



MINUTES OF THE MEETING

DATE: 28 December 1976  
TIME: 12:30 to 3:45 P.M.  
LOCATION: The Canal House, 25 Calhoun St.,  
Trenton, N.J.

ATTENDING:  
Commission: Mr. Jones, Mr. Kirkland, Ms. Wilson,  
Mr. Jessen, Mr. Hamilton, Mr. Sayen,  
and Mayor Holland  
  
Staff: James Amon and Sandra Brown  
DAG: Steve Gray, Esquire  
DEP: John Garcia, Bureau of Parks and Forestry  
Mike Galley, Chief, Bureau of Water  
Facility Operations  
Eric Pearl, Assistant to Commissioner  
Wilson  
  
ABSENT: Mr. Torpey and Mr. Burns

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Chairman Kirkland brought the meeting to order and stated that the requirements of the Public Meetings Law had been properly met for the meeting of the Delaware and Raritan Canal Commission on 28 December 1976.

Minutes of meeting on 23 November 1976

Mr. Jessen moved to accept the amended minutes of the meeting 23 November 1976 as follows:

EXECUTIVE DIRECTOR James C. Amon	COMMISSIONERS Benjamin B. Kirkland <i>Chairman</i>	Martin D. Jessen <i>Vice-Chairman</i>	Donald B. Jones <i>Treasurer</i>	David J. Bardin Bruce A. Hamilton	Joseph H. Burns Arthur J. Holland	James C. Sayen Frank J. Torpey
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Brendan Byrne, *Governor*

David J. Bardin, *Commissioner*

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"Griggstown Bridge

Mrs. Gund and Mrs. Barrows of the Somerset Citizens for Environmental Protection presented material on the Griggstown Bridge to the Commissioners. The material was concerned with the possibility of the Griggstown Bridge being offered to the Canal Commission by the Somerset Freeholders. The Commission's majority felt that there should not be a verbal presentation nor should the situation be discussed at the present moment because there had been no attempt on the part of the Somerset Freeholders to contact the Canal Commission. Both Mr. Sayen and Mr. Hamilton opposed the majority's decision and wanted to hear the verbal presentation of the material. Ms. Wilson said that the Department of Environmental Protection would write a letter to the Somerset Freeholders informing them of the correct and necessary procedures in such a move. A copy of the letter will be sent to Mrs. Gund. It was also pointed out that if the Freeholders do propose to give the bridge to the Commission, they must first approach the Bureau of Parks and Forestry in the DEP. "

Mr. Sayen seconded the motion: all Commissioners present and voting concurred.

Contact with Kingwood and Delaware Townships in Hunterdon County

Mr. Kirkland mentioned that two townships in Hunterdon County, Delaware and Kingwood, were in the process of drawing up master plans. He suggested that the townships be made aware of the Canal Commission's concerns and desires for the Canal Park. Mr. Amon stated that he would contact each township's planning board.

Support of MSM Award nomination

Chairman Kirkland had received a letter from MSM asking for nomination of MSM or of MSM's publication "Region at a Crossroads" for the Federation of Planning Officials award. Ms. Wilson questioned the appropriateness of a State agency making such a nomination. Mayor Holland suggested that the Commission view the MSM regional land use presentation at its next meeting and then vote on the issue.

Meeting schedule for the year 1977

The Commissioners decided that the meeting day for the coming year would be the second Monday of each month. The luncheon would begin at 12:00 noon, and the meeting would begin promptly at 12:30 P.M.

Quarterly Financial Report

The financial report for the months of October, November, and December 1976 was presented to the Commissioners. Mr. Jessen motioned for its approval and Mr. Sayen seconded the motion with no dissenting votes.

Signatures for Check Signing

The Commission decided to change the signature provision for signing checks from only two signatures to two out of four signatures. Mr. Jessen moved that any two of the following signatures be accepted for signing Commission checks:

1. Chairman
2. Vice-Chairman
3. Treasurer
4. Executive Director

Mr. Hamilton seconded the motion with no dissenting votes.

