



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

TIME: 10:00 a.m.  
DATE: October 20, 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; Commissioner Douglas Palmer; 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: Christopher DeGrezia, Esq.; Bob Barth D&R Canal Watch; Linda Barth, D&R Canal Watch; Charles Martin; John Church; Maureen Sturgeon, Senior Engineer, Franklin Township; Michael Mills; Mohammed El-Hawwatt, P.E. MEH Engineering; Thomas O'Shea, Van Note-Harvey Engineering; Beau Byrtus, Franklin Township Parks & Recreation Director; Nathaniel Welsh; Scott Turner, Vice President, Menlo Engineering Associates, Inc.; Matthew M. Palus, The Ottery Group; Ken Boyd; Robert von Zumbusch, Delaware and Raritan Canal Master Plan Advisory Committee; Julie Leber; Tom Letizia, Esq.; Brian Friedlich, P.E., Principal Engineer, Kleinfelder; Tatiana Choulika; Brian Creamer; Yosef Portnoy; Karen A. Jezierny, Director of State Affairs, Princeton University; Andrew Cheng; Kristin Munoz; Youngsoo Kim; David Baker, P.E., HDR Engineering, Inc.; Vladimir Wojno-Oranski; Brendan K. Brock, New Jersey Department of Transportation (NJDOT); Benjamin J. Petrick; Lawrence Sachs, Esq.; Jessica Peslak; Will Schreefer; Chris Longo; Natalie W. Shivers; Robert C. Gregoria; Frank Falcone; Adam R. Brown; Bradley Tombs; Wayne Petko; Dave Pasicznyk; Rabbi Eliezer Zalikovsky; Ethel Chan; Patricia Kallesser, Superintendent, Delaware and Raritan Canal State Park; Michael Sellar, New Jersey Water Supply Authority (NJWSA); Vicki Chirco, Delaware and Raritan Canal State Park Historian; Caitlin Skocypec.

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	Present

**Minutes**

Vice-Chairman Stout inquired if Commissioners had comments on the September 15, 2021, meeting minutes. Hearing none, the Vice-Chairman called for a motion to approve the minutes as amended. Commissioner Reiser made a motion to approve the minutes, which was seconded by Commissioner Shoffner. 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	Yes

The minutes were approved.

Vice-Chairman Stout noted that the minutes of the executive session held on September 15, 2021, had been distributed, and he asked if any Commissioner proposed any corrections or changes to that document. Hearing none, he requested a motion to approve the minutes of the executive session. Commissioner Shoffner moved to approve the minutes of the executive session, which motion was seconded by Deputy Director Madden. Vice-Chairman Stout directed Executive Director Hutchison to call the roll:

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

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Commissioner Shoffner                      Yes  
Commissioner Palmer                      Yes  
The executive session minutes were approved.

**Confirmation of September Meeting Date**

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

**Proposed approval of Lease Agreement EWING6B: 30” & 20” Sewer Line Lease between the Ewing-Lawrence Sewerage Authority, the New Jersey Water Supply Authority, the Department of Environmental Protection and the Delaware and Raritan Canal Commission.**

Director Hutchison gave a brief description of lease agreement proposed for approval, noting that the expiring lease had been in effect since 1971, and that the NJWSA had confirmed that its renewal would not impact canal operations. Vice-Chairman Stout requested a motion to approve the lease agreement. Commissioner Lubitz made a motion to approve the lease, which was seconded by Commissioner Reiser. The Vice-Chairman requested that the Director call the roll:

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

The lease agreement was approved.

**Review Zone Projects**

Vice-Chairman Stout inquired if any Commissioner wished that any of the Zone A projects be considered individually. Deputy Director Madden requested that the following project be considered separately from the other Zone A projects:

21-2441MM Princeton University -- Lake Campus North (West Windsor Township).

Deputy Director Madden made a motion to approve the project, which was seconded by Commissioner Lubitz.

