



MINUTES OF THE MEETING 6 JUNE 1978

TIME: 12:00 noon - 5:00 p.m.  
PLACE: The Canal House, 25 Calhoun Street  
Trenton, New Jersey  
DATE: Tuesday, 6 June 1978

ATTENDING:

COMMISSIONERS: Mr. Kirkland, Mr. Sayen, Mr. Hamilton,  
Mr. Jessen, Mr. Jones, Mayor Holland

STAFF: Mr. Amon, Mrs. Max  
DEP: Mr. Galley, Mr. Gross, Bureau of Water  
Facility Operations

DAG: Mr. Gray  
GUESTS: General William Whipple, Jr., Consultant  
Mr. Samuel Hamill, Jr., Consultant  
Ms. Jane Wyckoff, Hunterdon County Democrat

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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 June 1978.

The following corrections to the minutes of 2 May 1978 were recommended:

... Once the projects are known... (page 7, line 12)  
... would be willing to sell enough land ... (page 8, line 21)

It was moved by Mr. Sayen and seconded by Mr. Jessen to accept the minutes of the 2 May meeting as corrected. The motion was carried without dissent.

Old Business

Wilbur Smith Property

Mr. Kirkland read a letter from Curt Hubert, Administrator of

EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Daniel J. O'Hern	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 Daniel J. O'Hern, Commissioner

Green Acres, which stated that Mr. Hubert is personally conducting negotiations and is extending every courtesy and consideration to Mr. Smith.

Mr. Kirkland introduced Mr. Hubert who spoke on 3 issues of concern to the Commission:

Bikeway from Battle Monument to Washington Crossing

Two problems have delayed the acquisition of the railroad right-of-way: 1) slow movement by Conrail and the state for determination of acquisition procedures 2) careful investigation of the possibility of saving the rail line. Mr. Hubert also mentioned that the residents in the Glen Afton area are opposing the project. The property of these residents has been subjected to vandalism and the owners feel that the vandalism would increase with the usage which would accompany construction of a bikeway.

Wilbur Smith Property

Mr. Hubert reported that Mr. Smith has been offered what Green Acres considers an equitable amount of cash for his property along with "life rights". It is not the intention of the state to evict Mr. Smith nor to defraud him. Mr. Smith is asking approximately 3 times the amount of the State appraisal. With respect to the matter of Mr. Smith's income-producing property, the State regards this property as verging on the point of being condemned as uninhabitable and therefore not a valid negotiable item. Mr. Hubert has obtained what he considers to be adequate appraisals and feels that Mr. Smith's requests are exorbitant.

Griggstown Easements

Green Acres has decided to reverse its policy on condemnation and negotiate with the area residents for conservation easements.

TRAP ROCK

Mr. Amon explained that the Trap Rock Company had been sued by E.P.A. for \$1 million dollars for polluting the D & R Canal. Pollution comes from two sources: overland run-off and a stream which runs from the quarry into the canal. E.P.A. has now reduced the suit to a \$50,000 fine with the agreement that Trap Rock immediately correct both problems.

Representatives from Trap Rock appeared before the Commission in order to request approval for proposed construction to divert the run-off. Construction would take place on land leased by Trap Rock from the State.

Essentially, the proposed plans are to divert both the stream and the overland run-off into a huge pit which, when filled, would resemble a lake. Dams and storm sewer systems would be installed to accomplish this purpose.

Mr. Jessen asked that, for the benefit of the public, Trap Rock photograph the quarry and its operations and display the photographs with informative signs.

Mr. Hamilton moved to grant conceptual approval to Trap Rock's proposed plans to drain the quarry and reroute the stream with the proviso that a time lease be written for Trap Rock to do cosmetic clean-up on the property contiguous to the canal. The motion was seconded by Mr. Jones and carried unanimously.

Mr. Galley noted that both the Bureau of Water Facility Operations and the Division of Parks would need to review the plans.

#### Commission Meeting Dates

It was agreed by the Commissioners to change the July meeting date from the 5th to the 19th (which would be the third Wednesday). Meetings for the remainder of the year would continue to take place on the first Tuesday.

