



**June 19, 2024 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:10 a.m.
DATE: June 19, 2024
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission office. Commissioner Designee Robin Madden, Commissioner John Reiser, and Commission Caryl “Chris” Shoffner participated via online platform and teleconference.

STAFF: Executive Director John Hutchison, Deputy Attorney General Jordan Viana, 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; Gregory Bush; Christopher DeGrezia; Tom O’Shea.

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 the roll:

Vice-Chairman Stout Present

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Commissioner Designee Madden	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 July 17, 2024, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for July 17, 2024, at 10:00 a.m.

Proposed approval of a Lease Agreement (LE22-117) between the Department of Environmental Protection (DEP) and the Public Service Electric & Gas Company (PSE&G)

Vice-Chairman Stout asked Director Hutchison to give a brief overview of this agenda item. Director Hutchison stated the proposed Lease Agreement (LE22-117) between the Department of Environmental Protection (DEP) and the Public Service Electric & Gas Company (PSE&G) was for the continued lease of a transmission line and service road crossing over an approximate 0.738-acre portion of DEP property at Block 2506, Lot 23, and Block 2507, Lot 2 in the Township of Hamilton, Mercer County, in the vicinity of Lambertson Road near the former PSE&G Mercer Generating Station. 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 Reiser made a motion to approve the lease, which was seconded by Commissioner Lubitz.

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 Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

Proposed approval of a Lease Agreement (PSEG21) between the New Jersey Water Supply Authority (NJWSA), DEP State Parks, Forests & Historic Sites, the Delaware and Raritan Canal Commission, and PSE&G

Vice-Chairman Stout asked Director Hutchison to give a brief overview of this agenda item. Director Hutchison stated that the proposed Lease Agreement (PSEG21) was between the NJWSA, DEP, the Commission, and PSE&G for the continued lease of 4,265 square feet of property owned by the DEP and administered by the NJWSA at Block 4001, Lot 28 in the Township of Lawrence, Mercer County, for a pipeline facility. 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

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agreement. Commissioner Shoffner 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 Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

Minutes

Approval of the Minutes of the May 15, 2024, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the May 15, 2024, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Reiser made a motion to adopt the minutes as proposed, which was seconded by Commissioner Shoffner.

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	Yes
Commissioner Palmer	Absent

The minutes were approved.

Review Zone Actions

Zone A Project

24-6095 113 Clinton Street -- Renovations (South Bound Brook Borough)

Vice-Chairman Stout asked for a motion to approve the project. Commissioner Reiser made a motion to approve the project, which was seconded by Commissioner Lubitz. Vice-Chairman Stout inquired if any of the Commissioners had comment on the proposed project. Hearing none, he asked the same of the public. Hearing none, 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	Yes

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Commissioner Palmer Absent

The motion was approved.

Zone B Projects

24-2441FFF	Princeton University -- Lewis Thomas Laboratory Loading Dock Renovations (Municipality of Princeton)
24-2441GGG	Princeton University -- Eric and Wendy Schmidt Hall (Municipality of Princeton)
24-2441HHH	Princeton University -- Poe-Pardee Field Walkways (Municipality of Princeton)
24-3154E	Shiseido America -- Training Classroom Building (East Windsor Township)
23-5010F	Millstone Indoor Recreation Center (Millstone Township)

Vice-Chairman Stout asked if any Commissioner wished to discuss any of the Zone B projects separately. Hearing none, he requested a motion to approve the Zone B projects. Commissioner Reiser made a motion to approve the projects, which was seconded by Commissioner Lubitz. Vice-Chairman Stout inquired if any of the Commissioners had comment on the proposed projects. Hearing none, he asked the same of the public. Hearing none, 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	Yes
Commissioner Palmer	Absent

The motion was approved.

