



**January 17, 2024 Minutes of the Meeting
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.
DATE: January 17, 2024
PLACE: Prallsville Mills, Stockton, New Jersey

ATTENDING COMMISSIONERS:

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission office. Mark Texel, designee for Commissioner of Environmental Protection Shawn LaTourette; 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; Michael Sellar, Facilities Manager, New Jersey Water Supply Authority; Kelley O'Such, E&LP; Susan Bristol; Ashley Rohrbach; Rikki Massand; James Zembur; Sean MacLaurin; Anthony Gabriele, Royal Somerset; John Corak; Stephanie Fox, NJDEP Resource Interpretive Specialist; Daniel Reeves; Dr. Celestine Chukumba.

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.

Since Commission members were participating in person and via telephonic device pursuant to Article

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III, Section 4 of the Commission Bylaws, Vice-Chairman Stout directed the Executive Director to call the roll:

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

Director Hutchison stated that a quorum was present.

Administrative Items

Confirmation of February 21, 2024, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for February 21, 2024.

Annual Election of Commission Officers

Vice-Chairman Stout requested nominations for the Vice-Chair position. Commissioner Lubitz nominated Vice-Chairman Stout to serve as Vice-Chairman for the 2024 calendar year. Commissioner Shoffner seconded the motion. Vice-Chairman Stout called for further nominations. Hearing none, he asked Director Hutchison to call the roll:

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

The motion was approved. Vice-Chairman Stout stated he looked forward to working with the Commissioners during the coming year.

Vice-Chairman Stout asked for nominations for the Treasurer position. Vice-Chairman Stout nominated Commissioner Lubitz to serve as Treasurer for the 2024 calendar year. Commissioner Shoffner seconded the motion. Vice-Chairman Stout called for further nominations. Hearing none, he asked Director Hutchison to call the roll:

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

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The motion was approved. Commissioner Lubitz stated he looked forward to working with the Commissioners in the coming year.

Minutes

Approval of the Minutes of the December 20, 2023, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the December 20, 2023, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Shoffner made a motion to adopt the minutes as proposed, which was seconded by Commissioner Lubitz.

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

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

The minutes were approved.

Review Zone Actions

Zone A Projects

None.

Zone B Projects

| | |
|-----------|--|
| #18-3377A | Montgomery Promenade -- Retail/Residential Development (Montgomery Township) |
| #23-5821A | Paul Robeson Charter School (Trenton City/Ewing Township) |
| #22-5946 | 315 Davidson Avenue -- Driveway Access (Franklin Township) |
| #23-6011A | 311 Enterprise Drive -- Loading Dock (Plainsboro Township) |
| #23-6012A | 315 Enterprise Drive -- Loading Dock (Plainsboro Township) |

Vice-Chairman Stout inquired if any Commissioner preferred to review any of the Review Zone B projects separately. Hearing no such request, he asked for a motion on the Zone B projects. Commissioner Reiser made a motion to approve the projects, which was seconded by Commissioner Lubitz. Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, he asked if the public had comment. Hearing none, Vice-Chairman Stout directed Director Hutchison to call the roll:

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

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The motion carried.

Executive Director's Report

Director Hutchison reported on the Commission workload for the period encompassing December 20, 2023, to January 16, 2024. In addition to the five projects listed on the meeting notice, staff issued 10 deficient staff reports, 5 jurisdictional determinations, 5 certificates of approval, and 3 general permits. In addition to those matters, staff organized and conducted 7 pre-application meetings related to proposed and pending projects.

Director Hutchison reported that fee collections totaled \$37,700 for the month, which amount was relatively strong and better than the prior three months. He noted that with seven months of the fiscal year completed, the Commission had collected \$217,725 in application fees.

Director Hutchison reported that two temporary employees, Megan Black and Kylee Connor, had made impressive progress with the Commission project file scanning project. In slightly more than one month, they scanned the contents of 15 files boxes, which was more than the State contract vendor had managed to complete in all of 2023.

Director Hutchison reported that on December 28, 2023, Darlene Yuhas met with the Department of the Treasury Office of Information Technology (OIT) to discuss that agency's assistance in the preparation of an online version of the 2023 Commission Annual Report. She reported that the meeting was successful, and that OIT was enthusiastic about the project. He stated that the Commission was awaiting the receipt of a proposal for graphic design and IT assistance, and, unless this amount is prohibitively expensive, he would approve the procurement and proceed with the project.

