



MINUTES OF THE MEETING 16 JANUARY 1979

TIME: 12:00 noon - 3:45 p.m.  
 PLACE: The Canal House, 25 Calhoun Street  
 Trenton, New Jersey  
 DATE: Tuesday, 16 January 1979

ATTENDING:

COMMISSIONERS: Mr. Kirkland, Mr. Jones, Mr. Sayen,  
 Mr. Torpey, Mr. Sinclair, Mr. Hamilton,  
 Commissioner O'Hern.

DEP: Mr. Galley, Mr. Myers, Mr. Doremus,  
 Bureau of Water Facilities Operations

DAG: Ms. Rebecca Fields

GUESTS: Mr. Carl Angelini and Mr. Joseph Scandariato,  
 George Washington Boy Scout Council  
 Mrs. Dorothy Bayless, Lawrence Twp. Council  
 Mrs. Ruth Linker, Mercer #208  
 Mr. John Hazen, Lambertville Beacon  
 Mr. George Dawson, New Brunswick Home News

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Chairman Kirkland called the meeting to order and stated that the requirements of the Open Public Meeting Law had been properly met for the meeting of 16 January.

The following changes were recommended for the minutes of 5 December 1978:

Page 1, Old Business, Paragraph 1:  
 ... on December 4th to discuss Commission matters.  
 It is the intention of the Commissioner to try to  
 attend Canal Commission meetings as often as possible,  
but at least once a quarter ...

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

It was moved by Mr. Sayen and seconded by Mr. Hamilton to accept the minutes of 5 December 1978. The motion was carried without dissent.

### OLD BUSINESS

#### Stockton Towpath

Mr. Amon explained that before any work can be begun in the Canal Park, the project must be approved by the Commission and Parks. There is a question as to whether the insurance obtained for the citizens working on Smith's Mill restoration can also be applied to the towpath project or indeed any other of their projects in the Canal Park. Mr. Amon has asked for a copy of the insurance policy in order to obtain this information. Mr. Kirkland tabled discussion of this matter until the February meeting.

#### GEORGE WASHINGTON BOY SCOUT COUNCIL PROJECT

Mr. Carl Angelini and Mr. Joseph Scandariato came to the meeting to discuss proposed Scout plans to help rehabilitate the Canal Park. Mr. Scandariato stated that a project similar to this one had been accomplished in the Chesapeake and Ohio Canal Park by several Scout Councils from the Washington, D.C./Cumberland, Maryland area. Under the auspices of the Department of Interior, 10,000 scouts rehabilitated approximately 184 miles of C & O Canal Park in 1 year. Scout leaders who worked on the C & O project have offered guidance to the George Washington Council on the D & R Canal Park project. A three-day camporee has been scheduled for late September for the 6000 scouts in the George Washington Council to use the entire length of the Canal Park. At that time the project will be formally presented to the scouts and leaders for adoption. The Delaware-Raritan Girl Scout Council and the Thomas Edison Council have been invited to participate in the work. However, Mr. Scandariato said the George Washington Council intends to go ahead with the project even if it must do it alone.

Mr. Scandariato said that the Scouts could take on a number of tasks according to the wishes of the Commission. He outlined the following proposal:

1. Build up public recognition of the canal in light of its historic value and current use as a source of recreation.
2. Map public trails which already exist.
3. Map the entire length of the canal and provide a corresponding written description.
4. Write a guidebook and distribute it at Scout expense. The guidebook will contain historic information, information on municipal services which are available, and other items. Proofs will be shown to the Commission before

the book is published.

5. Work with the Canal Commission to design a special scout patch.

6. Establish and maintain an historic trail. This trail will be developed through National Scout Headquarters.

Additional work could include information markers along the trail for various botanical specimens. They would also like to erect markers indicating that individual troops have adopted particular areas of the towpath, but if the Commission is opposed to this, certainly it will not be done.

Mr. Scandariato asked for the Commission's priorities over and above what had been outlined. The Commissioners were unanimous in their desire to have the towpath cleared from one end of the canal to the other. Mr. Scandariato stated that the Scouts would be pleased to do this and would provide their own accident insurance and, for the most part, their own tools. One item that they would need and could not provide would be a "chipper". Mr. Sinclair volunteered to serve as coordinator for the Council, the Canal Commission, and the other agencies in the D.E.P. He will work out any details for logistical support. Mr. Hamilton offered to instruct scout leaders in pruning techniques and, in general, any matters dealing with vegetation.

