



**August 18, 2021 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10 a.m.  
DATE: August 18, 2021  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice-Chairman Bruce Stout; Deputy Director of Parks and Forestry Robin Madden, designee for Commissioner of Environmental Protection Shawn LaTourette; Commissioner Phillip Lubitz; Commissioner John Reiser; and Commissioner Chris Shoffner participated via online platform and teleconference.

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

GUESTS: Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Mike Sellar, New Jersey Water Supply Authority (NJWSA); Linda Barth, D&R Canal Watch; Robert Barth, D&R Canal Watch; Robert von Zumbusch, D&R Master Plan Advisory Committee; Julia Algeo, Crest Engineering; Michael Ford, Van Cleef Engineering; Cesira Ruggiero, Ruggerio-Plante; Neil Yoskin, Cullen and Dykman LLP; H. Kent Smith, Fox Rothschild LLP; Matthew Giammanco, Avalon Bay; Brett Skapinetz, Dynamic Engineering; Kimberly Bennett, Fox Rothschild LLP; Eric Rosina, ACT Engineers.

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
Deputy Director Madden	Present
Commissioner Reiser	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Present
Commissioner Palmer	Absent

**Minutes**

Vice-Chairman Stout requested that minutes be amended to include the phrase “based upon his experience” on page 5, paragraph two, line three of the July 15, 2021, meeting minutes. Vice-Chairman Stout inquired if Commissioners had further comments regarding the July 15, 2021, meeting minutes. Hearing none, the Vice-Chairman called for a motion to approve the minutes as amended. Commissioner Shoffner made a motion to approve the minutes, which was seconded by Commissioner Lubitz. Vice-Chairman Stout directed Director Hutchison to call the roll:

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

The minutes were approved.

**Confirmation of September Meeting Date**

Vice-Chairman Stout confirmed the September 15, 2021, meeting date.

**Review Zone Projects**

**Zone A Projects**

Vice-Chairman Stout requested a motion on the two Zone A projects:

- #19-3406C Pillar of Fire International -- Proposed Parking Area Expansion (Franklin Township)
- #18-3765B 39 Ferry Street -- Proposed Townhomes (Lambertville City)

Commissioner Reiser motioned to approve the projects. Commissioner Lubitz seconded the motion. Vice-Chairman Stout asked for comment from the Commissioners and then the public. Hearing none, Vice-Chairman Stout directed Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Deputy Director Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes



August 18, 2021

inordinately large deposit made in August 2020 when fees totaled \$51,950, but well in line with Fiscal Year 2019 when \$29,100 was deposited. The Commission's anticipated appropriation remains at \$450,000, and fee collections would still exceed that amount if maintained at the current pace throughout the remainder of the fiscal year.

The Director reported that the Commission on August 13 was visited by an historic masonry contractor who conducted an examination of the existing mortar that holds the Commission office foundation in place. The mortar has suffered severe deterioration from flooding events in 2005 and 2011 and was never repaired. The DEP Office of Resource Development believes that, since the work will not require construction code approval from the Department of Community Affairs, the project to repair the foundation can commence in September. Mr. Hutchison noted that the Commission office would then be weather-tight for the upcoming winter season.

The Director noted that Delaware and Raritan Canal State Park staff were kind enough to replace the stone gravel along the eastern elevation of the Commission offices, thus creating a splash block to protect the recently repaired sliding barn door entrance to the conference room. Mr. Hutchison particularly wished to thank Park Maintenance Supervisor Colleen Ruzicka for handling the job so quickly.

Mr. Hutchison reported that he acquired larger computer monitors for the Commission offices to better read architectural and civil engineering plans that were being submitted with project applications in electronic format. The DEP Office of Information Technology provided their usual expert assistance, and Mr. Hutchison particularly noted that Lenora Ross at DEP/OIT had expedited the procurement, and that Eric O'Neil and Wayne Williams came to Stockton on short notice to install the new equipment.

The Director reported that on August 3 he attended a site visit with the Park Superintendent and Mr. Sellar from NJWSA to examine the damage to the recently re-rolled multiuse trail in the City of Trenton and Lawrence Township. Mr. Hutchison noted that they were able to examine the washed-out areas of the trail and investigate whether the damage to the trail was the result of improperly maintained stormwater management infrastructure along New York Avenue.

Mr. Hutchison also noted that he and the Park Superintendent attended a virtual meeting with the recreation director and municipal engineer from Franklin Township, who discussed the potential replacement of the existing playground equipment at East Millstone Park. The park, which is located at Market Street and Amwell Road, and sits on a filled former-canal basin, is owned by the State and has been leased to Franklin Township since 1972. The meeting was cordial, and the Director noted that he was pleased that the municipal officials reached out to the Commission early in the approval process, enabling him to conduct research into similar projects approved by the Commission well in advance of the matter being calendared for a vote.

