



**May 15, 2024 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: May 15, 2024
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout, Commissioner Phillip Lubitz, and Mark Texel, Designee for Commissioner of Environmental Protection Shawn LaTourette, attended the meeting in the Commission office. Commissioner John Reiser and Commission Caryl “Chris” Shoffner participated via online platform and teleconference.

STAFF: Executive Director John Hutchison, Deputy Attorney General Jason Kane, 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: Michael Sellar, Facilities Manager, New Jersey Water Supply Authority (NJWSA); Lauren Rojewski, Superintendent, Delaware and Raritan Canal State Park; Robert von Zumbusch, Kingston Historical Society; Alex Chotalal, Toll Brothers; Daniel Giacobbe, ESE Consultants; Jay Kruse, ESE Consultants; Mike Gross, Giordani; Stuart Freedenfeld; Toni Bonitz, Link Logistics; Sal Filannino; Matthew Sharo; John Peck; Thomas M. Letizia; Jim Holtz; Joseph M. Tierney; Kyle Kavinski; Chris Szalay; Ryan McDermott; Dave Pasicznyk; Jon Tenenbaum; Richard J. Hoff, Jr; Michael Ford; Charles Saka.

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.

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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 the roll:

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

Director Hutchison stated that a quorum was present.

Administrative Items

Confirmation of June 19, 2024, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for June 19, 2024, at 10:00 a.m.

Proposed approval of a Lease Agreement (EWING 6B) dated July 14, 2023, between the New Jersey Water Supply Authority, the Department of Environmental Protection, the Commission, and the Ewing-Lawrence Sewerage Authority, for the continued lease of 2,400 square feet of State property for one 20-inch diameter cast iron force main sewer line and one 30-inch diameter reinforced concrete gravity sewer line under and adjacent to the Delaware and Raritan Canal, at a point directly downstream of the Bakers Basin Road bridge in Lawrence Township, Mercer County.

Vice-Chairman Stout asked Director Hutchison to explain the agenda item. Director Hutchison stated this is a renewal of a lease that has existed since 1971 for the Ewing-Lawrence Sewerage Authority (ELSA) to run two septic lines under the Delaware and Raritan Canal in the vicinity of Bakers Basin Road and Franklin Corner Road in Lawrence Township. He stated the lease had been provided to the Commissioners and made available to the public on the Commission website. Vice-Chairman Stout asked for a motion to approve the lease agreement. Commissioner Lubitz made a motion to approve the lease, which was seconded by Commissioner Reiser.

Vice-Chairman Stout asked for comment from the Commissioners and then the public, and hearing none, he asked Director Hutchison to call the roll:

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

The motion was approved.

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Proposed approval of a Lease Agreement (LE24-053) between the Department of Environmental Protection and Public Electric & Gas Company for the maintenance, improvement, operation, repair and replacement of a 138Kv transmission line crossing and access road located at Block 3601, Lot 9 in Lawrence Township, Mercer County.

Vice-Chairman Stout asked Director Hutchison to describe the agenda item. Director Hutchison stated this is a renewal of a lease for aerial wires strung upon towers and that the wires are located just north of Carnegie Road in Lawrence Township. Vice-Chairman Stout asked for a motion to approve the lease agreement. Commissioner Reiser made a motion to approve the lease, which was seconded by Commissioner Lubitz.

Vice-Chairman Stout asked for comment from the Commissioners. Commissioner Designee Texel asked Director Hutchison if the lease had been reviewed and approved by the DEP Office of Transactions and Public Land Administration. Director Hutchison confirmed that it had. Vice-Chairman Stout asked for further comment from the Commissioners and the public, and hearing none, he asked Director Hutchison to call the roll:

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

The motion was approved.

Minutes

Approval of the Minutes of the April 16, 2024, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the April 16, 2024, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Shoffner made a motion to adopt the minutes as proposed, which was seconded by Commissioner Reiser.

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

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

The minutes were approved.

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Commissioner Designee Texel	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

The motion was approved.

