



MINUTES OF THE MEETING ON 12 SEPTEMBER 1977

TIME: 12:00 noon - 5:00 p.m.
PLACE: Aboard a canal barge on the Delaware Canal
DATE: Monday, 12 September 1977

ATTENDING:

COMMISSIONERS: Mr. Kirkland, Mr. Jessen, Mr. Jones,
Mr. Burns, Mr. Sayen, Mr. Torpey, Mr. Light

STAFF: Mr. Amon
DEP: Mr. Myers, Bureau of Water Facilities Operations
Mr. Steve Toth, Division of Fish, Game &
Shellfisheries
Mr. Pearl, Special Assistant to Deputy
Commissioner Wilson

GUESTS: General William Whipple, Rutgers University
Water Research Institute
Mr. John Hazen, Lambertville Beacon

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 12 September 1977. He then introduced the Commission, its staff, and its invited guests.

It was moved by Mr. Jones and seconded by Mr. Sayen to approve the minutes of the 8 August 1977 meeting. The motion was carried unanimously.

Leases and Permits

Mr. Amon described the proposed lease between the State and the Delaware River Mill Society, Inc. of the complex of buildings at Smith's Mill. The lease is for 10 years without cost to the

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>	Rocco D. Ricci Bruce A. Hamilton	Joseph H. Burns Arthur J. Holland	James C. Saven Frank J. Torpey
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NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

Brendan Byrne, *Governor* Rocco D. Ricci, *Acting Commissioner*

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lessee, but with an understanding that they will improve the property and use it for the public benefit. Mr. Gray said that he had not seen this lease and would like to have copies of all such leases in advance of meetings. It was agreed that Mr. Jones would talk with the Society officers and Mr. Gray would review the lease and that it would be brought up again for approval at the October meeting.

Mr. Amon reported that the Apex Lumber Company has for years leased a parcel adjoining the right-of-way of the abandoned and filled section of the canal. They now want to buy this property. Mr. Amon stated that the right-of-way is owned by the Department of Transportation and they plan to put a highway there. There seems to be no way that this property could become a part of the Canal Park. The Commissioners did not voice any objections to the disposal of the property but suggested that rather than an outright sale, it would be better to ask Apex Lumber to purchase a comparable parcel that could be used for the park and make a trade. Mr. Gray said that the State House Committee would have to approve the disposition. He said that he would investigate the legal aspects of this kind of transaction. The Executive Director was asked to pursue this approach.

Mr. Steve Toth of the Division of Fish, Game, and Shellfisheries presented what he called a nearly completed proposal for hunting in the Canal Park. He said that his agency believed that hunting should be allowed in the Millstone Valley from Rocky Hill to about Weston. He said that the canal, its towpath and a buffer of about 100 feet would be exempt as would any area within 450 feet of a house. They would allow hunting by special permit only and restrict these permits to 20 at any one time. The program would last from early November until mid-January. It would be policed by the park rangers, the hunters themselves, and the county conservation officer and his deputies. Mr. Sayen expressed his fear for the safety of other park users. Mr. Light wondered if such a program was worthwhile if so few people could benefit. Other questions and comments indicated Commission interest but not resolution of the issue. Mr. Kirkland suggested that Mr. Toth report to his director that the Commission gave the proposal a serious hearing and would await a specific request for action.

Scudder Falls Property

Mr. Amon reported that the City of Trenton's City Council has introduced a bill in the State Legislature to allow them to sell the Scudder Falls property to the people who presently have summer homes there. This property is given high priority on the Commission's acquisition request and Mayor Holland would like the State to acquire it for the Canal Park. Mr. Guido had

told Mr. Amon that he would like to have the Commission make the first move. Mr. Burns moved that the Commission noted that the Scudder Falls property was about to be put up for sale and that the Commission wishes to reinforce its previously stated position of wishing to acquire this land. Therefore, we strongly urge the Department of Environmental Protection to proceed immediately to acquire the land. Mr. Sayen seconded and the motion was carried unanimously. Mr. Light was asked to look into the status of the City-initiated legislation and try to discourage its approval.

