



**November 29, 2023 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: November 29, 2023
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Commissioner Phillip Lubitz attended the meeting in the Commission office. Mark Texel, designee for Commissioner of Environmental Protection Shawn LaTourette; Commissioner Douglas Palmer; Commissioner John Reiser; and Commissioner Chris Shoffner participated via online platform and teleconference.

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

GUESTS: Linda Barth, D&R Canal Watch; Bob Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Melinda Montgomery, Trenton-Mercer Airport; Frank Rodriguez; Lauren Rojewski, Superintendent, Delaware and Raritan Canal State Park; James Purcell, Municipality of Princeton; Anthony R. Todaro; and Justin Heidig.

Commissioner Lubitz 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.

Commissioner Lubitz 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.

Since Commission members were participating in person and via telephonic device pursuant to Article III, Section 4 of the Commission Bylaws, Commissioner Lubitz directed the Executive Director to call the roll:

November 29, 2023

Vice-Chairman Stout	Absent
Commissioner Designee Texel	Present
Commissioner Reiser	Present
Commissioner Lubitz	Present
Commissioner Shoffner	Present
Commissioner Palmer	Present

Director Hutchison stated that a quorum was present.

Pursuant to provisions of Article II, Section 3 of the Commission's Bylaws, Commissioner Lubitz chaired the meeting in the absence of Vice-Chairman Stout.

Administrative Items

Confirmation of December 20, 2023, Meeting Date

Commissioner Lubitz stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for December 20, 2023.

Minutes

Approval of the Minutes of the October 18, 2023, Commission Meeting

Commissioner Lubitz inquired if any of the Commissioners wished to propose comments or corrections to the October 18, 2023, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Reiser made a motion to adopt the minutes as proposed, which was seconded by Commissioner Shoffner.

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

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

The minutes were approved.

Review Zone Actions

Zone A Projects

#23-3621A 18 North Union Street -- Alterations (Lambertville City)

Commissioner Lubitz asked for a motion on the project. Commissioner Designee Texel moved to approve the project, which motion was seconded by Commissioner Reiser. Commissioner Lubitz asked for comment from the Commissioners. Hearing none, he asked if the public had comments. Hearing none, Commissioner Lubitz directed Director Hutchison to call the roll:

Vice-Chairman Stout	Absent
---------------------	--------

November 29, 2023

Commissioner Designee Texel	Yes
Commissioner Reiser	Yes
Commissioner Lubitz	Yes
Commissioner Shoffner	Yes
Commissioner Palmer	Yes

The motion carried.

Zone B Projects

#22-2308J	Trenton-Mercer Airport -- Aircraft Rescue and Fire Fighting Building (Ewing Township)
#23-4384C	370 Scotch Road -- Warehouse (Ewing Township)
#21-5810	187 Davidson Avenue -- Proposed Warehouse (Franklin Township)
#22-5908	Millstone Road and N.J. Route 33 -- Warehouse Facility (Millstone Township)
#22-5929	Mount Lucas Road Reconstruction -- East Stuart Road to Poor Farm Road (Municipality of Princeton)

Commissioner Lubitz asked if any Commissioner wished to consider any Zone B project separately. Hearing none, Commissioner Lubitz requested a motion on the Zone B projects. Commissioner Reiser made a motion to approve the five Zone B projects, which was seconded by Commissioner Palmer. Commissioner Lubitz asked for comment from the Commissioners. Hearing none, he asked if the public had any comments. Hearing none, Commissioner Lubitz directed Director Hutchison to call the roll on the Zone B projects.

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

The motion was approved.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing October 18, 2023, to November 28, 2023. In addition to the six projects listed on the meeting notice, staff issued 24 deficient staff reports, 10 jurisdictional determinations, 4 certificates of approval, and 7 general permits. In addition to those matters, staff organized and conducted 11 pre-application meetings related to proposed and pending projects. As of November 28, 2023, there were 22 projects undergoing staff review.

