



MINUTES OF THE MEETING 7 MARCH 1978

TIME: 12:00 noon - 3:45 p.m.
PLACE: The Canal House, 25 Calhoun Street
Trenton, N.J.
DATE: Tuesday, 7 March 1978

ATTENDING:
COMMISSIONERS: Mr. Kirkland, Mr. Burns, Mr. Jones, Mr. Sayen,
Mr. Hamilton, Mr. Light, Mayor Holland.

STAFF: Mr. Amon, Mrs. Max
DEP: Mr. Galley, Mr. Myers, Mr. Gross, Bureau
of Water Facilities Operations.
Mr. Kraml, Mr. Garcia, Bureau of Parks.

DAG: Mr. Gray

WATER RESOURCES: Mr. Donald Brown

GUESTS: Mr. Haughey, Commission Legal Consultant
General Whipple, Commission Water Consultant
Mr. Gerber, Franklin Township Sewer Authority
Mr. Cashvan, Mr. Bonner, Bonner Associates

* * * * *

Chairman Kirkland brought the meeting to order and stated that the requirements for the Open Public Meeting Law had been properly met for the meeting of the Delaware and Raritan Canal Commission on 7 March 1978.

It was moved by Mr. Jones and seconded by Mr. Sayen to approve the minutes of the 15 February meeting.

Old Business

a. Deep Lock

Mr. Amon reiterated the concern expressed at the 15 February Commission meeting that the lock be preserved and reconstructed

EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Rocco D. Ricci	Joseph H. Burns	James C. Sayen
James C. Amon	Chairman	Vice-Chairman	Treasurer	Bruce A. Hamilton	Arthur J. Holland	Frank J. Torpey

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

P.O. BOX 1390 25 CALHOUN STREET TRENTON, NEW JERSEY 08625 609-396-3063

in a place where it can be viewed by the public.

Mr. Burns stated that since the lock is not within the Canal Park, the Commission has no jurisdiction over what will be done with the lock. He recommended that Mr. Amon contact the Department of Transportation to ask what plans have been made.

Mr. Galley observed that the Bureau of Water Facilities Operations would very much like to have the stones from the lock for future repairs of the canal.

Mr. Kirkland directed Mr. Amon to write the Department of Transportation noting the interest and concerns of the Commission and asking the intent of the Department of Transportation with regard to the lock. A copy of the letter should be sent to the Federal Historic Commission.

b. Apex Lumber Company Lease and Exchange of Land

Mr. Amon reported that the attorney for Apex Lumber Company had written to Commissioner Ricci, stating that the list of desired properties for exchange had been examined and that it would not be possible to comply with the list. Further, if Apex Lumber Company is not able to buy the property from the Canal Commission, the company will be forced to move from Trenton.

Mr. Gray explained that it is not possible for Apex Lumber Company to merely declare that it would like to purchase a certain piece of state property. Sales of surplus Canal Park lands must be done through the public bidding process. Monies received from such sales would be deposited to the account of the Bureau of Water Facilities Operations for canal maintenance.

It was decided by the Commissioners that no action be taken until Mr. Gray has had the opportunity to study the contents of the Apex letter and Mr. Amon to explain the situation to the Apex owners.

c. Smith's Mill

Mr. Jones reported that the principals involved with the lease are presently vacationing in Florida; thus, no action has been taken.

d. Millstone Fire Department

Mr. Amon explained that the Franklin Township Planning Board has plans to construct a new fire station and parking lot adjacent to the canal in Millstone.

Mr. Sayen stated that, for future reference, he would like more information on the quantity of run-off and type of pollution generated by parking lots.

It was agreed by the Commissioners that, in essence, the plan met with their approval and that a formal resolution was not needed. Mr. Amon was directed to inform Franklin Township that denser screening would be desirable. Mr. Hamilton promised to take personal responsibility to oversee implementation of the plans.

Review Zone Regulations

Mr. Kirkland introduced Donald Brown from the Department of Water Resources. Mr. Brown outlined his department's preliminary views on the Review Zone Regulations. He made it clear that the views as stated were a result of cursory review of the Commission Regulations and did not represent opinions of the technical staff of Water Resources. According to Mr. Brown, there are 4 major issues which will need to be resolved on a Commissioner's level:

1. To what extent is the Canal Commission review authority concurrent with Water Resources' jurisdiction on water quality. (Water Resources already administers 20 separate permit programs.)
2. If there is concurrent jurisdiction, to what extent should there be duplication of technical review.
3. If the Canal Commission has exclusive review on storm water run-off and other water-quality-related review, to what extent is the Commission willing to consider a number of highly technical procedural issues.
4. What will be the role of the Bureau of Water Facilities Operations, since it has management responsibility for sale of state-owned potable water.

