



**March 20, 2024 Minutes of the Meeting  
Delaware and Raritan Canal Commission**

TIME: 10:00 a.m.  
DATE: March 20, 2024  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice-Chairman Bruce Stout and Commissioner Phillip Lubitz attended the meeting in the Commission office. Chief Robin Madden, 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; Robert Barth, D&R Canal Watch; Robert von Zumbusch, Kingston Historical Society; Michael Sellar, Facilities Manager, New Jersey Water Supply Authority (NJWSA); Rikki Massand; Howard Rabin; Eric Mehalik; Zachary Klein; Russ Smith; Stephen Gates.

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

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Vice-Chairman Stout	Present
Commissioner Designee Madden	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 April 17, 2024, Meeting Date

Vice-Chairman Stout stated that the next meeting of the Delaware and Raritan Canal Commission was scheduled for April 17, 2024, at 10:00 a.m.

Vice-Chairman Stout announced that consideration of the proposed Lease Agreement dated July 14, 2023, between the NJWSA, the DEP, the Commission, and the Ewing-Lawrence Sewerage Authority, would be deferred to the April Commission meeting.

**Minutes**

Approval of the Minutes of the February 21, 2024, Commission Meeting

Vice-Chairman Stout inquired if any of the Commissioners wished to propose comments or corrections to the February 21, 2024, Commission meeting minutes. Hearing none, he asked for a motion to approve the minutes as prepared by staff. Commissioner Lubitz made a motion to adopt the minutes as proposed, which was seconded by Commissioner Reiser.

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	Absent

The minutes were approved.

**Review Zone Actions**

Zone A Projects

#23-3723B 17 Wilson Street -- Duplex Residential Development (Lambertville City)

Vice-Chairman Stout called for a motion the Zone A project. Commissioner Lubitz moved to approve the project, which motion was seconded by Commissioner Designee Madden. Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, he asked if the public had any comments. Hearing none, Vice-Chairman Stout directed Director Hutchison to call the roll:

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

Zone B Projects

#22-4156D	159 Princeton Hightstown Road -- Site Improvements (East Windsor Township)
#24-4815D	55-57 White Oak Drive -- Major Modification (Municipality of Princeton)
#23-5010E	4 and 9 Farrington Boulevard -- Proposed Warehouse (Millstone Township)
#22-5951	195-215 Davidson Avenue -- Proposed Warehouse (Franklin Township)
#23-6087	176-188 Bayard Lane -- Residential Subdivision (Municipality of Princeton)

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 Lubitz made a motion to approve the projects, which was seconded by Commissioner Shoffner. Vice-Chairman Stout asked for comment from the Commissioners. Hearing none, he asked if the public had any comments. Hearing none, Vice-Chairman Stout directed 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	Absent

The motion carried.

**Executive Director's Report**

Director Hutchison reported on the Commission workload for the period encompassing February 21, 2024, to March 19, 2024. In addition to the six projects listed on the March meeting notice, staff issued eight deficient staff reports, eight jurisdictional determinations, four certificates of approval, and two general permits. In addition to those matters, staff organized and conducted 13 pre-application meetings related to proposed and pending projects. As of March 19, 2024, the Director noted that 24 projects were undergoing staff review.

Director Hutchison reported that fee collections totaled \$20,337.50 for the month, which amount was less than the \$61,071.78 collected in March 2023, and less than \$33,950 collected in March 2022. With nine months of the 2024 Fiscal Year completed, the Commission had collected \$255,012.50.

Director Hutchison reported that on March 6 the NJWSA approved the excavation plans for the sanitary sewer interceptor and the foundation construction related to project DRCC #23-6005 located at 1212

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Edgewood Avenue in the City of Trenton. NJWSA approval of the plans was a condition imposed by the Commission when the project was approved at the February 21, 2024, Commission meeting.

Director Hutchison reported that on March 8 the Commission staff conducted a site visit to Ely Field in the City of Lambertville related to a project to re-pave the existing parking lot on the site that abuts the soon to be former Lambertville Public School.

Director Hutchison reported that the file digitization project continues to make noteworthy progress. Since the February Commission meeting, the contents of an additional 25 file boxes were scanned, bringing the total number of boxes scanned to 59.

Director Hutchison reported that the expenditure for the Department of the Treasury Office of Information Technology (NJ OIT) assistance on the preparation the 2023 Commission Annual Report was about \$1,800 less than the original \$6,021 cost estimate. The Director stated that he was so satisfied with the work done by NJ OIT that Commission staff would explore opportunities in the coming months to use their expertise to update the Commission letterhead, application form, and staff report templates. Since the 50<sup>th</sup> anniversary logo adopted for the Delaware and Raritan Canal State Park did not reference the Commission in any way, he noted that this oversight present an opportunity to design a Commission-specific logo for the 50<sup>th</sup> anniversary, which in turn can be used on the Commission website for anniversary-related information that would be uploaded throughout 2024.

