



**October 21, 2020 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.  
DATE: October 21, 2020  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice-Chairman John Loos; Assistant Director of the Division of Parks and Forestry Mark Texel, designee for Commissioner Catherine McCabe; Commissioner Phillip Lubitz; Commissioner John Reiser; Commissioner Bruce Stout; Commission Chris Shoffner; and Commissioner Douglas Palmer; all participated via online platform and teleconference.

STAFF: Executive Director John Hutchison was present in the Commission conference room; Commission Engineer Joseph Ruggeri, Ms. Colleen Maloney, and Deputy Attorney General Jason Kane participated via online platform and teleconference.

GUESTS: Stephanie Fox, DEP Natural Resource Specialist, Delaware and Raritan Canal State Park; Michael Sellar, New Jersey Water Supply Authority (NJWSA); Rikki Massand; Linda Barth, D&R Canal Watch; Robert Barth, D&R Canal Watch. Robert von Zumbusch, D&R Canal Master Plan Advisory Committee; Amanda Weigand, AmeriCorps Watershed Ambassador.

Vice-Chairman John 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**

Since Commission members were participating via telephonic device pursuant to Article III, Section 4 of the Commission Bylaws, Vice-Chairman Loos directed the Executive Director to take the roll. There being seven Commissioners in attendance, the Director indicated that a quorum was present, and that the transaction of Commission business could therefore proceed.

Vice-Chairman Loos confirmed the November 18, 2020 Commission meeting date and stated that given the ongoing public health emergency and declared state of emergency related to the COVID-19 pandemic, the meeting would likely be held by means of an online platform and teleconference.

**Minutes**

Vice-Chairman Loos asked if there were any comments with respect to the September 16, 2020 meeting minutes. Assistant Director Texel requested two corrections to the minutes: the reference to the Office of “Research” Development should be corrected to state Office of “Resource” Development; and, that the reference to the pending application for the “Bulls Island Preserve” project scheduled for the December 2020 Commission meeting should be corrected to refer instead to the November 2020 Commission meeting.

Vice-Chairman Loos called for further comment and, hearing none, he called for a motion. Commissioner Stout moved to approve the minutes with the two corrections proposed by Assistant Director Texel. The motion was seconded by Commissioner Lubitz. Director Hutchison called the roll:

Vice-Chairman Loos	Yes
Assistant Director Texel	Yes
Commissioner Reiser	Absent
Commissioner Stout	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Commissioner Reiser joined the meeting at 10:05 a.m. via online platform.

**Review Zone Projects**

**Zone A Projects**

20-2035A	Franklin Township Sewerage Authority -- East Millstone Pumping Station Equipment Replacement/Rehabilitation (Franklin Township)
20-3666A	170 South Main Street -- Nelessen/Briggs Residence Addition (Lambertville City)

Vice-Chairman Loos requested if there were any comments and questions with regard to the Zone A projects. Hearing none, he requested a motion. Commissioner Stout made a motion to approve the Zone A projects, including the conditions set forth in the staff report for project DRCC# 20-2035A would be met. The motion was seconded by Commissioner Lubitz. The Vice-Chairman requested that the Director call the roll:

Vice-Chairman Loos	Yes
Assistant Director Texel	Yes
Commissioner Reiser	Yes

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Commissioner Stout	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

**Zone B Projects**

19-0962H	Bank of NY Mellon -- Proposed Building Addition (Franklin Township)
19-1132A	Sherman Tract -- Phase I (Hillsborough Township)
20-2351C	New Jersey American Water Company -- Belle Mead Field Service Representative (FSR) Training Yard (Hillsborough Township)
20-3069A	CarSense -- South Brunswick (South Brunswick Township)
20-3658B	Princeton University Art Museum Storage Facility -- Temporary Building Expansion (Plainsboro Township)
18-5341	Pershing Avenue & Hamilton Street -- Mixed-Use Development (Franklin Township)

Vice-Chairman Loos requested a requested a motion. Assistant Director Texel moved to approve the Zone B projects, which motion was seconded by Commissioner Stout. The Vice-Chairman stated that he would entertain any comments or questions on the Zone B projects from the public. Hearing none, the Vice-Chairman requested that the Director take the roll:

Vice-Chairman Loos	Yes
Assistant Director Texel	Yes
Commissioner Reiser	Yes
Commissioner Stout	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

**Executive Director's Report**

Director Hutchison reported on the workload for the period encompassing September 15<sup>th</sup> to October 19<sup>th</sup>. In addition to the seven projects on the agenda, the staff issued 19 deficient staff reports, 13 jurisdictional determinations, 13 certificates of approval, and 7 general permits.

