



**December 18, 2019 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.  
DATE: December 18, 2019  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice Chairman John Loos; Commissioner Bruce Stout; Director Olivia Glenn; Commissioner Phil Lubitz; Commissioner Julia Allen via telephone.

STAFF: Executive Director John Hutchison; Commission Engineer Joseph Ruggeri; Deputy Attorney General Jason Kane; Ms. Colleen Maloney.

GUESTS: Superintendent Patricia Kalleser; Executive Director Marc Brooks, New Jersey Water Supply Authority (NJWSA); Robert Barth, D&R Canal Watch; Wayne Petko, D&R Canal Watch; Robert von Zumbusch, D&R Canal Commission Advisory Committee; Brian Perry, Van Note-Harvey Associates; Rikki Massand, Montgomery Township Landmarks Preservation Commission.

Vice-Chairman Loos 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 Loos 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.

**Administrative Items**

Vice-Chairman Loos confirmed the January 15, 2020 Commission meeting date.

**Minutes**

Vice-Chairman Loos asked for comment and then a motion to approve the November 20, 2019 meeting minutes. Commissioner Stout motioned to approve the minutes and Commissioner Lubitz seconded the motion. The minutes were approved unanimously.

Vice-Chairman Loos asked for a motion to approve the November 20, 2019 executive session minutes.

Commissioner Stout motioned to approve the minutes and Commissioner Lubitz seconded the motion. The vice-chairman asked for comment. Director Glenn requested an opportunity to discuss the substance of the minutes. Vice-Chairman Loos noted the minutes would be discussed in executive session, so tabled the motion.

**Review Zone Projects**

Zone A Projects:

Vice-Chairman Loos asked for a motion to approve the Zone A project:

19-3683D State House Executive Wing Renovations -- Major Modification (Trenton City)

Commissioner Lubitz moved that the Zone A project be approved, which motion was seconded by Commissioner Stout. Vice-Chairman Loos asked if the commissioners and then the public had comment or questions regarding the project. Hearing none, he called for a vote. The motion was approved unanimously.

Zone B Projects:

Vice-Chairman Loos asked for a motion to approve the Zone B projects:

- 19-3541C Firmenich -- Proposed Wastewater Treatment Plant Upgrades (Plainsboro Township)
- 19-0689A Novitium Pharma Expansion (East Windsor Township)
- 18-0965A Hillsborough Village Center (Hillsborough Township)
- 19-3842B PSE&G -- Proposed Melrich Road Substation (South Brunswick Township)

Commissioner Stout made a motion to approve the projects, which was seconded by Commissioner Lubitz. Vice-Chairman Loos asked if the commissioners and then the public had comment or questions regarding the project. Hearing none, he called for a vote. The motion was approved unanimously.

**Executive Director's Report**

Director Hutchison reported on the Commission staff's workload for the period encompassing November 17, 2019 to December 16, 2019. During that time the staff issued 19 administratively-deficient staff reports; completed 7 jurisdictional determinations, issued 7 certificates of approval for approved projects, and issued 2 General Permit No. 1.

Director Hutchison reported in fee collections for the preceding month. He noted that the November deposit totaled \$34,775, increasing the total deposits for Fiscal Year 2020 to \$275,125.50. He noted that this amount compared favorably to application fees deposited the same point last year when the Commission had deposited \$172,716, and was also greater than Fiscal Year 2017, when the Commission had deposited \$194,900.

The Director further noted that the staff was holding approximately \$60,000 in checks to confirm that the applicants had paid the correct amount. He noted that this was a considerable amount, and it was therefore probable that a second deposit would need to be made in December.

With regard to significant events and meetings, Director Hutchison noted that he had participated in three pre-application meetings since the last Commission meeting. He reported that the backlog in

applicants seeking pre-application meetings was still significant, and that staff had 10 pre-application meetings for 15 projects scheduled between December 18 and January 17, 2020.

Director Hutchison reported that he was trying to arrange a date in January to sign the Records Transfer Acknowledgment Form, which would thereby permit him to accession the Commission collection of 35 mm. photographic slides to the Department of State, Division of Archives and Records Management (DARM) for scanning.

The Director reported that the Office of Information Technology had successfully loaded all the content that the staff has prepared for the proposed new Commission website. The Director noted that he was hopeful of a relaunch of the Commission website in early 2020. He further remarked that staff still needed to make minor edits and corrections to some information, and obtain scanned slide images from DARM once the accession process was completed. The Director noted that the Canal Society of New Jersey had kindly agreed to allow the Commission to use some of its historical information on the new website.

Mr. Hutchison reported that the residing of the exterior of the north elevation of the Commission office was completed by the contractor. Fortunately, while the exterior board and batten siding was badly deteriorated, there was no significant damage to the underlying wall. Mr. Hutchison remarked that he would now engage with the architect and the DEP Office of Resource Development to press on with the remaining exterior work as quickly as possible, while operating within the constraints imposed by the \$60,000 delegated purchasing authority limitation placed on the DEP.