Director Madden indicated that the DEP had a narrow issue of concern regarding the project, namely, whether the applicant’s consultant was seeking to encroach upon State park property for the purpose of archaeological investigations at the parking area along Washington Road. She stated that it would be prudent for the Commission to ensure that if the applicant was seeking to access State property, that the Commission certificate of approval for the Lake Campus North project reflect that such a request be subject to a separate approval process.

Mr. O’Shea, representing the Trustees of Princeton University, introduced Mr. Palus and commented that any such proposed condition would not be considered onerous by the university. Mr. Palus clarified

that while the project did not extend onto State park land, there was an archaeological site present on the boundary of the properties that may extend onto university land, and that the reviewing archaeologist for the Lake Campus North project had previously requested the university to conduct further testing, but that there would be no work on State land other than the proposed archaeological assessment.

Vice-Chairman Stout inquired if the applicant would support the addition of a condition on the certificate of approval with the language proposed by Deputy Director Madden. Mr. O’Shea and Ms. Jezierny indicated that the condition was acceptable to the applicant. Director Madden requested that draft language be read by the Executive Director.

Director Hutchison then recited language that proposed two conditions to the certificate of approval for DRCC #21-2441MM as follows:

1. In the event the project proposes to access the Delaware and Raritan Canal State Park, the applicant shall obtain a Special Use Permit, or Right-of-Entry agreement, as the case may be, from the Department of Environmental Protection Office of Leases and Concessions and through the Superintendent of the Delaware and Raritan Canal State Park; and
2. In the event the project may encroach on the Delaware and Raritan Canal Historic District as defined at N.J.A.C. 7:4-7.1, the certificate of approval shall be conditioned upon State Register review by the State Historic Preservation Office for compliance with the “New Jersey Register of Historic Places Act,” N.J.S.A. 13:1B-15.128 et seq.

Vice-Chairman Stout requested that Deputy Director Madden amend the motion to approve the project to incorporate the conditional language recited by the Director. Deputy Director Madden moved an amended motion, and Commission Lubitz indicated that he would second the amended motion.

Vice-Chairman Stout directed Mr. Hutchison to call the roll:

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

The motion carried.

#### Zone A Projects

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

- 21-5157A East Millstone Park -- Playground Equipment Installation (Franklin Township)
- 21-5703 NJDOT -- Route 1-Bakers Basin/Franklin Corner Road to Green Street -- Smart and Connected Corridor Project (Lawrence/West Windsor/Plainsboro/South Brunswick/North Brunswick townships)

21-5779 Trenton Battle Monument Park -- Soil Boring Installation (Trenton City)

Commissioner Reiser made a motion to approve the projects, which was seconded by Commissioner Palmer. 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
Commissioner Palmer	Yes

The motion carried.

Zone B Projects

Vice-Chairman Stout inquired if any Commissioner wished that any of the Zone B projects be considered individually. Commissioner Shoffner requested that the following project be considered separate from the other Zone B projects:

20-5648 483-485 Elizabeth Avenue -- Proposed Warehouse (Franklin Township)

Commissioner Lubitz also indicated that he wished to discuss the following project:

20-5563 Suez Water NJ -- Princeton Meadows WWTP Upgrade (Plainsboro Township)

Vice-Chairman Stout requested a motion to consider 13 Zone B projects, excluding DRCC #20-5648. Commissioner Lubitz moved to approve the projects, and the motion was seconded by Commissioner Reiser.

Commissioner Lubitz indicated that it was difficult to discern from the submitted site plans where the new infrastructure was proposed to be constructed in relation to the existing flood hazard area. Mr. Baker, the civil engineer representing the applicant, gave a description of the location of the proposed structures and their relationship with the flood hazard area. Mr. Baker related that the proposed structures would be located on the northeast portion of the site. Mr. Baker shared a copy of the site plans, which indicated the DEP flood hazard line and the location of the proposed buildings and structures, which would be moved away from the flood hazard area. Commissioner Lubitz thanked Mr. Baker for his explanation.