Executive Director’s Report

Director Hutchison reported on the Commission workload for the period encompassing April 15, 2024, to May 14, 2024. He stated that in addition to the 11 projects listed on the May meeting notice, staff issued 13 deficient staff reports, 10 jurisdictional determinations, 9 certificates of approval, and 8 general permits. In addition to those matters, staff organized and conducted 6 pre-application meetings related to proposed and pending projects. As of May 15, 2024, the Director noted that 28 projects were undergoing staff review.

Director Hutchison reported that fee collections totaled \$19,512.50 for the month, which was quite close to the \$19,637.50 which was collected in May 2023, but a great deal less than the \$85,750 collected in May 2022. He stated that with two months remaining in the 2024 Fiscal Year, the Commission has collected \$284,325, which was slightly more than 57% of the FY 2025 anticipated appropriation of \$500,000.

Director Hutchison reported that Commission staff continues to move forward on the update to the Commission’s Master Plan, and the \$550,000 grant agreement with the New Jersey Historic Trust (Trust) is now fully executed. He stated the Commission has received all the completed documents and was now awaiting some additional guidance from the Trust on next steps. In addition, the Commission completed a Scope of Work document that will be used in the request-for-proposal process to retain a consultant.

Director Hutchison reported that the project file digitization project continued to move rapidly forward. He stated that in the previous month, 31 file boxes were scanned, bringing the completed file box total to 109 of 578 boxes. He stated that staff was also labeling the documents and rationalizing the computer file folders as electronic documents were copied into the DEP shared computer drive. Director Hutchison noted that the project significantly improved the Commission’s ability to respond to “Open Public Records Act” (OPRA) requests. He stated that, as an example, in the previous week, an OPRA request for all Commission project documents for a residence on North Union Street in Lambertville that was received by the DEP Office of Records Access was completed in approximately 15 minutes. He noted that because the responsive files had already been scanned, they were easily copied to a MS OneDrive folder and shared with the staff in Trenton. Prior to the institution of the scanning project, such a request could have taken seven days to complete, or longer, depending upon the size of the files in question.

Director Hutchison reported that on April 24 Commission staff participated in another “Canal Quarterly” meeting with the NJWSA and the DEP. He stated he informed colleagues about a New Jersey Department of Transportation (NJDOT) project application filed with the Commission (DRCC

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#24-6103A) to conduct repairs at the Perdicaris Waste Weir apron in the City of Trenton, which could have implications for both those agencies.

Director Hutchison reported that Commission staff publicly released a new logo designed to celebrate the 50th anniversary of the creation of the Commission. He noted that the New Jersey Office of Information Technology (NJOIT) did an outstanding job on the project, and he stated that he continues to be pleased with their collaborative approach to Commission project needs and their ability to deliver in a timely fashion.



Director Hutchison reported that the New Jersey Conservation Foundation (NJCF) published a report entitled “Nature for All: A 2050 Vision for New Jersey,” which featured recommendations for strengthening land preservation efforts and investments to improve environmental health and the quality of life in New Jersey’s cities and communities. He noted the document could be accessed on the NJCF website at <https://www.njconservation.org>.

In addition, Director Hutchison noted that the NJCF also published a column recognizing the 50th anniversary of the Delaware and Raritan Canal State Park and the role the Commission plays in protecting its environmental and historic resources. He noted the article included various events planned in celebration of the anniversary.

Director Hutchison reported that on April 30 New Jersey Spotlight News reported on data from State Government and industry sources that pointed to a significant decline in warehouse development projects, a trend that the Commission staff has observed for many months. He stated that the report noted that supply from warehouse developers has exceeded demand from customers, and that high interest rates are deterring investors from adding more space, while uncertainty over economic growth is affecting confidence in many warehouse expansion plans.

Director Hutchison reported that colleagues at the DEP Division of Fish & Wildlife made a special effort to accommodate the Commission’s request for photos of spring rainbow trout stocking in the Delaware and Raritan Canal to use in social media and in the 2024 Commission Annual Report. Commission staff observed the stocking at the lock at Prallsville Mills, and the Director stated his appreciation that the division staff took the time to explain their work to Commission staff so that the Commission may highlight the role the canal plays in recreational fishing.

