



**January 20, 2021 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.  
DATE: January 20, 2021  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice-Chairman John Loos; Acting Director of Parks and Forestry Robin Madden, designee for Commissioner Catherine McCabe; Commissioner Phillip Lubitz; Commissioner John Reiser; Commissioner Bruce Stout; and Commissioner Chris Shoffner; 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: Patricia Kalleser, Superintendent, D&R Canal State Park; Stephani Fox, DEP Natural Resource Specialist, Delaware and Raritan Canal State Park; Vicki Chirco, DEP Park Historian; 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; Justin Nawn; Charles Martin, D&R Canal Watch; Robert Ridolfi; Geoffrey Lanza; Michael Ford, Van Cleef Engineering Associates; Justin Goldstein; Maximillian Hayden; Michael Burns; Tung-To Lam; Daniel Lee; Thomas Decker; Lillie Chen; Judy Detrano; Amie Rukenstein; Ron Rukenstein.

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 call the roll.

Vice-Chairman Loos	Present
Acting Director Madden	Absent
Commissioner Reiser	Present
Commissioner Stout	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Absent
Commissioner Palmer	Absent

Vice-Chairman Loos stated that the Commission lacked the required quorum to conduct business due to technical difficulties encountered by one of the Commissioners, who could not access the meeting. Deputy Attorney General Kane recommended the Commission proceed with the monthly reports, and resume consideration of project reviews once a quorum was obtained. Vice-Chairman Loos agreed and requested Director Hutchison to proceed with the monthly Executive Director’s Report.

Director Hutchison noted that in addition to the 12 projects listed on the agenda, the staff completed the review of 19 staff reports that were found to be deficient, issued 10 jurisdictional determinations, and transmitted 10 completed certificates of approval to project applicants. The Director noted that no general permits had been issued in the prior month.

In addition to the preparation of the above documents, Mr. Hutchison reported that the staff organized 11 preapplication meetings for proposed projects, which he believed was an indication that the workload was not likely to slacken for the foreseeable future. In addition, he noted that an additional 10 staff reports were due between January 20<sup>th</sup> and the close of business on Friday, January 22<sup>nd</sup>. Approximately another 12 projects were in the Commission’s possession, which had not been logged into the project database.

Mr. Hutchison observed that while the COVID-19 pandemic had exacerbated the Commission’s human resource issues, the present situation the Commission staff found itself in was not only foreseeable, but was predictable. The Director informed that Commission that he was considering steps to accelerate the review projects within the prescribed 30-day deadline. To that end, he was considering not listing the “Documents Received” information on future staff reports. Although this is a useful “best practice” that helped avoid legal issues which arise when an applicant objects to a permitting decision, it was not mandated under the Commission’s regulations. Mr. Hutchison stated that such a process was a time-consuming luxury that the Commission might no longer be able to afford.

The Director reported that deposits for the prior month totaled \$47,150. In addition to the deposited amount, there were approximately \$31,000 in unprocessed application checks for projects that had not been logged into the system. Total deposits for the current fiscal year stood at \$106,250.

The Director reported that in compliance with the requirement in the “Open Public Meetings Act” at N.J.S.A 10:4-18, the Commission’s 2021 annual meeting schedule was mailed via U.S. Postal Service to the county and municipal clerks within the Commission’s Review Zone.

The Director stated that the contractor working on the repair of the Commission offices had ordered new replacement windows, which would be delivered in February, after which time work on the office could commence.

Mr. Hutchison noted that the main office telephone line 609-397-2000, which was inoperative for a significant portion of November and was repaired in December by DEP General Services, was not working again.

The Director reported that he had been informed by Jeanne Herb from the Bloustein School of Planning & Public Policy at Rutgers University of a syllabus for the upcoming studio class that would undertake work that will help inform the Commission's effort to reexamine the 1989 Delaware and Raritan Canal State Park Master Plan. The studio would focus on examining conditions that had changed since adoption of the Master Plan, with students producing analysis and data regarding changing conditions, as well as a set of recommendations to inform the Commission reexamination of the Plan. The studio would also provide initial support to the Commission by identifying other possible regional plans in the United States that may provide a model for the future update to the Master Plan, as well as the identification of opportunities and constraints that the Commission will face when updating the Plan through the preparation of a "SWOT" (Strength/Weakness/Opportunity/Threats) analysis.

In order to assist with the studio class work, the Director stated that he would be participating in an initial online "client conversation" with Professor Herb and the class on January 26<sup>th</sup>, followed by February 3<sup>rd</sup> online discussion on the regulatory and planning responsibilities and authorities of the Commission.