Minutes of 10 May 1976

Mr. Torpey said that he would like the public record to show that he believed the minutes of 10 May 1976 were inaccurate. The statements in those minutes that "All Commission members favored keeping a one-lane bridge ..." and "The Commission believes that a two-lane bridge would have an adverse impact on the D & R Canal Park ..." implied that a vote was taken and unanimity prevailed. Mr. Torpey noted that no vote was taken and that if one had been, it would not have reflected unanimous opposition to the two-lane bridge.

Staff Reports at Meetings

At this point, it was moved by Mr. Sayen and seconded by Mr. Jessen that because the Commission would be discussing matters concerning the employment of the Commission staff, the meeting enter an executive session. The motion was carried without dissent. Regarding the practice of having reports from the Executive Director at meetings on subjects brought before the Commission, it was agreed:

1. The Commission expects the Executive Director to give his advice to the Commission.
2. The Executive Director should be very careful to make it clear that his advice does not appear to constitute a position taken by the Commission.
3. The Executive Director should try to summarize points for and points in opposition to a decision before he gives his recommendations.
4. On issues of particular sensitivity the Executive Director should try to give his advice in writing in advance of the meeting.

5. When the Commission has taken a position the Executive Director is expected to support it in public.

It was also decided to increase Mrs. Max's salary by 5 % both in recognition of her excellent work and to follow State employee guidelines.

General Clean-up

No longer in executive session, the Commission discussed procedure for improving the attention given to the Canal Park by the Department. It was agreed that it would be essential to try to increase the budget allocations for the Bureau of Parks and Water Facilities Operations so that they can carry out more work. The Commission asked Mr. Amon and Mr. Pearl to work with Department personnel on this issue.

Review Zone Report

Mr. Amon said that he had circulated copies of the draft drainage and visual regulations so that Commissioners could comment on them. General Whipple, the Commission's consultant on water issues, explained his drainage regulation and answered questions from the Commissioners. Mr. Jessen had three suggestions: 1) include comment on the need for an emergency spillway; 2) change the detention method so that water is held longer but will not need manual operation for release; 3) use the 50-year storm rather than the 15-year storm as a model. On points #1 and #2 it was agreed to accept Mr. Jessen's suggestion. After much discussion, however, the 15-year storm remained the choice.

Mr. Amon then explained the aesthetic impact regulation. There was considerable discussion about the 1/2 mile limit but no decision for change emerged. Mr. Amon then discussed procedural matters for the review zone. He said that everyone agreed that the 45-day limitation was too restrictive, but he has also been strongly advised against trying to have an amendment to the legislation. Mr. Amon gave copies of his draft procedural regulations to Mr. Gray and Mr. Burns and it was agreed that they would work together on their refinement.

It was then proposed that the Commission hire the Middlesex-Somerset-Mercer Regional Study Council to prepare a study of the municipal and county regulations which will affect the same things the Commission's regulations will affect. The

M-S-M has estimated a maximum price of \$2000.00 for the job. It was moved by Mr. Sayen and seconded by Mr. Jones that the M-S-M be hired for this job at a price not to exceed \$2000.00. The motion was carried unanimously.

Mr. Amon also reported that he would like to have maps prepared which would show each municipality exactly where the Commission's review zone is in their locale. This information would be put on the municipalities own tax maps. This project will cost more than \$2500.00 so Mr. Gray would like to have something in writing that would state what the Commission's procedure should be to hire consultants for such jobs. Mr. Jessen made a motion that when such procedure is established, the Executive Director proceed to entertain proposals for such a project. Mr. Sayen seconded the motion and it was carried without opposition.

It was agreed that for the remainder of 1977 the Commission will meet on the first Tuesday of each month (and not on the second Tuesday as reported in the minutes of 8 August 1977).

The meeting adjourned at 5:00 p.m.