Director Hutchison reported that on March 14 he and Darlene Yuhas had a follow-up meeting with Mr. White of the DEP Office of Resource Development on the Master Plan update and revision grant scope of work document. He noted that work was progressing on refining the document language, and that additional meetings would be held over the course of the next few months.

The Director reported that on March 14 the Commission staff obtained a cost estimate from a company to install a new coating to the Commission office concrete floor. Hydrostatic pressure from the Wickecheoke Creek had caused the existing floor paint to lift. Therefore, a more resilient coating was required. Erica Vavrence was working to ensure that we obtain compliant bids and that the interested bidders are enrolled in the NJSTART vendor assistance program.

Director Hutchison thanked the State Park Service staff from the Bulls Island Recreation Area for filling the large potholes at the entrance driveway to Prallsville Mills, and for smoothing out a section of gravel by the Commission office front door that had begun to collect water.

### **Park Superintendent's Report**

Superintendent Rojewski reported that multiple cleanups within the park were organized and completed through the AmeriCorps Watershed Ambassadors program, including locations from Bulls Island Recreation Area to Trenton, Millstone and Manville. She reported that participation was robust.

Superintendent Rojewski stated that work was underway for Delaware and Raritan Canal State Park 50<sup>th</sup> anniversary events, and that the park website would have a list of events currently planned with partner organizations.

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The Superintendent reported that the State Park Service followed up on a report received through the Commission of a possible spill of an unknown substance approximately 0.75 mile north of the Frenchtown Borough along the park multiuse trail. An orange substance and sheen were observed running down an embankment toward the Delaware River. A park patron contacted the WARN DEP Enforcement Hotline, and a case number was assigned to the incident. Additionally, the NJWSA was notified of the incident. The Superintendent reported that no further action was required by the State Park Service.

Superintendent Rojewski reported that at end of February, the New Jersey Department of Transportation (NJDOT) initiated cleanout activities for a blocked culvert along the Delaware and Raritan Canal State Park multiuse trail in Byram Township, Hunterdon County. The cleanout activities were completed within a week, and it was the Superintendent's belief that NJDOT's actions would reduce stormwater build-up and erosion concerns in the surrounding area.

Superintendent Rojewski reported that the New Jersey State Park Police were investigating incidents of vandalism and graffiti at the pedestrian bridge, which conveys the park multiuse trail over the Alexauken Creek aqueduct in the City of Lambertville. She stated vandalism repairs and graffiti removal were underway and would be complete by the end of the week.

She also noted that in early March, the State Park Police received a report of antisemitic vandalism on the River Road bridge crossing in the City of Lambertville. The State Park Police initiated an investigation, and State Park Service Staff restored the area on March 5. State Park Service staff subsequently posted anti-defacement and "Area Under Surveillance" signage in an effort to deter further criminal activity. Permanent signage will be posted in the future, and the area remained under police surveillance.

The Superintendent stated that until further notice the bridge at the Five Mile Lock public access area in Franklin Township, Somerset County, would be closed. An investigation by DEP ORD and NJWSA identified several rotted support beams on the structure. An inspection by NJDOT was also conducted, which confirmed the NJWSA's findings, and further supported the decision to close the bridge. Metal fencing was installed by NJWSA to deter park patrons from entering the area, and NJWSA, the State Park Service, DEP ORD, and the NJDOT were coordinating a plan to repair the bridge. She noted that there was no timeline to reopen the structure.

Superintendent Rojewski reported that destabilization and separation of the canal embankment had been observed in the area downstream of the lock at Bulls Island Recreation Area and adjacent to the canoe/kayak launch area. NJWSA and DEP ORD were notified of the situation, and an investigation of the situation was ongoing.

Commissioner Lubitz commented on the Irish flags placed on St. Patrick's Day at the Bulls Island Recreation Area memorial that commemorates the canal workers who perished in the Cholera epidemic of 1832.

### **New Jersey Water Supply Authority Report**

Mr. Sellar reported on the status of rehabilitation of the canal embankment in Stockton Borough. He

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stated that after a delay caused by unfavorable weather conditions, the contractor had remobilized and recommenced project activities. He anticipated completion of the project in early spring and stated that NJWSA and Parks were discussing a formal reopening.

