



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

TIME: 10:00 a.m.
DATE: October 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. Commissioner Designee Mark Texel, Commissioner John Reiser, and Commissioner Douglas Palmer participated via online platform and teleconference.

STAFF: Executive Director John Hutchison was present in the Commission office. Deputy Attorney General Jordan Viana, Commission Engineer Joseph Ruggeri, Executive Assistant Erica Vavrence and Communications Director Darlene Yuhass participated via online platform.

GUESTS: Michael Sellar, Facility Manager, New Jersey Water Supply Authority (NJWSA); Kathy Hale, NJWSA; Emily Goldman; Danny Popkin; Joshua Cotrell; Robert von Zumbusch, Kingston Historical Society; Dave Pasiecznyk, NJDEP; Harrison J. Uhl III; Paul Schorr, NJIT; Christopher DeGrazia; Brandon Fetzer.

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:

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Vice-Chairman Stout	Present
Commissioner Designee Texel	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 November 20, 2024, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for November 20, 2024, at 10:00 a.m.

Minutes

Approval of the Minutes of the September 18, 2024, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose edits or corrections to the September 18, 2024, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Lubitz made a motion to adopt the minutes as proposed, which was seconded by Commissioner Designee Texel.

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	Absent
Commissioner Palmer	Yes

The motion was approved.

Review Zone Actions

Zone A Projects

#24-2349G 243 North Union Street -- Exterior Alterations (Lambertville City)
#24-6169 54 River Drive -- Addition/Patio (Hopewell Township)

Vice-Chairman Stout asked if any Commissioner wished to review either of the projects separately. Hearing none, he called for a motion on the Zone A projects. Commissioner Lubitz motioned to approve the projects, which motion was seconded by Commissioner Palmer. Vice-Chairman Stout asked the Commissioners for comment on the Zone A projects.

Commissioner Lubitz observed that in the case of project DRCC #24-6169, an American Beech (*Fagus grandifolia*) tree was proposed as part of the submitted landscaping plan. Commissioner Lubitz noted

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that this could prove problematic given the emergence of Beech Leaf Disease (BLD). He, therefore, suggested that the applicant be given approval to substitute the Beech for a more disease-resistant species. The Commissioners unanimously agreed that this suggestion was worthwhile and agreed to include such language in the motion to approve the project, and as a condition set forth in the certificate of approval.

Commissioner Designee Texel commented that the staff report prepared for project DRCC #24-2349G contained a number of interesting details regarding the project site.

Vice-Chairman Stout asked for further comment from the Commissioners and then the public. Hearing none, Vice-Chairman Stout asked Director Hutchison to call the roll. Director Hutchison clarified that in the case of project DRCC #24-6169, the motion included a condition which stated that the applicant could substitute the proposed American Beech tree with another tree taken from the Commission List of Native Trees:

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

The motion was approved.

Zone B Projects

#24-2435D Scotch Road -- Sanitary Sewer Manhole Access Drive (Hopewell Township)
#24-2441III Princeton University -- Quantum Institute Geo-Exchange (Municipality of Princeton)
#24-3025C Roycefield Road -- Somerset County Multiuse Building (Hillsborough Township)

Vice-Chairman Stout asked if any member of the Commission wished to consider any of the projects separately. Hearing none, he asked for a motion on the projects. Commissioner Lubitz made a motion to approve the projects, which was seconded by Commissioner Palmer. Vice-Chairman Stout asked for comment on the projects from the Commissioners. Hearing none, he asked if the public had any questions or comments. Hearing none, 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	Absent
Commissioner Palmer	Yes

The motion was approved.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing September 18, 2024, to October 15, 2024. He stated that in addition to the 5 projects listed on the October meeting notice, staff issued 12 deficient staff reports, 8 jurisdictional determinations, 7 certificates of approval, 8 general permits, 1 Minor Modification letter, and one Estoppel letter. The staff organized and conducted six pre-application meetings related to proposed and pending projects. As of October 15, 2024, there were 16 projects undergoing staff review.

The Director reported that fee collections totaled a “respectable” \$38,050 for the month. He noted that thus far in Fiscal Year 2025, the Commission had collected \$152,500 of the \$500,000 anticipated appropriation amount. He further clarified that with about 42% of the fiscal year completed, the Commission has collected about 31% of its anticipated appropriation.

