



MINUTES OF THE MEETING ON 14 MARCH 1977

Date: 14 March 1977
Time: 12:30 to 4:00 p.m.
Place: The Canal House, 25 Calhoun St., Trenton
New Jersey

Attending:
Commission: Mr. Burns, Mayor Holland, Mr. Kirkland,
Mr. Sayen, Mr. Torpey, Mr. Hamilton,
Mr. Jones, Mr. Jessen, and Ms. Wilson

Staff: Mr. Amon and Mrs. Brown
DAG: Mr. Steven Gray
DEP: Mr. Michael Galley, Chief, Bureau of Water
Facility Operations
Mr. Frank Rigg, Bureau of Parks
Mr. Alfred Guido, Division of Parks and Forestry
Mr. Melvin Myers, Bureau of Water Facility
Operations
Mr. Eric Pearl, Assistant to Commissioner Wilson

Absent: None

Guests: Mrs. Jessamine B. Merrill, League of Women
Voters, 208 Task Force
Mr. Robert Harvey, Stoney Brook Regional Sewer
Authority

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 D & R Canal Commission meeting on 14 March 1977.

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

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Brendan Byrne, *Governor* David J. Bardin, *Commissioner*

Minutes-of-the meeting on 14 February 1977

Mr. Jones moved to accept the minutes of the meeting on 14 February 1977. Mr. Sayen seconded the motion:all Commissioners present and voting concurred. (Commissioners Wilson and Holland were not yet present for this vote.)

Lease Approval

The Commission approved lease # 0300158801 with O. Principi of Trenton to continue to use land as a driveway parking area for a car wash operation. It is a year's lease for the rental amount of \$200.00 yearly. The past lease expired on 30 September 1976. Both Mr. Amon and Mr. Galley stated that there was no discharge of water or pollution into the canal from this operation. Mr. Jessen moved to approve the lease and Mr. Jones seconded the motion with no dissenting votes. (Ms. Wilson was not present for the vote.)

Permit and Lease Approval for Smith's Mills

Mr. Frank Rigg, Bureau of Parks, discussed the letter he had received from the Delaware River Mill Society. The Society wants to lease the Prall's Mills complex in order to restore the grist mill and the surrounding buildings to their original historic condition, and to develop a community center in one of the buildings. The Society is presently requesting a permit to allow them to make emergency roof repairs on two of the buildings. Mr. Rigg stated his approval for the permit and the lease. Mr. Amon and Mr. Jones also stated their support and interest in the Society as being exemplary neighbors of the Canal Park.

The lease would be a ten year lease with the option to renew. Mr. Rigg assured the Commissioners that these kinds of leases are numerous and are written in very specific terms; hence, the property would be protected regardless of ownership. Any changes to the property would be subject to approval of the DEP and the Canal Commission.

Mr. Jessen motioned to approve the permit and lease and Mr. Hamilton seconded the motion with no dissenting votes. (Ms. Wilson was not present for the vote.) The motion was approved with the added suggestion that Commissioner Jones be a representative to the Society if this would be agreeable to the Society. Mr. Rigg concluded by saying that as soon as the lease is drafted, copies will be sent to Mr. Gray and the Commissioners.

Permit for the Boy Scout Project in Lambertville

Mr. Rigg stated that the permit would be completed today and that verbal approval had been granted to begin work last weekend. There was no Commission vote on the permit since it was not ready for the meeting.

Approval of the Trenton Fence Repair

Mr. Galley stated that under the CETA program, the BWFO has submitted a program for approval to repair and to clean up the fence area along the canal in Trenton. He stated that the State has the responsibility to maintain the fence in a safe condition because the fence was originally constructed after an act by the New Jersey Legislature. Both Mr. Sayen and Mr. Hamilton suggested that if repair work is to be done, why not do the repairs with a more esthetically pleasing fence structure than chain link fence. Mr. Galley did not believe that the concern over the safety of children near the fence area in disrepair allowed a sufficient amount of time for esthetic consideration at the present moment.

Mr. Burns motioned for approval and Mr. Jones seconded the motion with one abstention from Mr. Hamilton and no dissenting votes. (Ms. Wilson was not present for the vote.)

Approval of the Gold Run Culvert Repair

Mr. Galley informed the Commission that the Gold Run Culvert in Ewing Township had developed a hole and is in desperate need of repair. He had received "emergency repair approval" from both Mr. Kirkland and Mr. Amon this past week so that repair work could begin as soon as possible. However, approval from the entire Commission is necessary. The repair work involves lining the interior of the culvert with steel and concrete to make it structurally sound. Mr. Jessen suggested that in the future, the Commission make a decision as to whether other stone-faced culverts should be preserved for historical value (hence, require a different, more expensive means of repair), or would it not be worth the extra money for this kind of historical consideration in these particular cases. Mr. Jones made the motion that the culvert be repaired as described but with the recommendation that there be a veneer facing on the downstream and upstream entrances to the culvert. Mr. Hamilton seconded the motion with no dissenting votes. (Ms. Wilson was not present for the vote.)

