



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING ON 6 DECEMBER 1977

TIME: 12:00 noon - 3:45 p.m.
PLACE: The Canal House, 25 Calhoun Street
Trenton, N.J.
DATE: Tuesday, 6 December 1977

ATTENDING:

COMMISSIONERS: Mr. Kirkland, Mr. Sayen, Mr. Jones, Mr. Jessen,
Mr. Hamilton, Mr. Picco, Mr. Torpey

STAFF: Mr. Amon, Mrs. Max
DEP: Mr. Guido, Acting Director, Division of Parks
and Forestry
Mr. John Garcia, Division of Parks and
Forestry
Mr. Galley, Chief, Bureau of Water Facilities
Operations
DAG: Mr. Toth, Division of Fish and Game
Mr. Gray

GUESTS: Mrs. Betty Davison, Franklin Township
Mr. John Hazen, Lambertville

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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 6 December 1977.

It was moved by Mr. Hamilton and seconded by Mr. Jones to approve the minutes of the November 1st meeting. The motion was carried without dissent.

Meeting Day for 1978

It was agreed by the Commissioners that regular meetings would continue to take place on the first Tuesday of every month during the calendar year 1978.

EXECUTIVE DIRECTOR	COMMISSIONERS					
James C. Amon	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. Sayen Frank J. Torpey

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Brendan Byrne, *Governor* Rocco D. Ricci, *Commissioner*

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Old Business

Mr. Amon distributed to the Commissioners copies of the new draft of the D.E.P. Code of Ethics. It was noted by Mr. Kirkland that if any Commissioner felt he had a problem complying with the code, he should make his comments known to Steve Picco before December 30th.

Leases and PermitsPrinceton Basin Park

Princeton Township and Princeton Borough have made joint application to Green Acres for development monies to be used for a park located near the canal at Alexander Road, Princeton Township. This proposal is essentially the same as the preliminary plan submitted one year ago. Focal points of the ~~canal~~^{Park} include a small parking lot, a picnic area, dredging the turning basin, and establishing boat launches in the Canal and Stony Brook. Mr. Amon explained that for the present, Green Acres is asking the Commission for conceptual approval only. With regard to items such as boat launching, detailed drawings would be needed at a later date and approval must then be granted from the Division of Parks and the Bureau of Water Facility Operations as well as the Canal Commission. It was moved by Mr. Jessen that Princeton Basin Park represents the type of development that the Commission is in favor of having adjacent to the canal. The motion was seconded by Mr. Picco and carried unanimously. Commissioner Sayen abstained from voting.

Washington Crossing

Mr. Amon stated that at the November 1 meeting, a motion was made to approve the lease with the condition that a hedge be planted by the lessee in order to provide visual protection for the canal. This was to be done only after the Bureau of Water Facility Operations had the opportunity to ascertain if the hedge would obstruct Bureau operations. Mr. Galley said he had investigated the matter and had no objection to a hedge, but that he would like the privilege of stipulating the type hedge to be planted and the location. Mr. Jessen suggested planting a privet hedge which is easily cut and shaped.

Stephen Sussna Lease

Mr. Amon noted this request had recently been received in the office and, therefore, did not appear on the agenda. The lease in question is for a patch of state-owned property to be used by a local home-owner as a backyard. As the property is well-maintained, Mr. Amon recommended approval of the lease. Mr. Sayen observed that if there is a possibility of using

this property in the future for public access, no permanent structures should be erected thereon. Mr. Jessen moved to approve the lease. The motion was seconded by Mr. Hamilton and carried unanimously.

GAF Corporation

Mr. Hamilton explained that the GAF lease had previously been approved with the condition that a screen of juniper be planted. He had since examined the site and noted that there is not enough space for a hedge. He, therefore, suggested that stockade fencing be placed in its stead. Mr. Picco moved to amend the motion to the effect that stockade fencing replace the formerly called-for juniper hedge. The motion was seconded by Mr. Sayen and carried unanimously.