Vice-Chairman Stout asked if any other Commissioner or member of the public had any additional questions or comments on the 13 Zone B projects. Seeing none, he asked the Director to call the roll:

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

Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion carried.

Vice-Chairman Stout then requested a motion on DRCC #21-5648. Deputy Director Madden made a motion to approve the project, which was seconded by Commissioner Reiser. Vice-Chairman Stout then asked if any Commissioner had any comments or questions regarding the project.

Commissioner Shoffner indicated that, in addition to the considerable amount of impervious surface proposed by the project, she was concerned about the impact of traffic upon adjacent communities. She indicated that municipal streets in South Bound Brook Borough and other municipalities were not designed for such vehicles, and that while trucks could use county roads, those roads were often not well-marked, and that drivers were, therefore, not aware of which road they could use, and which they should avoid.

Vice-Chairman Stout agreed with the concerns about the traffic impact of large warehouse projects, which have become more prevalent in the Review Zone in recent years. However, he expressed a concern that any effort by the Commission to address local or regional traffic impacts was beyond the scope of the Commission's regulations. He asked Deputy Attorney General Kane for comment, who deferred to Director Hutchison regarding the applicability of the Commission's regulations in such a case.

Director Hutchison then recited the relevant section of the Commission's regulations (N.J.A.C. 7:45-11.1). Director Hutchison noted that the project was not subject to traffic impact review because it did not meet the criteria in the regulation. While it was a "major project" in Review Zone B, it was not located within one mile of any portion of the Delaware and Raritan Canal State Park and had direct access to a road that enters Zone A. Director Hutchison also observed that even if the project were subject to traffic impact review, the other constraining factor was that the Commission was empowered only to review the project for the adverse impact any additional traffic would have on the park.

Vice-Chairman Stout expressed his agreement with Commissioner Shoffner that large warehouse projects are having a significant impact upon the communities of the Review Zone, but that addressing this impact was beyond the scope of the Commission's jurisdiction. Commissioner Shoffner stated that while she understood that the Commission's authority was limited in this regard, she would be remiss if she did not raise this issue with her fellow Commissioners.

Vice-Chairman Stout inquired if any other Commissioner or member of the public had any additional comments or questions regarding the project. Seeing none, he directed the Executive Director to call the roll:

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

Commissioner Lubitz	Yes
Commissioner Shoffner	Abstain
Commissioner Palmer	Yes

The motion carried.

Vice-Chairman Stout commented that in terms of projects, the agenda for the meeting was the largest in his memory, and that the staff reports were well-drafted and helpful.

**Executive Director’s Report**

Director Hutchison reported that, in addition to the 18 projects listed on the agenda, during the preceding month the staff issued 18 deficient staff reports, 17 jurisdictional determinations, 15 certificates of approval, and 7 general permits, including a modification of a previously issued General Permit No. 2.

In addition to preparing the above documents, the Director noted that staff organized and conducted 11 pre-application meetings for proposed projects. As of October 18, there were 27 active projects undergoing review; however, the Director observed that this was the first time since March 2020 that fewer than 35 active projects were under review by the Commission staff.

Director Hutchison reported that fee deposits for the month totaled \$52,150. Deposits for Fiscal Year 2022, which began on July 1, 2021, totaled \$175,426. Given the high number of jurisdictional determinations processed, which tend to serve as a leading indicator of future Commission applications, the Director believed that the staff’s workload would not be slackening significantly, although he was hopeful the normal seasonal reduction in applications, which usually occurred as the construction season wound down, would give the staff a respite to devote some time to other issues and projects.

Mr. Hutchison reported that Commission staff held meetings on September 23 and 28 with Joanne McKinley of ACCSES NJ on the project to scan the Commission’s project files, which are maintained on paper and date back to 1980. ACCSES NJ was able to detail their capabilities, and the Commission staff was able to show them copies of the types of documents that require scanning. Staff was also able to discuss how the documents would be categorized and the need to devise a uniform nomenclature for common document types that ACCSES NJ would then use to label the scanned documents.