Mr. Hutchison noted that installation of gutters to the east elevation was an essential project necessary to prevent deterioration of the barn-style doors that were being fashioned to replace the badly rotted doors on the office building. Unfortunately, this project was not within the scope of work of the proposed Commission office exterior renovation project. Director Glenn volunteered that she would support completing the gutter project by using Corporation Business Tax monies constitutionally-dedicated for park maintenance; thus, relieving Commission staff of the need to pursue a separate procurement for the project. Commissioners expressed their collective thanks to Director Glenn and the Division of Parks and Forestry for moving the project forward.

The Director reported that the building exterior signs were taken to River Signs in Lambertville, which produced duplicates that were being stored in the Executive Director Office until they could be reattached to the building. The signs were of an improved design using a coating over the wood that would protect them from the weather for a period of 8-10 years.

Director Hutchison reported that the staff was experiencing considerable issues with the office telephones, particularly 397-2000. DEP General Services indicated that the fault lies with the provider (Verizon). Mr. Hutchison noted that he had directed DEP OIRM to add a notice of the situation on the Commission website advising the applicants and the general public to call 397-2001 or use email to communicate with the staff.

### **Park Superintendent's Report**

Superintendent Kalleser reported that the State Park Service would host a part-time watershed ambassador who would help develop a bi-lingual brochure in English and Spanish for park users. The

superintendent reported that, in early January, a portion of the park path in the City of Trenton would be repaired, and a one or two-day closure of the multiuse trail would be necessary. The superintendent reported, separately, that an encroachment within the park in Trenton in the area of Southard Street was being addressed by NJWSA and DEP Division of Parks and Forestry. She reported that Parks and Forestry was making progress for a plan to re-open the north end of Bulls Island to park users.

### **New Jersey Water Supply Authority (NJWSA) Report**

Executive Director Marc Brooks reported that the dredging on the main canal in Franklin Township was complete for the 2019 season and that restoration of the dredged materials storage area located north of Lambertville near the U.S./N.J. Route 202 bridge was underway.

He also reported that permitting matters were being addressed for Landing Lane spillway repair project. Additionally, Director Brooks reported that there had been a permit coordination meeting with DEP regarding the project to restore the damaged Stockton embankment, and that repair and inspection options for the Six-Mile Run project were under consideration. The director also commented on the progress of a leak repair to the canal near the Transco pipeline in the vicinity of Scudders Falls in Ewing/Hopewell Township, which was being addressed by the pipeline operator -- Williams-Transco. Director Hutchison noted that Commission staff had already issued a general permit for the repair.

Commissioner Stout and Director Brooks discussed the status of design and bidding for the Stockton embankment. Director Brooks clarified that engineering design is underway, after which time bids would be solicited.

Commissioner Stout asked for information about the use of land immediately south of the U.S./N.J. Route 202 Bridge in Delaware Township, between the Delaware River and the canal. Director Brooks clarified that NJWSA and the Delaware River Joint Toll Bridge Commission (DRJTBC) owned portions of the area in question. He further remarked that NJWSA was completing the restoration of its property which is to the south of the bridge over the canal, as reported earlier.

Director Brooks noted that the DRJTBC maintained the area north of the NJWSA property near the bridge and over the canal. Commissioner Stout stated his concern that the DRJTBC area appeared to be used as junkyard for abandoned DRJTBC vehicles. He noted that the presence of the vehicles created a negative visual impact upon the area, including the park and the canal. Vice-Chairman Loos suggested that commission staff contact the appropriate staff at the DRJTBC to obtain information about the use of the site.

Director Brooks noted the NJWSA Board had recently approved the receipt of monies from the New Jersey Transit Corporation to help fund elements of the Cedar Grove Brook Stormwater Management and Watershed Restoration Project. The mitigation monies were collected as a condition of the approval of DRCC #16-4954 (New Jersey Transit County Yard Improvement Project).

Vice-Chairman Loos recognized that Mr. Brooks had been recently appointed as the new Executive Director of NJWSA, and on behalf of the Commissioners wished him much success in his new role.

### **Old Business**

None.

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**New Business**

None.

**Public Session**

Mr. Barth asked Director Glenn if the public would have opportunity to comment on a proposed plan to reopen the northern portion of Bulls Island Recreation Area for passive recreation activities. Director Glenn responded that the canal stakeholders, as well as the general public, would have the opportunity to examine and comment at an appropriate time and after the Division of Parks and Forestry had completed its work on the plan.

**Executive Session**

Director Hutchison requested a five-minute recess for the purpose of preparing a resolution authorizing the Commission to enter executive session to discuss certain provisions relating to personnel contained in the November executive session minutes. Vice-Chairman Loos agreed to the recess.

After conferring with Director Glenn, Vice-Chairman Loos announced that there was no need to enter executive session to discuss the November executive session minutes. Director Glenn explained that her earlier request to discuss the November executive session minutes was based on her not having been able to review the entire text of those minutes; and that upon reviewing them in their totality, she had no further comments.

Vice-Chairman Loos then entertained a motion to approve the November 20, 2019 executive minutes. Director Glenn moved to approve the minutes as prepared, and Commissioner Lubitz seconded the motion. The motion was approved unanimously.

**Adjournment**

There being no other business, Vice-Chairman Loos entertained a motion to adjourn. Commissioner Stout moved to adjourn, which motion was seconded by Commission Lubitz. The motion was approved unanimously.

The meeting adjourned at 10:40 a.m.

Respectfully submitted,

  
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John Hutchison, Secretary