It was moved by Mr. Sayen and seconded by Mr. Torpey to accept with enthusiastic gratitude the offer of the George Washington Council, the Delaware and Raritan Girl Scout Council, and the Thomas Edison Council to work with the Commission and the D.E.P. on restoration of the Canal Park. The motion was carried unanimously.

The Commissioners commended Mr. Scandariato and Mr. Angelini on their imagination, enthusiasm, initiative, and organization. They stressed their delight at being able to realize an important goal.

[Commissioner O'Hern arrived.]

## ACQUISITION PROGRAM

### Lawrence Township

Mr. Kirkland introduced Mrs. Dorothy Bayless, representative from Lawrence Township Council. Mrs. Bayless said that Lawrence Township has an outdoor education program for which it has acquired several tracts of property totalling 150 acres. Within this acreage, however, is one missing parcel of land which leaves two areas unconnected. This piece of property (owned by Roman Landscaping Company) would give continuity to the program.

Mrs. Bayless spoke with Curt Hubert, Administrator of Green Acres,

who suggested that this parcel be included in the acquisition program.

Mr. Amon noted that Green Acres has considered a conservation easement of 200 feet. However, a conservation easement would not allow the access desired by Lawrence Township; it would merely prevent development by the present owner.

Mr. Sinclair suggested that Mr. Amon meet with Green Acres to discuss the possibility of expanding the easement from a conservation type to a recreation type. A recreation easement allows access to the property. The Commissioners agreed that this would be a good idea.

Mrs. Bayless also asked if a comfort station could be constructed in an area located near both the Lawrence/Port Mercer Conservation Area and the Canal Park.

Mr. Amon explained that the State is not able to build any structures on municipal property. And, as this area of the Canal Park is one of the three natural environments, any structure erected there would be in conflict with the D & R Master Plan. Mrs. Bayless then suggested that the construction could be accomplished as a joint venture between Lawrence Township and the Canal Commission.

Mr. Kirkland stated the Commission would like to cooperate with Lawrence Township and certainly will give thought to the proposal.

#### LEASES AND PERMITS

Mr. Amon reported that Peroni's delicatessen still had not complied with the Commission's request to plant vegetative screening on the canal side of the property.

It was moved by Mr. Jones and seconded by Mr. Sayen to approve the Finkle lease, but to withhold approval on the Peroni lease until the property is improved. The motion was carried without dissent.

#### REVIEW ZONE

Commissioner O'Hern stated that the Governor has recommended that all state agencies go on a "regulatory diet", that is, to exercise care before issuing regulations that may already exist under other state agencies. The regulations proposed by the Canal Commission have been discussed internally and it has been concluded that the regulations should provide for Zone A in order to preserve a critical corridor, but that more thought should be given to the process in Zone B. In light of the various #208 programs, it may be possible to incorporate Zone B

regulations into their schedules. Another alternative would be to involve counties and municipalities.

Mr. Amon said that one predominant criticism had come from the public hearings: the objection to Commission review after municipal review, thereby creating another bureaucratic layer. Recently, Mr. Amon talked with Mr. Eugene Schneider, Chief of the task force that created the D & R legislation, who said that it was not the intention of the study committee to create a Canal Commission which would be a large bureaucratic agency doing extensive and comprehensive review work, but one that would act as a coordinating agency and one that would oversee care of the canal as a resource. Therefore, legislation placed Commission review after municipal review.

Mr. Amon also met with 3 County Planning Board Directors, and it was the suggestion of Middlesex County that in Zone B the County Boards serve as the reviewing staff for the Commission. The Commission would set standards and the County Boards would certify that the standards are met/not met/met with reservations. Mr. Amon said municipalities could act in the same capacity. This offers an opportunity to counties and municipalities to do the job they say they do not want another bureaucratic layer to do. This also provides a positive and uniform approach to flood control and water pollution problems which occur on a regional basis. The arrangement between the Commission and the counties/municipalities would be a contractual one and therefore subject to cancellation if performance is not satisfactory.

