



**December 15, 2021 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: December 15, 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 Chris Shoffner; Commissioner Phillip Lubitz; and Commissioner John Reiser; 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: Bob Barth, D&R Canal Watch; Linda Barth, D&R Canal Watch; Robert von Zumbusch, Delaware and Raritan Canal Commission Master Plan Advisory Committee; Patricia Kalleser, Superintendent, Delaware and Raritan Canal State Park; Michael Sellar, New Jersey Water Supply Authority (NJWSA); Wayne Petko; Christopher Quinn; John Honsberger; Rich Mongelli; Tory Bingaman, Colliers Engineering; John Wisniewski; Charles Martin; Rebecca Rivera; Jason Sewald.

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

Director Hutchison stated that a quorum was present.

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

Confirmation of January 19, 2022, Meeting Date

Vice-Chairman Stout stated that the next Commission meeting would be held on January 19, 2022. Commissioner Lubitz stated he would not be available on that date.

Confirmation of 2022 Commission Meeting Dates

Vice-Chairman Stout stated that the Commissioners had received a copy of the proposed 2022 schedule of Commission meeting dates and asked if any Commissioner had any comments or proposed changes. There were no comments or proposed alterations; the schedule of dates was adopted unanimously.

Minutes

Vice-Chairman Stout inquired if Commissioners wished to offer comments on the November 17, 2021, meeting minutes. Hearing none, the Vice-Chairman called for a motion to approve the minutes. 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.

Review Zone Projects

Zone A Projects

18-1993A	Calvary Community Church -- Addition/Parking Expansion (Franklin Township)
21-2852C	60 Cottontail Lane -- AT&T Site W-828 Equipment Installation (Franklin Township)
20-5425A	7 Delevan Street -- Proposed Townhouses (Lambertville City)

Vice-Chairman Stout inquired if any Commissioner wished to consider any of the three listed Zone A projects separately. Hearing no comment, he requested a motion on the Review Zone A projects.

Commissioner Lubitz moved to approve the projects, which was seconded by Commissioner Shoffner. Vice-Chairman Stout asked for comment on the Zone A projects 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	Absent

The motion was approved.

Zone B Projects

20-2639A	Nongshim Holdings USA, Inc. -- Warehouse Expansion (South Brunswick Township)
20-5554	HSC West Windsor -- Proposed Commercial Development (West Windsor Township)

Vice-Chairman Stout inquired if any Commissioner wished to consider any of the listed Zone B projects separately. Hearing no comment, he requested a motion on the Review Zone B projects. Commissioner Lubitz moved to approve the projects, which was seconded by Deputy Director Madden. Vice-Chairman Stout asked for comment on the Zone B projects 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	Absent

The motion was approved.

Executive Director's Report

Director Hutchison stated that in addition to the 5 projects listed on the agenda, the staff issued 17 deficient staff reports, 3 jurisdictional determinations, 8 certificates of approval, 5 general permits, and 1 enforcement letter regarding a fence that was erected on Lambert Lane in the City of Lambertville without Commission approval.

In addition to preparing the above documents, staff organized and conducted 11 pre-application meetings for proposed projects. As of December 14, the Director noted that were 19 active projects undergoing staff review.

Director Hutchison reported that fee deposits for the month totaled \$48,200. Deposits for Fiscal Year 2022, which began on July 1, 2021, totaled \$289,601. He reported that the Commission remained on track to meet or exceed its anticipated annual appropriation of \$450,000.

Director Hutchison reported that one of the mitigation projects related to the PSE&G Roseland to Pleasant Valley electric transmission tower replacement project (DRCC #20-5560) had been successfully completed. Contractors retained by Public Service Electric and Gas Company (PSE&G) repaired the ADA-accessible ramp at the Delaware and Raritan Canal State Park restroom facility near the Lambertville boat launch that was damaged by a vehicle strike in 2017. In addition to the much-needed repairs, new bollards were installed to prevent future collisions.