Director Hutchison reported that the DEP Bureau of Geographic Information Systems (DEP/BGIS) drone team had been in the field on October 10, filming the second segment of “Taking Flight on the D&R Canal.” The next episode would document aerial footage from Prallsville Mills, where the first segment left off, down canal to the Scudder Falls bridge in Ewing Township.

The Director reported that on September 24 he attended the Commission Fiscal Year 2025 Spending Plan meeting with DEP Management and Budget staff. He noted he had nothing to report other than the Commission has again requested a waiver of fringe and indirect budget charges for Fiscal Year 2025. He observed that the fringe rate had risen to 71.45%, while the indirect rate remained steady at 19.5%. Put in the context of the Commission’s fee revenues, the Director noted for each dollar collected by the Commission, an additional \$0.91 must be collected to pay the Treasury Department for fringe and indirect costs -- costs that were never contemplated when the fee structure was devised in 2008.

Director Hutchison noted that major progress had been made on the Commission Master Plan update and revision project. The draft scope of work was sent to the Department of the Treasury’s Scope Development Group, which would lead Commission staff through the process to complete the final Treasury-approved scope document. The Director noted that Treasury’s initial review of the Commission’s scope of work document was favorable, and he stated staff was excited about moving closer to issuing a request for proposals to secure a consultant on the project.

Director Hutchison reported that the Commission’s ability to send a so-called “project alert” to the Department of the Treasury followed confirmation from colleagues in DEP Management and Budget that the \$550,000 for the master plan update and revision was available. The NJ Historic Trust provided \$440,000, which represents the initial payment of 80% of the total grant amount, and \$110,000 in Commission funds were been encumbered to secure the remaining 20%. The Director stated that upon completion of the Master Plan update, which includes a Historic Structures Survey, the Historic Trust will transmit the remaining \$110,000, and the Commission’s monies would be deposited back in the Commission’s operating account.

Director Hutchison reported he had the pleasure of interviewing his predecessor Jim Amon, who graciously sat for a 90-minute conversation about the creation and growth of the Commission. He noted the interview would be uploaded to the Commission’s YouTube Channel. He stated he was pleased to

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announce that canal historian William “Captain Bill” McKelvey and Kingston Historical Society President Robert von Zumbusch also agreed to give their perspectives on the canal and the Commission in the weeks to come. Director Hutchison expressed gratitude to the NJ Office of Information Technology videographers Jack Hensley and Carol McKenna, who did an outstanding job producing the interview and making their professional camera, lighting, and microphone equipment available to the Commission at no cost.

Director Hutchison reported that on October 11 the Commission sent more than 130 historic photographic images of the Delaware and Raritan Canal for professional digitization by New Hope Photo. He expressed gratitude to Mr. and Mrs. Barth, D&R Canal Watch, for working with the Commission staff to identify and categorize the many photographs in the Commission’s possession.

Director Hutchison reported that the Commission staff had given a copy of the 1974 NJN television documentary titled “The Delaware and Raritan Canal” narrated by the late humorist and radio personality Jean Sheppard to New Hope Photo. He stated he hoped that this pristine original copy of the documentary, which has been sealed in a film can for the past 50 years, could be digitally remastered and uploaded to the Commission YouTube channel for the public to view.

Director Hutchison observed that the Commission officially turned 50 years old on October 10, which was the day Governor Brendan T. Byrne signed legislation sponsored by Senators John A. Lynch, Sr. and Raymond Bateman to establish the Delaware and Raritan Canal State Park and the Commission. Staff marked the occasion with a tweet that displayed a copy of the newspaper story that appeared in The Trenton Evening Times on October 11, 1974.

Director Hutchison stated that the project file digitization project continues to make progress. Last month 9 file boxes were scanned, bringing the completed file box total to 168 of 526 boxes, or 32% of the total.

Director Hutchison reported that among the general permits issued was an emergency General Permit No. 1 to the NJWSA for the replacement of the chain link fence at the east side of the Lambertville Lock with pipe railings similar to the “hairpin” rails on the west side of the lock (DRCC #24-4118B).

Director Hutchison noted he also issued general permits to the DEP Office of Resource Development for the in-kind replacement of the restroom roofs at the Greene Grove Day Use Area and River Lot at Washington Crossing State Park (DRCC #24-3609A and DRCC #24-1858C). Vice-Chairman Stout observed that the construction of the new visitor center at Washington Crossing Park was well underway.

