



MINUTES OF THE MEETING 4 APRIL 1978

TIME: 12:00 noon - 4:35 p.m.  
 PLACE: The Canal House, 25 Calhoun Street  
 Trenton, New Jersey  
 DATE: Tuesday, 4 April 1978

ATTENDING:

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

STAFF: Mr. Amon, Mrs. Max  
 DEP: Mr. Guido, Division of Parks  
 Mr. Galley, Mr. Myers, Bureau of Water  
 Facilities Operations  
 Mr. Bosted, Green Acres

DAG: Mr. Gray  
 DOT: Mr. Keck, Mr. DeLucia, Mr. Burke  
 DOT Consultants: Ms. Thompson, Mr. Brenner, Mr. Valiente

GUESTS: Mrs. Patricia Cherry, Girl Scout Council  
 4 representatives from Mercer Medical Center  
 Mr. Decker, Mr. Mathis, and two other  
 representatives from Somerset County  
 Engineering Office  
 Mr. Harvey, Stony Brook Sewer Authority  
 \* \* \* \* \*

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 4 April 1978.

It was moved by Mr. Sayen and seconded by Mr. Jones to accept the minutes of the 7 March meeting. The motion was carried without dissent.

EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Rocco D. Ricci	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*      Rocco D. Ricci, *Commissioner*

Old Businessa. Deep Lock

Mr. Amon reported that he had written a letter regarding the lock to the D.O.T. as agreed upon at the 7 March Commission meeting. The D.O.T. has responded in writing that the matter would be investigated and that the Commission would be notified of the outcome. Mr. Jessen volunteered to pursue the matter further.

b. Apex Lumber

Mr. Amon telephoned the law firm representing Apex Company to inform them of the Commission's legal responsibilities with regard to the sale/exchange of land. The senior partner of the firm was away at the time and will respond as soon as possible.

c. Smith's Mill

Mr. Jones met with the citizens' group and they consented to the insertion in the contract of the two clauses agreed upon at the 15 February meeting. Mr. Gray explained that the lease received from the Bureau of Parks (as landlord) did not contain the optional 10-year renewal clause. Mr. Jones noted that it also eliminated the clause necessitating approval from the Canal Commission on all proposed work.

Mr. Guido commented that there is a jurisdiction problem which needs to be resolved. Although the Canal Commission has negotiated favorably with the Smith's Mill group, the responsibility truly belongs to the Division of Parks as landlord. He observed that this issue should not establish precedent. Mr. Gray recommended that, in the future, the Canal Commission coordinate negotiations with the Division of Parks.

Mr. Jones moved that the final form of the Smith's Mill lease contain the clauses that Mr. Gray was previously directed to write plus the two amendments suggested today:

1. the reinsertion of the 10-year time period with option to renew.
2. that the tenants shall make substantial work progress each year and that an annual report be submitted to the Commission on the work accomplished.

The motion was seconded by Mr. Jessen and carried unanimously.

d. Canoe Dock Design Selection

Of the various designs proposed by the Division of Parks, the Commissioners selected two.

e. Franklin Township Sewer Authority

Mr. Galley reported that the conditions stipulated at the 7 March meeting were incorporated into the letter of permit issued by the Bureau of Water Facilities Operations to Franklin Township Sewer Authority.

Leases and Permits

a. Land Leases

It was moved by Mr. Jessen and seconded by Mr. Sayen to approve the leases as presented by Mr. Amon. The motion was carried unanimously.

b. Lambertville Flea Market

Mr. Guido requested that this lease be tabled once again. There is a question as to whether the lessees should be allowed to build permanent facilities on state land.

c. Stony Brook Sewer Authority

Mr. Amon introduced Mr. Robert Harvey, Executive Director of the Stony Brook Sewer Authority.

Mr. Harvey explained that the proposed sewer lines will cross the canal in two locations: Kingston Lock and Alexander Street, Princeton. A representative from the Division of Parks or a licensed archaeologist must be present at the site before anything can be done.