Mr. Sellar reported that the project to replace 11 sluice gates and associated operating assemblies at four locations on the Delaware and Raritan Canal in Somerset County (DRCC #22-5924) was progressing. The new gates had been manufactured and were delivered to the NJWSA's contractor, who would in turn undertake their installation.

Mr. Sellar reported that work to correct the leak at the so-called "Workhouse Spillway" located across N.J. State Highway Route No. 29 from the Mercer County Correctional Center in Hopewell Township was almost complete. The temporary bridge over the existing bridge at Fireman's Eddy, which was installed to accommodate heavy equipment, was removed, and the park multiuse trail would be reopened that day.

Mr. Sellar reported that work would begin to repair damage on the "lower roadway" at Bulls Island Recreation Area caused by Tropical Storm Ida.

Mr. Sellar informed the Commission that the fish ladder at the Island Farm Weir, an underwater concrete structure located downstream of the confluence of the Millstone and Raritan rivers in Franklin Township, Somerset County, and immediately abutting the Delaware and Raritan Canal, had been completed.

Mr. Sellar reported that NJWSA was moving forward with springtime maintenance along the Delaware and Raritan Canal, including activities such as grass mowing and weed trimming. Mr. Sellar also made note of the chain link fence installation at the Five Mile Lock bridge.

Vice-Chairman Stout stated his appreciation of NJWSA for addressing the Stockton embankment, and to the State Park Service for promptly addressing the storm damage at the Prallsville Mills campus which resulted in the closure of the former railroad bridge over the Wickecheoke Creek.

### **Old Business**

None.

### **New Business**

Director Hutchison informed that Commission that pursuant to the Commission's enabling statute (N.J.S.A. 13:13A-11i.), it was once again time to consider approval of the annual report of its activities for the calendar year ending December 31, 2023.

Vice-Chairman Stout stated that Darlene Yuhas had done another phenomenal job on the annual report. Commissioner Lubitz agreed with that assessment. Vice-Chairman Stout asked for a motion to approve the draft document. Commissioner Reiser made the motion to approve the draft, which was seconded by Commissioner Shoffner. Vice-Chairman Stout directed Director Hutchison to call the roll:

Vice-Chairman Stout                      Yes

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

The motion was approved.

Director Hutchison stated there would be some minor edits to the document to acknowledge the assistance of Mr. White and Mr. Tutela at DEP ORD. In addition, the document would be revised to include a specific reference to the 50<sup>th</sup> anniversary program activities section on the park website and social media sites.

**Public Comment**

Vice-Chairman Stout opened the floor to public comment.

Mr. Massand commended the Commission staff for another successful annual report. He also stated his concern about work going on in the vicinity of the bridge which conveys Washington Road (Mercer County Route No. 571) over the Delaware and Raritan Canal in West Windsor Township. Specifically, he called the Commission’s attention to unspecified adverse quality of life impacts to the Washington Road Elm Allée.

To place Mr. Massand’s comments in context, Director Hutchison noted that the Washington Road Elm Allée extends along Washington Road from its intersection with U.S. Highway Route No. 1 at the Penns Neck Circle to the Washington Road Bridge over the Delaware and Raritan Canal. The allée includes “Princeton elms,” a tree species bred at Princeton Nurseries in the 1920s; Norway maples; and 31 “Liberty” elms, which line the sides of Washington Road at regular intervals. The Director observed that the allée is historically significant, being a planned, landscaped roadway and entrance to Princeton University retaining a well-preserved allée of American elm trees. He noted that the allée was typical of the “City Beautiful” Movement that swept America in the first decades of the 20th century.

Mr. von Zumbusch stated that the Kingston Historical Society was holding an open house on Saturday and Sunday, April 6th and 7th, at the Kingston Locktender’s House as part of the celebration of the 50<sup>th</sup> anniversary of the Delaware and Raritan Canal State Park and the Commission. The Open House will feature a new display: Kingston’s Lock: History Preserved - Photos and Drawings from 1936 re-interpreted for the 21st Century, which celebrates the preservation of drawings and photographs of canal structures created during the Great Depression by the Historic American Building Survey (HABS), with a new display, making these formal drawings accessible to modern viewers.

Mrs. Barth stated that on April 13, D&R Canal Watch would host a video viewing of images of the Delaware and Raritan Canal as well as other New Jersey canals, and hold a poetry reading at the ACME Screening Room in the City of Lambertville.

**Written Public Comments**

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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 Reiser. 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 10:40 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "John Hutchison", with a long horizontal flourish extending to the right.

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John Hutchison, Secretary