Director Hutchison reported that on January 6<sup>th</sup> he participated in a conference call with Executive Director Brooks and Chief Engineer Shaffer of the NJWSA to discuss the authority's project to undertake repairs to the embankment between the canal and Delaware River from Bull's Island to Prallsville. The Commission was given a conceptual briefing on this project (DRCC #14-3255B) at the June 17, 2015 Commission meeting. Given the lapse of time since that briefing, both the NJWSA and Director thought it would be useful for the NJWSA to provide the Commission with an updated briefing on the project at either the upcoming February or March Commission meetings.

The Director reported that on January 8<sup>th</sup> he was contacted by Omar Hameed, Project Manager from the New Jersey Department of Transportation (NJDOT) to discuss the regulatory issues affecting the proposed replacement of the bridge which carries Somerset County Route No. 514 (Amwell Road) over the Delaware and Raritan Canal. The Director commented that Mr. Hameed's communication was propitious as the potential replacement of the bridge had been discussed within DEP as it related to the future repair and disposition of the East Millstone Bridgetender's shelter and the proximity of the East Millstone Bridgetender's house to the roadway. Director Hutchison said he advised Mr. Hameed that in addition to these issues, there were a series of other matters relating to that location which the NJDOT would need to bear in mind as they proceeded with the bridge replacement plans, including:

- The Commission's position, adopted in by resolution in 2015, that a pedestrian walk/bikeway be constructed on the south side of the bridge as part of any bridge replacement;

- The need to incorporate the existing public utility lines currently secured to the exterior of the bridge either into the structure of any future bridge, or to place underneath the canal by means of horizontal directional drilling (HDD);
- The need to maintain at least 36 inches of freeboard for kayakers and canoeists beneath any future bridge structure;
- The present alignment of Amwell Road and its proximity to the Bridgetender's House. NJDOT was not aware that the East Millstone Historical Society was unwilling to use the building out of concern of a rogue vehicle striking the building.
- The issue of whether Amwell Road would be realigned, which would impact any future bridge design;
- The bridgetender's shelter location is precariously close to the canal and the public utility lines. The structure is in such a derelict state that the vibrations from any construction project could cause its collapse.
- The pivot for the former canal swing bridge is still located within the canal and is an historic structure. Any bridge replacement project will need to take this historic resource into account.

Given all of the foregoing issues, the Director thought it prudent to convene a meeting of DEP and NJDOT staff to discuss these issues in detail.

The Director reported that additional meeting minutes had been added to the Commission website. Meeting minutes dating back to the year 1982 were now available for public review.

At 10:18 a.m., Commissioner Shoffner joined the meeting. Vice-Chairman Loos stated that a quorum was therefore present, and that the Commission could proceed to the consideration of projects.

Acting Director Madden joined the meeting at 10:20 a.m.

Commissioner Stout inquired about the number of students in Professor Herb's studio class. Director Hutchison stated that at present there are four, and the professor expected to have at least six students sign up for the course.

Commissioner Stout asked about Ms. Romsdahl's work status. Director Hutchison stated that she had a commission computer at her home and could therefore access the office shared drive from via the Citrix remote log-in platform.

#### Annual Election of Officers

Vice-Chairman Loos stated that the Commission Bylaws direct that the Commission reorganize at the January meeting and elect officers for the calendar year.

Vice-Chairman Loos asked Director Hutchison in his role as Commission Secretary to conduct the annual election of officers. The Director requested nominations for the position of Vice-Chairman of the Commission. Vice-Chairman Loos nominated Commissioner Stout for position of Vice-Chairman. Commissioner Lubitz seconded the motion. The Director requested further nominations from the Commission. Hearing none, he called the roll.

Vice-Chairman Loos                      Yes

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Acting Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Stout	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

The motion carried. Vice-Chairman Loos then asked Vice-Chairman-elect Stout to preside.

Vice-Chairman Stout requested nominations for the position of Treasurer. Commissioner Loos nominated Commissioner Lubitz and Commissioner Reiser seconded the motion. The Vice-Chairman called for further nominations, and hearing none he asked Director Hutchison to call the roll.

Vice-Chairman Stout	Yes
Acting Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Loos	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

The motion carried.

### **Minutes**

Vice-Chairman Stout asked if there were any comments with respect to the December 16, 2020 meeting minutes. Hearing none, he called for a motion to approve the minutes as prepared by the staff. Commissioner Lubitz moved to approve the minutes as submitted, which motion was seconded by Commissioner Reiser. Vice-Chairman Stout directed Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Acting Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Loos	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

The minutes were approved.

