

# February 17, 2021 Minutes of the Meeting Delaware and Raritan Canal Commission

TIME:10:00 a.m.DATE:February 17, 2021PLACE:Prallsville Mills, Stockton, New Jersey

#### ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout; Assistant Director Mark Texel, designee for Acting Commissioner Shawn LaTourette; Commissioner Phillip Lubitz; Commissioner John Reiser; Commissioner John Loos; Commissioner Douglas Palmer; 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 Kallesser, Superintendent, Delaware and Raritan Canal State Park; Stephanie V. Fox, DEP Natural Resource Specialist, Delaware and Raritan Canal State Park; Vicki Chirco, DEP Park Historian; Marc Brooks, Executive Director, New Jersey Water Supply Authority (NJWSA); Darin Shaffer, Chief Engineer, NJWSA; Michael Sellar, Facility Manager, NJWSA; Julie Shelley, Property Manager, 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; James F. Cosgrove, Jr., P.E. Vice President/Principal Kleinfelder, Inc.; Thomas Pagani, P.E., WSP; Amy Stevens; Daniel Hogan, Hogan Self-Storage; Ryan Wolf; Natalie Tse; Jacob Umoke; Christopher Adams, GZA GeoEnvironmental, Inc.

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.

## Administrative Items

Since Commission members were participating via telephonic device pursuant to Article III, Section 4 of the Commission Bylaws, Vice-Chairman Stout directed the Executive Director to call the roll.

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

#### **Minutes**

Vice-Chairman Stout asked if there were any comments with respect to the January 20, 2021 meeting minutes. Hearing none, he called for a motion to approve the minutes as prepared by the staff. Commissioner Reiser moved to approve the minutes as submitted, which motion was seconded by Commissioner Shoffner. Vice-Chairman Stout directed Director Hutchison to call the roll:

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

The minutes were approved.

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

### **Review Zone Projects**

Zone A Project #20-5642

7 Ferry Street -- Residence Demolition/Construction (Stockton Borough)

Vice-Chairman Stout asked for a motion to approve the project. Assistant Director Texel moved to approve the project and Commissioner Lubitz seconded the motion. The Vice-Chairman asked for comment from the Commissioners and the public, and, hearing none, called for a vote. Director Hutchison called the roll:

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

Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved.

Zone B Projects	
#20-2699B	West Windsor Duck Pond Proposed Residential Development (West
	Windsor Township)
#20-3606A	Hogan Self Storage II (Hopewell Township)
#20-4384B	Airport Corporate Park Proposed Warehouse (Ewing Township)
#20-5609	Lawrence-Hopewell Trail Pretty Brook Segment (Lawrence Township)
#20-5616	Princeton University Lake CampusTemporary Rugby Field (West
	Windsor Township)

Vice-Chairman Stout asked if a Commissioner wished to have any Zone B project considered separately.

Commissioner Lubitz asked that #20-2699B -- West Windsor Duck Pond be discussed separately in order to better understand the details of the proposed mitigation compensation. Commissioner Loos noted the value of land that is a subject of the application had increased since 2007 when the Commission approved the original mitigation compensation in 2007, and that he would be open to discussion on whether the Commission should calculate the compensation based upon the present market value of the land, rather than the value of the land in 2007.

Commissioner Lubitz asked Mr. Ruggeri to explain the compliance of the Hogan Self-Storage project as it did not meet the acceptable ratios when the Non-Structural Point System (NSPS) spreadsheet was completed. Mr. Ruggeri stated, as background, that the NSPS spreadsheet was developed some time ago by the NJDEP and adopted by the Commission in its regulations at N.J.A.C. 7:8.4. However, the NJDEP never adopted the spreadsheet in its regulations, and, as a result of a court challenge, was ultimately unable to use it. Mr. Ruggeri further noted that while the Commission continues to use the NSPS spreadsheet, new stormwater management technologies have been developed. The DEP regulations now foster a greater reliance on the use of "green infrastructure" strategies, such as porous pavement and bio-retention basins. Mr. Ruggeri stated that while the NSPS spreadsheet remains a useful guide, the Commission will also need to examine emerging green infrastructure technologies in determining compliance with its stormwater runoff and water quality impact regulations. Finally, he noted that the NSPS spreadsheet design may not recognize all the benefits of a project which employs green infrastructure, which was the case with #20-3606A -- Hogan Self Storage II.

