



MINUTES OF MEETING 20 FEBRUARY 1979

TIME: 12:00 noon - 3:15 p.m.  
PLACE: The Canal House, 25 Calhoun Street  
Trenton, New Jersey  
DATE: Tuesday, ~~10~~ February 1979

ATTENDING:

COMMISSIONERS: Mr. Kirkland, Mr. Jones, Mr. Jessen,  
Mr. Sayen, Mr. Sinclair

STAFF: Mr. Amon, Mrs. Max

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

DAG: Mr. Gray

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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 20 February 1979.

The following correction was made to the minutes of 16 January 1979:

Page 3, Acquisition Program, Lawrence Township  
... Within this acreage, however, is one  
missing parcel of land ...

It was moved by Mr. Jones and seconded by Mr. Sayen to accept the minutes as corrected. The motion was carried unanimously.

OLD BUSINESS

Mr. Gray addressed the question of delegation of review powers to counties and municipalities. He suggested that, rather than enter into contract, the Canal Commission should encourage municipalities to adopt drainage standards similar to those in the Review Zone

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

P.O. BOX 1390 25 CALHOUN STREET TRENTON, NEW JERSEY 08625 609-292-2101

regulations. Review by the Commission would then be minimal.

Mr. Amon said that General Whipple is presently engaged in evaluating drainage ordinances of all affected municipalities and counties. When General Whipple's report is finished, Mr. Amon will meet with county directors to discuss alternative methods of review. Mr. Amon said he will ask county lawyers to verify that there are no legal objections which would bar county review. Mr. Amon pointed out that the county, in the review role will not in any way dictate to or impose on municipal home rule. All the county staff will do is review the application and state "yes, it meets the standards" or "no, it does not meet the standards".

Mr. Sinclair stated that Commissioner O'Hern is satisfied with Zone A and pleased that Mr. Amon is researching the possibility of working with the counties.

Mr. Jessen asked that the Commission carefully consider the problem of responsibility for the maintenance of detention basins. At present, it is unclear whether state, county, or municipality should provide for upkeep. Mr. Jessen suggested that the Commission investigate the possibility of state maintenance and inspection, similar to situations involving boilers and dams.

Mr. Gray said that he did research on two Commission questions and found that

1. the Review Zone regulations are not in conflict with the Municipal Land-Use Law.
2. the Review Zone regulations are more specific than those of Bernardsville (case of Bernardsville vs. Morristown Road) and that the situation is not really similar. Mr. Gray said he did not foresee the doom prophesied at the public hearing in Princeton. The visual standards merely need a little more work.

#### LIABILITY INSURANCE

Mr. Amon reported that the Smith's Mill insurance policy does not presently cover areas outside Smith's Mill. Coverage can be extended for minimal or no cost. This information has been given to Carl Cathers, Mayor of Stockton.

#### PRESS RELEASE ON REVIEW ZONE

Since information on the changes in the Review Zone regulations was well reported by the Princeton Packet, Lawrence Ledger, Home News, and the Trenton Times, Mr. Amon did not prepare anything more for release.

Mr. Kirkland noted that Hunterdon County papers did not cover the story. Mr. Amon said he would like to give the counties a

little more time and then he will ask Harry Sayen to write an article.

#### PRESS RELEASE ON BOY SCOUT PROJECT

Information on the project was given to D.E.P. public relations expert, Wes Denman. At the appropriate time, there will be press releases with photographs of Mr. Kirkland, the Governor, Commissioner O'Hern, and scout representatives.

#### CANAL PARK MAINTENANCE

Mr. Sinclair stated that the Division of Parks and the Division of Water Resources have signed a document which delineates their respective maintenance responsibilities for the D & R Canal Park. Another agreement will follow which will clearly note how many times a year the towpath shall be mowed, etc.

#### CAPITAL IMPROVEMENTS

Mr. Sinclair said that he did not have much to report at this meeting, but will have more at the next one.

Mr. Amon asked Mr. Sinclair to investigate the matter of the footbridge at Bogen Meadows. A year ago the Commission was informed by the Bureau of Parks that the bridge could not be installed without approval from the Coast Guard. To date, the application has not been filed with the Coast Guard.

Mr. Sinclair promised to find out what the problem is.

Mr. Galley reported that B.W.F.O. is now the proud owner of a weed harvester on a pontoon boat with paddle wheel drive. This should help keep the canal free of bottom-growing weeds.

#### BREAKS ALONG THE CANAL

Mr. Galley reported two breaks in the canal banks, both under Route 287 crossings of the canal. Commissioner O'Hern promptly signed an emergency order for the repairs to be accomplished. Mr. Galley gave Hess Brothers the job of immediately plugging the breaks in order to have continued flow of water. The breaks occurred on Thursday and repair was completed by Sunday.

