

MINUTES

DATE: July 17, 1975
TIME: 12:30 - 4:00 p.m.
LOCATION: Blue Room, Labor and Industry Building, Trenton

ATTENDING:

COMMISSION-- Mr. Joseph Burns, Mr. Martin Jessen, Mr. Donald Jones,
Mr. James Sayen, Mr. Frank Torpey, Mr. Ian Walker
ATTORNEY GENERAL--Mr. Jonathan Weiner
DEP-- Mrs. Barbara Levin
GUESTS-- Mr. Peter McLaughlin, City of Trenton; Mr. Lee Pereira,
DEP Bureau of Solid Waste Management; Mr. Michael Galley,
DEP Bureau of Water Facility Operations; Mr. Herbert Simmens,
Executive Director Designate; Department of Transportation:
Mr. Donald Goodkind, Mr. Robert Innocenzi, Mr. Jack Friedenrich,
Mr. Joseph Notaro, Mr. Jack Andrews, Mr. Andrew Fekete,
Mr. Howard Zahn; Mr. Thomas Weeck, Berger Associates

ABSENT

WITH

CAUSE-- Mrs. Lee Bullitt, Mayor Arthur Holland, Mr. Benjamin Kirkland

Minutes of June 19 Meeting

The minutes of the June 19 meeting of the Canal Commission were unanimously approved as recorded.

DEP Representative

Mr. Ian Walker, Environmental Analyst with the DEP Division of Water Resources was chosen by Commissioner Bardin as his official representative to the Canal Commission. A formal letter of appointment was distributed to the Commissioners.

Appointment of Executive Director

Mr. Jessen reported that the papers for employing Herbert Simmens as Executive Director have been approved by Civil Service and the Budget Bureau. They have been sent to the Governor's office and are now there awaiting a signature of approval. It was understood that no action can be anticipated until the present budget crisis is resolved.

GAF Disposal Site

The problem of the disposal of asbestos near the towpath in South Bound Brook by GAF was discussed by Mr. Lee Pereira of DEP's Bureau of Solid Waste Management. Mr. Pereira explained the background and the solution proposed for preventing further spreading of asbestos in this area of the canal. One third of the wastes are to be transferred beginning on the 17th, the day of the meeting, under prescribed safety measures. Two thirds of the material will remain, covered and seeded, and guarded until the ground cover has taken hold. Mr. Pereira assured the Commission that the problem

was well in hand. The Delaware and Raritan Canal Commission voted unanimously to congratulate Mr. Pereira and his office for a prompt and efficient handling of the problem.

Franklin Township

The June 24 letter of George B. Consovoy, Planning Board Chairman, to Mr. Kirkland was presented for discussion. Two points were covered: (1) The reference to the Commission's approval of the D&R Girl Scout Council application was questioned because no formal approval was granted by the Commission. Mrs. Bullitt had been in touch with the Township on this matter and, as it was recalled, was supposed to convey an informal view that such a project was not thought to present a harmful impact on the canal. It was agreed that Mrs. Bullitt should be contacted for confirmation. (2) The Township's request for a time limit of when the Commission would be able to exercise review powers was discussed. Mr. Simmens suggested that when he began work he would look into the question of the master plan and related matters and present to the Commission a general schedule for completion of these tasks. No decision was made on this matter pending Mr. Simmens' recommendations. Mr. Torpey will be in touch with the Township to explain the Commission's position regarding this matter.

Letter from Attorney General

DAG Jonathan Weiner discussed with the Commission his interpretation of N.J.S.A. 13:13A-1 et seq. As he noted, the form and content of the master plan are left to the discretion of the Commission. Before review powers can be exercised, however, it is clear that some type of plan must be adopted, a review zone defined, and rules and regulations governing development within the zone promulgated.

Flood Damage Report

Mike Galley reported on damage to the canal caused by the excessive precipitation of July 13-14. Mr. Galley said that there was no major water supply problem; service to water users had been maintained. Several areas of damage were identified estimated at approximately \$150,000. Water reached about a foot below the top of the Port Mercer Dike, but over all damage was not considered severe.

Presentation by DOT

The following persons from the Department of Transportation participated in DOT's presentation concerning proposed highway construction in the Hamilton Marshes area of the canal.

Asst. Com. Donald Goodkind
Mr. Robert Innocenzi
Mr. Jack Friedenrich
Mr. Joseph Notaro
Mr. Jack Andrews
Mr. Andrew Fekete
Mr. Howard Zahn
Mr. Thomas Weeck (Berger Assoc.)

Mr. Innocenzi briefly described the history of the project and the alternatives presently under consideration.

Mr. Jessen suggested that although the Commission's plans for the canal have not been formulated it would be reasonable to suggest that some sort of linear park will be designed around the canal and that a major focal point of this park will be the lock.

It was suggested that federal funds for highways and related uses might be used for the benefit of the canal. This should be investigated as the planning progresses.

Com. Goodkind suggested that the Commission appoint a representative to continue liaison with DOT and to review the environmental impact statement with regard to the Commission's statements and plans. It was agreed that Mr. Jessen would fulfill this role, along with Mr. Sayen, and that the Executive Director would be involved as well.

"Sunshine Law"

Legislation requiring that government meetings be open to the public was recently passed by the State Legislative. It was requested of DAG Weiner that he review this legislation on the Commission's behalf and recommend the setting up of any procedures necessary to ensure that the Commission is in conformance.

Commission Office

Mr. Simmens raised the question of providing adequate furniture for the Commission's offices, telephones, and secretarial help. An order has been placed by the Department for the installation of a telephone. Mr. Simmens will discuss with the Department procedures for acquiring office furniture and employing a secretary.

Next Meeting

If Mr. Simmens begins work on July 21, he suggested that he would like another meeting with the Commission prior to its regularly scheduled monthly meeting. This special meeting was tentatively set for Wednesday, July 30.

Related Topics

1. Mr. Torpey introduced a letter and map showing a proposed bicentennial bikeway in Somerset County utilizing the canal towpath. He said he would investigate the matter further and report to the Commission at its next meeting.

2. The question of surveying the canal park lands was raised and proposals were made to have this done, possibly using DOT personnel. It was recommended that Ian Walker look into this matter and report to the Commission.

Mr. Jones moved that the meeting be adjourned, Mr. Jessen seconded the motion, and all Commissioners present and voting unanimously concurred.