The Director reported that fee deposits for the month totaled \$55,912.50. The Director noted that the deposit spanned the end of Fiscal Year 2020, which was extended to September 30, 2020 pursuant to the provisions of P.L. 2020, c. 19, and the first month of Fiscal Year 2021. Commissioner Stout requested that the staff provide him with a final fee collection amount of Fiscal Year 2020. The Director responded by saying he would do so after the meeting.

Mr. Hutchison reported that he attended a meeting on September 17<sup>th</sup> with the DEP Division of Budget and Financial Operations to review the Commission's Spending Plan for the first quarter of Fiscal Year 2021. He advised Commissioners that he was informed at that meeting that \$314,223 of the Commission's carry forward balance had been placed in "reserve" at the direction of the Office of Management and Budget in the Department of the Treasury. Mr. Hutchison said that he was advised by DEP budget staff that the monies were placed in reserve for "monitoring" purposes; and, that if the funds are needed, the Commission can request that they be released, provided that there was an adequate justification for any proposed expenditure. The Director noted that Commission received an exemption from paying the fringe and indirect costs for Fiscal Year 2020. DEP budget staff will submit a Fiscal Year 2021 fringe and indirect exemption later in calendar year 2021; however, the Director relayed that there was no guarantee that such a request would be granted by the Department of the Treasury. Director Hutchison noted that the Commission, like all other DEP accounts, pays fringe costs on a quarterly basis, and indirect at the end of the fiscal year. If the Commission continues to be granted the exemption, DEP budget staff would request a refund for the fringe costs already paid, and then not make the indirect payment during the month of July.

Mr. Hutchison stated that Commission staff held eight pre-application meetings from September 16<sup>th</sup> through October 19<sup>th</sup>. The number of pre-application meetings, fee collections, and the workload of the staff -- particularly when considering the number of deficient staff reports issued -- indicated that the Commission staff remains very busy.

On September 14<sup>th</sup> the Director attended a remote meeting with the Department of Transportation (NJDOT) to discuss the removal and trimming of standing dead and dying Ash trees along State Highway Route No. 29 in Hopewell Township in the vicinity of the Trap Rock Industries quarry site. There was general agreement that it would be helpful for the responsible State agencies to coordinate the proposed removals, and that NJDOT would submit a draft plan for the tree removals to the Commission and DEP Division of Parks and Forestry staff.

Mr. Hutchison stated that the proposed removal of the dead and dying Ash trees raises a number of issues. NJDOT has limited monies to conduct the removals and may not have resources available to undertake a robust replanting plan. However, they contend that the removals are necessary to protect the motoring public. The Division of Parks and Forestry, which is operating under significant manpower and funding constraints, is concerned over the replacement of the existing "allée" of trees with a formalized landscape that will require additional maintenance in the future. He further noted that the DEP State Historic Preservation Office (SHPO) would also need to be consulted at some point, since as the Ash allée is located within the Delaware and Raritan Canal Historic District and may have been planted by the Kuser family, which owned nearby property at Baldpate Mountain from 1910 to 1987.

The Director noted that situation regarding the restoration of electrical power to communities along the Feeder portion of the Delaware and Raritan Canal has resulted in an increase in the number of General Permit No. 2 applications for the installation of stand-by generators, and in many cases LPG tanks to fuel them. He further noted that of the seven general permits approved last month, four were for the installation of home generators.