The Director reported that contractors for PSE&G had also begun work on the mitigation project to improve the public access area at Moore's Station, which is located along the southbound lane of N.J. State Highway Route No. 29 (Route 29) in Hopewell Township. The public access area, which is used by fishermen and others, was in a state of serious disrepair first documented in the Commission 2003 Development Plan. The mitigation project would create a well-defined parking area with a new ADA-accessible parking space, along with designated entrance and exit points. The mitigation project also complies with the recommendations in the 2006 edition of the Delaware River Scenic Byway Management Plan (<https://www.state.nj.us/transportation/community/scenic/pdf/drsbcmp.pdf>). The Director noted that the plan states that improper or inadequate vegetation management along the roadway can negatively impact visual quality and can increase the prevalence of invasive species, which in turn displaces the native flora and fauna. The plan specifically recommended the removal of trees – both live and dead – from Route 29 that pose a collision hazard or threat from dropping or falling into the highway right-of-way.

In addition, the Director reported that a significant number of standing dead and dying Ash trees and overgrowth consisting mostly of Poison Ivy (*Toxicodendron radicans*) and Virginia Creeper (*Parthenocissus quinquefolia*) were removed and replaced with native dogwood and apple serviceberry trees. The new plantings will not grow to a height that would hinder the existing public utility lines and would create an environmentally sensitive and visually appealing area of the park. The Director offered his thanks to the park service staff, especially Park Naturalist Stephanie Fox, for assisting PSE&G with the species selection and for making two inspection trips to the area to ensure that a rare plant, commonly known as the Buttonbush dodder (*Cuscuta cephalanthi*), was not present at the site.

Director Hutchison reported that, on November 10, he accompanied Erica Vavrence and Darlene Yuhas on a second trip out to photograph the main portion of the canal as part of the Commission's effort to amass a library of digital images to use in various Commission documents, including annual reports, and on the Commission website. Several stops were made in Lawrence, Princeton and Kingston to capture images of historic structures, the infrastructure of the water transmission complex and the park's natural surroundings. It was a particularly successful photo shoot, and the afternoon also provided excellent opportunities for staff to learn more about the canal and its history.

Director Hutchison reported that, on December 1, the DEP State Historic Preservation Office (SHPO) approved the analysis of the existing foundation mortar pointing of the Commission office building. The analysis noted that the current pointing was of high cement content, which is prone to shrinkage and

cracking, and that in areas where it is failing, the historic pointing was visible. The solution proposed will comply with the Secretary of Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* by using a new pointing material that will match the color and design of the existing historic pointing, and match the elasticity, strength and the aggregate type of the historic pointing. With SHPO approval obtained, the Director expressed hope that the DEP Office of Resource Development (ORD) would be able to bid the project and commence repairs in the spring.

Director Hutchison reported that, on December 12, Custom Cooling rendered emergency repairs to one of the two furnaces at the Commission office. They replaced an inducer motor and pressure switch, which cost \$843. The Director was advised that the purpose of an inducer motor is to move air and gases out of the furnace and up through the heating vents, which in turn determines how much and how fast air will flow through the heat exchanger. They have recommended replacing the furnace, which was installed in 2002 and has reached the end of its useful life. The Director contacted DEP ORD to discuss next steps and to secure three bids from qualified State vendors.

Commissioner Lubitz commented on the success of the tree planting along Route 29 in the vicinity of Trap Rock Quarry.

Vice-Chairman Stout and Director Hutchison discussed the mortar content to be used for the repointing of the Commission office foundation. The Director noted that that proposed mortar consists of Portland cement and the addition of an aggregate, which in this case, was sand.

Vice-Chairman Stout inquired as to how Commission staff became aware of an unpermitted fence in Lambertville. The Director stated that nearby residents alerted staff to the erection of the fence and that, in this case, the unpermitted construction appears to be an inadvertent error on the part of the property owner based upon incomplete information from the City of Lambertville.