Director Hutchison noted that due to the vacancy that existed in the front desk position from 2011 to 2018, the Commission relied upon a succession of hourly employees to log project documents. Unsurprisingly, each hourly employee used their own “system” for logging documents. The Director observed that as a result, there was no real system employed at all. Additionally, no real culling or consolidation of documents was undertaken, so the files contain numerous documents such as highway maps, uncompleted Word documents, unsent drafts of correspondence, which there is no legal obligation to maintain. Since the Commission would be charged for the cost of scanning documents by the page, it was essential, in the Director’s estimation, that only documents that are legally required to be kept and those that would assist with future applications be identified for scanning, and the superfluous documents be discarded.

Director Hutchison reported that he and Commission Engineer Damian Friebel met remotely on with an engineer in private practice who represents a group of Lambertville residents concerned about the frequency and intensity of flood events in that city. Mr. Hutchison noted that they were able to explain how the Commission's regulations support non-structural responses to stormwater management and directed them to entities such as the New Jersey Environmental Infrastructure Trust, which could play a role in helping implement long-term strategies to improve flood resiliency and reduce the damage caused by flood events.

The Director related that on September 6 he met remotely with the Park Superintendent and the Park Naturalist to discuss the proposed planting plan for the northern section of the Bull's Island Recreation Area. Given the Commission's interest in ensuring that the northern portion of the island is reopened with the new loop trail, and that the former campground areas are reforested, the group discussed the possible use of monies deposited in the mitigation account created by the N.J. Turnpike Exit 6-9 widening project for the Bull's Island reforestation effort.

The Director also informed the Commission that he and the Park Superintendent met with representatives of Public Service Electric and Gas Company (PSE&G) on October 12 to discuss potential mitigation for the visual impact of a proposed pole expansion project at the Delaware and Raritan Canal State Park Demott Lane public access area in Franklin Township. The Demott Lane public access area is highly constrained in that it is narrow, closely bounded by the Rutgers Preparatory School and the Meadows Foundation properties. In addition, there are several historic and archaeological resources present onsite, including a Revolutionary War-era cemetery. Therefore, Commission and Park Service staff proposed that the mitigation for the proposed Demott Lane project be carried out at the 5-Mile Lock public access area, which is located approximately two miles upstream to the northwest. The 5-Mile Lock access area is in poor condition, with an undefined parking area, no ADA-accessible parking, a lack of directional or park signage and a parking and drive surface which is badly deteriorated. The parking area contains no historic or archaeological resources (the former canal house was located on the opposite embankment of the canal), so this site would seem ideal for a mitigation project to improve access for park patrons from the surrounding community.

Director Hutchison noted that on October 5 he was interviewed by Michael Rockland, Professor Emeritus of History at Rutgers University, who is researching information for his latest book, which will examine the history and nature of New Jersey's "other shore", namely the communities along the Delaware River and those of the Delaware and Raritan Canal region. Professor Rockland was primarily interested in the fate of the canal as it went through the City of Trenton.

Commissioner Lubitz inquired about the time frame associated with the reopening of the northern section of Bull's Island Recreation Area. Director Hutchison clarified that the Commission staff was working closely with the Division of Parks and Forestry to assist in the reforestation plan so that the area could be reopened as quickly as possible. Commissioner Lubitz asked whether the reopening could proceed absent the completed reforestation plan, which was the case with the day use area. Director Madden deferred to Superintendent Kalleser, who commented that hazardous tree removals arising from Tropical Storm Ida had impacted the plans, and that assembling resources to complete the replanting plans were ongoing, but that a springtime reopening ceremony was still being planned irrespective of the replanting plans.