Vice-Chairman Stout confirmed the February 17, 2021 meeting date.

Vice-Chairman Stout acknowledged Mr. Loos's 16 years of service to the Commission, the last several of which were served as Vice-Chairman. The Vice-Chairman stated that Mr. Loos had demonstrated dedication to maintaining the wonderful resource of the Delaware and Raritan Canal State Park, and that his work had been characterized by openness, honesty, integrity, and the ability to negotiate complicated

issues in a fair manner. He noted that Mr. Loos's had rendered exemplary public service and that the Commission owed him a debt of gratitude.

**Review Zone Projects**

Zone A Projects

- #19-2081C 7 North Main Street -- Shed Dormer Addition (Lambertville City)
- #20-3570B 37 Clinton Street -- Residential Renovation and Addition (Lambertville City)
- #20-4654B 11 Clinton Street -- Deck Expansion (Lambertville City)
- #20-5536 34 River Drive -- Levi Knowles House & Carriage Barn Restoration (Hopewell Township)

Vice-Chairman Stout requested a motion on the four Zone A projects. Commissioner Shoffner move to approve the projects, which motion was seconded by Commissioner Lubitz. Vice-Chairman Stout stated that he would entertain any comments or questions on the Zone A projects from the Commissioners and from the public. Director Hutchison stated that, as a point of information, the staff report for the DRCC# 20-4654B 11 Clinton Street project errantly contained language which stated "additional information" was required, which was not in fact the case, and that the staff report would be revised to reflect the correction. The Director called the roll:

- Vice-Chairman Stout Yes
- Acting Director Madden Yes
- Commissioner Reiser Yes
- Commissioner Loos Yes
- Commissioner Lubitz Yes
- Commissioner Shoffner Yes
- Commissioner Palmer Absent

The motion was approved.

Zone B Projects

- #19-1525B Village Point -- Hillsborough Centre (Hillsborough Township)
- #20-2595A Redevelopment of Princeton Executive Park -- Hotel, Retail and Multi-Family Development (West Windsor Township)
- #20-2824C True Jesus Church Addition (Hillsborough Township)
- #20-2918B Sierra Office Park -- Proposed Warehouse (Ewing Township)
- #20-2931A 102 Interchange Warehouse (South Brunswick Township)
- #18-3085B Koyal Realty Event Center Building (North Brunswick Township)
- #20-3585D Onyx Properties -- Major Modification (Franklin Township)
- #20-5565 230 Belmont Avenue -- Proposed Warehouse (Franklin Township)

Vice-Chairman Stout requested a motion on the Zone B projects. Commissioner Lubitz made a motion to approve the Zone B projects, which was seconded by Commissioner Reiser. The Vice-Chairman stated that he would entertain any comments or questions on the Zone B projects from the Commissioners and from the public. Hearing none, Vice-Chairman Stout requested that the Director call the roll:

Vice-Chairman Stout	Yes
Acting Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Loos	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Absent

The motion was approved.

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

Delaware and Raritan Canal State Park Naturalist Fox reported that the NJ Historic Sites Council would consider the project to replace the failed Port Mercer Canal House septic proposal at special meeting scheduled for January 29<sup>th</sup>.

Ms. Fox reported that two groups participated in park clean-up days as Day of Service events related to the Martin Luther King national and State holiday. One group was the Friends of Princeton Nursery Lands and the other was a group of Ewing residents who cleaned up in the area of Scudder Falls.

Ms. Fox reported that two incidents of illegal dumping had occurred within the park. One incident included the dumping of construction materials in the vicinity of Duck Island, and that DEP Park Police were investigating. She noted that the New Jersey Transit Corporation had taken the lead to clean up and dispose of the material. The other incident involved the dumping of tires near Whitehead Road in Lawrence Township. She noted that Lawrence Township had assisted park staff with the clean-up.

Ms. Fox reported that DEP Division of Parks and Forestry was exploring a plan to create turtle basking areas in the former-turning basins of the canal. Such a project would create wildlife habitat and allow for educational opportunities.

Ms. Fox reported that the trails at the former-Six Mile Run reservoir site were rutted due to the freeze and thaw cycle during the winter months. She noted that the trails would be closed until conditions at the site had improved.