Park Superintendent's Report

Superintendent Kalleser reported on the completion of the restroom ADA ramp in Lambertville, which had been repeatedly struck by vehicles. She noted the installation of protective bollards would prevent such damage in the future.

The Superintendent reported that, with respect to the tree removal and replanting project being undertaken by PSE&G in the vicinity of the Moore's Station public access area, PSE&G had obtained an executed right-of-entry agreement from the DEP Office of Leases and Concessions, which would allow them to mobilize on the site in the near future. She noted that the mitigation project would greatly improve the entrance and exit of the parking lot and would provide defined parking spaces and a smooth surface for park patrons using the area.

The Superintendent reported that the East Millstone Bridgetender's Station structure had been removed in its entirety from the site by the contractor for work during the winter months. When work on the project commenced, it was determined that additional repairs would be needed to successfully complete the project, and that the contractor was working closely with the SHPO to rebuild the structure with new framing and to salvage any usable original siding and interior woodwork.

The Superintendent stated that she expected reconstruction of the entrance driveway at Prallsville Mills to commence by the end of January.

The Superintendent reported that DEP Office of Resource Development (ORD) and Park Service staff met with an engineering firm to discuss possible solutions to repairing or replacing the bridge over the Alexauken Creek in Lambertville that was damaged during Tropical Storm Ida. She stated that she would provide additional information at future Commission meetings.

The Superintendent reported that Park Service staff met with the New Jersey Department of Transportation (NJDOT) and nearby municipalities to discuss tree replanting along the Bulls Island Inlet Trail in Delaware and Kingwood Townships. She noted that progress had been made and that she hoped planting would commence in the spring of 2022.

Superintendent Kalleser thanked D&R Canal Watch for organizing trash removal days along the canal, for their assistance in securing the roof of the Griggstown Bridgetender's Station and for removing debris near the Demott Lane Bridge in Franklin Township.

The Superintendent stated that the public lot in the City of Lambertville near the Lambertville Station restaurant would be closed on January 19 and 20 to permit a contractor to maneuver a crane on-site to remove trees felled during Tropical Storm Ida.

Vice-Chairman Stout inquired if there was an update on the closure and repairs of the former railroad trestle bridge that forms part of the park multiuse trail at the Prallsville Mills campus. Superintendent Kalleser stated that while there were ongoing consultations between NJDOT and DEP ORD, she currently had nothing to report.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that mitigation tree planting for the maintenance dredging project for the main portion of the Delaware and Raritan Canal had been completed, and a minor "punch list" of items remained to be completed.

Mr. Sellar reported that designs for the project to restore the Six-Mile Run Culvert in Franklin Township, Somerset County, were submitted to the SHPO for conceptual approval, and the project would subsequently be submitted to the Commission and the DEP Division of Land Resource Protection for their respective approvals.

Mr. Sellar reported that dredging of accumulated sediment in the feeder canal displaced by Tropical Storm Ida was completed at the Lockatong Creek, that sediment at culverts in the vicinity of Belle Mountain would be addressed, and that NJWSA staff would mobilize to remove debris from the canal at the culvert in Lambertville adjacent to the Laceworks building in approximately two to three months.

Mr. Sellar offered an update on the canal embankment repair project in Stockton. He reported that the NJWSA would address the Stockton canal embankment in two phases. Phase 1, which might be considered a "cosmetic" phase, would remove the tarps and vegetate the canal side of the embankment,

leveling the top of embankment, and restore the stonework on the river side. He stated that permits would be obtained this winter with the hope of starting in the spring of 2022. Phase 2 would be the structural repair and improvements of the embankment, the alternatives of which are being researched by the NJWSA. In addition, the NJWSA met with the New Jersey Office of Emergency Management (OEM) mitigation staff to discuss the Stockton repairs. He reported that the NJWSA would proceed with the OEM mitigation program to fund the repairs of the embankment.

Old Business

No old business.

