



**Minutes of the Meeting  
Delaware and Raritan Canal Commission  
April 18, 2018**

TIME: 10 a.m.  
DATE: April 18, 2018  
PLACE: Prallsville Mills, Stockton, New Jersey

**ATTENDING COMMISSIONERS:**

Vice Chairman John Loos, Commissioner Bruce Stout, Commissioner Mary Leck, Commission Philip Lubitz, and Director Mark Texel.

STAFF: Executive Director John Hutchison, Mr. Joseph Ruggeri, DAG Melissa Abatemarco, Ms. Colleen Christie Maloney, Ms. Tammy Romsdahl.

GUESTS: Superintendent Patricia Kallesser; Mr. Michael Sellar, NJWSA; Ms. Rosa Yoo, NJ Forest Service; Mr. Robert Barth, D&R Canal Watch; Mr. Robert von Zumbusch, DRCC Master Plan Advisory Committee; Mr. Bhaskar Halari, Concept Engineering; Ms. Jessica McCauley, NJSP; Ms. Diane Waller-Torkelson; Mr. Norman Torkelson; Mr. David Pasicznyk; Ms. Sally Jague.

Vice Chairman Loos announced that this was a monthly meeting of the D&R Canal Commission and that all provisions of the "Senator Byron Baer Open Public Meetings Act" had been met in the scheduling of the meeting.

**Administrative Items**

The Commission confirmed the May 23, 2018 Commission meeting date.

**Minutes**

Vice Chairman Loos called for a motion on the March 27, 2018 meeting minutes. Director Texel made a motion to approve the minutes and Commissioner Leck seconded the motion. Vice Chairman Loos asked for any corrections on the minutes. Hearing none, he called for a vote. The minutes were approved with Vice Chairman John Loos, Commissioner Bruce Stout, Commissioner Mary Leck, and Director Mark Texel voting to approve and Commissioner Lubitz abstaining.

**Emerald Ash Borer Update**

Vice Chairman Loos noted that the presentation by Parks and Forestry on the Emerald Ash Borer would be moved to this point in the agenda. Ms. Yoo described the recent history of the insect in New Jersey and the measures taken by NJDEP to address the problem. There was discussion about the downed tree

management and how DOT is handling the trees within the commission review zone. Ms. Jague asked that DEP contact her before treating a tree in Stockton so local students could observe the treatment.

### **Review Zone Projects**

#### **Zone A Projects**

- 17-5095 104 River Drive Addition and Alteration (Hopewell)
- 18-3773B Trenton Battle Monument Expansion/Improvements
- 18-5189 5 Ferry Street Deck Addition (Stockton)
- 18-2383F Lambertville Justice Center Façade Alterations
- 18-5207 Rago Annex--243 North Main Street (Lambertville)

Vice Chairman Loos asked for comments related to the Zone A projects.

There was discussion related to 18-3773B Trenton Battle Monument Expansion/Improvements, including the planting plan, native species vs. historical accuracy, and invasive plants. Director Hutchison discussed ownership and jurisdictional complexity related to the project.

There was discussion related to 18-2383F Lambertville Justice Center Façade Alterations, including the "City of Lambertville" sign.

Vice Chairman Loos called for a motion to approve the Zone A projects. Commissioner Lubitz moved to approve the Zone A projects, with conditions as noted in the staff reports, and Director Texel seconded the motion. Vice Chairman Loos called for further comment and hearing none he called for a vote. The motion was approved unanimously.

#### **Zone B Projects**

- 18-3879B Route 206 Jaguar/Land Rover Dealership (Montgomery)
- 17-5149 Maurice Hawk Elementary School Expansion (W. Windsor)
- 17-5143 Guru Nanak Sikh Heritage (Monroe)
- 17-5045 Hillsborough Veterinary Hospital

Vice Chairman Loos asked for questions and comments related to the Zone B projects. Hearing none, he called for a motion. Commissioner Stout moved to approve the projects and Commissioner Lubitz seconded the motion. Vice Chairman Loos called for further comment and hearing none he called for a vote. The projects were approved unanimously.

### **Executive Director's Report**

Director Hutchison reported on staff's monthly workload and fees collected since the prior month's meeting. He reported on a meeting about dredging of Carnegie Lake, a meeting related to bridge replacements on Alexander Road, a meeting planned with DOT and Parks discussions related to pedestrian activated crosswalks, managing paper files in the office, preservation of the commission's historic documents, and progress on the commission's website.

