



MINUTES OF THE MEETING 19 JULY 1978

TIME: 12:00 noon - 4:00 p.m.  
 PLACE: The Canal House, 25 Calhoun Street  
 Trenton, New Jersey  
 DATE: Wednesday, 19 July 1978

ATTENDING:  
 COMMISSIONERS: Mr. Kirkland, Mr. Sayen, Mr. Burns, Mr. Jones,  
 Mr. Jessen, Mr. Sinclair, Mayor Holland,  
 Mr. Hamilton  
 STAFF: Mr. Amon, Mrs. Max  
 DEP: Mr. Galley, Mr. Chase, Bureau of Water  
 Facility Operations  
 DAG: Mr. Steven Gray  
 GUESTS: Mrs. Dorothy Bayless, Mrs. Ruth Linker,  
 Lawrence Township  
 Mr. Samuel Hamill, Jr.

\* \* \* \* \*

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 19 July 1978.

Mr. Kirkland introduced Mr. James Sinclair who is Commissioner O'Hern's appointed representative to the Canal Commission.

It was moved by Mr. Sayen and seconded by Mr. Jessen to accept the minutes of the 6 June meeting. The motion was carried unanimously.

Old Business

Port Mercer Project

Mr. Amon reported that he had inspected the site and had a meeting with representatives from B.W.F.O. and Building and Construction. To date, terms of the contract have been met with the exception of the restoration of the rip-rap, and the contractor has promised to

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

take care of this.

Mr. Jessen explained that if the Bonding Company has been notified by a state agency that the work has been completed, the Bonding Company will cease to consider itself liable after 80 days of having received notice. Mr. Amon noted that the bond for this project has been considerably reduced from its original amount.

Mr. Kirkland read the letter from the Commission to Clifford Goldman stating the concerns of the Commission with regard to this project. The Commissioners agreed that this letter should be re-drafted to include the following questions:

1. What is the status of the bond which has been posted for the project?
2. Has the bonding company been notified that the job has not been completed according to specifications?
3. How much of the fee has been paid to the Dawson Company?
4. What is the estimated cost of correcting the portions of the specifications that have not been completed?

#### Letter to Commissioner O'Hern

Mr. Sinclair has the letter in hand and promises to handle the matter. He stated that Mr. Guido and Mr. Hofman have already met with the Commissioner and have presented their financial needs to him. There is a possibility of a bond issue for the canal in the fall of 1979.

#### Quarterly Financial Report

Mr. Jones moved to accept the quarterly financial statement as presented and proposed that the next one show allocated sums as well as expenses. The motion was seconded by Mr. Burns and carried unanimously.

#### Budget for 1980

Mr. Amon stated that he had reconsidered the 1980 budget and felt that the allowance for staff salaries was too generous (\$100,000). He recommended that this item be reduced by \$10,000, thereby allowing \$90,000 for salaries and a total of \$130,000 for the entire budget. Mr. Sayen moved to accept Mr. Amon's recommendation. The motion was seconded by Mr. Burns and carried without dissent. Mr. Amon was directed to re-submit the budget to the Bureau of Parks.

### Staff Salaries

At the 6 June meeting Mr. Amon was awarded a 12% annual increase to be effective July 1, 1978. Mr. Jones stated that apparently this was not acceptable to the State's Payroll Department. Increments must be given in steps of 5%, that is either 10% or 15% increase. In order to be awarded a 15% increase, the Commission must give advance advertisement and hold a public hearing.

The Commissioners objected to this control by the State on the principle that it disregards the Canal Commission Statute 13:13A-11f:

"The Commission may [also] appoint, retain and employ, without regard to the provisions of Title 11, Civil Service, of the Revised Statutes, such officers, agents, employees and experts as it may require, and it shall determine their qualifications, terms of office, duties, services and compensation."

It was agreed by the Commissioners that before ceding this authority granted to them by law, Mr. Kirkland should meet with Commissioner O'Hern to discuss the matter.

### Leases & Permits

It was moved by Mr. Jessen and seconded by Mr. Jones to approve the two leases as recommended by Mr. Amon. The motion was carried unanimously.

Mr. Sayen asked that Mr. Amon contact a Lambertville civic group in order to adopt as a project the improvement of the playground.

### Trap Rock

Mr. Amon stated that Trap Rock would like final approval of plans to divert the stream into a detention basin. He added that the federal E.P.A. and N.J. D.E.P. Water Resources are carefully monitoring water quality.

Mr. Hamilton moved to approve the plans as presented. The motion was seconded by Mr. Sayen and carried unanimously.

### Culvert at Shipetaukin Creek

Mr. Galley presented plans for repair of the culvert and asked for preliminary approval.

Mrs. Linker asked that, since Dam Site 7a greatly affects the size of the culvert at Shipetaukin Creek, the Lawrence Township Engineering Department be given the opportunity to review the

plans. Dam Site 7a is near the Princessville Inn Historic Site and is, therefore, by law, subject to review by the State Department of Historic Sites.

Mr. Jessen moved to give preliminary approval to the plans. The motion was seconded by Mr. Sayen and carried unanimously.

#### Bicycle Path

Mr. Amon distributed copies of a proposal prepared by architect Bob Thomas. Between this meeting and that of August 1st, the Commissioners will have time to review the proposal.

#### Historic Sites Survey

Mr. Amon explained that because of protracted negotiations with the Department of Historic Sites, he has been unable to receive state approval on David Gibson's contract. Work will be delayed until the contract is approved and a possible federal grant is received. He is continuing to negotiate with Historic Sites.

#### Review Zone

Definition of Major Projects  
The Commissioners agreed to the definition as written in the Rules and Regulations.

#### Relationship of State Permits to State Actions

Mr. Sayen requested an explanation of Section 5.5.1 d. Mr. Amon stated that this section will be completed or discarded before any public hearings.

The Commissioners were asked to review this part of the regulations in preparation for the August 1 meeting.

#### Schedule of Fees

The Commissioners indicated that they consider the fees to be somewhat underestimated. They suggested the following:

Minor projects: \$25 for additions and alterations to existing structures.  
\$50 for new construction

Major Projects: Residential: \$15.00 per unit with a minimum of \$150.00

No decision was reached on the fee schedule; this will be rescheduled for discussion.

Regulations on Noise

It was agreed to accept the regulation as written.

Stream Corridor Proposal

After extended discussion by the Commissioners and defense of the concept by Mr. Samuel Hamill, it was moved by Mr. Jones to adopt the Stream Corridor Concept as presented with the exception of minor grammatical corrections. The motion was seconded by Mr. Sayen. Voting in favor of the motion were Commissioners Holland, Jones, Sayen, Hamilton, and Kirkland. Voting against the motion were Commissioners Burns and Jessen. Commissioner Sinclair abstained. The motion was carried.

The meeting adjourned at 4:00 p.m.