Director Hutchison reported that on May 2, he and Commission engineer Joseph Ruggeri conducted a site visit at the Encore at Monroe residential condominium development in Monroe Township, Middlesex County, which was approved by the Commission in 2000 (DRCC #99-2592). Two residents

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of that community raised separate concerns regarding compliance with the Commission's conservation and maintenance agreement and the conservation easement for the stream corridor onsite. Based upon the inspection, it was determined that the homeowner's association was in compliance with the terms of both agreements. Director Hutchison reported he had contacted both concerned residents with the results of the inspection.

Commission Lubitz stated that, in the past week, those who follow the social media platform "X" may find that the Historic Trenton feed had a historical photograph of Stacey Park prior to the time N.J. State Highway Route No. 29 (Route 29) was constructed, and that it illustrated beautiful views of the park and the Delaware River.

Commissioner Lubitz stated that the fee collection numbers in the Executive Director's report again emphasized the need to revisit the matter of the Commission being charged for fringe and indirect and what that was doing to the Commission's ability to meet its long-term financial obligations. He noted the need to revisit the Commission fee structure, which has not been adjusted since fees were implemented in 2009. He noted that the numbers clearly illustrate that it is mandatory that the Commission address both issues.

Vice-Chairman Stout noted that Director Hutchison's report on the digitalization progress and movement on the Master Plan was encouraging. He then asked Mr. Texel if the section of multiuse trail north of Frenchtown had been incorporated into the Delaware and Raritan Canal State Park. Mr. Texel stated that he would defer to Superintendent Rojewski for the most recent information on the matter.

Park Superintendent's Report

Superintendent Rojewski stated that the proposed park multiuse trail north of Frenchtown, in the vicinity of Milford, was still on an acquisition list for the Delaware and Raritan Canal State Park. However, the site is subject to an ongoing environmental remediation project. She noted that the presence of Per- and polyfluoroalkyl substances (PFAS) contamination would need to be addressed. She stated that it is her understanding that when the property owner and their consultant complete the remediation, the acquisition process would proceed. She stated she expected the acquisition would not be accomplished for at least two to five years.

Superintendent Rojewski reported that NJDOT continued work at the Washington Road Bridge project, which included some multiuse trail closures. She stated that trail closures could be expected on weekdays through May, with openings ensured over weekends.

Superintendent Rojewski reported that the State Park Service was in the early stages of discussions with NJDOT regarding the repairs to the deck and railings at the Millstone Aqueduct pedestrian bridge. Following receipt of quotations for the project, DEP Parks, Forests & Historic Sites would proceed with obtaining any required permits. In addition, the Superintendent stated that NJDOT previously assessed the Five Mile Lock Bridge and found areas of structural concern. She noted that the bridge would remain closed indefinitely, and that price quotations for those repairs would be forthcoming.

Superintendent Rojewski reported that State Park Service staff was coordinating with the Delaware River tubing concession operator in preparation for the 2024 summer tubing season. DEP Parks, Forests & Historic Sites provided the concession holder with river access stairs at the Fairview Road parking

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area. She noted that the DEP was addressing recently installed NJDOT trail crossing signs on Route 29 adjacent to the Cooley Parking Lot, at a location where there is no official trail crossing.

Superintendent Rojewski reported that maintenance staff recently completed repairs to decking and boards on the Cavallo Bridge in Lambertville.

Superintendent Rojewski reported that the following Special Use Permits had been issued: Washington Crossing Park Association, May 23, for a full moon bike ride; Dragon Boat Association, annual Special Use Permit and time trials on the canal in Titusville on May 23, June 15, June 22, June 29, and July 13; and a 5K run, June 1, near Federal Twist Winery. The Superintendent noted that no significant impact on the Delaware and Raritan Canal State Park was expected with these events and that State Park Police and Park Service staff would not be required.

Commissioner Lubitz stated that the Superintendent should be aware that there is a problem with the Internet address posted on the canal park's website indicating the location of the Byram Boat Launch. He stated that a search for the Byram Boat Launch relays an incorrect address on Byram Lane, which is a one-lane private gravel road on the island of Byram, which dead ends. Boaters are being mistakenly guided to turn onto Byram Lane seeking the boat launch, which is located downriver on Route 29. People towing boats find themselves at the dead end of Byram Lane with no exit option but to turn around on a resident's lawn to retreat. Commissioner Lubitz asked Superintendent Rojewski to have the address corrected on the www.dnrcanal.org website, as well as the website administered by the DEP State Park Service at <https://nj.gov/dep/parksandforests/parks/drcanalstatepark.html> as needed.