Commissioner O'Hern added that the counties/municipalities could review all applications outside Zone A. They would enforce the Commission standards, but the Commission would retain the right to intervene if local actions were not handled properly. In addition, the Canal Law gives the Commission the ultimate power of deciding the number of feet to be included in the Review Zone and also the right to change that number.

Mr. Hamilton stressed that review in Zone A is critical to the canal and that the Commission should handle that review in order to assure continuity. Zone B could be reviewed adequately by other agencies.

After in-depth discussions with the Commission advisory group on January 15th, Mr. Amon said he has concluded that the Commission could cede some of the hereto proposed 1/2 mile review zone. A 1000' review zone would be adequate from the visual standpoint; less adequate from the drainage standpoint, but still useful. The consultants also advised that Zones A & B not be adopted separately. The Commission is now being taken seriously by the public and is receiving constructive criticism. Long delays can lead to loss of public initiative and possible complaints to the Legislature to block adoption of the Review Zone.

Delegation of review in Zone B, fees, and any other problems can be worked on beginning immediately. The consultants are confident that both A & B zones could be ready for adoption by July 1st.

Mr. Amon explained that the Commission's existing contract with General Whipple provides for a number of consulting services, one of which is the coordination of the D & R program with that of other agencies. Under this provision, General Whipple could make an analysis of the ordinances of each affected municipality to establish revisions which may be necessary to be in conformance with D & R standards.

Mr. Jones asked if a DAG opinion was necessary in order to verify the legality of a contractual relationship with the counties/municipalities. Mr. Amon said that it is Mr. Gray's opinion that this type of structure is within the spirit and letter of the law. The only difficulty which may arise will be that of fees. The purpose of fees is for the state agency to be able to recapture costs. The Canal Commission could not charge a fee which would be paid to the County. This will have to be worked out.

It was moved by Mr. Jones and seconded by Mr. Torpey to implement Zones A and B as a unit; to reduce Zone A to 1000 feet; and in Zone B to explore the possibility of delegating review to counties or municipalities. The motion was carried without dissent.

Mr. Sayen recommended that the Executive Director issue a news release stressing the positive effects of the public hearings.

Commissioner O'Hern departed at 3:00 p.m. He expressed regret that the canal maintenance schedule had not been prepared for today's meeting, but said he hoped to have it done for the February meeting.

#### TRAP ROCK

Mr. Amon stated that the Trap Rock lease to be presented today for final approval is one which allows Trap Rock the right to place drainage facilities on state land. This is a 25-year lease with a 25-year option to renew and does not include actual leasing of state land; it is a lease on structures and pipes.

The agreement is little more than clarification of the plan which had already received conceptual approval from the Commission.

Mr. Jones moved to authorize Mr. Amon to sign the lease but with the stipulation that prior to signing, Mr. Amon read the Commission minutes which may pertain to specific conditions attached to this lease. The motion was seconded by Mr. Sayen and carried without dissent.

TRAP ROCK - LAMBERTVILLE QUARRY

Mr. Amon informed the Commission that the Trap Rock Company will soon want a permit at the Lambertville Quarry to build an outlet pipe from the sediment basin into the canal. Formal plans and other documents will be presented at a later date.

EXECUTIVE SESSION

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It was moved by Mr. Sayen and seconded by Mr. Hamilton to enter Executive Session in order to discuss personnel and consultant matters. The motion was carried unanimously. Upon return from Executive Session, Mr. Hamilton moved to authorize Mr. Amon to draft a bid waiver request for a contract with General William Whipple to be employed as a half-time review zone consultant at a salary of \$17,500.00 per year. The motion was seconded by Mr. Jones and carried unanimously.

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HISTORIC SURVEY

Mr. Sinclair reported that it was Commissioner O'Hern's decision not to award the historic consultant a salary higher than that of Judith Blood, Acting Chief of Historic Sites. Mr. Sinclair will inform the Commission of this figure. The salaries for the two interns will be considered separately.

Mr. Kirkland directed Mr. Amon to write a news release on the revised Review Zone concepts. The article should mention that the Commission is grateful for all public comments received. Mr. Kirkland and Mr. Torpey asked to read the article before release.

The meeting adjourned at 3:45 p.m.