Commissioner Loos and Ms. Fox discussed the turtle basking habitat project. Ms. Fox reported that different designs were under consideration, such as floating islands and platforms upon which the turtles could climb. The Kingston Turning Basin was identified as a candidate site, since there was ample public access and an abundant population of turtles. Commissioner Loos recommended that the project might make a good scout project. Ms. Fox agreed and noted that any proposed project would be designed so as not to interfere with NJWSA operations.

Vice-Chairman Stout asked Ms. Fox when the northern end of Bulls Island would be opened to the public. Ms. Fox stated that she anticipated it was possible that partial use could be provided to the public in the spring and that the necessary tree removal activities were complete. Assistant Commissioner Madden stated she would update the Commission on the progress of the project at the February meeting.

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

Mr. Sellar reported that the dredging project for the main portion of the Delaware and Raritan Canal was completed in December, and with the stabilization of the dredge materials, trucking off-site had begun. Approximately 50,000 cubic yards of materials had been dredged, and approximately 5,000 cubic yards had been moved in the past week. Trucking was anticipated to continue through the end of March, and restoration of the access areas would be completed thereafter.

Mr. Sellar stated that the Island Farm Weir embankment repair had been delayed due to issues with the delivery of repair materials, but that the repair was now underway.

Mr. Sellar reported that schematic engineering design was underway for the Six Mile Run culvert repair.

Mr. Sellar reported that the Dellwood Lane Basin project in Franklin Township had a tentative date of spring 2021 for construction.

Mr. Sellar reported that the repair of the leak at the Brookville Waste Gate, located south of Stockton Borough, required the placement of additional clay on the canal embankment, and that there was still some small leakage occurring at the site. The sinkhole which resulted from the leak had been repaired. He added that the feeder canal water level had been lowered in order to effectuate the needed repairs, and that the water level had been returned to its normal level.

Finally, Mr. Sellar reported that NJWSA staff continued to address clean-up in and along the canal of fallen tree limbs.

Commissioner Loos asked Mr. Sellar when the East Millstone park area would again be available for public use. Mr. Sellar responded that final restoration of the dredging would be completed in March.

Vice-Chairman Stout asked Mr. Sellar to report on the embankment repair project in Stockton. Mr. Sellar stated that NJWSA staff was reviewing engineering reports and design schematics. Plans and permits would be finalized with the intention that the project could be bid in the spring.

### **Old Business**

No old business.

### **New Business**

Commissioner Shoffner asked Ms. Fox if park staff was aware of an individual in South Bound Brook who had set up a table related to COVID-19 pandemic relief, and whether permission had been granted for that activity by the Division of Parks and Forestry. Ms. Fox stated that park police officers had responded to the matter and that the individual appeared to be distributing food and clothing for COVID-19 relief. The person was instructed that she needed to obtain a permit from the DEP Office of



Leases and Concessions in order to conduct such activities on park property.

**Public Comment**

Ms. Barth asked Mr. Sellar what the Dellwood Basin project entailed. Mr. Sellar explained that the Dellwood Basin project was a water quality project in which the NJWSA would modify an existing weir of a stormwater basin, which in turn would create a greater detention time of stormwater contained in the basin, and thereby limit the amount of sediment that would ultimately enter the canal.

Ms. Barth asked what Mr. Sellar meant by a “schematic design” for Six Mile Run. Mr. Sellar explained that the design would repair the culvert and road which goes over it at Six Mile Run.

Ms. Barth asked if Mr. Hameed of NJDOT had indicated when the Amwell Road bridge was scheduled to be replaced. Director Hutchison stated that NJDOT had not indicated a timeline for the proposed replacement.

Mr. von Zumbusch congratulated Vice-Chairman Stout on his election as Vice-Chairman and Commissioner Lubitz on his election as Treasurer. He stated that he wished to echo the comments made by Vice-Chairman Stout regarding Vice-Chairman Loos’s tenure with the Commission, and recognized Mr. Loos for his incredible service over the years and his efforts at fulfilling the Commission’s mission.

Mr. Massand offered his congratulations to Vice-Chairman Stout on his election as Vice-Chairman, on behalf of Montgomery Township, himself, and Preservation New Jersey. He invited the Commission to meet with the new Montgomery Township mayor, Devra Keenan.

Mr. Barth offered accolades to Mr. Loos, whom he described as a true friend of the Delaware and Raritan Canal.

**Written Public Comments**

None.

**Executive Session**

None.

**Adjournment**

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

The meeting adjourned at 10:50 a.m.

Respectfully submitted,

January 20, 2021

A handwritten signature in black ink, appearing to read "John Hutchison", written in a cursive style.

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John Hutchison, Secretary