Executive Director’s Report

Director Hutchison reported on the Commission workload for the period encompassing May 15, 2024, to June 18, 2024. He stated that in addition to the 6 projects listed on the June meeting notice, staff issued 21 deficient staff reports, 10 jurisdictional determinations, 9 certificates of approval, and 9 general permits. In addition to those matters, staff organized and conducted 16 pre-application meetings related to proposed and pending projects. As of June 18, 2024, the Director noted that 21 projects were undergoing staff review.

Director Hutchison reported that fee collections totaled \$62,300 for the month, which, he observed, was the highest collection amount in any month of the current fiscal year. He stated that it was a considerable improvement over June 2023 when \$25,000 was collected. With one month remaining in the 2024 Fiscal Year, the Commission had collected \$346,575, which was 69% of the anticipated appropriation amount of \$500,000. The Director stated he hoped the more robust fee collections will represent a trend going forward into Fiscal Year 2025.

Executive Director Hutchison reported that Commission staff continued to move forward on the update to the Commission’s Master Plan. He stated that following the execution of the grant agreement, staff

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met with DEP Fiscal and the NJ Historic Trust to discuss the creation of a dedicated account for the monies, which would then allow the Commission to commence the request for proposals (RFP) process with staff from the Department of the Treasury. The completed Master Plan Scope of Work document that would be used in the RFP process to retain a consultant was circulated to other DEP program units for comments, as well as the NJWSA.

The Executive Director reported that the project file digitization project continued to make impressive progress. In the previous month, five more file boxes were scanned, bringing the completed file box total to 114 of 578 boxes, or 20% of the total records in storage. He stated that staff also continues to label, organize, and rationalize the data in the Commission's shared drive file folders.

Executive Director Hutchison reported that on May 31 Mr. and Mrs. Barth, D&R Canal Watch, visited the Commission office to help kick off the project to label the Commission's archive of historical photographs. He stated that in one meeting 77 images were labeled and the descriptive information added to an Excel spreadsheet, which would then be sorted and searched in the future. The Director stated that the images would be taken to a photo scanning specialist in New Hope, Pennsylvania, to be converted into high-quality digital images that would serve the Commission, the DEP and the public for decades to come.

Executive Director Hutchison reported that, on May 16-17, the project to resurface the office floor in an epoxy coating was completed. He stated that the new floor will resist the hydrostatic pressure from the Wickechoke Creek that caused the paint to lift from the underlying concrete, that new floor is warrantied for 15 years, and that it has already proven more resilient and easier to clean. The Director stated that the floor project represented the last of the major physical plant repairs and improvements that he identified in 2017, and, he observed, although the improvements took longer to complete than he would have preferred, he found the results to have been more than satisfactory.

Commissioner Reiser asked where the digital copies of the Commission's photographs would be kept. Director Hutchison stated that the materials would be kept on the shared drive on DEP computer system, observing that the digital images are, therefore, safe from flood or fire damage. Commissioner Lubitz asked where the original photographs would be stored. Director Hutchison stated that staff may store some materials in surplus storage space in the office, but he would also like to consult with someone about how to best preserve the materials using appropriate archival techniques and materials.

Park Superintendent's Report

Superintendent Rojewski stated that the repaving and striping of the Bulls Island Recreation Area parking areas and driveways and the Kingwood Boat Launch had been completed with the assistance of the New Jersey Department of Transportation (NJDOT).

Superintendent Rojewski stated that the NJWSA reported that the project to rehabilitate the Six Mile Run culvert resumed and would continue to require intermittent closings of the multiuse trail, but that the trail would be open on weekends. She noted this information has been shared on the Park Service social media accounts.

Superintendent Rojewski stated that the Five Mile Lock bridge was closed indefinitely and would require structural repairs. She stated that the Park Service was coordinating with NJDOT on the repairs; however, there was no timeline for completion of the project.

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Superintendent Rojewski stated that on June 8, 2024, the Port Mercer Canal House was broken into, resulting in a broken window. However, it appeared that nothing was stolen.