Director Hutchison reported that, on January 10, 2024, he, Colleen Maloney, and Darlene Yuhas met with William White of the DEP Office of Resource Development (ORD) for a second meeting on producing a scope of work document that would be used for the request for proposals for the Commission Master Plan Revision procurement. The meeting helped staff better understand the procurement process. The Director noted that Mr. White's experience in dealing with complex ORD construction projects would benefit the Commission master plan process.

Director Hutchison stated he issued a general permit for a project from the Southeast Pennsylvania Transportation Authority (SEPTA) for in-kind repairs to the rail bridge that carries the West Trenton regional rail line over the Delaware and Raritan Canal in the vicinity of Lower Ferry Road in Ewing Township, Mercer County. He stated the bridge had a fascinating and unexpected history and expressed his gratitude to the Hagley Museum and Library in Wilmington Delaware, the Reading Company Technical & Historical Society, the New Jersey Division of Archives and Records Management, and Richard Hunter of Hunter Research, Inc., for providing access to historical records relating to the structure.

Director Hutchison stated that he requested the NJDEP Office of Information Technology provide additional microphone pods for the Commission conference room so that monthly meetings could be better heard by those Commissioners and members of the public who attend remotely.

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Finally, Director Hutchison expressed gratitude to Delaware and Raritan Canal State Park Superintendent Rojewski and the Bulls Island Recreation Area park maintenance staff for promptly snowplowing the access driveway and parking area on the Prallsville Mills campus following the recent winter storms.

Park Superintendent's Report

Commissioner Designee Texel reported that Superintendent Rojewski was unable to attend the meeting and provided the superintendent's written report as follows:

Superintendent Rojewski reported that following significant rain and storm events in December and January, State Park Service maintenance staff were in the process of evaluating damaged portions of the along the park multiuse trail, which will require backfilling and resurfacing.

Superintendent Rojewski reported that following the storm events in December, an additional, smaller sinkhole was identified within the park public access parking lot near the Kingston Lock. Following ORD's evaluation of the site, it was determined that State Park Service staff would fill the sinkhole.

Superintendent Rojewski reported on the status of the Borough of South Bound Brook's request to install a canoe/kayak launch within the Delaware and Raritan Canal State Park in the vicinity of Barber Boulevard south of the historic Abraham Staats House. She stated that internal discussions were ongoing within the DEP, and that she anticipated initiating conversations on the topic with borough officials in 2024.

Commissioner Lubitz reported that during recent storm events the boat ramp at Bulls Island Recreation Area was submerged by flood waters.

New Jersey Water Supply Authority Report

Mr. Sellar reported on the status of the rehabilitation project at the Six Mile Run culvert. He noted that the roadwork was largely complete, but the road remained closed for paving and striping work. He noted that after the roadwork was finished, the contractor would begin multiuse trail repairs and repairs to the headwall, which would entail temporary future multiuse trail closures. NJWSA would coordinate with State Park Service staff regarding the timing and duration of such closures.

Mr. Sellar reported that the project to replace 11 lock sluice gates in Somerset County, namely at Griggstown, 10-Mile Lock, South Bound Brook, and 5-Mile Lock, would begin in late spring of 2024.

Mr. Sellar reported that in October 2023, a leak was discovered at the so-called "Workhouse Spillway" located across N.J. State Highway Route No. 29 from the Mercer County Correctional Center in Hopewell Township. He noted that a temporary repair had been made. Work on a final repair project was subsequently put out to bid, and the contract would be awarded shortly, after which time work would begin.

Lastly, Mr. Sellar reported that NJWSA staff was busy with basic maintenance and cleanup activities related to the recent storm and flood events, including addressing embankment and scour damage near

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Alexander Road in the Municipality of Princeton and in the Borough of South Bound Brook between the Queen's Bridge, which conveys Main Street over the Raritan River southward to the concrete canal spillway located at Station 2698+14.29.

Old Business

None.

New Business

None.

Public Comment

Vice-Chairman Stout opened the floor to public comment.

Dr. Celestine Chukumba, a resident of 15 Locke Court in Ewing Township, Mercer County, stated his concern that stormwater and fallen tree debris had collected behind his house and that of his neighbors. He described the downed trees as creating a damming effect which prevented the runoff of stormwater. He wished to understand whether the issues were emanating from Delaware and Raritan Canal State Park property or related to the Delaware and Raritan Feeder Canal.

Vice-Chairman Stout stated that the maintenance of the Delaware and Raritan Canal State Park was the responsibility of the State Park Service, while maintenance related to the water transmission complex of the canal was the responsibility of the NJWSA. He stated that if Dr. Chukumba would share his contact information, Director Hutchison would refer it on to both the Park Superintendent and the canal Facility Manager at the NJWSA, who could further investigate his concerns.

