



**August 21, 2024 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: August 21, 2024
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Commissioner Phillip Lubitz attended the meeting in the Commission office. Commissioner Designee Robin Madden, Commissioner John Reiser, Commissioner Douglas Palmer, 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, Facility Manager, New Jersey Water Supply Authority (NJWSA); Maggie Mitchell-Strehl, Acting Superintendent, Delaware and Raritan Canal State Park; Robert von Zumbusch, Kingston Historical Society; Robert Barth, D&R Canal Watch; Linda Barth, D&R Canal Watch; Thomas Guerriero, NJ Juvenile Justice Commission; Steven Jacobus; William Smith; Jeff Richter; Jeff Haberman; Ted Bayer, Bayer-Risse; Mili Sawyer; Michael Moritz; Sandra Smith; Edmund Kopczynski; Frank J. Petrino; Stephen Gates, NJWSA; Mark Mauriello, M&M Realty.

Commissioner Lubitz 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.

Commissioner Lubitz 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

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III, Section 4 of the Commission Bylaws, Commissioner Lubitz directed the Executive Director to call the roll:

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

Director Hutchison stated that a quorum was present.

Administrative Items

Confirmation of September 18, 2024, Meeting Date

Commissioner Lubitz stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for September 18, 2024, at 10:00 a.m.

Minutes

Approval of the Executive Session Minutes of the June 19, 2024, Commission Meeting

Commissioner Lubitz inquired if any of the Commissioners wished to propose comments or corrections to the June 19, 2024, Commission executive session 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 Palmer.

Commissioner Lubitz asked Director Hutchison to call the roll:

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

The motion was approved.

Approval of the Minutes of the July 17, 2024, Commission Meeting

Commissioner Lubitz inquired if any of the Commissioners wished to propose edits or corrections to the July 17, 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.

Commissioner Lubitz asked Director Hutchison to call the roll:

Vice-Chairman Stout	Absent
Commissioner Designee Madden	Yes

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Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Review Zone Actions

Zone A Projects

24-2902H	Lambertville Station -- Shed Demolition/Fence Installation (Lambertville City)
24-3602E	Rockingham Historic Site -- ADA Compliant Pathways (Franklin Township)

Commissioner Lubitz asked if any Commissioner wished to discuss either of the Zone A projects separately. Hearing none, he asked the same of the public.

Mr. von Zumbusch observed that the Rockingham ADA Compliant Pathways project proposed the same construction material for both the driveway and sidewalk. He questioned why a fence would be required delineating the walkway from the driveway, which he characterized as “rarely used.” Commissioner Lubitz stated he thought it likely was driven by safety concerns to separate pedestrian use from vehicular traffic in the area.

Commissioner Lubitz entertained a motion to approve the two Zone A projects. Commissioner Reiser moved to approve the projects, including the staff recommendation for the conditional approval of the Rockingham ADA Compliant Pathways project pursuant to the language in the staff report. The motion was seconded by Commissioner Shoffner.

Commissioner Lubitz asked Director Hutchison to call the roll:

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

The motion was approved.

Zone B Projects

24-5380A	Improvements to Prospect Plains Road -- Stonaker Drive to Applegarth Road (Cranbury Township/Monroe Township)
21-5788	115 Spring Garden Avenue -- Warehouse and Storage Facility (Ewing Township)
23-6008	982 Georgetown Franklin Turnpike -- Day School/Child Care Center (Montgomery Township)
24-6111	Juvenile Justice Commission -- Rehabilitation Facility (Ewing Township)
24-6123	66 Valley Road -- Proposed Residence (Hopewell Township)

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Commissioner Lubitz requested a motion to approve the Zone B projects. Commissioner Reiser made a motion to approve the projects, which was seconded by Commissioner Palmer. Commissioner Lubitz inquired if any of the Commissioners had comment on the proposed project. Hearing none, he asked the same of the public. Hearing none, Commissioner Lubitz asked Director Hutchison to call the roll:

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

The motion was approved.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing July 17, 2024, to August 20, 2024. He stated that in addition to the 7 projects listed on the July meeting notice, staff issued 23 deficient staff reports, 10 jurisdictional determinations, 2 certificates of approval, and 8 general permits. Also, staff organized and conducted 11 pre-application meetings related to proposed and pending projects. He noted that as of August 20, 2024, there were 26 projects undergoing staff review.

Director Hutchison reported that fee collections totaled \$42,750 for the month. He stated that with two months of the 2025 fiscal year complete, the Commission had collected \$91,950; and, therefore, with 16% of the fiscal year concluded, the Commission had collected about 18% of the anticipated appropriation amount of \$500,000.