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

Superintendent Kalleser noted Carnegie Lake dredging would require a right-of-entry permit, a pre-bid meeting for the swing bridge at Moores Creek, cleanups in Trenton and South Bound Brook, and

flooding on Canal Road.

### New Jersey Water Supply Authority (NJWSA) Report

Mr. Sellar reported on the Route 1 tunnel cleaning, completion of the 10-Mile Waste Gate, a pre-bid meeting for the Griggstown Waste Gate, the hydrilla control program, the Island Farm fish ladder, and the impact of the nor'easters on the trees along the canal. He reported that the dredging contract was awarded and that preparation work has begun, with dredging starting July 1, in Reaches 1, 2 and 4.

### Old/New Business

Adoption of Commission Bylaws: Vice Chairman Loos asked for a motion. Commissioner Stout moved to approve the bylaws and Commissioner Leck seconded the motion. Vice Chairman Loos asked for comments. Commissioner Leck and Commissioner Lubitz suggested revisions and corrections. Vice Chairman Loos asked if Commissioners Stout and Leck would agree to the changes in the motion and they agreed. The revisions are:

- Page 4, "c", add the term "as" before "established"
- Page 5, "h", remove the duplicated word "approve"
- Page 7, "b", change "roll call" to "attendance"
- Page 7, Section 9, make the word "view" plural to "views"
- Page 8, add the term "as amended" at end of each section at "V. Ethics" and "VI. Public Records"
- Page 8, "VII. Amendment", change "10 State working days" to "30 days"

Mr. Barth discussed a commission seal with Director Hutchison. Vice Chairman Loos called for a vote on the bylaws. The bylaws, with noted revisions, were approved unanimously.

Resolution supporting historic preservation activities in Stockton Borough: Vice Chairman Loos called for a motion regarding the resolution in which the Commission stated it supports historic preservation activities in Stockton Borough. Director Texel moved to approve the resolution and Commissioner Lubitz seconded the motion. Vice Chairman Loos asked for comment. Mr. Torkelson and Mr. Pasiczynk stated their support of the resolution. Vice Chairman Loos called for a vote. The resolution was approved unanimously.

Stream Corridor Signage: There was discussion about signage the Commission required to be placed at project sites to protect the Commission stream corridor.

Discussion of State Park Police data on "sentinel" events within the Park: Lieutenant McCauley discussed the role of State Park police. There was discussion about reporting events such as deaths, robberies, medical emergencies, missing persons, and crimes. Commissioner Lubitz and Director Texel discussed the value of collecting data to analyze trends.

There was discussion related to Master Plan readoption and opening the north end of Bulls Island. Mr. Barth discussed his interest in bringing attention to the canal by celebrating the 190<sup>th</sup> anniversary of the canal. A subcommittee was established to plan an event. It included Commissioner Leck, Mr. Barth, and Superintendent Kallesser.

Penn East Pipeline: DAG Abatemarco noted the Commission-held conservation agreements in the path of the current Penn East pipeline route and possibly granting access to noninvasive surveying, and this

would be discussed in Executive Session.

**Public Forum**

Mr. von Zumbusch discussed the “request for proposal” received for the Mapleton Preserve.

The status of the “Holcombe House” transfer of ownership was discussed. Superintendent Kalleser noted there was a due diligence process occurring.

Mr. Barth discussed D&R Canal Watch activities and encouraged participation.

Mr. Torkelson commented on the blue tarps along the canal bank in Stockton.

**Executive Session**

Vice Chairman Loos asked for a motion related to Executive Session. Director Texel moved to go into Executive Session to discuss litigation matters. Commissioner Lubitz seconded the motion. The commission entered executive session at 12:20 p.m.

**Public Meeting**

The commission returned to public session at 12:30 p.m.

Vice Chairman Loos stated that in Executive Session there was discussion about pending litigation regarding the Penn East Pipeline. Vice Chairman Loos asked for a motion. Commissioner Lubitz moved to decline the offer to grant voluntary access to Penn East to the two properties for which the commission holds an easement. Commissioner Leck seconded the motion. Vice Chairman Loos and Commissioners Leck, Stout and Lubitz voted for the motion. Director Texel voted against the motion. The motion was approved.

**Adjournment**

Vice Chairman Loos called for a motion to adjourn. Commissioner Stout moved to adjourn and Commissioner Lubitz seconded the motion. The meeting adjourned at 12:35 p.m.

Respectfully submitted,

  
John Hutchison, Secretary