Vice-Chairman Stout asked for a motion on the four Zone B projects, excluding the West Windsor Duck Pond project. Commissioner Lubitz offered a motion to approve the projects, which motion was seconded by Commissioner Reiser. Director Hutchison called the roll:

Vice-Chairman StoutYesAssistant Director Mark TexelYes

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

The motion was approved.

#20-2699B

West Windsor Duck Pond -- Proposed Residential Development (West Windsor Township)

Vice-Chairman Stout asked for a motion on the project. Commissioner Lubitz moved to approve the project for purposes of permitting an in-depth discussion among the Commissioners, which motion was seconded by Commissioner Reiser

Commissioner Lubitz stated he would like to discuss the mitigation compensation. The certificate of approval for a 2007 office development project on the project site included a \$50,000 monetary payment, to be paid in three equal installments to the Commission, to compensate for the adverse impact of intrusions within the Commission-regulated stream corridor. Commission Lubitz noted from the staff report that one such payment was made in 2007 and eventually work on the office development project ceased.

Commissioners Lubitz and Loos then discussed the cost of purchasing land in 2021, as compared to 2007. Commissioner Loos noted that this information was knowable and that the United States Department of Labor, Bureau of Labor Statistics keeps a record of inflation each year utilizing a statistical tool known as the Consumer Price Index (CPI). Commissioner Loos stated that in the State of New Jersey, the CPI for urban areas is used most often, and that it provided the best measure of the rate of inflation. He further commented that the Commission could review the CPI back in 2007, compare it to the current rate, compute the rate of change, and then apply that to the value of the compensation to arrive at a 2021 calculation. Commissioner Loos recalled that when the office development project was approved on the project site in 2007, the Commission examined whether the municipality used the tax rate based on fair market value, and suggested that, if those numbers are currently updated at fair market value, the Commission could use that value as well.

Commissioner Lubitz responded that for municipalities which used property taxes not at 100% of value, there is usually a companion statistic of how far above or below market value they are. Commissioner Lubitz stated he would defer to Mayor Shoffner and former-Mayor Palmer on this topic, since they would be more familiar with property tax evaluations in the municipalities in which they served.

Mr. Cosgrove, the applicant's engineer, stated that all the disturbance for which the compensation was required was completed under the original 2007 certificate of approval issues by the Commission, and the work under that approval was completed by 2012. He noted that the value of the compensation was determined in 2007 and that work associated with the disturbance which triggered that compensation was completed under that approval.

Vice-Chairman Stout stated that the practice of receiving monetary compensation from applicants as

compensation for the impact of stream corridor intrusions may have been done in the past, but that it was a practice the Commission no longer observes. Further, he stated that advice from the Commission's Deputy Attorney General recommended the Commission not engage in this practice in future. Director Hutchison stated that the Commission approved the project based upon Commission regulations that were effective in 2007, and that the current Commission regulations promulgated in 2009 do not explicitly authorize the acceptance of monetary payment for stream corridor mitigation.

Mr. Cosgrove noted that the project approved in 2007 was that of an office park and the work within the stream corridor was completed and that the currently proposed project is for a residential development. Commissioner Loos responded that had the Commission received the subsequent two payments then, it would have purchased certain land at a cost value applicable at that time. Since the Commission would purchase land years later, the Commission would now have to purchase land for mitigation at present day values. He noted that using the CPI, the rate of inflation could be calculated for the period encompassing August 2007 through February 2021. The cost of one-third of the payment in 2007 was \$16,067 and that a payment of equal value today would total approximately \$21,000. He noted that if one were to use the CPI over the period comprising January 2007 compared to January 2021, the new amount of a one-third of the total compensation would be \$21,539.62, as compared to the \$16,667 amount from 2007.