Mr. Light noted that the Regulations pre-suppose substantial reviewing capabilities on the part of the Commission. He is concerned that if the regulations were adopted, the Commission would not be able to implement them for lack of staff and budget. He feels that one reviewing technician or engineer would not be adequate.

Mr. Haughey pointed out that the Regulations permit the Commission to do that which is mandated by law. He stressed that meetings between the Commission's consultants, Mr. Amon, and staff members from Water Resources would resolve many issues. The Canal Commission can certainly work harmoniously with other state agencies, as well as municipal and county agencies.

Mr. Galley recommended that any future drafts of the regulations include delineation of the responsibilities of the Bureau of Water Facilities Operations.

The subject of the Stream Corridor concept was discussed once again. Mr. Burns stated that both he and Mr. Jessen were under the assumption that the Stream Corridor provisions were to be removed. Mr. Amon said that he understood that there was opposition to these provisions, but that final decision for removal of these regulations would be subject to a decision by the Commission.

It was ultimately agreed upon that Mr. Amon and the Commission's consultants would meet with Water Resources' technicians to resolve problems. Mr. Jessen would be invited to attend.

Bureau of Parks on Canoe Docks

Mr. Garcia distributed sketches of proposed canoe docks and asked the Commissioners to study them and decide on a final selection before the 4 April meeting. Two types of docks should be approved: one suitable for installation at bridges and one for other sites.

Leases and Permits

a. land lease

It was moved by Mr. Hamilton and seconded by Mr. Sayen to approve the leasing of a parcel of land in Lambertville used by Finkle Hardware Store for a fence site. The motion was carried without dissent.

b. Stony Brook Sewer

Mr. Myers asked that discussion of this lease be tabled for the present. In one month he will have a final agreement ready for Commission approval.

c. Franklin Township Sewer Authority - Bonner Associates

Mr. Amon reported that due to heavy snows, he was again unable to carry out on-site inspection.

Mr. Gerber stated that it is necessary to begin construction within 4 weeks and he asked that the Commission not wait for site inspection.

In order to speed the process Mr. Gerber promised to be personally responsible to the Commission for site inspection, photographs before and after construction, proper restoration (as specified by the Commission) of any disturbed rip-rap, and replacement of any trees which are destroyed. These conditions would be included in a contract between the Franklin Township Sewer Authority and the agent doing the construction.

Mr. Hamilton said that he had reservations about the sewer construction to date and would personally supervise the construction in the Canal Park. He will make an advance inventory and note anything which will need to be replaced.

Mayor Holland moved to rescind the resolution made at the 15 February meeting to delay action until site inspection takes place. The motion was seconded by Mr. Burns and carried unanimously.

Mr. Galley agreed that the Bureau of Water Facilities Operations would enforce requirements on the developer. Conditions would appear in the permit and would be reviewed by Mr. Gray before being issued.

Mayor Holland moved to amend his previous motion to the effect that the project be approved subject to the terms outlined in the permit agreement. The motion was seconded by Mr. Hamilton and carried without dissent.

Mr. Cashvan requested a copy of the resolution.
Mr. Gerber asked that a permit letter be issued forthwith.

d. Lambertville Flea Market

With regard to the parcel of land used for flea market parking, Mr. Galley asked that this lease be tabled for future discussion. There will be changes proposed for better access and landscaping.

e. Mercer Medical Center

Mr. Myers asked that this lease be tabled as the Division of Parks has not yet completed its review.

f. Hamilton Township Landfill -Bureau of Water Facilities Operations

It was moved by Mr. Sayen and seconded by Mr. Jones that the portion of the abandoned canal, as agreed upon in November 1976, be approved for fill until such time as the area is filled to meet the configuration of land as recorded on the blueprint. The motion was carried without dissent.

Natural Areas Council

Discussion was tabled due to the fact that staff members from Green Acres could not attend.

Executive Director's Report

Mr. Amon stated that three Griggstown residents have received letters of property condemnation; this is in direct conflict with the Commission resolution of 15 February.

Mr. Burns suggested that Mr. Amon contact Curt Hubert, Administrator of Green Acres, to ask if there has been some delay in communication. If this is not adequate, a letter should be sent to Commissioner Ricci.

The meeting adjourned at 3:45 p.m.