It appears that drainage from Route 287 was discharged directly onto the towpath. Last June, the Department of Transportation came before the Commission to discuss correction of the situation at one of the crossings (the other crossing was not mentioned). Mr. Galley plans to meet with the D.O.T. to discover the cause of the wash-outs and to determine how much of the repair cost will be assumed by them. Repair costs will include the emergency dirt

facing and subsequently, restoration of the rip-rap and complete landscaping.

It was noted that, as an independent contractor, Mr. Jessen was contacted for the repair job and refused in order to avoid conflict of interest.

It was moved by Mr. Sayen and seconded by Mr. Jessen to congratulate Mr. Galley and the Bureau of Water Facilities Operations on the prompt and diligent work on the wash-outs and landscaping. The motion was carried unanimously.

Mr. Jessen recommended that places be provided in the Canal Park for materials storage. Material which is removed from the canal could be stored until such time as it is needed. It would then be readily available for such emergency repairs as just described.

Mr. Galley said that he has begun to plan for this: he recently made an agreement with Rutgers University to investigate sites.

It was agreed by the Commissioners that Mr. Galley should give Mr. Amon a list of approximately 12 locations for storage and that Mr. Amon would respond to the suggested list. Care should be taken not to blight the Canal Park.

#### SURPLUS LAND NEAR STOCKTON

Mr. Amon referred to a memo received from Mr. Guido and said there are several discrepancies in the property description. Mr. Guido's memo described the property as pie-shaped, Block 52, Lot 1, 1.2 acres, bounded by Routes 519 and 29, and with all sheds and structures removed.

Mr. Amon found the property pie-shaped, Block 52, Lot 1, bounded by Routes 519 and 29, but only .60 acres in size and still having one structure on site.

Mr. Jessen moved to inform Mr. Guido that the Commission has no need of the property for the Canal Park and that approval is granted to dispose of the land subject to clearing the discrepancies in identifying the property. The motion was seconded by Mr. Sayen and carried unanimously.

#### HISTORIC SURVEY EMPLOYEE

Mr. Amon briefly reviewed the history of this subject: (1) the memo from Commissioner O'Hern asking that a staff member be hired rather than a consultant (2) Mrs. Blood's outline of the employee's duties (3) the maximum salary established by Commissioner O'Hern at \$17,000, not including the salaries of 2 interns.

Mr. Sinclair observed that Mr. Gibson is presently an Assistant Professor at a state college and as such, he is already an employee of the state. He can not twice be a state employee and will have to choose between the college position and the Commission position.

Mr. Amon said Mr. Gibson may be able to solve this problem by taking a leave of absence from the college or serving part-time as a lecturer.

Mr. Sinclair recommended that Mr. Gibson be hired as a Project Specialist (Range 99) for a specific duration at \$17,000 per year. Civil Service benefits are included in this position. He further suggested that Mr. Gibson speak with the college officials to determine what could be done. Commissioner O'Hern will attempt to facilitate actions if there are problems.

Mr. Kirkland directed Mr. Amon to inform Mr. Gibson that the Commission would like to hire him for the job and is attempting to work out details.

#### STORAGE FACILITIES IN LAMBERTVILLE

Mr. Robert Binkley, owner of a building in Lambertville, would like to expand the facilities and rent them to a company for storage of chemicals. Mr. Amon said the facilities are within several feet of the canal and although storage of these chemicals is potentially hazardous to the canal, the review zone is not yet in operation and the Canal Commission has no legal authority to deny rental of the building.

The problem can not be referred to Stream Encroachment (there is no encroachment), nor Flood Plain (the canal does not have a flood plain), nor Water Pollution (Water Pollution can not act until the discharge of chemicals into the water actually takes place).

Mr. Sinclair recommended that Mr. Amon draft a memo to him stating the problem and asking for guidelines on how to handle the matter. A similar problem exists in Trenton where there are many industries that have drainage directly into the canal.

#### EXECUTIVE DIRECTOR'S REPORT

Mr. Amon said that he has completed all forms for the bid waiver request to hire General Whipple. The forms have been sent to Civil Service and Treasury Department, but there has been no response to date.

Mr. Sinclair said that he has received a letter from a Perth Amboy citizen who has 50 idle CETA employees and needs a project. Commissioner O'Hern has asked Mr. Guido to use them on a canal project. Supervision details need to be worked out and Mr. Sinclair would like to ask Mr. Hamilton to train some supervisors.

The meeting adjourned at 3:15 p.m.