Vice-Chairman Stout expressed his approval of the exterior painting of Commission office building. He further stated that he appreciates D&R Canal State Park staff for installing stone along the building's sliding doors.

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

The Park Superintendent was absent. Deputy Director Madden stated appreciation for Commissioner

August 18, 2021

Lubitz's donation of a bench within the park. Commissioner Lubitz stated that park staff did a wonderful job with installing the bench at Bulls Island. He also expressed his appreciation of park staff who had addressed many recently downed trees and maintained the park trail for the public. Deputy Director Madden stated that the NJDEP Forest Fire staff assisted park staff with the tree removal, and their effort was much appreciated.

### **New Jersey Water Supply Authority Report**

Mr. Sellar reported that the Landing Lane Spillway Rehabilitation contract was in place and that work is expected to start in September. He stated that he will inform the Commission when a mockup of the design is ready for review and approval.

Mr. Sellar stated that hydrilla treatment within the canal is underway for a 75-day course.

Mr. Sellar stated that the Brookville Wastegate berm design is underway.

Mr. Sellar stated that the Cedar Grove Watershed feasibility study is in progress, including the preparation of cost-benefit analysis.

Mr. Sellar reported that the underwater inspections of locks, as discussed at the May Commission meeting, continue to be on hold until the repair of a gate at the South Bound Brook lock is complete. It is expected that the sluice gate would be delivered within 12 weeks.

Mr. Sellar stated that Mr. Darin Shaffer, NJWSA, would present information on the canal embankment repair in Stockton Borough during a Commission meeting in the next month or two.

Mr. Barth asked Mr. Sellar when appropriately colored stone would be installed at the location of the Island Farm Weir-Raritan River Embankment project (DRCC #19-4584C). Mr. Sellar reported that the installation of the light-colored stone on the park multiuse trail would be installed in the fall.

### **Old Business**

Vice-Chairman Stout stated that the Commission last month had discussed asking Executive Director Hutchison to draft a letter to NJWSA that would describe the Commission's dissatisfaction with the pace at which the Stockton Borough canal embankment repair was being addressed. He stated the letter would be prepared before the next meeting.

### **New Business**

No new business.

### **Public Comment**

The Vice-Chairman opened the floor to public comment.

Mrs. Barth expressed concern about the materials used for bench that Commissioner Lubitz had donated. She wished to mandate that park benches might be better made of recycled plastic materials similar to others in Somerset parks. Commissioner Lubitz stated the design decision, a metal frame and red wood bench, was made by the donor. Deputy Director Madden stated that a donor may select the materials as

August 18, 2021

long as they are approved by the Park staff, and remarked that red wood, a natural substance, is an acceptable material and appropriate for use in the park. Mrs. Barth stated that the benches should be made of long-lasting materials. Deputy Director Madden stated that the DEP is looking at many areas to improve resiliency.

Mr. von Zumbusch expressed his frustration at having difficulty accessing the meeting electronically and that he was unable to offer comment on a project, specifically the #19-3406C Pillar of Fire International – Proposed Parking Area Expansion. He stated that the Commission approved a community center on the site some time ago and that the landscaping plan did nothing to screen the building. He noted the area is historically an agricultural area during the time relevancy of canal. He asked the Commission to consider, going forward, reviewing proposed landscape plantings and screening in this area of the park with more care.

Mr. von Zumbusch asked if there had been follow-up on a possible historic easement or establishing a new easement for a recreational trail at the Montgomery Township Wastewater Treatment Plant along River Road in Montgomery Township, as discussed at the June 2021 meeting. Director Hutchison stated that the Certificate of Approval had not yet been issued on the project so the applicant was, to date, unaware of the request to engage in a discussion with the Director about installing a path on the property.

Mr. von Zumbusch stated that large monitors recently installed at the Commission office desks would be tremendously helpful to staff for reviewing site plans and that dual monitors are helpful as well. Director Hutchison stated that office staff does have dual screen workstations.

Mr. Barth requested an update on the opening of the north end of Bulls Island. Deputy Director Madden stated that she would have an update at the next Commission meeting.

**Written Public Comments**

None.

**Executive Session**

None.

**Adjournment**

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

The meeting adjourned at 10:34 a.m.

August 18, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", with a long horizontal flourish extending to the right.

---

John Hutchison, Secretary