recreation Area caused by Tropical Storm Ida was delayed due to weather conditions related to Delaware River and the feeder canal water levels.

Old Business

None.

New Business

None.

Public Comment

None.

Written Public Comments

None.

Adjournment

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner Lubitz made a motion to adjourn, which was seconded by Commissioner Reiser. Vice-Chairman Stout called for a vote on the motion to adjourn, which was unanimously approved by a voice vote.

The meeting was adjourned at 2:20 p.m.

Respectfully submitted,



John Hutchison, Secretary