



MINUTES OF THE MEETING ON 11 JULY 1977

TIME: 12:30 to 4:40 p.m.  
PLACE: The Canal House, 25 Calhoun Street  
Trenton, N.J.  
DATE: Monday, 11 July 1977

ATTENDING:

Commissioners: Mr. Kirkland, Mr. Jones, Mr. Sayen, Mr. Burns,  
Mr. Hamilton, Mr. Jessen  
Staff: Mr. Amon and Mrs. Max  
DEP: Mr. Michael Galley, Chief, Bureau of Water  
Facility Operations  
Mr. Greg Chase, Bureau of Water Facility  
Operations  
Mr. Eric Pearl, Assistant to Commissioner Wilson  
DAG: Mr. Steven Gray  
DOT: Mr. Edward Gilman, Mr. William Mann

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Chairman Kirkland brought the meeting to order and stated that the requirements of the Open Public Meeting Law had been properly met for the meeting of the Delaware and Raritan Canal Commission on 11 July 1977.

Mr. Kirkland recommended two amendments to the minutes of the 9 May meeting:

Mr. Sayen motioned to approve the lease for the Niece Lumber Company ... (Leases and Permits)

Mr. Jessen pointed out that the Commission would like to cooperate ... (Executive Director's Report)

It was moved by Mr. Jones and seconded by Mr. Sayen to approve the minutes of the 9 May meeting as amended and the minutes of the 18 May meeting as transcribed. The motion was carried with no dissenting votes.

COMMISSIONERS

Benjamin B. Kirkland <i>Chairman</i>	Martin D. Jessen <i>Vice-Chairman</i>	Donald B. Jones <i>Treasurer</i>	David J. Bardin Lee Bullitt	Joseph H. Burns Arthur J. Holland	James C. Sayen Frank J. Torpey
James C. Amon <i>Executive Director</i>					

LEASES AND PERMITSLand Leases

Mr. Amon stated that he had visited the site of the Laurie Rubber Company and they are continuing to meet the standards imposed by Water Pollution Control.

Mr. Hamilton moved to approve the land leases designated as item "a" on the agenda. Mr. Sayen seconded the motion and the motion was carried unanimously.

Kingston-Rocky Hill

Mr. Amon introduced Mr. Edward Gilman and Mr. William Mann from the Department of Transportation who presented plans for the Kingston-Rocky Hill railroad improvement. All tracts to be repaired which are in the Canal Park are to be improved under the responsibility of the State Department of Transportation. As this constitutes state action in the Canal Park, approval from the Commission is necessary. After extensive discussion, Mr. Jessen moved to approve the project with the following conditions:

1. that the rip-rap in question be restored in accordance with specifications provided by the Bureau of Water Facilities Operations.
2. that all significant trees to be pruned will be pruned flush to the trunk. The term "significant tree" shall refer to all trees over 6 inches in diameter.
3. that in the contracts between Con-Rail and all parties there be inserted a general liability insurance provision in the amount normally provided for in state contracts and naming the State of New Jersey and the Canal Commission safe-harmless.

The motion was seconded by Mr. Burns and carried with no dissenting votes.

Colonial Park Pond

Mr. Amon explained that the Somerset County Park Commission was requesting a stream encroachment permit in order to dredge a small pond. The stream runs through Colonial Park, under the canal, and into the Millstone River. Approval for the permit has been granted by Stream Encroachment with the condition that the Canal Commission also approve.

Mr. Jessen moved to approve the permit. This was seconded by Mr. Hamilton and unanimously carried.

Mr. Kirkland commented that the next three permits, designated as "d", "e", and "f" on the agenda, are for projects within the review zone and are for informal discussion and advice only. He suggested that the Commission establish procedure for this type of request.

It was decided that, in the future, Mr. Amon should:

1. study environmental data in the office.
2. make field examinations with one or more Commissioners.
3. submit a report at the subsequent Commission meeting.

Mr. Amon reported that the Van Cleef and Betar projects did not seem to have a harmful impact on the canal, and that with regard to Nassau Woods, he had made arrangements with Mr. Hamilton to visit the site. He also recommended that the Division of Environmental Review be notified that approval for Nassau Woods will be based on specific conditions, and that the present information is inadequate.

#### QUARTERLY FINANCIAL REPORT

The financial report for the months of April, May, and June, 1977, was presented to the Commissioners. Mr. Amon explained that at the end of the fiscal year, there was a surplus of \$52,000.00. Of this amount, \$24,00.00 has been committed but not yet paid. With regard to the remaining \$28,000.00, \$20,000.00 had originally been budgeted for a water quality testing program. Since the water quality testing program was no longer being undertaken by the Commission, but by the Bureau of Water Facilities Operations, Mr. Amon recommended that the Commission look into the matter of transferring the \$20,000.00 earmarked for this program to the Bureau of Water Facilities Operations. Mr. Galley said that he would investigate this possibility and bring up the subject at the next meeting.