Vice-Chairman Stout asked Commissioner Lubitz if he would amend his motion to include a revised compensation amount, based on the foregoing discussion. Commissioner Lubitz agreed to do so, and noted that the practice of accepting cash payments had been a courtesy the Commission extended to applicants who encountered difficulties and delays in purchasing mitigation properties. However, he noted that specifying that the monies be donated to an organization and stipulating how the funds were to be used, in this case for the purchase of lands or easement in a particular waterway or watershed, could allow a project to move forward.

Director Hutchison noted his staff report recommended that the mitigation monies be applied to purchase of lands, in fee simple or through an easement, within the Millstone River Watershed, and that this condition was devised after consultation with Deputy Attorney General Kane.

Commissioner Lubitz amended his motion to approve the project to reflect the stipulation that the previously-agreed to payment be adjusted to reflect the growth in CPI from 2007 to 2021, thus resulting in a total sum of \$43,079.23 as the remaining amount to be paid to the Commission. Commissioner Reiser agreed with the amendment to the motion.

Commissioner Stout asked for further discussion from the Commission, the public, and the applicant. Mr. Cosgrove reminded the Commission that the original mitigation agreement was made with the previous project applicant and not with his client, and that agreement provided for three payments which were specifically associated with construction of the office development project. He noted that, had they started construction in 2007 or 2021 and it took 10 or 15 years to build out the project, that payment would have stated the same as agreed to in 2007. He stated that he found it unfair to change the payment associated with the original project, and noted that his client agreed to provide payment and honor the agreement as a courtesy, and that the stream corridor disturbances on the site occurred during the previous project. Commissioner Loos asked if that was the case, then why was the complete payment not made at that time. Mr. Cosgrove responded that construction had stopped on the office

development project, and that the remaining payments were not made.

Vice-Chairman Stout asked the Director to read the motion and call the roll:

Director Hutchison recited that the motion was on the approval of the project with the following condition; namely, that the applicant shall remit payment to the Commission in the amount of \$43,079.23 for the second and final payments required pursuant to the certificate of approval for DRCC #07-2699A, which shall be applied toward the purchase of offsite lands for preservation within the Millstone River watershed, in fee simple or through the execution of a conservation easement, either by the Commission or by a government agency, authority, land trust, or non-profit environmental advocacy organization chosen at the sole discretion of the Commission.

Vice-Chairman Stout	Yes
Assistant Director Mark Texel	Yes
Commissioner Reiser	Yes
Commissioner Loos	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 January 20th to February 16<sup>th</sup>. In addition to the 6 projects listed on the February notice, the staff completed 21 deficient staff report reviews; issued 4 jurisdictional determinations; issued 12 certificates of approval. No general permits were issued, which the Director speculated was a function of the recent spate of winter weather.

In addition to the preparation of the above documents, the Director reported that staff organized 11 preapplication meetings for proposed projects, which, like his January reported indicated, was an indication of a significant workload. He also noted that an additional 33 active projects were pending for review.

Director Hutchison informed the Commission that fee deposits for the month totaled \$133,350. He noted that this amount was the largest single deposit made since the Commission's operations were put on a fee basis in Fiscal Year 2009. He noted that the only deposit which compared to it was made in April of 2019, when \$125,100 was deposited. However, his research indicated that this was not an apposite comparison, because in that case no deposit had been made at all in the prior month. Therefore, the Director stated that it was his opinion that this unprecedented monthly total provided a true perspective on the amount of work the staff was dealing with at present. He also noted that since the fee structure was in large part based upon the amount of a project's proposed disturbance, that fee collections were being pushed higher due to the large number of warehouse and multi-family residential developments proposed in the Review Zone.