New Jersey Water Supply Authority Report

Mr. Sellar reported that the contractor for the Landing Lane Spillway project would meet with NJWSA staff to discuss close-out issues related to the project, especially to ensure that the planted vegetation had taken root.

Mr. Sellar reported that, due to weather restrictions, the rehabilitation of the Six Mile Run culvert was delayed until July 1, 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. He noted that the work would result in temporary multiuse trail closures.

Mr. Sellar reported that the rehabilitation of the canal embankment in Stockton Borough is complete; however, NJWSA would wait until the vegetation takes root before concluding that phase of the project.

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 one gate replacement of the South Bound Brook lock was complete, and a second gate will be installed, and then the contractor would move to the Five Mile Lock, followed by Ten Mile Run or Griggstown locks.

Mr. Sellar reported that work to repair damage on the "lower roadway" at the Bulls Island Recreation Area caused by Tropical Storm Ida would proceed with equipment mobilization and site prep work that week. The work is expected to be completed within a few weeks.

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Mr. Sellar reported that NJWSA was busy with its spring mowing and general maintenance along the canal.

Mr. Sellar reported that NJWSA staff observed that 12 to 15 trees had been mysteriously planted along the Delaware and Raritan Canal in the Washington Road and Harrison Street area of Princeton. They were subsequently removed and sod placed in the planting area. It was unclear to the NJWSA and the State Park Service as to who planted and removed the trees. Director Hutchison observed that no permit was issued from the Commission for such a project and that the trees may have been Callery or Bradford Pear (*Pyrus calleryana*) trees, a notorious invasive species. The Superintendent stated she would follow up with her staff to see if there was further information. Mr. Sellar observed he did not receive an NJ-One call notification before the planting took place.

Old Business

None.

New Business

None.

Public Comment

Mr. Filannino stated he sought information on a trail closure at Six Mile Run which is frequented by the mountain bike community. He stated that the “Red Trail” was closed from the Jacques Lane Lot to Canal Road. He stated that the trail provided access to other trails within the park and to Canal Road and that the mountain bike community is devastated that the trail is closed. He stated that, due to the closure, mountain bikers would be made to use more of Canal Road, which he found to be a hazardous road, to access the Red or Blue trails.

Superintendent Rojewski stated that the trail had never been designated, maintained or approved as an official trail through the State Park Service. She stated that socially, this trail was established by different organizations that had done unauthorized trail work. She noted that none of the official park trails push users onto the roadways or extend to the roads. Superintendent Rojewski also noted that, over the years, the mountain biking community has grown and consideration to and a rebalancing of trails for safety consideration for all trail users, including mountain bikers, hikers, birdwatchers, runners, and walkers would be made. The State Park Service must consider safety, erosion, and maintenance for the many trail users. She noted that all trails must be determined through proper permitting and approval processes. The Superintendent noted that the State Park Service encourages park users to stay on marked official trails only. She also noted that the State Park Service will visit these issues with the Jersey Off Road Bicycle Associations (JORBA) in the fall.

Vice-Chairman Stout asked how the public can have input into the trail designation process. Superintendent Rojewski stated that, if mountain bikers wish to get involved, they should reach out to JORBA.

Mr. Filannino stated that he was pleased that the State Park Service was considering a plan for the trails going forward, which he hoped plans would include a loop trail.

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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 10:45 a.m.

Addendum

Commission staff notes that the “Existing Conditions” section of the staff report for project DRCC #21-2119C referred to the “Claremont Community” as an apartment residential community. This is incorrect. The “Claremont Towers” are an apartment complex in Hillsborough Township, Somerset County, located to the west of the project site. The “Claremont Community” is a community of single-family residences located to the immediate east of the DRCC# 21-2119C project site and west of the Millstone River. Commission staff regrets the error; however, the reference, which was used solely to orient a reader of the staff report to existing conditions of the built environment of the surrounding community, does not alter in any way the staff’s analysis of the project.

Respectfully submitted,



John Hutchison, Secretary