The Director reported that on September 22<sup>nd</sup> he along with Superintendent Kalleser and Mr. Sellar conducted an inspection of several recreational docks constructed at homes along the Delaware and Raritan Canal embankment in Franklin Township, Somerset County, in the general vicinity of 5-Mile Lock. He noted that the circumstances surrounding the construction, subsequent repairs, and ongoing existence of these docks is complicated, and raised issues of property ownership, regulatory jurisdiction and NJWSA policy. He hoped that these issues would be discussed in detail at the next “Canal Quarterly” meeting for State agency staff, which was scheduled to take place on October 28<sup>th</sup>.

Director Hutchison reported that in response to a question raised by Commissioner Lubitz at the September meeting, Superintendent Kalleser reached out to the U.S. Department of Agriculture (USDA) to obtain an update on actions they were taking to eradicate the invasive Spotted Lanternfly in the vicinity of the Bull’s Island Recreation Area. According to the USDA, they treated the area along the canal multiuse trail near Federal Twist Vineyard as part of this year’s treatment plan. They also provided links for residents to investigate management options on the Rutgers and Penn State agricultural extension websites, where they have posted recommendations for chemical treatments, traps, etc. The Director stated that he uploaded the links to the existing Spotted Lanternfly information on the Commission website.

Mr. Hutchison reported that the Commission obtained a permit application from the DEP Office of Resource Development (ORD) for the second phase of the project to repair the exterior of the Commission office. The DEP SHPO had approved the project, and the Commission would shortly issue a General Permit No. 1 for the work, which would consist of the in-kind replacement of the sliding and single pane windows on the first and second floors, and the in-kind repair or replacement of rotted and insect damaged exterior siding throughout of the building. Mr. White from DEP ORD indicated that the work had been publicly bid, and that if the weather permitted, the work could commence before the end of 2020.

The Director informed the Commissioners that additional meeting minutes had been uploaded to the Commission website, and that meeting minutes dating back to the year 2005 were now available for public review.

Mr. Hutchison then introduced Amanda Weigand to the Commissioners. Ms. Weigand is the AmeriCorps Watershed Ambassador for Watershed Management Area 11, which is the Central Delaware Watershed. Ms. Weigand provided an overview of the public activities that AmeriCorps helps to organize such as clean ups, green infrastructure projects and tree plantings.

Ms. Weigand noted that she is located at the DEP Building in Trenton, and at the Bull’s Island Recreation Area. She described the AmeriCorps as a community-oriented program which focuses on environmental stewardship, education related to water and watershed issues. She described her position as being a free resource to the public, including assisting with and organizing projects such as stream cleanups and vegetation planting, as well as training activities such as stream monitoring and rain barrel workshops. Vice-Chairman Loos thanked Ms. Weigand for her presentation.

### **Park Superintendent’s Report**

Delaware and Raritan Canal State Park Natural Resource Specialist Stephanie V. Fox reported that Superintendent Kalleser had taken a temporary transfer to Spruce Run Recreation Area, and that during

this period she would be reporting on Delaware and Raritan Canal State Park issues to the Commission.

Ms. Fox reported that a fire occurred on the former-railroad trestle located at the junction of the park multiuse trail and the D&R Greenway near Jarvis Place in the City of Trenton. She reported that park maintenance staff had undertaken a temporary repair and were assessing the situation in order to make a permanent repair.

Ms. Fox reported that park maintenance staff repaired damage to the pedestrian bridge which leads from the parking area to the multiuse trail at Griggstown with a temporary repair, and that they were assessing the damage in the hope of effectuating a permanent repair.

Ms. Fox reported on the successful September 19<sup>th</sup> Delaware River cleanup from Frenchtown to West Amwell Township, and in the City of Trenton. The cleanup involved 110 to 120 volunteers from groups including the Kiwanis Club of Trenton. Ms. Fox noted that the volunteers observed COVID-19 related safety protocols such as staggered start times. The cleanup removed a great deal of trash, including 30 discarded tires.

Ms. Fox reported that the Division of Parks and Forestry would submit an application to the Commission to implement the Bull's Island Preserve Plan, which they hoped would be reviewed and proposed for Commission approval at the November 2020 meeting.

