



**January 27, 2023 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: January 27, 2023
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission office. Robin Madden, designee for Commissioner of Environmental Protection Shawn LaTourette; Commissioner Douglas Palmer; Commissioner John Reiser; and Commissioner Caryl “Chris” Shoffner participated via online platform and teleconference.

STAFF: Executive Director John Hutchison, Review Zone Officer Colleen Maloney, and Deputy Attorney General Jordan Viana were present in the Commission office. Commission Engineer Joseph Ruggeri, Communications Director Darlene Yuhas and Executive Assistant Erica Vavrence participated via online platform.

GUESTS: Patricia Kallessen, Superintendent, Delaware and Raritan Canal State Park; Darin Shaffer, Chief Engineer, New Jersey Water Supply Authority (NJWSA); Michael Sellar, Facilities Manager, NJWSA; Christopher DeGrezia; Robert von Zumbusch, President, Kingston Historical Society; Jay Kruse; Emily R. Goldman, Princeton University; David Fultz; Robert Barth, Canal Watch; Alex Chotalal; Thomas O’ Shea, Van Note-Harvey Associates; Russ Smith; Aaron G. Feldman; John Peck; Rikki Massand.

Since Commission members were participating in person and 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
Commissioner Designee Madden	Present
Commissioner Reiser	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Present
Commissioner Palmer	Absent

January 27, 2023

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 February 15, 2023, Meeting Date

Vice-Chairman Stout stated that the next Commission meeting would be held on February 15, 2023, and urged any member who would not be able to attend to promptly notify the staff. Commissioner Lubitz stated that he would be unable to attend the February Commission meeting.

Election of Commission Officers

Vice-Chairman Stout stated that the Commission Bylaws direct that the Commission reorganize at the January meeting and elect officers for the calendar year. Vice-Chairman Stout asked Director Hutchison in his role as Commission Secretary to conduct the annual election of officers. The Director requested nominations for the position of Treasurer of the Commission. Commissioner Shoffner nominated Commissioner Lubitz for position of Treasurer. Commissioner Designee Madden seconded the motion. The Director requested further nominations from the Commission. Hearing none, he called the roll:

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

The motion carried.

Executive Director Hutchison noted for the record that Commissioner Palmer joined the meeting at 10:04 a.m.

Director Hutchison requested nominations for the position of Vice-Chairman. Commissioner Lubitz nominated Commissioner Stout, and Commissioner Palmer seconded the motion. The Director requested further nominations for the position of Vice-Chairman. Hearing none, he called the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes

January 27, 2023

Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion carried.

Minutes

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the December 21, 2022, meeting minutes. No comments or corrections were proposed. Commissioner Lubitz moved to adopt the minutes, which motion was seconded by Commissioner Palmer.

Vice-Chairman Stout asked Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The minutes were approved.

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the December 21, 2022, executive session meeting minutes. No comments or corrections were proposed. Commissioner Lubitz moved to adopt the minutes, which motion was seconded by Commissioner Palmer.

Vice-Chairman Stout asked Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The executive session minutes were approved.

Review Zone Actions

Zone B Projects

- #22-1771B 50 Atrium Drive -- Warehouse Addition (Franklin Township)
- #21-2441EE Princeton University -- 185 Nassau Street Landscaping and Site Improvements (Municipality of Princeton)
- #22-2441XX Princeton University -- Butler Interim Dining Pavilion (Municipality of Princeton)
- #19-5430 The Place at East Windsor -- Proposed Apartment Buildings (East Windsor Township)

January 27, 2023

- #21-5635A J.V.B. Wicoff Elementary School -- Phase 2 Additions and Renovations (Plainsboro Township)
- #22-5770A 63 South Middlebush Road -- Proposed Residence (Franklin Township)
- #21-5783 2001 Old Trenton Road -- Proposed Age-Restricted Development (West Windsor Township)
- #22-5944 Union Transportation Trail Extension (East Windsor Township)

Vice-Chairman Stout asked if any Commissioner wished to consider the Zone B projects separately. Commissioner Palmer indicated that he would recuse himself from the consideration of DRCC #19-5430 The Place at East Windsor -- Proposed Apartment Buildings and requested that the project be considered separately from the balance of the list. Vice-Chairman Stout asked for a motion to approve the seven Zone B projects, with the exception of DRCC #19-5430. Commissioner Lubitz made a motion to approve the projects, including the condition recommended by staff. The motion was seconded by Commissioner Reiser.