Hunting in the Canal Park

As a point of information Mr. Amon presented a map he had drafted delineating the 8-mile area in question, outlining state-owned properties, and denoting areas containing the necessary 450' safety distances. He also prepared a map showing Fish and Game administered lands throughout the State.

Mr. Kirkland asked how many rangers presently control the area and how many would there be in the event hunting were permitted. Mr. Guido explained that with the addition of several newly hired rangers, there would be a total of 4 for that area. Mr. Toth stated that if hunting were allowed, there would be a commitment of 22 deputies.

Mr. Jones questioned if, technically, the hunting question should first be referred to Commissioner Ricci before the Canal Commissioners voted on it. Mr. Hamilton and Mr. Sayen strongly opposed this on the grounds that the Commission had held the public hearing with the stated purpose of coming to a decision at today's meeting. This responsibility should not in any way be avoided.

Mr. Guido pointed out that the crux of the matter is this: the statute gives the Commission the authority to prepare, adopt, and maintain a plan for the Canal Park and also the authority to act on policy matters. The existing policy with regard to hunting is that it is not allowed. The Division of Fish and Game has come before the Commission asking for either an amendment to the Master Plan or establishment of new policy. This

is not in the same category as a permit. If it is the Commission's ultimate decision to set new policy, then the Division of Parks will proceed to draft regulations for this policy.

Mr. Picco noted that the Commission was established as an independent agency with the express intent that it would have policy-making powers.

Mr. Jones opposed hunting on the following points:

1. the Master Plan stresses continuity from one end of the canal to the other. The hunters themselves agreed at the hearing that hunting would be incompatible with other simultaneous recreation and therefore, this section of the park would be closed to all but hunters for three months of the year.
2. the Canal Commission is dedicated to support and coordinate the activities of citizens which promote and preserve the park. In opposition to hunting are the following citizens: Blackwells Mills Canal House Association, D & R Canal Coalition, Montgomery Township Committee, owners of land adjoining the canal.
3. the statute declares the Commission shall act on complaints by citizens of hazardous situation. If, in the face of all the complaints received, the Commission would permit hunting, it would possibly be open to lawsuits. The park is simply too narrow for safety.
4. the Master Plan designates that any wilderness area remain undeveloped, with limited access, and restricted to canoeing and hiking. Of the 8.3 miles in question, 2.2 miles are wilderness.

Mr. Jones concluded that hunting would be contrary to the principles to which the park is dedicated. However, the Commission should make an effort to find a suitable hunting area in Somerset County.

Mr. Hamilton concurred with Mr. Jones and added that as he had been concerned about animal overpopulation, he spoke with staff members of Cook College Wildlife Division. It was their opinion that only deer could present a population problem and that Montgomery Township regulations could deal with this.

Mr. Sayen expressed opposition to hunting on the issues of the land being too narrow for safety and incompatible with other recreation.

It was moved by Mr. Hamilton and seconded by Mr. Sayen to deny the request by the Division of Fish and Game to change the existing Commission policy of no hunting in the Canal Park. At the request of Chairman Kirkland, Mrs. Max polled the Commissioners' votes. Assenting were Mr. Hamilton, Mr. Torpey, Mr. Jones, Mr. Sayen, Mr. Jessen, Mr. Picco, Mr. Kirkland. The motion was carried with no dissenting votes.

Mr. Kirkland asked if the no hunting regulation needed to be added to the Master Plan. Mr. Guido pointed out that the Master Plan need not be addressed as there is an existing rule against hunting in State Parks.

[Mr. Picco left the meeting at 2:25 p.m.]

Design Projects in the Canal Park

Mr. Amon called for discussion on the Development Projects memorandum. Specifically he asked 1) if the Commissioners wished to allocate money from Commission funds for these projects (a maximum of \$50,000 would be available), and 2) which of the projects on the list did they want to select.