[Mayor Holland left the meeting]

#### Port Mercer Towpath Project

Mr. Amon brought up for discussion the matter of the Towpath project and the fact that the contractor had not adhered to the specifications set down by the Bureau of Water Facility Operations and had not completed the project satisfactorily. It was of prime concern to the Commissioners that the rip-rap had not been replaced properly.

Mr. Galley stated that in November a list of deficiencies had been given to the contractor and to date have not been corrected. Regretfully, and without any sign-off from the Bureau of Water Facility Operations, all but 2% of the monies have been paid to the contractor. Mr. Galley estimates that proper repair of the rip-rap would cost \$60,000.00.

Mr. Amon observed that not only did the work not meet specifications, it did not meet historic standards. The canal is an historic site and the rip-rap should be historically accurate.

Mr. Jessen moved that a letter be written to Mr. Cliff Goldman of the Treasury Department, with copies to the D.C. and Commissioner O'Hern, asking why reimbursement was made to the contractor without the inspection of the using agency. The motion was seconded by Mr. Jones and carried unanimously. It was further suggested that the letter should note the historic aspect previously mentioned by Mr. Amon and the fact that the D & R Canal Commission had approved the specifications as required by the Bureau of Water Facility Operations.

### Deep Lock

Mr. Hamilton reported that the Bogen Meadows Foundation will gladly accept the top stones, will propose a site for them and plan a display. It should be noted, however, that the Foundation lacks the funds needed to underwrite expenses.

Mr. Jessen said he would ask the contracting company to transport the stones and put them in place. Mr. Jessen will take care of the matter so that the Meadows Foundation avoids all expense.

### Bikeway along I-295

Mr. Kirkland read a letter from Mr. Russell Mullen, Assistant Commissioner, D.O.T. In the letter Mr. Mullen stated that if federal funds were available for this project, the bikeway would be constructed. In that event, he would like to meet with the Canal Commission. Mr. Amon was directed to arrange for a meeting which would include Mr. Mullen, Mr. Kirkland, Mr. Jessen, Mr. Sayen, and Mr. Amon.

### Staff Salaries

Since the Commission would be discussing matters concerning Commission staff, they entered executive session. Upon completion of the executive session, Mr. Jones moved to award the following annual salary increases as of July 1st:

Executive Director	-	5%	cost-of-living	raise	and	7%	merit	raise.
Administrative Asst.	-	5%	"	"	and	5%	"	"

The motion was seconded by Mr. Sayen and carried without dissent. As these percentage raises would place the salaries between 2 steps on the state Salary Compensation Table, it was agreed by the Commissioners that the staff salaries should be placed at the higher range of the 2 steps.

### Leases and Permits

It was moved by Mr. Sayen and seconded by Mr. Hamilton to approve the permit for the canoe concession at Kingston. The motion was carried unanimously.

Letter to Commissioner O'Hern

The draft letter to Commissioner O'Hern was reviewed by the Commissioners and approved with a few minor changes which were noted by Mr. Amon.

Review Zone

General Whipple made a presentation on the drainage review zone and recommended the two-zone concept. After extended discussion, it was agreed by the Commissioners to have a drainage review zone divided into two sections: zone 1 to be 1/2 mile from the Canal Park and zone 2 to be all other areas.

Debate followed on the question of whether one or two maps should be used for review. Mr. Jessen moved that two maps be used: the first will demonstrate the two zones and projects to be reviewed therein, the second will show the criteria of review (some areas only quantity, other areas quantity and quality of water). The motion was seconded by Mr. Hamilton and carried without dissent.

Mr. Amon promised to have draft maps for the July meeting.

Visual Regulations

The visual regulations were accepted without change

Detention Basin Regulations

The detention basin regulations were accepted without change.

Transfer Development Rights Legislation

It was moved by Mr. Sayen and seconded by Mr. Jones that the Canal Commission endorse the T.D.R. bill. The motion was carried without dissent.

The meeting adjourned at 5:00 p.m.