Informal presentation by the Stony Brook Regional Sewer Authority

Mr. Robert Harvey, Executive Director of the Stony Brook Sewer Authority, gave an informal presentation on the sewer's two crossings of the canal. Mr. Harvey stated that their engineers have suggested that the canal crossings be done by using the "open cut" method as opposed to the "tunneling" method. He stated that there has been recent opposition from the EPA who want the Authority to use the tunneling method because the canal is a national historic site and they believe that it would cause less damage. Mr. Jessen pointed out that first, public money is being spent and that an open cut is not only less expensive, but it is also just as good; and second, an open cut repair could greatly benefit the canal if canal repair was done simultaneously (ie. rip-rap could be repaired and clay lining restored while the canal bed was dry and empty.) Although no formal approval was needed from the Commission at this time, it was suggested that the Commission made certain that these specifications are included in the permit request. The Commission will review the State permit at the appropriate time in the future. The Commissioners agreed that Mr. Amon should write a letter to Mr. Harvey indicating the Commission's approval and support of the open cut method of crossing the canal.

Approval of the contract for the Design Vocabulary with Cook College

The design vocabulary contract with Cook College, Rutgers University, was motioned for approval by Mr. Jessen and seconded by Mr. Sayen with the stipulation that Mr. Torpey and Mr. Amon look into the possibility of an outside printing job, in which case, the contract would be amended. There were no dissenting votes. Mr. Hamilton abstained from voting, and Ms. Wilson was not present for the vote.

Approval of the contract with William Whipple

It was motioned by Mr. Jones and seconded by Mr. Torpey to approve the contract with General Whipple for the Water Analysis Study. There were no dissenting votes. Ms. Wilson was not present for the vote.

Approval of the contract for the Visual Review Zone work with Rogers and Golden

Mr. Amon explained the procedure of selecting Rogers and Golden as the visual review zone consultants. Mr. Amon had sent to fourteen planning firms letters that contained a description of the job. Over 2/3 of these original 14 firms were located

and based in New Jersey. Twelve firms responded with interest and sent literature which demonstrated their past experience and qualifications for the job. The Commission's subcommittee, composed of Mr. Kirkland, Mr. Hamilton, Mr. Jessen, Mr. Sayen and Mr. Amon, met on 21 February 1977 to narrow the selection down to four firms. Of these four, two were New Jersey based and two were from out-of-state. On 14 March 1977, the subcommittee met and held interviews with each of the four candidates. Although the subcommittee felt a strong desire to hire a New Jersey firm, the qualifications of Rogers and Golden far exceeded the qualifications of the other three firms. Rogers and Golden was selected because of their experience with delineating visual review zone corridors, and their experience and knowledge of the D & R Canal. Mr. Hamilton suggested, and the other Commissioners agreed, that winter vegetation should be the basis for the review zone corridor work.

Mayor Holland motioned that Mr. Amon proceed to draw up a contract with Rogers and Golden. Mr. Hamilton seconded the motion with no dissenting votes. (Ms. Wilson was not present for the vote.)

Executive Director's Report

Mr. Amon stated that one member of the Review Zone Advisory Committee had failed to show up at the past two meetings, and consequently, a substitute member was needed. Mr. Amon suggested that he ask either Fritts Golden or John Rogers to sit on the Committee. Mr. Amon also suggested that he ask a municipal planner who works for one of the municipalities within the review zone to sit on the Committee.

The Commissioners decided that no member of the Advisory Committee should also have his own work being reviewed by the Committee, and that no member of the Committee should be employed by a municipality within the review zone. The Commissioners also agreed that the members of the Committee should be volunteers, and not subject to Commission payment for their advisory services.

Chairman Kirkland suggested that the Executive Director "go back to the drawing board" with the Commission's decisions in mind, and draw up another plan for including new members in the Advisory Committee.

Procedure for the Review Zone

Mr. Amon brought up for discussion the procedure for adopting the review zone. He stated that the Commission will need to hold hearings in each county before adopting the review zone

regulations. It was agreed that the following steps would be followed: 1. Mr. Amon would meet with the Directors of the County Planning Boards in order to discuss the Commission's review zone authority. Each Director would be presented with a copy of the revised edition of "Protecting the Canal Park". 2. Suggestions made during these four preliminary meetings could then be incorporated into the review zone document. 3. Mr. Amon, with the assistance of the Planning Directors, would next set up four meetings, one in each county, in order to discuss the review zone with the municipal planners of each county. 4. The review zone document would then be presented at public hearings for suggestions and input. 5. The final step would be to revise the document, if necessary, in order to include any appropriate public input. This would lead to its adoption once the revisions are completed.

Procedure for the Master Plan revision

Mr. Amon will make two minor changes in revising the master plan. These changes center upon a more specific and lengthy preface, and a more explicit discussion of the meaning of each environmental type and special node.

These amendments will be sent to each Commissioner and will be voted upon at the next Commission meeting as the final step in adopting the master plan.

Approval of the Contract with an Attorney for legal help in drafting ordinances for the review zone

Mr. Amon suggested that the Commission hire one of two attorneys who are interested in working on review zone ordinances. \$4,000 is budgeted in the annual budget for this kind of legal advice. Several Commissioners questioned the necessity of hiring an attorney "out-of-house" when there must be a DEP attorney who could provide these services. Ms. Wilson concurred with the Commission's interest in obtaining in-house legal advice whenever possible, however, at this time, she stated that there is not a DEP lawyer who has the time nor the expertise in review zone work available. It was suggested that the Commission not hire a lawyer currently on the State payroll; instead, the Commission could subcontract for a lawyer from another State agency.

It was moved by Mr. Jessen that Mr. Kirkland, Mr. Jones, and Mr. Amon review the qualifications of both candidates, Mr. Haughey and Mr. Goldshore, and select one to do the review zone work. The motion was seconded by Mr. Sayen with no dissenting votes.

Although no action is required from the Commission at this time, Mr. Guido wanted the Commissioners to be aware of this present situation.

The meeting adjourned at approximately 4:00 p.m.