Director Hutchison stated that fee collections totaled \$23,600 for the month. He stated that this was less than the \$34,800 collected in November 2022 and the \$65,975 collected in November 2021. With five months of the fiscal year completed, the Commission had collected \$149,375 of the \$650,000 anticipated appropriation. Since this would entail collecting slightly more than \$71,000 per month

November 29, 2023

between now and June 30, 2024, it was, in the estimation of the Director, unlikely that fee revenues would meet the anticipated appropriation amount.

Director Hutchison stated that the Commission had engaged two temporary employee candidates from the local area who would work on a part-time basis scanning the Commission's documents using the new Ricoh large document scanner that was acquired last month. Director Hutchison stated his intention to vigorously attack the accumulated files and preserve them in electronic format in the coming months.

Director Hutchison reported that, on October 30, he and Darlene Yuhas met with Bill White of the DEP Office of Resource Development (ORD) regarding the Commission Master Plan update. He stated that Mr. White volunteered his expertise in the development and preparation of RFP documents to the Commission so that it could prepare the most concise document outlining what the Commission would need from any potential bidder interested in undertaking the Master Plan update project.

Park Superintendent's Report

Superintendent Rojewski reported that the ORD continues to work with the Department of Transportation (NJDOT) to further investigate the sinkhole found behind the grist mill adjacent to Wickecheoke Creek at the Prallsville Mills. ORD and NJDOT will investigate the cause of the sinkhole, identify compromised subsurface utility and infrastructure, and initiate emergency repairs. She stated she would provide additional information as available.

Superintendent Rojewski reported on another sinkhole discovered in July 2023 by a homeowner at Easton Avenue in South Bound Brook Borough, Somerset County, adjacent to the Delaware and Raritan Canal State Park and the canal. Following assessment of the site conducted by the NJWSA and the State Park Service, it was determined that the collapsed pipe, which caused the sinkhole, was not State infrastructure. South Bound Brook Borough subsequently determined it was not municipal infrastructure, and it was likely that the pipe was a drainage feature installed by a property owner without the required permitting. She stated that infrastructure repair and backfill activities were completed in November by the State Park Service and ORD, with support from NJDOT.

Superintendent Rojewski reported that the Griggstown Locktender's House and Visitor Center was winterized by park maintenance staff on November 17, 2023.

Superintendent Rojewski reported that park staff were engaged in preparation for the upcoming winter season, including snow plowing equipment checks and purchasing equipment and materials as needed.

Superintendent Rojewski reported that Transco Pipeline recently notified the Park Service that it has begun excavation work to access the pipeline/install infrastructure upgrade in an easement on Delaware and Raritan Canal State Park property in Ewing Township. No closures or impacts to the multiuse trail are expected at this time; however, the Superintendent stated that construction equipment was being staged in areas adjacent to the trail. It was anticipated that the project would be completed by the end of December. The Superintendent reported that all permitting, including securing a right-of-entry agreement, was completed by the easement holder.

November 29, 2023

Superintendent Rojewski reported that Park Service staff were visited by the WPIX-11 television news team and DEP Commissioner Shawn LaTourette as part of a news segment highlighting the Delaware and Raritan Canal State Park as one of New Jersey's most visited State parks, in addition to being a treasured historical resource. Park Historian Vicki Chirco delivered an interview highlighting the rich history of the canal. The Superintendent stated that she would share a [link](#) to a video of the segment.

New Jersey Water Supply Authority Report

Facilities Manager Michael Sellar was unable to attend the meeting, but provided a written report, which Commissioner Lubitz noted would be appended to the Commission meeting minutes.