Director Hutchison reported that on January 4<sup>th</sup> he held a telephone conference call with the new DEP Director of Human Resources, Juliet DelValle, who succeeded Robin Liebskind. Mr. Hutchison reported that the meeting was enormously positive, and that it was a joy to have the Commission's

human resource needs be comprehended at last. Ms. DelValle made a genuine effort to understand and respect the unique statutory position occupied by the Commission and had reviewed our human resources issues in advance of the meeting. She agreed to work with the Commission to resolve our human resource issues in a way that would satisfy the Commission. The Director stated that while it was not the beginning of the end of the Commission's human resource issues, it was, perhaps, the end of the beginning. He stated that he would keep Commissioner's apprised of his progress.

The Director noted that on January 21<sup>st</sup> he attended the Commission's Fiscal Year 2021 second quarter budget meeting. Generally, the Director believed the Commission's fiscal position to be strong despite the COVID-19 pandemic and that the Commission was currently carrying a \$314,000 "reserve" or surplus. The DEP Management and Budget had advised him that if the monies in reserve were to be put to any specific purpose in the near future, then the Commission should ensure that DEP Management and Budget was aware of this, so that they in turn could inform the Department of the Treasury.

Accordingly, Director Hutchison noted that he met with the Commission architect February 16th to discuss the next phase of building repair projects to be undertaken at the Commission offices. The projects would include re-staining the building exterior, re-pointing the stone foundation damaged in the 2005-2006 flood events, and making upgrades to the HVAC system, which was installed after the last round of flooding and was now moving toward the end of its useful life.

The Director also reported that Hawley Brothers Construction, the contractor working on the repair of the Commission offices, had received the new office replacement windows from the manufacturer. The Director hoped to meet with the DEP Office of Resource Development, the Commission architect and the contractor in early March for a "kick-off meeting" to work through the details of the building exterior repairs, which will require the erection of scaffolding and other activities which could disrupt normal staff operations.

The Director reported that as he had mentioned in his January report, he participated in an initial online "client conversation" with Professor Jeanne Herb and the Bloustein School of class on January 26th, as well as an online discussion on the regulatory and planning responsibilities and authorities of the Commission on February 3<sup>rd</sup>. These conversations are part of the Bloustein School of Planning & Public Policy at Rutgers University that studio class that is reviewing the Commission's 1989 Master Plan. Director Hutchison reported that the classes were enormously enjoyable, and that the students had raised a number of cogent and intelligent questions about the Commission's work.

Finally, the Director reported on the successful completion of the project to post the Commission's meeting minutes on the website. Meeting minutes dating back to the first meeting of the Commission on March 14, 1975 were now available for public review.

Commissioner Lubitz commended Director Hutchison for doing an extraordinary job. He asked if the surplus could be directed to the update of the Commission's 1989 Master Plan. Director Hutchison stated that a procurement to engage a consultant to revise the Master Plan would probably exceed the total amount of monies in the Commission's reserve. He stated that another priority, after staffing issues are resolved, is exploring electronic permitting and fee collections. He noted that the DEP Division of Land Resource Protection implemented electronic permitting and that the Commission could avail itself of that model after it had been demonstrated that it was running smoothly. Vice-Chairman Stout

expressed concern that the current budget climate could result in the Commission's reserve being lapsed into the General Fund, and suggested setting aside some amount of the reserve for, perhaps, Rutgers University or another institution of higher education to revise the Master Plan on a fee-for-service basis. Assistant Director Texel stated that the State Park Service would look at such a proposal as a great opportunity, since there were no planners within its ranks to undertake such a project.

Deputy Attorney General Kane stated that the DEP Division of Land Resource Protection had built the infrastructure for electronic permitting a couple of years ago, and that the process had only recently moved forward. Director Hutchison noted that there will always be a group of applicants for which submitting materials electronically will be difficult, and that the Commission would need to be cognizant of the technological sophistication of applicants when devising such a system so that the Commission could maintain the high level of customer service it provides to the regulated community.