Ms. Fox reported that Division of Parks and Forestry were still engaged in discussions with D&R Canal Watch regarding the possible stabilization of the dilapidated East Millstone Bridgetender's shelter.

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

Mr. Sellar reported that the dredging project for the main portion of the Delaware and Raritan Canal in the area known as "Reach No. 5" was complete and that dredging had moved to the area denoted as "Reach No. 6." Dredging of the "Reach No. 6" area would occur in late November and early December, after which time the dredging operations would cease, and removal of dredge material would commence.

Mr. Sellar reported that the contract for the project to rehabilitate the canal embankment downstream of the Island Farm Weir (DRCC #19-4584C) was awarded and that work would commence in early November.

Mr. Sellar reported that the surveys of those portions of the Delaware and Raritan Canal that had been treated for Hydrilla revealed no new plant growth. He noted that the herbicide injection was completed after a 93-day application period, which ended on September 30<sup>th</sup>. He noted that a tuber survey would now be undertaken, after which time an end-of-year assessment would be conducted.

Mr. Sellar reported that the proposed project to repair the Delaware and Raritan Feeder canal embankment from Bulls Island to Prallsville Mills was in the design and permitting phase.

Mr. Sellar reported that the NJWSA had undertaken a new dye test at the Sixmile Run Culvert and the results were being examined. The Six-Mile Run Culvert is located in Franklin Township, Somerset County, approximately 1,000 feet south of Blackwells Mills Road. The culvert carries the Six-Mile Run

stream under Canal Road, the Delaware and Raritan Canal, and the multiuse trail.

Mr. Sellar reported that the Cedar Grove Brook watershed project had been put out for bid for engineering services and that the bids were under review.

Mr. Sellar reported that canal maintenance dredging was underway at the Prallsville Mills in Stockton. He stated that that work would be completed in two weeks, and that following the completion of this work, locations downstream in Stockton could be addressed.

**Old Business**

No old business.

**New Business**

No new business.

**Public Session**

Vice-Chairman Loos invited members of the public to offer comments.

Mrs. Barth thanked Ms. Fox for completing the repair work at the pedestrian bridge in Griggstown.

Mrs. Barth asked if there would be a call-in number available for those who wished to attend the MS Teams stakeholder meeting regarding the “Bulls Island Preserve” project. Assistant Director Texel stated that assistance could be provided to assist her with access to the meeting via telephone.

Mrs. Barth asked where the mitigation funds for the Moore’s Creek swing bridge project are held. Mr. Texel stated that the remaining mitigation funds were held in a DEP account. She asked how the remaining funds would be used. Director Hutchison stated that monies proposed to be used for a swing bridge at Moore’s Creek are governed by a programmatic agreement between the Federal Highway Administration, the Delaware River Joint Toll Bridge Commission, the DEP State Park Service, and the DEP SHPO. He offered to share a copy of the agreement with Ms. Barth and Mr. von Zumbusch. Director Hutchison stated that he recollected that the funds were to be used for a swing bridge or a project which provides for the “interpretation” of the Delaware and Raritan Canal.

Commissioner Shoffner asked Mrs. Barth about the recent D&R Canal Watch South Bound Brook kayak trip outing. Mr. Barth reported that the event was a success. Participants entered the canal at 27 Barber Boulevard and paddled from Lock No. 11 to Lock No. 10. Commissioner Shoffner and Mr. Barth then discussed recent renovations to a residence in South Bound Brook which made the home resemble an observatory from the water level of the canal.

Mr. Massand reported his concern regarding a proposed wireless communications tower within the Millstone Valley and its impact upon the scenic valley and scenic byway, the historic district, and protected species. He invited the Commissioners to schedule a visit to the site with him.

**Written Public Comments**

None.

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**Executive Session**

None.

**Adjournment**

There being no other business, Vice-Chairman Loos entertained a motion to adjourn. Commissioner Stout moved to adjourn the meeting, which motion was seconded by Commissioner Shoffner. Vice-Chairman Loos called for a vote on the motion to adjourn, which was unanimously approved via voice vote.

The meeting adjourned at 10:55 a.m.

Respectfully submitted,



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John Hutchison, Secretary