The Director reported that Commission staff continued to make substantial, albeit deliberate, progress on the update to the Commission's Master Plan. He stated that during the past month, staff submitted paperwork to the N.J. Historic Trust to formally request an initial payment of \$440,000, which represents 80% of the \$550,000 grant awarded to the Commission for the revision and comprehensive update of the Delaware and Raritan Canal State Park Master Plan. He noted that this step was important because it moved the Commission closer to hiring a consultant to conduct the plan revision, which would feature an updated survey of the canal's historic resources. He noted that, once the initial payment was transferred, the Treasury Department would begin the process of shaping and publicly issuing a Request for Proposal (RFP) from qualified firms and that he had been advised that the process could take as long as 28 weeks.

Director Hutchison reported that the project file digitization project continued to advance. He noted that within the previous month, 14 more file boxes had been scanned, bringing the completed file box total to 149 of 526 boxes, or 28% of the total. He also noted that a total of 3,623 documents were waiting to be labeled and transferred to their respective project file folders on the DEP computer system shared drive.

The Director reported that on July 29, he attended another meeting regarding the project proposed by the New Jersey Department of Transportation (NJDOT) to construct rockfall mitigation measures along N.J.

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State Highway Route No. 29 in Lambertville, in the vicinity of Goat Hill property owned by the State Park Service, and abutting the Delaware and Raritan Canal State Park. He stated that he remains concerned about the impacts of all of the proposed design alternatives being proposed by NJDOT, and that he remained apprehensive over the lack of coordination with the impacted DEP programs which have ownership over the site and regulatory jurisdiction over the project.

Director Hutchison reported that on August 12, he attended a meeting with NJWSA Executive Director Marc Brooks, Chief Engineer Stephen Gates, and Facility Manager Sellar, along with staff from the State Historic Preservation Office (SHPO) regarding the condition of the former Pennsylvania Railroad steel and wood trestle, which in the late 19th and early 20th century provided access to the former Mercer County Workhouse quarry. He noted that the bridge was partially submerged in the canal and in an advanced state of deterioration.

Mr. Hutchison reported that among the general permits issued since the last meeting was a General Permit No. 1 to NJDOT for the in-kind replacement of the concrete apron at the Perdicaris Waste Weir beneath the so-called Shaky Bridge adjacent to State Highway Route No. 29 in the City of Trenton. He noted that NJDOT has initially proposed to remove the existing concrete apron and underlying stone apron, and install an articulated concrete block apron, which would have been, in the Commission staff's estimation, inconsistent with this important engineering feature of the canal. He reported that, instead, NJDOT would replace the concrete apron in-kind, thus preserving the underlying dry laid stone. He stated that he hoped that this permit would be seen as an example of how the Commission staff is aware of, and seeks to preserve, the historic resources of the canal. He expressed the hope that this may address, at least in part, the concerns expressed by Mr. Barth at the July Commission meeting.

Director Hutchison stated that the [Commission YouTube channel](#) went live on August 16. He noted that the first uploaded content is a video of the Feeder Canal taken by drone from the entrance of the Delaware and Raritan Canal at Raven Rock south to the Prallsville Mills complex. He noted that, as part of the 50th anniversary of the Commission, it is his intention to upload a series of videos which will document the condition of the canal's historic structures and engineering features from the air, something that has not been done since at least the early 1970s. He thanked Commission Communications Director Darlene Yuhas for advancing this project, and he expressed the Commission's gratitude to Steven Jacobus, David DuMont and William Smith of the DEP Bureau of Geographic Information Systems (BGIS) for their outstanding drone footage. He also acknowledged Carl Sebestyen of the Office of Information Technology in the Department of the Treasury for his assistance in creating the Commission YouTube channel, which would serve as another tool to inform and educate the public about the role the Commission plays in protecting the canal.

Park Superintendent's Report

Acting Superintendent Mitchell-Strehl reported that park maintenance staff had replaced rotted wood deck boards on the Millstone Aqueduct pedestrian bridge.

Acting Superintendent Mitchell-Strehl reported that work would be completed on the Greenway Bridge within the next week or two. The former Belvidere-Delaware/Pennsylvania Railroad Belvidere Division railroad bridge (i.e. Trenton Greenway Bridge) is located at point where the D&R Greenway trail splits from the Delaware and Raritan Canal State Park multiuse trail in the City of Trenton in the vicinity of Jarvis Place. The project was coordinated by the State Park Service and NJDOT and entailed repairs to a historic railroad bridge (See DRCC #24-6146B).

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Acting Superintendent Mitchell-Strehl reported that Stephanie Fox and Vicki Chirco were interviewed for an [article](#) which appeared in the September edition of NJ Monthly Magazine regarding cycling on the Delaware and Raritan Canal State Park multiuse trail.