It was moved by Mr. Jessen and seconded by Mr. Sayen to approve the permit. The motion was carried without dissent.

d. Mercer Medical Center

Four representatives of the Mercer Medical Center were introduced by Mr. Amon. Mr. Amon explained that plans for the proposed lot had been reviewed by the Bureau of Water Facilities Operations and had been found acceptable. Mr. Hamilton noted that the Commission's previous recommendations regarding vegetation still did not appear on these revised plans. Mr. Sayen moved to approve the permit with the maintenance instructions suggested by General Whipple and with the following vegetative conditions:

1. plantings of trees at the ratio of one tree per 10 parking stalls. Trees are to be bare-root and 10-12 feet tall. Two or three species should exist, these species to be recommended by Mr. Hamilton.

2. plantings of juniper along the boundary.

The motion was seconded by Mr. Jones and carried unanimously.

Mr. Hamilton said that he would give written instructions for species and planting design and would be available for consulting, naturally at no charge to the Medical Center.

Mr. Amon agreed to write a letter to the Medical Center Board noting Commission approval.

#### Presentation on I-95

Representatives from the Department of Transportation and their consulting firm were present to discuss the possible I-95 crossing of the Canal Park between East Millstone and Weston. According to the D.O.T., studies of various proposed routes point to this one as the best solution. It is anticipated that I-95 will extend from the existing Route 95 north to join Route 287. Documents will be sent from D.O.T. to the Federal Government for review and approval. Thereafter, public hearings will be held.

It was noted that the bridge over the canal will be approximately 1600 feet long, that there will be a 15 1/2 foot clearance for vehicles, and the bridge will be built above flood level.

Mr. Jessen stated that it is necessary to have 20 feet clearance over the canal and 16 feet over the towpath.

Mr. Guido voiced the following objections to the plan:

1. D.O.T. has not considered any alternatives to crossing the canal.
2. The plan calls for crossing the river and flood plain at exactly the widest point.
3. No consideration has been given to the possibility of accidents occurring on the bridge, e.g. an accident involving a chemical or oil truck which would spew pollutants onto the bridge and into the canal.

Mr. Keck agreed that no thought had been given to point #3 and stated that it would be studied. He requested a position paper from the Canal Commission on the subject of I-95 and the crossing of the Canal Park. This should be submitted to the D.O.T. as quickly as possible, or, at the latest, August 1st. Mr. Valiente further asked for dialogue on the issue.

Mr. Sayen stated that the highway crossing will have a tremendous impact on the Girl Scout Camp located nearby. He added that it took the Girl Scout Council 20 years to find this tranquil, secluded area which will be violated by this proposed route.

Mrs. Cherry stated her concerns about the noise which will emanate from the road. The D.O.T. predicts 41,000-60,000 vehicles per day will pass on the bridge. She said this will disturb not only the Girl Scout Camp but everyone on the canal.

Mr. Amon was asked to prepare a draft of a position paper for the Commission.

[Mr. Jessen left the meeting]

#### Somerset County Engineers' Presentation on Weston Causeway

Mr. Decker explained that the present two-lane causeway is frequently flooded and needs to be rebuilt. The new bridge would be increased to 4 lanes and would be realigned to avoid razing several nearby historic buildings. Funds for the project would be available from the Federal Government.

Mr. Galley suggested that the bridge be of adequate height to allow people to walk on the towpath. He asked that the engineers meet with him to discuss elevations, etc.

#### Quarterly Financial Report

Mr. Jones explained that approximately \$4200 had been paid by the central payroll office to the Commission staff. This amount would soon be transferred from the Commission account and should be deducted from the balance of funds. He further stated that the checking account balance was too high and that some of these funds should be placed in a certificate of deposit.

Mr. Jones moved to accept the report as submitted. The motion was seconded by Mr. Burns and carried.