Deputy Director Madden reported that the scope of the reopening plans was still under consideration within the DEP and reminded Commissioners that a “soft” reopening might be appropriate in this case, given the tragic circumstances under which the northern section of the recreation area was closed.

### **Park Superintendent’s Report**

Superintendent Kalleser reported that Active Environmental was mobilized to undertake mold remediation activities at the East Millstone Bridgetender’s House, the Mapleton Road park office, and the Kingston Locktender’s House. She also reported that additional bids were being sought for mold remediation at Port Mercer, an employee tenant house at Blackwell’s Mills, and the Griggstown Bridgetender’s House.

The Division of Parks and Forestry met with the DEP Office of Resource Development (ORD) and the NJDOT to discuss engineering and non-engineering priority repairs to the Delaware and Raritan Canal State Park multiuse trail, entrance driveway and retaining wall opposite the Commission office on the Wickecheoke Creek at Prallsville Mills. In addition, NJDOT conducted a review of the multiuse trail in from the vicinity of Alexauken Creek south to Elm Street in the City of Lambertville, and along the main portion of the canal to place a new topcoat finish on those parts of the trail that had been scoured away during Tropical Storm Ida.

The Superintendent reported that in early October a sexual assault occurred near the park multiuse trail in the vicinity of the Millstone Aqueduct. A sketch of suspect in the attack was disseminated on social media and placed at park entrances. Two meetings are proposed at the Kingston Locktender’s House to provide park patrons with information on how to keep safe when walking in public areas.

The Superintendent noted that the Solvay Group graciously gave their time to perform cleanup activities in the area of the Millstone Aqueduct on October 13. She also reported that Park Naturalist Stephanie Fox helped organize a cleanup effort along the Delaware River from Frenchtown to Trenton on October 16. More than 200 people participated.

The Superintendent reported that the storm-related damage to the roof at the park restroom facility in Lambertville will be repaired within the next three weeks, which would coincide with the ADA-ramp repairs at the facility that are being funded with Commission mitigation monies.

The Superintendent noted that the Cooley Tract parking area would be reopened to the public on October 23. Commissioner Lubitz inquired as to the status of the Fairview parking area. Superintendent Kalleser responded that the Fairview lot had been reopened approximately two weeks ago.

Vice-Chairman Stout inquired about the estimated length of time the former railroad bridge at Prallsville Mills would be closed. Superintendent Kalleser indicated that the NJDOT engineer’s report indicated that there was a 25 percent failure of the embankment. NJDOT was proposing a temporary repair to stabilize the slope and followed by a permanent solution, which was the subject of ongoing consultations between NJDOT and DEP/ORD. Vice-Chairman Stout asked whether the temporary solution could be effectuated within a month. Superintendent Kalleser said she was not aware of the proposed timeframe, but that she would inquire with DEP/ORD and report back. Vice-Chairman Stout noted that some park

patrons were unwisely ignoring the barriers placed on the multiuse trail. The Superintendent stated that additional warning signs were being installed. She said that the park staff was redoubling efforts to educate public that 25 percent of the embankment had failed and that it was uncertain what could happen to the trail until it is repaired.

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

Mr. Sellar reported that the authority project to rehabilitate the Landing Lane spillway was being impeded by the NJDOT project to repair the adjacent bridge over the canal, and that the authority was hopeful work could commence in November but that it would depend upon the progress of the NJDOT project.

Mr. Sellar reported that the Hydrilla treatment program for the year ended on September 24 and that the program was approximately 75-80 days in duration during calendar year 2021. The program was suspended for approximately eight days due to Tropical Storm Ida. Surveys conducted by the consultant indicated that no Hydrilla had been found in the canal, but investigations for the presence of any tubers would not be conducted until the end of the month.

The project to repair the inoperative sluice gate at the South Bound Brook Lock was on schedule to begin in mid-November and was contingent upon the delivery of the new gate from the manufacturer.