Old Business

Commissioner Lubitz commented on the status of the NJDOT rockfall mitigation project proposed for N.J. State Highway Route No. 29 (Route 29) in Kingwood Township and Lambertville City/West Amwell Township. He stated that Congressman Thomas H. Kean, Jr. visited the "Devils Tea Table" site. In addition, Kingwood residents met with Senator Shirley K. Turner and Assemblywoman Verlina Reynolds-Jackson of the 15th Legislative District on the project. Commissioner Lubitz noted that Senator Turner observed that the proposed rockfall mitigation site appeared to be "a solution in search of a problem." Commissioner Lubitz stated that both the Senator and the Assemblywoman expressed support for the citizens' actions to require a complete Environmental Impact Statement and full public participation regarding the project.

Commissioner Lubitz observed that, to date, the NJDOT had limited public participation in his municipality to a select few members of the township. He also noted that the project affects several municipalities in New Jersey and Pennsylvania. He stated that seven to nine municipalities have passed resolutions, as well as Hunterdon County, questioning the need for the proposed project and highlighting potential adverse environmental and historic impacts.

New Business

None.

Public Comment

Commissioner Lubitz asked if there were any comments from the public.

Mrs. Barth stated that on January 21, 2024, at 2 p.m., the East Millstone Historical Society would host its first event of 2024, a discussion about the Delaware and Raritan Canal, at the Millstone Valley Fire House. Mrs. Barth would be one of the presenters.

Mrs. Barth stated that the 2024 D&R Canal Watch calendar is available for purchase. The calendar features photographs from park users with proceeds going to the Delaware and Raritan Canal State Park. For more information and to order a calendar, she directed purchasers to the Canal Watch website at <https://www.canalwatch.org> or her email at barthlinda123@aol.com.

Mr. von Zumbusch stated that on December 3, 2023, the Kingston Historical Society would host its annual tree lighting at the Kingston Locktender's House, featuring the Kingston Women's Chorus. The event starts at 4:30 p.m. with the tree lighting at 5 p.m. For more information, he suggested interested

November 29, 2023

persons visit the Kingston Historical Society website at <https://www.khsnj.org/>

Written Public Comments

None.

Adjournment

There being no other business, Commissioner Lubitz entertained a motion to adjourn. Commissioner Designee Texel made a motion to adjourn, which was seconded by Commissioner Shoffner. Commissioner Lubitz called for a vote on the motion to adjourn, which was unanimously approved by a voice vote.

The meeting was adjourned at 10:17 a.m.

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



NEW JERSEY WATER SUPPLY AUTHORITY

DELAWARE & RARITAN CANAL OFFICE

770 BEAR TAVERN ROAD • EWING, N.J. 08628 • (609) 530-3999 • (609) 530-3577 (FAX)

Landing Lane Spillway:	
	<p>The Authority created a slight berm along the roadside of the spillway to help divert the run-off from Landing Lane to Canal & River.</p> <p>We also repaired the erosion rill on the spillway approach.</p> <p>The contractor is required to come back and perform vegetation maintenance in the spring.</p>
Rehab of the 6-Mile Run:	
	<p>Canal Road is closed while the work progresses on the repair of the 3 culverts.</p> <p>A port-a-dam is being installed this week along the roadside of the canal and should be in place for several weeks while the Contractor repairs the road/culverts.</p> <p>Repairs to the downstream headwall of the culvert will follow and temporary or short-term closures of the towpath are expected.</p>
Rehab of Western embankment (Stockton):	
	<p>Work upstream of Bridge St. is complete.</p> <p>Contractor's schedule to begin grading crest downstream of Bridge St. this week.</p> <p>Then he will address punchlist items, site restoration and then demobilize – anticipated time 4 weeks to complete.</p>
Sinkhole across from Ukrainian Church (Easton Ave)	
	Work completed and site restored November 16 th .
Bulls Island	
	Work to repair the lower roadway - dirt road from mouth of the Canal towards Lock – scheduled to begin this winter.
Workhouse spillway leak	
	Consulting engineer has had soil borings performed to determine bedrock and is now developing preliminary design.
General maintenance	
	<p>Finishing mowing of the canal embankment.</p> <p>Continuing debris and residual leaf/vegetation removal.</p> <p>Will begin "winter" maintenance items, e.g., tree removal and trimming</p>