Vice-Chairman Stout asked if any Commissioner had comments on the Zone B projects. Commissioner Lubitz noted that the case of project DRCC #22-1771B 50 Atrium Drive -- Warehouse Addition raised a significant question with respect to the maintenance of stormwater infrastructure. He observed that while the Commission easements run with the deed of a project property, they did not address the situation where the owner fails to maintain the existing stormwater basin or other device due to the property no longer being in active use. While it was important that the Commission staff recommend conditions on project approvals that ensure that stormwater management devices be restored properly maintained working condition, Commissioner Lubitz was concerned that the required Commission operation and maintenance manuals submitted with project applications do not include provisions that address what occurs if the project site is abandoned.

Vice-Chairman Stout noted that this was an important topic to consider as part of the Commission Master Plan revision.

Vice-Chairman Stout asked if any member of the public had comments on the seven Zone B projects. Hearing none, he instructed Director Hutchison to call the roll:

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved unanimously.

Commissioner Palmer left the meeting at 10:15 a.m.

Vice-Chairman Stout asked for a motion to approve project #19-5430 The Place at East Windsor -- Proposed Apartment Buildings. Commissioner Reiser made a motion to approve the project, which was

January 27, 2023

seconded by Commissioner Lubitz.

Vice-Chairman Stout	Yes
Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Abstain

The motion was approved.

Commissioner Palmer rejoined the meeting at 10:20 a.m.

Executive Director’s Report

Executive Director Hutchison reported on the Commission staff workload for the period encompassing December 20, 2022, to January 26, 2023. In addition to the 8 projects listed on the meeting agenda, the staff issued 18 deficient staff reports, 7 jurisdictional determinations, 9 certificates of approval, and 4 general permits issued.

Mr. Hutchison noted that despite the holiday season, staff organized and conducted six pre-application meetings related to proposed projects and conducted one site inspection in response to a complaint about the condition of the multiuse trail in West Windsor Township, Mercer County.

The Director reported that as of January 26, there were 28 active projects undergoing staff review, and that the number of jurisdictional determination requests pointed to a potentially busy spring.

The Director reported that fee collections for the preceding month totaled \$56,050, which was less than the \$68,750 collected in January 2022, but more than the \$47,150 collected in 2021. Fee collections for Fiscal Year 2023 totaled \$311,902.72, which compared favorably to the \$358,351 collected by this time last year. Therefore, Mr. Hutchison observed that with 50% of fiscal year concluded, the Commission had collected 48% of its anticipated annual appropriation amount.

With respect to significant events and meetings, the Director reported that on January 12, he and Darlene Yuhas and met with Steven Jacobus, the Section Chief of the DEP DOIT Geographic Info Systems Unit. Mr. Jacobus is the program manager and Chief Pilot responsible overseeing the integration and development of small, unmanned aircraft systems (i.e., drones) into the workflow of the DEP. The Director noted that the only aerial film footage of the Delaware and Raritan Canal in the possession of the Commission was taken from a fixed wing aircraft circa 1974; so, the Commission does not possess modern images or video of the canal in its present condition.

The Director stated his belief that benefits of taking drone video footage of the canal were both numerous and wide-ranging. Drone footage would assist with the implementation of the Commission land use regulatory program. It would also support the Master Plan revision project, since many of the most important and interesting engineering elements of the canal, such as the stone armoring along the

January 27, 2023

Delaware River and the spillway in New Brunswick, can only be appreciated by boat, or are inaccessible to the public.

He noted that the taking of drone footage will accurately document the location and record the condition of the historic resources of the canal, such as the bridges, bridge and locktender houses and other structures, which may prove critical in the event that they are damaged or destroyed.

Mr. Hutchison also noted that it had been pointed out to him that a drone can be used to document the various “infalls” -- the culverts, headwalls, and pipes which drain into the canal. This information can then be plotted as a GIS layer and mapped on the same GIS-based program the Commission staff was creating for the Commission’s project file database. The Director stated that mapping this information would benefit both the Commission and DEP staff as well as the regulated community. Ken Klipstein of the NJWSA volunteered to help the Commission staff to move this process forward with Mr. Jacobus.

With regard to the ongoing project that Commission staffer Erica Vavrence was working on to create a new Commission GIS-based project database, the Director reported that the DEP GIS Team had a database meeting to set the parameters the project, including a review of the data categories used in the old MS Access database. Mrs. Vavrence also completed the Intro to GIS and GIS Advanced Pro courses, and in March she would be attending a GIS Mapping course. She has been manually adding project data by county/municipality for new incoming projects and will meet with the GIS Team to learn how to input bulk data to the new database. This would ultimately result in a database where projects can be mapped as a layer, project files can be linked to projects, and Commission stream corridors and easements can be mapped as a separate GIS layer.