Acting Superintendent Mitchell-Strehl reported that on August 11, several public access points in the park, which provide access to the Delaware River, were closed due to higher-than-normal flows from rainfall in the upper and middle Delaware River basins.

The Acting Superintendent reported the Park Service was seeking a seasonal gardener to assist with tending the garden at Rockingham Historic Site.

Acting Superintendent Mitchell-Strehl reported that signs had been placed along the park multiuse trail promoting the 50th anniversary celebration event to be held on September 14 at the Prallsville Mills campus.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that the Landing Lane spillway repair project had been completed.

Mr. Sellar reported that the project to rehabilitate the Six Mile Run Culvert continued, with stonework on the outer headwall having been completed. He noted that the consultant briefly stopped work due to high water levels, but that the restoration work would resume shortly.

Mr. Sellar reported that the project to restore the western embankment of the Delaware and Raritan Feeder Canal in the Borough of Stockton continues. The contractor would be addressing poorly vegetated spots during the month of September. He noted that the silt fencing would be removed and the Phase 1 of the embankment project, which entailed its restoration from a recreational use standpoint, would be considered complete.

Mr. Sellar reported that NJWSA was reviewing the consultant's revised plans for the rehabilitation of the upper embankment of the canal between Bulls Island Recreation Area and Prallsville Mills.

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) had also been completed.

Mr. Sellar reported that work to repair damage on the "lower roadway" at the Bulls Island Recreation Area caused by Tropical Storm Ida had been completed.

Mr. Sellar reported that the NJWSA continued to make adjustments in the middle segment of the Delaware and Raritan Canal to shift excess canal water into the Millstone River at Kingston, rather than at Ten Mile Lock, in an effort to prevent a recurrence of the harmful algae bloom that occurred in the summer of 2023.

Mr. Sellar reported that NJWSA staff continued conducting routine summer maintenance activities,

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primarily grass mowing, along the canal.

Mr. Barth asked if the western embankment of the multiuse trail in Stockton Borough would be reopened to the public upon completion of the project. Mr. Sellar stated that such a decision would be made by the State Park Service. Mr. Barth observed that the area had been closed for over 10 years and that it would be beneficial to have the multiuse trail reopened for recreational use.

New Business

Commission Resolution No. 2024-03 regarding the Water Quality Plan Amendment for Hillsborough Glen Gery (AKA M&M Realty), Block 182, Lots 9 (portion) and 11.01 (portion), and Block 183, Lot 38.02, Hillsborough Township, Somerset County.

Director Hutchison provided the Commissioners with a brief explanation of the Water Quality Management Plan (WQMP) amendment process, a summary of the provisions of the proposed Commission resolution, and an explanation of how the WQMP amendment process was related to the Commission's review of two project applications (See DRCC #21-4959B and DRCC #21-4959C, respectively). He noted that adoption of the resolution, which states that the Commission did not object to the WQMP plan amendment, was necessary to permit the project applications to be considered administratively complete, and did not authorize any construction, disturbance, or pre-construction earth movement prior to issuance of the Commission's individual approvals for the underlying applications. He also noted that the resolution language had been reviewed by the Office of the Attorney General.

Commissioner Lubitz noted that the Commissioners had received a copy of Resolution No. 2024-03 in their meeting materials. He called for a motion on the resolution. Commissioner Reiser offered a motion to approve the resolution as written, which was seconded by Commissioner Palmer. Commissioner Lubitz asked if there was further discussion. Hearing none, he asked Director Hutchison to call the roll.

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

The motion was approved.

Old Business

None.

Public Comment

Mrs. Barth stated that D&R Canal Watch was hosting a "Canal House Challenge" on Sunday, September 15, from 10 a.m. to 4 p.m. Visitors can tour five bridgetender and locktender houses at East Millstone, Blackwells Mills, Griggstown, Kingston, and Port Mercer. Friends groups at the homes will welcome visitors and provide a tour and history of the buildings. Each visitor will receive a passport

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that will be stamped at each house. Those who visit all five houses will receive a small prize.

Mr. Barth stated that on October 26, a “Tour-de-Towpath” event would take place at Cadwalader Park in the City of Trenton, as part of the 50th anniversary celebration of the creation of the Delaware and Raritan Canal State Park and the Commission. The tour would feature a flagship 50-mile bicycle route to Colonial Park in Franklin Township, as well as a 20-mile cycling route to Princeton’s Turning Basin Park, a non-competitive half-marathon run/walk to Washington Crossing State Park in Hopewell and a 5k fun run/walk. A festival at the City of Trenton’s Cadwalader Park will greet participants upon their return with music, food, and a community village featuring local non-profit organizations.

Written Public Comments

None.

Adjournment

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

The meeting was adjourned at 10:40 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", with a long horizontal flourish extending to the right.

John Hutchison, Secretary