New Business

Proposed approval of Commission Resolution No. 2021-08, approving the transfer of an amount not to exceed \$30,000 from the Commission to the Division of Parks and Forestry of the monies deposited in Commission mitigation account #4875-031 related to project DRCC #07-3548, which authorized the New Jersey Turnpike Widening Interchanges 6-9 project approved on April 23, 2009.

Vice-Chairman Stout requested that Director Hutchison describe the proposed resolution and provide some background information on the mitigation account. Director Hutchison noted that the monies presently deposited in the account were accepted by the Commission as an “endowment” to help defray the costs associated with the inspection of the stream corridor easements created by the N.J. Turnpike widening Exit 6-9 project. The Director noted that a review of the Commission’s files indicated that the inspections were proposed to begin after the project’s approval and continue monthly for a period of five years thereafter. The Director noted that stream corridor inspections for all projects were suspended in 2010 when the staff member performing that task was transferred in anticipation of the abolition of the Commission. The Director noted that the five-year inspection period envisioned when the endowment was accepted had expired in 2014, and that it was unlikely that stream corridor inspections would resume any time soon given the Commission’s staffing constraints. Additionally, the Director observed that the perfection of the conservation easement documents related to the project continues as a day-to-day responsibility of the Commission staff in consultation with the N.J. Turnpike Authority’s attorneys irrespective of the monies deposited in the account.

Finally, the Mr. Hutchison noted that when he was appointed Director, he became aware that several mitigation-related accounts, into which relatively modest amounts had been deposited, existed within the Commission’s budget. The Director stated that he has made it a priority during his tenure to put these monies to productive uses within the Delaware and Raritan Canal State Park, and that his collaboration with Superintendent Kalleser has resulted in the funding of Commission-financed projects to install the new septic system at the Port Mercer Canal House, restore the 22/22 mile marker in Rocky Hill, and repair the East Millstone Bridgetender’s Station. The Director stated his belief that the proposed resolution was in accordance with this objective.

The Director stated that it was his opinion and recommendation to the Commission that the monies remaining in the account, except for approximately \$2,000 to be used to purchase a tablet device for stream corridor and other project site inspections, be transferred to the Division of Parks and Forestry for the completion of the reforestation project at Bull’s Island Recreation Area, which has been a long-standing priority with the Commission. The Director noted that the DEP Office of Management and

Budget approves of the transfer, but that in the interest of transparency, the Director and the impacted DEP staff would like the Commission to ratify this recommendation through the adoption of the proposed resolution.

Vice-Chairman Stout asked the Commission for comments. Commissioner Lubitz made a motion to approve the proposed resolution as drafted. Commissioner Reiser seconded the motion.

Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, Vice-Chairman Stout asked for comment from the public. Hearing none, the Vice-Chairman stated that he considered the idea of using mitigation monies for the reforestation of the northern section of Bulls Island to be a laudable project, and that he was pleased that the Commission could assist in a modest way.

Mr. von Zumbusch stated that he supported the resolution and that he believed it was a good idea to “clean up” monies remaining in the Commission’s old mitigation accounts.

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	Absent
Commissioner Palmer	Absent

The Director stated that the resolution could be adopted upon the affirmative vote of the Commission; however, Deputy Attorney General Kane noted that Commissioner Shoffner’s non-response to the roll call suggested the absence of a quorum. Director Hutchison determined that Commissioner Shoffner had been unable to participate in the roll call due to technical difficulties involving the online meeting platform. Commission staff consequently contacted Commissioner Shoffner via telephone and made her available through the speaker system, whereby she could hear the proceedings and be heard by the Commissioner and the public. Commissioner Shoffner then affirmatively stated her vote in favor of the resolution.

Therefore, the vote on the motion was as follows:

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

Vice-Chairman Stout asked if there were any other items of new business.

Public Comment

December 15, 2021

Noting that no one proposed any new business for consideration, Vice-Chairman Stout opened the floor to public comment. There were no public comments.

Written Public Comments

None.

Adjournment

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

The meeting adjourned at 10.40 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", written over a horizontal line.

John Hutchison, Secretary