Tropical Storm Ida-related repairs to the multiuse trail had been performed by a NJWSA contractor in South Bound Brook between the Queens Bridge and the spillway, the downstream side of which sustained severe erosion. The contractor then moved to Six Mile Run to stabilize the bank and address washout areas at the culvert, which passes underneath Canal Road and the canal.

Mr. Sellar reported that the initial removal of vegetation debris that had fallen into the canal or had become wedged against canal bridges from Tropical Storm Ida had been completed. However, he observed it was likely that erosion would cause additional trees to fall into the canal and that these matters would be addressed as they occurred. Mr. Sellar requested that Commissioners and stakeholders report any issues they encounter to him.

Mr. Sellar reported that dredging of accumulated sediment displaced by the storm was ongoing at the confluence of the Wickecheoke Creek and the feeder canal at Prallsville Mills. Once this project was complete, the NJWSA planned to dredge the area at the Lockatong Creek, and then remove debris in the canal in Lambertville at the Laceworks property in two to three months. He noted that dredging would continue in other areas after these priorities were addressed.

Mr. Barth complimented the work done by the contractor in the vicinity of the South Bound Brook spillway. He questioned Mr. Sellar about the size of the stone used for the topcoat of the multiuse trail, noting that it was larger than what was approved in prior projects to resurface the trail. Mr. Sellar responded that it was his understanding that the Division of Parks and Forestry was going to resurface the trail from N.J. State Highway Route No. 27 in Kingston to Landing Lane in New Brunswick and deferred to Superintendent Kalleser for additional comments. Superintendent Kalleser confirmed that the new topcoat would be a DEP project, and that discussions with NJDOT to devise a segmented approach to re-rolling the trail surface were ongoing and that the division was awaiting price quotes for

the work. Mr. Barth further inquired if this project would include the “white” stone dust used in the vicinity of the Millstone and Raritan rivers. Superintendent Kalleser confirmed that it would.

Mrs. Barth asked Superintendent Kalleser for additional details on the scheduling of the proposed mold remediation activities. The Superintendent repeated the proposed schedule for the work.

Commissioner Lubitz asked whether there had been any discussions with NJDOT about the integrity of N.J. State Highway Route No. 29 along the feeder canal from Frenchtown to the Titusville neighborhood of Hopewell Township. Commissioner Lubitz noted that NJDOT had placed a considerable amount of riprap along the highway following Tropical Storm Ida, and that this was having an impact upon the park multiuse trail. Superintendent Kalleser responded that she was aware of individual repair projects, but that there was no overall plan. Director Hutchison noted that he had issued a General Permit No. 1 for emergency riprap installation immediately following Tropical Storm Ida, but that no new permit application had been received from NJDOT. Commissioner Lubitz expressed concern that situation on Route 29 could come to resemble that on Route 32 in Pennsylvania, and that a long-term solution to the interaction of the highway with the canal was required.

### **Old Business**

No old business.

### **New Business**

Vice-Chairmen Stout noted that a draft of the Commission Annual Report for the year 2020 had been distributed, and he inquired if Commissioners or members of the public had any comments or proposed corrections. Commissioner Lubitz stated that he thought the report was excellent, and that it captured the work of the Commission. Commissioner Lubitz moved to adopt the report, which motion was seconded by Commissioner Reiser. Director Hutchison noted that Mr. Barth had discovered two missing words inadvertently deleted from the report, and with the proviso that this correction would be incorporated, called the roll:

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

The motion to adopt the report carried.

### **Public Comment**

Noting that there was no new business to be considered, the Vice-Chairman opened the floor to public comment. Mr. Church introduced himself as a resident of West Windsor Township and a member of the township Zoning Board of Adjustment. He asked how the Commission defined the 100-year floodplain in its regulations. He noted that the township uses Federal Emergency Management Agency (FEMA) definition and the FEMA-issued maps, but he noted that the FEMA definition was different from the DEP flood hazard area, and he wished to know the Commission’s definition.