Park Superintendent’s Report

Commissioner Designee Texel provided Acting Superintendent Mitchell-Strehl’s report.

Mr. Texel stated that State Park Service maintenance staff were investigating a water intrusion at the Griggstown Bridgetender’s house. In addition, minor repairs to windows had been made, and staff were addressing moss accumulation on the building roof and masonry issues.

Mr. Texel reported that the Rockingham State Historic Site parking lot had been paved as part of one of the visitor readiness projects for the 250th anniversary of the American Revolution.

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Mr. Texel reported that effective September 26, 2024, the boat dock at East Millstone had been removed from the canal and discussions would take place regarding replacement of the dock. He stated that notice of the removal had been communicated to the public on the park website, along with the suggestion that paddlers wishing to put-in/take-out at East Millstone could do so safely at the municipal park along Market Street.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that the rehabilitation of the Six Mile Run Culvert was completed and that NJWSA engineers would conduct a final inspection and prepare a punch list as needed.

Mr. Sellar reported that the project to restore the western embankment of the Delaware and Raritan Feeder Canal in the Borough of Stockton was nearing completion. He stated that the contractor reseeded some vegetated areas and that NJWSA engineers would inspect the area at the end of the month.

Mr. Sellar reported that the Prallsville Mills culvert and waste gate modification project was moving forward with engineers and the contractor taking soil borings to move the geotechnical investigation forward.

Mr. Sellar reported that typical maintenance activities along the canal were ongoing, including work such as grass mowing and the clearing debris and leaves.

Finally, Mr. Sellar stated that NJWSA would continue to adjust the flow of the water in the canal at the Kingston waste gate. He noted that it was unlikely that another harmful algae bloom (HAB) would occur in the canal, but that authority staff would nonetheless monitor the situation.

New Business

Kathy Hale, Principal Watershed Specialist at the NJWSA, presented information to the Commission on the stormwater quality improvement projects related to the Delaware and Raritan Canal which NJWSA had undertaken and continues to move forward. A slide presentation of the presentation is attached hereto.

Vice-Chairman Stout asked Ms. Hale if the current drought conditions were affecting vegetation in stormwater basins. Ms. Hale stated that the selected basin vegetation was generally hardy, and that it was her opinion that the plantings had performed well in the current drought.

Old Business

None.

Public Comment

Mr. Paul Schorr introduced himself as a professor of civil engineering at the New Jersey Institute of Technology and as a former employee of the New Jersey Department of Health and the DEP. He stated his interest in preparing a report that would make recommendations to the Delaware and Raritan Canal

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Commission on flooding and water quality issues in the vicinity of Quaker Road in the Port Mercer area of Lawrence and West Windsor townships, Mercer County.

Mr. von Zumbusch reported that, in connection with the 50th anniversary of the Delaware and Raritan Canal State Park and Commission, several activities would take place. He stated that on Saturday, October 19, the Kingston Historical Society would host a program and walk about the Kingston area, which is rich in resources related to the Delaware and Raritan Canal, including the turning basin, the Kingston locktender's house, the bridge, and the toll house. He noted there would be a demonstration of lock models and opportunity for the public to view exhibits within the locktender's house.

Mr. von Zumbusch also stated that on October 27, the Kingston Greenways Association would host a "Fall Foliage Walk" on the Aqueduct Loop trail, with discussion focused on the history of the canal and aqueduct, along with some botany. The walk would step off at 2 p.m. at the aqueduct parking lot, heading up canal, and the loop back to return to the lot.

Mr. von Zumbusch stated that in addition to these activities, the Kingston Historical Society would host its annual meeting on November 12, at 7:30 p.m., at the Kingston Volunteer Fire Company. He noted that Commission Executive Director Hutchison would be the evening's speaker and would display the recent drone footage taken on the canal. Mr. von Zumbusch stated he looked forward to the public attending these events.

Vice-Chairman Stout expressed his gratitude to Mr. von Zumbusch for agreeing to be interviewed by Director Hutchison as part of the Commission's 50th anniversary activities.

Mr. Pasicznyk stated that the report for the pilot geophysical study on the Stockton embankment and Scudder Falls would soon be available and offered to make a presentation to the Commission.

Written Public Comments

None.

Adjournment

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner Reiser made a motion to adjourn, which was seconded by Commissioner Palmer. 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.

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Respectfully submitted,

John Hutchison, Secretary