Superintendent Rojewski stated that Southeastern Pennsylvania Transportation Agency (SEPTA) would be conducting bridge repairs to the bridge that conveys the West Trenton Regional Rail Line over the Delaware and Raritan Canal near Lower Ferry Road in Ewing Township. The project would entail the erection of scaffolding over the multiuse trail, but no closures of the trail were anticipated.

Superintendent Rojewski stated that the Park Service was engaged in discussions with NJDOT regarding the rehabilitation of the bridge that conveys Prospect Street over the park multiuse trail (i.e. former Belvidere-Delaware Railroad) in the City of Trenton. She observed that the project could require a closure and temporary rerouting of the multiuse trail at some point in 2026.

New Jersey Water Supply Authority Report

Mr. Sellar reported that the Landing Lane Spillway project contractor was completing activities and punch list items would need to be addressed.

Mr. Sellar reported that work on the rehabilitation of the Six Mile Run culvert had resumed and that the contractor would engage with the Park Service to discuss possible temporary multiuse trail closures.

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 gate replacements at the South Bound Brook Lock and the Five Mile Lock were complete, and that one of two gates at 10 Mile Lock has been replaced. Upon completion of work at 10 Mile Lock, the contractor would move to the gates at Griggstown.

Mr. Sellar reported that work to repair damage on the “lower roadway” at the Bulls Island Recreation Area caused by Tropical Storm Ida was proceeding and would be completed within a few weeks.

Mr. Sellar reported that NJWSA was conducting mowing and general maintenance along the canal. He requested that if anyone observed downed trees in the canal to contact him.

Executive Session

Vice-Chairman Stout stated there would be an executive session. He asked Director Hutchison to read the preamble to the proposed resolution to enter into executive session. Director Hutchison read Resolution No. 2024-01:

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits the holding of closed sessions by public bodies in certain circumstances, and the Delaware and Raritan Canal Commission (“Commission”) is of the opinion that those circumstances presently exist; and

WHEREAS, the Commission will discuss personnel matters concerning a matter involving the terms and conditions of employment issues within the meaning of N.J.S.A.

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10:4-12(b)(8);

NOW, THEREFORE, BE IT RESOLVED, that the Commission may enter into closed session at its public meeting of June 19, 2024, for that purpose. It is anticipated at this time that the nature of the closed session will be made public upon completion or resolution of the issues to be discussed, except any matter protected by the attorney-client privilege will not be disclosed.

This Resolution shall become effective upon a roll-call vote of the Commission.

Vice-Chairman Stout requested a motion to approve Resolution No. 2024-01 to enter executive session. Commissioner Lubitz motioned to approve the resolution, and Commissioner Reiser seconded the motion. 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	Yes
Commissioner Palmer	Absent

The motion was approved, and the Commission entered executive session at 10:34 a.m.

Public Session

At 10:45 a.m., the Commission returned to public session.

Vice-Chairman Stout asked Director Hutchison to introduce the motion discussed in executive session. Director Hutchison stated that Resolution No. 2024-02 addresses a personnel matter discussed in the executive session. He stated there was a memorandum of agreement (MOA) between the State and the Communication Workers of America (CWA), which allowed for the reclassification of certain employees in the Unclassified Service, and by doing so makes those employees eligible for range and step increments pursuant to the CWA contract. He stated that two Commission employees were subject to this but that, in 2021, the Commission reclassified Colleen Maloney into a job title covered by the MOA, and that the currently proposed resolution addresses this matter for the other employee, Erica Vavrence. The Director stated that Mrs. Vavrence's work has been outstanding and that he strongly urged the Commission to approve the resolution.

Vice-Chairman Stout asked for a motion on Resolution No. 2024-02. Commissioner Reiser made a motion to approve the resolution. Commissioner Shoffner seconded the motion. Vice-Chairman Stout asked the Director to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes

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Commissioner Shoffner	Yes
Commissioner Palmer	Absent

The motion was approved.

Old Business

None.

New Business

None.

Public Comment

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 10:50 a.m.

Respectfully submitted,



John Hutchison, Secretary