#### Delaware-Raritan Girl Scout Council

Mrs. Cherry spoke about the Oak Spring Camp, describing its programs and physical beauty. She stressed its extensive use by scouts and repeated her concerns about the construction of I-95 so near to the camp. She stated that while the Council does not oppose construction of the road, it does worry about

the noise level.

#### Wilbur Smith Property

Mr. Amon explained that a parcel of land with a number of structures on it, which is owned by Wilbur Smith, is part of the Millstone Acquisition Program. Green Acres has appraised the property and offered a sum to Mr. Smith who feels that it is entirely too low. Mr. Smith has engaged a lawyer to dispute the appraisal and has contacted a number of public figures to aid him in his battle. Mr. Amon recommended that since this is a matter of negotiation of price, the Commission not involve itself.

Mr. Torpey disagreed, saying that the Commission is very much involved because of negative press reports which make it appear that the property is being confiscated for the Delaware and Raritan Canal Park. Mr. Torpey added that he felt Green Acres has not handled the owner (who has lived there more than 75 years) in a sensitive manner. The Department has offered \$50,000 on a take-it-or-condemn basis. Realtors have appraised the property, 7.5 acres, at \$15,000-\$20,000 an acre. Two of the structures are potential historic sites. Furthermore, Mr. Smith presently derives an income of \$18,000 a year from rental of the structures which would be lost even if he were granted "life rights". "Life rights" refers only to occupancy of the house.

The Commissioners decided that letters should be written to Commissioner Ricci and Curt Hubert stating (1) concern over the insensitive manner with which the owner is being treated (2) that the D & R Canal Commission is receiving highly negative criticism (3) that there has been a considerable amount of public response from elected officials as well as newspapers.

Mr. Torpey moved to direct Mr. Amon to write these letters. The motion was seconded by Mr. Hamilton and carried without dissent.

[Mr. Torpey left the meeting]

#### Natural Areas Presentation

Ken Bosted, Director of the N.J. Natural Areas Program, briefly described the program as a uniform method of identifying and administering all state-owned land which is classified as "natural environment".

There are 3 natural areas within the Canal Park which Mr. Bosted felt should be added to the Natural Areas list, but he can not unless invited to do so by the Commission.

Mr. Jones moved to permit examination of the 3 areas by Mr. Bosted. The motion was seconded by Mr. Hamilton and carried unanimously.

Executive Director's Report

a. Mr. Amon stated that he had met with the D.O.T., Mercer County Planning Board, and Hamilton Planning Board with regard to the I-295 crossing of the canal. There is a 90 % federally funded bikeway program which accompanies construction of interstate highways, and in this case, can be used to advantage for the Canal Park. Bike paths which double as hiking paths could be built from Bordentown to Roebling Park.

It was moved by Mr. Sayen and seconded by Mr. Hamilton to direct Mr. Amon to draft a letter to Commissioner Mullen of the D.O.T. requesting the bikeway. Copies of the letter should be sent to key political figures. The motion was carried unanimously.

b. The town of West Windsor would like to be permitted to tie a sewer connection to the Stony Brook lines and is asking for conceptual approval. Mr. Sayen moved to grant conceptual approval to the project. The motion was seconded by Mr. Jones and carried without dissent.

c. Mr. Galley reported emergency repairs on a spillway near Landing Lane which was damaged by the flooding of March 25-26.

d. Mr. Jones stated that 5 large trees along Route 29 near Fiddler's Creek Road have been designated for destruction by the D.O.T. He said that, as a private citizen, he would like to obtain an injunction to stop this destruction, but first wanted to know if this would cause conflict with the Commissioners.

It was moved by Mr. Burns and seconded by Mr. Sayen that a letter should be written by Mr. Kirkland requesting D.O.T. reconsideration of the tree removal plans. The motion was carried without dissent.

The meeting adjourned at 4:35 p.m.