Mr. Jones, as Commission Treasurer, stated he approved of the transfer of funds to the Division of Parks if the money is used solely for Canal Park projects.

Mr. Guido said the State Treasury Department has no objection to such a transaction. And, in addition to the \$50,000 Canal Commission funds, the Division of Parks would contribute \$30,000, for a total of \$80,000 worth of projects.

It was moved by Mr. Jones and seconded by Mr. Jessen to transfer \$50,000 to the Division of Parks with the understanding that the entire sum be used for Canal Park projects. The motion was carried unanimously.

Discussion ensued on alternative processes for selection of projects. Mr. Torpey moved to authorize Mr. Amon to meet with Mr. Guido and the Division of Parks staff to discuss within the framework of available money for the projects, and their priorities, and present the package to the Commission at the January meeting. The motion was seconded by Mr. Jones and carried without dissent. As he will be in California when the January meeting is held, Mr. Hamilton asked to be present at the meeting between Mr. Amon and Mr. Guido. Mr. Kirkland said he also would like to attend.

Acquisition Program for the Canal Park

Mr. Guido explained that the Commission^s had submitted to the Division of Parks recommendations for acquisition of land. The recommendations were reviewed by the Division of Parks, subjected to deletion and addition, and final proposals were presented to Commissioner Ricci on December 5, 1977. The proposals were adopted as the acquisition program for the Canal Park. Of the 270 acres recommended by the Commission, the Division of Parks concurred with 168 acres. The Division of Parks recommended an additional 144 acres plus 223 acres of easement property. The Canal Park initially contained 2360 acres. With acreage added by the Division of Water Resources and the Division of Parks, the Canal Park will total approximately 3200 acres in fee simple and 223 acres in easements. Mr. Guido and Mr. Garcia showed 17 maps (representing a two-year study) of the Canal Park's existing lands, the lands recommended by the Commission, and the properties intended for acquisition. The Commissioners will have 3 months to study the program and to comment upon it. The Bureau of Water Facility Operations may have additional acreage to recommend for drainage and maintenance purposes.

Mr. Guido observed that there are remaining monies from the Green Acres Bond Act and, therefore, the acquisition program will be under continuous review and adjustment.

The Commissioners complimented Mr. Guido and Mr. Garcia on the excellent program planned for the Canal Park.

[At 3:05 p.m. Mr. Torpey and Mr. Jessen departed. At this point the Commission no longer had a quorum.]

Mr. Sayen suggested that a memo be sent to all Commissioners asking that, in the future, they plan their time so they can remain in meeting until 4:30 p.m. If this is not possible, they should notify Mr. Amon so that he will know that a quorum will not be present and can change the meeting day.

Historic Survey Consultant

Mr. Kirkland reported that he, Mr. Hamilton, Mr. Jones, and Mr. Amon met with 2 candidates for the consultant position: Mrs. Constance Greiff and Mr. David Gibson. The Committee unanimously agreed that while they felt both candidates were competent, they preferred Mr. Gibson's program. Mr. Jones added that the key to the program's success will be community involvement, which Mr. Gibson seems able to elicit enthusiastically. Mr. Hamilton moved to appoint Mr. Gibson as historic consultant. The motion was seconded by Mr. Sayen and carried with the 4 votes of the attending Commissioners and one vote polled by telephone with Mr. Picco.

[This motion and the following one on the Design Vocabulary Study will be reconfirmed at the January meeting.]

Design Vocabulary Study

Discussion on the Design Vocabulary Study brought out the fact that the Commissioners felt it is inadequate in its present form. Mr. Jones moved to authorize the Executive Director to redesign the Design Vocabulary Book, using such resources as he sees fit and that he be allowed to draw against the Commission Treasury for up to a sum of \$2500 for payment to necessary consultants. The motion was seconded by Mr. Sayen and carried with the 4 votes of the attending Commissioners and one vote by Mr. Picco which was polled by telephone.

The meeting adjourned at 3:45 p.m.