Mr. Ruggeri noted that the Commission regulated “stream corridors” within the Review Zone, which were typically defined as the 100-year floodplain, plus a 100-foot buffer to that floodplain. He explained that the way the Commission delineates the 100-year floodplain is based upon the 100-year flood, and not on the New Jersey 100-year design flood. He noted that in some cases, applicants before the Commission define the area as the New Jersey 100-year design flood hazard area, which is wider than the 100-year floodplain, and they are welcome to do that, since it results in a larger, more conservatively defined stream corridor. However, he noted that the Commission’s regulations require the 100-year floodplain, which can be defined using FEMA maps or State studies of streams where available. The New Jersey 100-year design encompasses the 100-year flow plus 25 percent of that flow, which hydraulically delineates the floodplain.

Mr. Ruggeri also noted that the FEMA maps do not always include the 100-year floodplains on all watersheds with an area of 50 acres, which is the provision in the Commission’s regulations that defines whether a water course has a Commission-regulated stream corridor. In those cases, and where the floodplain is not defined, the applicant would be required to conduct hydrologic and hydraulic studies to define the 100-year floodplain, or a State study.

Mr. Church asked how this impacted the floor elevations for buildings, which he understood had to be constructed so that the lowest habitable floor is at least 1 foot above the 100-year floodplain. Mr. Ruggeri responded that the Commission’s stream corridor impact review standards were created to regulate impacts to water quality and stormwater management. Mr. Ruggeri further noted that the elevation of structures above the base flood elevation or any applicable freeboard is taken into consideration at both the local government ordinances as part of their participation in the National Flood Insurance Program and by the DEP through the implementation of the Flood Hazard Area Rules.

Mr. Church thanked the Mr. Ruggeri and noted that it was the first time he had attended a Commission meeting, and that he hoped to participate in future meetings.

Mr. von Zumbusch commented that it was his long-held opinion that using the 100-year flood for the basis of design was totally wrong, and it should be increased by DEP.

**Written Public Comments**

None.

**Executive Session**

At 11:18 a.m. Vice-Chairman Stout stated that there was a need to conduct an executive session to discuss personnel matters. Director Hutchison then read the text of Commission Resolution No. 2021-05. Vice-Chairman Stout entertained a motion to adopt the resolution authorizing the Commission to go into executive session. Commissioner Lubitz moved to adopt the resolution, which motion was seconded by Commissioner Reiser.

The Vice-Chairman directed Director Hutchison to call the roll:

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

The motion carried.

**Return to Public Session**

At 11:25 a.m., the Commission resumed the public session.

Vice-Chairman Stout provided the public with an explanation of two resolutions proposed for adoption relating to personnel matters discussed in the executive session. The Vice-Chairman requested a motion on the two resolutions, which would authorize the Executive Director to take certain personnel actions forthwith. Commissioner Lubitz made a motion to adopt Resolution No. 2021-06 pertaining to the compensation of Colleen Christie Maloney, which motion was seconded by Commissioner Shoffner.

The Vice-Chairman 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	Yes

The motion carried.

Vic-Chairman Stout requested a motion to adopt Resolution No. 2021-07 pertaining to the compensation of John Hutchison. Commissioner Reiser moved to adopt the resolution, which motion was seconded by Commissioner Palmer.

The Vice-Chairman 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	Yes

The motion carried.

Vice-Chairman Stout noted that the human resource issues addressed in the resolutions had been pending for a number of years, and that he wished to commend the DEP for their willingness to work

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with the Commission to resolve these topics in an open and collaborative manner. He specifically requested that Deputy Director Madden convey the Commission's thanks to the leadership of the department.

**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 Reiser. Vice-Chairman Stout called for a vote on the motion to adjourn, which was unanimously approved by voice vote.

The meeting adjourned at 11: 43 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", written in a cursive style. The signature is positioned above a horizontal line.

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John Hutchison, Secretary