Amendment to Rogers & Golden Soil Survey Contract

Mr. Amon stated that in the course of their work on the soil survey, Rogers & Golden have found several of the soil maps which were provided to them to be faulty. The errors in the soil maps have required Rogers and Golden to re-map much of Hunterdon County. Consequently, Rogers & Golden want an amendment to the original contract to increase the maximum limit of payment from \$3,500 to \$4,500. Mr. Jessen moved to approve the increase and Mayor Holland seconded; with no dissenting votes.

Discussion on the Scudder Falls property

As established in the November meeting, Mr. Amon, Mayor Holland, Mr. Dougherty, City Attorney, and Mr. Clarke, City Planning Director, and Mr. Hubert of Green Acres visited the site at Scudder Falls. Mayor Holland highly recommends that the entire parcel of land (12 acres) end up in the custody of DEP. Mayor Holland suggested that the 12 acres be sold to the DEP (by using Green Acres funds) at a price determined by State appraisal. The occupants already residing on the property would then be treated in the same manner that other State property tenants/occupants are treated. The Commission's position is that to accept the upper portion of the land (as proposed by Trenton City Council) is not advisable without the lower portion of land because there would be a stretch of privately owned land

in the middle of two public land areas. The Mayor stated that he would present his recommendation to the City Council. Although the first move to sell must come from the City Council, Ms. Wilson suggested that the Commission send a support letter for acquisition of the Scudder Falls land to both the Division of Parks and Forestry, and to Mr. Curt Hubert of Green Acres.

#### Master Plan Public Hearings Discussion

A brief outline for the public hearings was discussed and decided upon. The Chairman or Vice Chairman of the Commission will welcome people to the meeting and will introduce the local Commissioner from that county. The local Commissioners will introduce the Executive Director who will then conduct the hearing and explain the master plan. The Commissioners agreed to show the D & R Canal film at each public hearing.

The schedule for the hearings will be announced at the next meeting. The delay is caused by a setback in printing the maps for the master plan.

#### Annual Report

The Annual Report was approved with a change to highlight the Commission's public participation actions. The Report will be filed with the appropriate people once the financial report for the year 1976 is completed by the Commission's accountants.

#### Design Vocabulary Proposal

The presentation on the Design Vocabulary proposal had to be postponed until the January meeting due to the absence of the presenter, Mr. Roy DeBoer from Rutgers University.

Ms. Wilson stated that the "scope of work" for the Design Vocabulary is presently being completed by the Division of Parks in the DEP, and should be ready by 20 January 1977, if not by 10 January 1977.

#### Review Zone Progress Report

Mr. Amon referred to the ongoing 208 water study and to the pending BWFO Hydraulic/Hydrologic studies and their importance as sources for scientific data on water quality to the Review Zone.

The question was raised concerning when and how to begin the Review Zone. Mr. Amon suggests that the Commission wait until it has accumulated a data bank of information from the surveys

now reaching completion (Vegetation and Soil Surveys), and until more scientific knowledge is learned from the water quality studies. Mr. Amon stated that what is essential for the Review Zone is information about what the existing conditions are now. The Commission can then use this information to measure and evaluate what the proposed changes would be in each review zone case. In addition, a data bank would provide ready information for the Commission's staff when dealing with Review Zone applicants, and, therefore, would eliminate the need for the staff to do field work on each individual Review Zone case.

Mr. Jessen disagreed and suggested that the Commission soon begin using its Review Zone authority and accumulate the scientific data as time and individual Review Zone cases allow. Mr. Jessen stated that a complete data bank is not necessary to make all Review Zone decision and that there would be a huge lapse of time before beginning Review Zone authority if the Commission waited until such a data bank was 'complete.'

Ms. Wilson suggested that the conflict seems to revolve around the question "Where the burden of proof should lie?" Should it lie with the applicant or with the Commission? She suggested that the Commission let the applicant provide the essential information concerning water quality and let the Commission judge on that basis.

The Commissioners agreed to continue this discussion at their next meeting. In the interim, Mr. Amon will contact Mr. David Kinsey of CAFRA in order to understand how CAFRA began its Review Zone authority and what amount of scientific information was required before initiating its review powers.

The suggestion was also made that the Executive Director confer with the Commission's attorney, Steven Gray, in order to determine what the minimum level of scientific information is needed in case of legal action in court.

The meeting was adjourned at approximately 3:45 P.M.