#### **Deputy Attorney General's Report**

Deputy Attorney General Kane proceeded to provide the Commission with an update on the status of <u>PennEast Pipeline Company, LLC, Petitioner v. New Jersey, et al</u>. He reported that on February 3<sup>rd</sup> the United State Supreme Court granted PennEast Pipeline's petition for certiorari asking the Justices to review whether the federal Natural Gas Act of 1938 authorized PennEast, a private entity, to condemn State of New Jersey property in federal court, notwithstanding New Jersey's sovereign immunity. Last year, the United States Court of Appeals for the Third Circuit unanimously ruled that PennEast could not use eminent domain to condemn portions of the Commission's and State's property and conservation restrictions for construction of a pipeline. He also noted that there was another matter involving New Jersey and PennEast held in abeyance in the District of Columbia Circuit concerning the Federal Energy Regulatory Commission's authorization of the pipeline.

Mr. Kane noted that PennEast's merits brief was due to be filed with the Supreme Court on March 1<sup>st</sup>, and the State's opposition brief on March 31<sup>st</sup>. Oral argument would be scheduled in April. He noted that the Office of Attorney General was handling the matter on behalf of the State, and that he would keep the Commissioners updated on any developments as the case progresses.

### Park Superintendent's Report

Delaware and Raritan Canal State Park Naturalist Fox reported that she and DEP Park Service staff contributed to the studio class directed by Professor Jeanne Herb at the Bloustein School of Planning & Public Policy at Rutgers University reviewing the Commission Master Plan. Acting Director of Parks and Forestry Madden, Park Historian Vicki Chirco, and staff from the DEP State Historic Preservation Office and Green Acres programs also attended the class. Ms. Fox found the discussion productive.

Ms. Fox reported that interviews were taking place to fill a vacant maintenance worker position at the Bull's Island Recreation Area.

Ms. Fox noted that there would be a February 27<sup>th</sup> clean-up day at Duck Island with the Central Jersey "Stream Team" and Mercer County Clean Communities groups. She noted that there were approximately 150 vehicle tires that needed to be removed from the "abandoned" section of the canal.

Ms. Fox reported that the project to replace the failed septic system at the Port Mercer Canal House in Lawrence Township was approved with conditions by the New Jersey Historic Sites Council.

Ms. Fox reported with regret on a fatality in the park involving a 17-year-old motorist who drove into the Delaware and Raritan Canal near Suydam Road in Franklin Township, Somerset County on the evening of January 29<sup>th</sup>.

Ms. Fox reported that the Delaware and Raritan Canal State Park would be submitting applications to the Commission for the construction of two proposed gravel parking lots along N.J. State Highway Route No. 29 (Route 29) in Kingwood Township: one of which would be at the "Cooley Tract" property; and the other near Frenchtown, which would be referred to as the "Riverview Parking Lot." The proposed new lots would be open to public and could also support a recent request for proposal (RFP) issued by the DEP seeking qualified bidders to conduct a commercial operation to rent river tubes. Commissioner Lubitz asked that Division of Parks and Forestry staff engage in discussions with the New Jersey Department of Transportation to construct a pedestrian-activated crossing across Route 29 at the Cooley Tract site.

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

Mr. Sellar reported that activities related to the dredging project for the main portion of the Delaware and Raritan Canal, which were completed in December, were continuing with the trucking of dredged material off-site, and that site restoration would continue through the summer.

Mr. Sellar reported that final bid specifications were being prepared for the Landing Lane Spillway repair, after which time staff would proceed with the bidding process. Mr. Sellar thought that construction could then commence this coming summer. He noted that the Landing Lane Spillway was part of the canal southeastern section's flood control system in the Raritan River watershed, and was part of the original fabric of historic appurtenant structures along the Delaware and Raritan Canal. The spillway dated back to the original construction of the canal in the 1830s, and was in poor condition and in need of repairs. The spillway consisted of a depressed stone armored embankment. Many of the hand-laid stones, particularly on the crest, have become dislodged, and the ornamental wood planks had deteriorated, and that that parts of the spillway had begun to erode. Mr. Sellar noted that sustained erosion could lead to failure of the spillway and cause a breach in the canal. The dislodged stones on the crest, which is also part of the canal State park multiuse trail, have created an uneven surface for users of the trail.