Mr. Amon stated that a similar issue was the sum of \$50,000.00 intended for second stage development. It was the original assumption that the master plan would be produced in two stages: conceptual framework plan and site specific plans. At the Commission's special meeting of May 18th, Mr. Guido declared that the Division of Parks and Forestry would be responsible for site specific designs, including landscape architecture. It was agreed upon by the Commission that this would prevent duplication of effort and would save public funds. Mr. Amon then asked for comments on the \$50,000.00 surplus. Mr. Burns observed that the Commission is still in the formative stages when there is often uncertainty and should, therefore, hold the \$50,000.00 in reserve. Mr. Sayen agreed, adding that when the

review zone is operationable, extra funds may be needed to hire a hearing officer or engineer.

PROPOSED BUDGET FOR 1979 FISCAL YEAR

Mr. Amon explained that the 1979 budget had been put together in a hurried fashion as a result of a telephone call received on July 8th stating that if the 1979 proposed budget were not approved before July 15th, state funds would cease to be allocated. It was difficult for him to project Commission needs so far in advance, as there may be unanticipated staff additions when the review zone is in effect.

A motion was made by Mr. Jones and seconded by Mr. Sayen and carried unanimously to submit a budget for 1979 as follows:

- 1. Office Expenses . . . . . \$60,000.00
- 2. Administering the Review Zone . \$40,000.00
- 3. Consulting Fees . . . . . \$15,000.00

AMENDMENT TO ROGERS AND GOLDEN VISUAL CORRIDOR STUDY CONTRACT

Mr. Amon explained that the Rogers and Golden contract had a \$10,000.00 maximum, but that new maps were needed, additional field work as required, and more consulting time than anticipated would be necessary. He, therefore, recommended a \$2,000.00 increase.

Mr. Jessen moved to add \$2,000.00 to the contract of Rogers and Golden. The motion was seconded by Mr. Sayen and carried with no dissenting votes.

PROCEDURAL GUIDE

The Procedural Guide was written by Mr. Amon and Mr. Gray, submitted to the Division of Parks and the Bureau of Water Facilities Operations for comments, revised, and now presented to the Commission.

Mr. Burns suggested and it was agreed to amend Section V to the effect that plans are to be submitted at least one week before a Commission meeting, examined at the meeting, and notification sent to the State Agency within one week after the meeting.

DISCUSSION OF NEW MEETING SCHEDULE

Mr. Pearl stated that Commissioner Ricci was presently holding staff meetings on Mondays at 12:00 noon, thereby making it impossible for Ms. Wilson to attend Canal Commission meetings. The suggestion that meetings be changed to another weekday was discussed. By mutual agreement, Commission meetings will take place on the first Tuesday of each month beginning September 6th. Mr. Amon will contact Mr. Torpey and Mayor Holland.

ELECTION OF OFFICERS

Mr. Kirkland announced that according to the By-Laws of the Commission, the Vice-Chairman and Treasurer each hold office for one year and that elections should take place at this meeting. Mr. Sayen nominated Mr. Jessen as Vice-Chairman and Mr. Jones, Treasurer, and moved that they continue in office. The motion was seconded by Mr. Burns and carried with no dissenting votes.

CODE OF ETHICS

Mr. Gray stated that it was expected that there would be substantial revisions in the draft. Discussion of the code, therefore, was tabled until the next Commission meeting.

SIGNS IDENTIFYING THE CANAL PARK

It was explained by Mr. Amon that signs would be placed on every road and bridge which cross the canal. It was moved by Mr. Sayen to accept the wording of the signs as set down by the Executive Director. The motion was seconded by Mr. Burns and carried with no dissenting votes.

BUREAU OF WATER FACILITIES OPERATIONS REPORT ON THE HYDROLOGIC SURVEY CONTRACT AND THEIR PROPOSED PROGRAM FOR EXPENDITURE OF WATER BOND MONEY

Material regarding the program was handed to all Commissioners at the meeting. Mr. Chase reviewed all projects to be undertaken with the water bond monies. The package was presented with the intent that the Commissioners have time to study all proposals and vote on the issues at the August meeting.

Mr. Jessen stated that these projects will have a profound effect on the Canal Park as well as on the hydrologic operations of the canal. He advised that Mr. Amon be present at the meetings between the Bureau of Water Facilities Operations and its consultants, so that Commission concerns for recreation use and park aesthetics can be dealt with in the early planning stages.

The meeting adjourned at 4:50 p.m.