With respect to the Master Plan update process, the Director reported that he, Colleen Maloney and Darlene Yuhas met internally to begin work on the NJ Historic Trust standard grant award packet, which must be submitted to the Trust no later than March 31, 2023. One of the required documents is a resolution from the Commission authorizing the Director to execute a grant agreement for the amount awarded for the proposed project, which the Director informed the Commissioners he would present for their approval at the February 15 meeting.

The Director noted that among the general permits he issued in January was the modification to the GP-1 for Port Mercer Canal House in Lawrence Township, Mercer County. He noted that the permit had been modified to tie the house into the Ewing-Lawrence Sewerage Authority system, rather than construct a mounded septic system at the site.

Finally, the Director was pleased to report that the legislation appropriating the \$550,000 New Jersey Historic Trust Grant for the revision of the Commission Master Plan was passed by both Houses of the Legislature and signed into law by Governor Murphy on December 22, 2022 as P.L. 2022, c. 136 (<https://pub.njleg.state.nj.us/Bills/2022/AL22/136 .PDF>).

Park Superintendent’s Report

Superintendent Kallesser reported that, on January 18, there was a kick-off meeting for the Rockingham exterior refurbishment capital project. The project is being undertaken in anticipation of the semi-quincentennial of the American Revolution and is intended to be completed by July 2023.

January 27, 2023

Superintendent Kalleser reported on the success of the “First Day” hikes, held in the Delaware and Raritan Canal State Park at the Mapleton Preserve, the City of Trenton and Delaware and Hamilton townships on January 1, 2023. She noted the attendance and assistance offered by the New Jersey Watershed Ambassadors program, DEP staff, and friends’ groups. The hiking events were both well-received and well-attended.

The Superintendent reported that the foot bridge which conveys the park multiuse trail over the Alexauken Creek at the aqueduct in the City of Lambertville was reopened to the public on January 25, 2023.

The Superintendent reported that the T-wall elements needed for the repair of the former railroad trestle that conveys the multiuse trail over the Wickecheoke Creek at the Prallsville Mills were being fabricated offsite, and that while the repair schedule was dependent on the weather, it was hoped that the project could be completed in late May or early June of 2023.

Superintendent Kalleser reported that the removal of dead and dying Ash trees infested by emerald ash borer was proceeding within the park, that a section from N.J. State Highway Route No. 27 northward to Somerset County Route No. 518 (Georgetown-Franklin Turnpike) along the main canal was completed, and that a section from Route 518 north to Griggstown area would be addressed thereafter.

New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported that the Landing Lane Spillway repair project located on the left bank of the canal in the City of New Brunswick, which began in mid-November, was ongoing. The Landing Lane Spillway is part of the canal’s flood control system and consists of a stone masonry structure that discharges into the Raritan River. The Landing Lane Spillway is part of the original fabric of historic appurtenant structures along the canal and dates to its original construction.

Mr. Sellar informed the Commission that the Six Mile Run culvert repair on Canal Road in Franklin Township would be bid during the first quarter of 2023, and that NJWSA expected construction would take place in the second half of the 2023 year. The project would include partial road closures, excavation of the culvert, and backfilling with a low-strength concrete over the pipe.

Mr. Sellar reported that design for the western canal embankment repair project in Stockton Borough was nearing completion, and that a request for bids for the project would be sent out in a few months.

Mr. Sellar said that the design of the proposed upper embankment repair project located from Bulls Island Recreation Area south to Prallsville Mills in Stockton Borough would be completed shortly, and that a request for bids and associated permitting would take place in approximately one year.

Mr. Sellar reported that the work for the NJWSA sluice gate replacement project, which would replace 11 gates located at four canal locks, would be awarded in April.

January 27, 2023

Commissioner Designee Madden	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion was approved unanimously.

Public Comment

Vice-Chairman Stout asked for public comment.

Mr. Massand congratulated Vice-Chairman Stout on his reelection as Vice-Chairman of the Commission. He stated that the Commission is on a positive track with the Master Plan grant award from the New Jersey Historic Trust. He offered copies of *The Montgomery News*, which contained an article on the “Fix our Parks” campaign. He commended both Linda and Robert Barth for their efforts to promote awareness of the need to maintain State park facilities.

Written Public Comments

None.

Adjournment

There being no other business, Vice-Chairman Stout entertained a motion to adjourn. Commissioner Lubitz made a motion to adjourn the meeting, which 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 10:40 a.m.

Respectfully submitted,



John Hutchison, Secretary