Dr. Chukumba asked if there was a maintenance "schedule" for the park. Commissioner Designee Texel stated that on a holistic level, there was a maintenance schedule for the entirety of the 70-mile linear park. However, with limited staff and fiscal resources, State Park Service staff was often compelled to "triage" its maintenance work. He requested that Dr. Chukumba send a photograph and location details and the Park Superintendent, who would in turn dispatch staff to investigate the situation.

Susan Bristol was recognized and identified herself as a resident of the Borough of Rocky Hill. She noted that she was a former Rocky Hill Planning Board Chair and Council member, and most recently had served on the borough traffic committee. She noted her professional credentials in both planning and architecture. She stated that she attended the Commission meeting due to her concern over the "Montgomery Promenade" project calendared on the meeting agenda. She also stated that in her time as liaison to the Commission, she did not recollect receiving notice of the Commission's meetings and agendas, and that this might be an oversight to be corrected by the Commission.

Ms. Bristol stated that her reason for attending a Commission meeting was that the Commission had a master planning role for the Delaware and Raritan Canal, and the beautiful thing about the Commission and similar groups was that the Commission was a regional group that examined planning on a regional basis. She further observed that there was, in her opinion, insufficient regional coordination between State Government and local communities, and that a project such as Montgomery Promenade elicited

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questions about the impact of such projects on surrounding communities such as Rocky Hill. She asked if the Commission had identified a “resilient river crossing” over the Millstone River, including in Montgomery Township. She noted that Rocky Hill was experiencing flooding, traffic, and other regional scale issues, and described the borough as being “swallowed up” and inundated with stormwater and traffic. She observed that local development causes runoff to Van Horne Brook, which floods regularly, isolating Rocky Hill, and that Somerset County Route No. 518 was frequently closed due to floods. She observed there was no resilient bridge along the length of the Millstone River in Montgomery Township. She asked if the Commission had identified a proper river crossing or new crossing of the river.

Vice-Chairman Stout stated that the Commission was in the process of revising and updating its 1989 Master Plan, and that this process will allow the Commission to consider the issues Ms. Bristol had raised, and that there would be opportunity for robust public input and participation as part of the plan adoption process.

Director Hutchison stated that the Commission regulations at N.J.A.C. 7:45.3-4(e) direct that a copy of a staff report be transmitted to the planning boards of the county and municipality where a project is located. Thus, in the case of the Montgomery Promenade project, the planning boards of both Montgomery Township and Somerset County were provided with copies of the staff report. He stated that there is no requirement in the regulations that direct the Commission to transmit copies of its reports to surrounding municipalities and counties. Vice-Chairman Stout stated that the public can access the Commission annual meeting calendar, meeting agendas, and project staff reports on the Commission website.

Ms. Bristol averred that since the Commission was a regional entity, it should include adjoining municipalities in its staff report transmittals in general, and that Rocky Hill in particular should be included on transmittals for projects in proximity to that borough. She also suggested that the Commission think more regionally in its deliberations. Ms. Bristol added that park access was a big issue, noting that while many residents in recently constructed developments in Montgomery Township lived within one mile of the Delaware and Raritan Canal State Park and can walk to the park, there were at present not enough appropriate and safe walkways and crossings to access the park.

She further noted that Rocky Hill was a primary access point to the Delaware and Raritan Canal State Park, and noted the importance Rocky Hill plays as a historic district with a commercial and industrial history tied directly to the history of the Delaware and Raritan Canal. She also noted that Rocky Hill had not received any support to make park access safer, easier, and better for people. She stated that Rocky Hill needed to be included in park planning in a more proactive manner.

Lastly, Ms. Bristol stated her concern that projects such as Montgomery Promenade created stormwater impacts, with runoff not only from parking areas but from flat roof areas. She then offered her email contact information to the Commission.

Linda Barth stated that D&R Canal Watch was planning several activities to celebrate the 50th anniversary of the creation of the Delaware and Raritan Canal State Park and the Delaware and Raritan Canal Commission. She stated that the 50th anniversary book of canal-related poetry was available on

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Kindle, and that a print version would be available soon. She also stated that D&R Canal Watch was selling 50th anniversary commemorative coffee mugs for \$10 each. Finally, she stated that D&R Canal Watch would conduct a lecture about the Delaware and Raritan Canal on January 21 at the Millstone Valley Fire Department on Amwell Road in East Millstone, and that information on this and other events would be available on the D&R Canal Watch website.

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

The meeting was adjourned at 10:35 a.m.

Respectfully submitted,



John Hutchison, Secretary