Mr. Sellar reported that the Raritan River embankment downstream of the Island Farm Weir on the Raritan River had experienced heavy erosion, and that repairs are being conducted by the NJWSA. He noted that the embankment separates the canal from the Raritan River, and was also a part of the multiuse trail. The erosion was attributable to high flows coming over the weir during flooding events. While Mr. Sellar noted the embankment was still functional, the erosion had the potential to jeopardize the embankment and cause a breach of the canal. Repair work, including the installation of gabions, had taken place, and while the project was currently on hold, it was scheduled to be completed this spring.

Mr. Sellar reported that a RFP was being issued for the NJWSA Hydrilla control program.

Mr. Sellar also reported that a consultant was finalizing the design for the Sixmile Run culvert repair and that the project would be submitted to the Commission for review and approval.

## Old Business

No old business.

### New Business

NJWSA Director Marc Brooks stated that he had also attended the Bloustein School studio class as a guest participant and found the project and students to be engaging.

Briefing and update from the NJWSA on proposed revisions to DRCC #14-3255B, a project to effectuate repairs to the Delaware and Raritan Feeder Canal embankment from Raven Rock to Prallsville Mills:

Director Brooks stated that the NJWSA's consultant, Mr. Christopher Adams from GZA GeoEnvironmental, Inc., was present to provide the Commission with an update on the proposed scope of the project to repair the feeder canal embankment from Raven Rock to Prallsville Mills. Mr. Brooks noted that NJWSA had presented the plan to the Commission in 2015. Since a number of new Commissioners had been appointed to the Commission, and the scope of the project included additional tree removals, the NJWSA thought it appropriate to present the updated plan to the Commission.

Mr. Adams then narrated a PowerPoint presentation, which included photos and other exhibits (a copy of which is attached to these minutes).

Commissioner Loos recommended that the NJWSA include a maintenance plan when the project is submitted to the Commission for formal review to address the problem of new tree saplings and vegetation establishing themselves within the repaired embankment.

Director Brooks asked if the Commission could informally offer their comments on whether it supported the degree of tree removal proposed in the updated plan described in Mr. Adams' PowerPoint presentation. He specifically inquired as to the Commission's view on the desirability of clear cutting on the embankment from Raven Rock to Stockton. Commissioner Lubitz and Vice-Chairman Stout agreed with the need to clear cut the embankment in order to preserve the historic hand-laid stonework.

### **Public Comment**

Mrs. Barth stated the proposed embankment tree removal made sense. She asked why it had taken NJWSA five to six years since the last presentation to move the project along. Director Brooks responded that there were higher priority projects on the Delaware and Raritan Canal which needed to be addressed first.

Mr. von Zumbusch stated his approval of the tree removal proposed for the embankment repair project.

Mr. Barth stated his approval of the tree removal for the embankment repair project. He also stated that he agreed with Mr. Texel's scheme to commit Commission funds to the Master Plan update.

Mr. Massand stated that he considered the Lawrence-Hopewell Trail project (DRCC #20-5609) to be a good project. He also stated that he believed the Master Plan ideas were very important.

Mr. Massand informed the Commission of a webinar event sponsored by Preservation New Jersey scheduled for March 4, 2021, which would explore funding for historic structures in Somerset County, as well as heritage tourism promotion within the Delaware and Raritan Canal region.

### 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 Assistant Director Texel. Vice-Chairman Stout called for a vote on the motion to adjourn, which was unanimously approved by voice vote.

The meeting adjourned at 11:40 a.m.

Respectfully submitted,

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John Hutchison, Secretary