

submitted. The motion was carried with no dissenting votes.

[Mayor Holland arrived at 12:40.]

Mr. Amon informed the Commission of a minor project proposed by a Titusville resident to construct a deck on his property. Because the property is not adjacent to the canal, nor will the deck be visible from the canal, Mr. Amon recommended that this project be waived. The Commission unanimously voted to waive the project in a motion made by Mr. Jessen and seconded by Mr. Zaikov.

Leases

It was moved by Mr. Jessen and seconded by Mr. Zaikov to approve the following leases as submitted:

Delaware Valley Power Boat Association lease
D. H. Apgar lease

The motion was passed unanimously.

Change in Acquisition Program

Mr. Guidotti told the Commission that the elders of the Pillar of Fire Church strongly object to the state's plan to purchase a parcel of their land. Mr. Guidotti pointed out that the state has no immediate plans for the site and he recommended that a conservation easement be obtained rather than purchasing the property. It was moved by Mr. Jessen to change the plan to acquire the property to a plan to acquire a conservation easement. The motion was seconded by Mr. Jones and carried unanimously.

Dredging Project

Mr. Amon reported to the Commission on the agreement informally reached by John Dionisio, Don Kroeck, Parks and himself regarding the treatment of the vegetation between the towpath and the canal during the sediment removal project. The agreement is as follows:

- 1) The towpath and the Bel-Del right-of-way will be used as routes for trucks. There will probably be more stringent restrictions on the size of trucks permitted on the towpath than on the Bel-Del but that detail will be prepared by PRC Harris.
- 2) Trees which lean into or over the canal (or individual limbs) will be removed if they obstruct the construction activity. Again, PRC Harris will determine a proper criteria for selecting such trees.
- 3) In order to provide access between the trucks on the towpath and the canal bed, "windows" will be opened. In these windows all vegetation will be removed. These places will be approximately 35 feet long, they will be no less than 500 feet apart, and they will try to avoid all trees with greater than 10 inches in diameter at breast height. Furthermore all such sites will be marked by the contractor in advance and the Canal Commission, the Division of Parks, and the WSA will have an opportunity to review and approve them.

The Commission's response was general approval with two specific comments. They would like to have the stumps and roots of all trees left in the ground. This was determined to be less disruptive, cheaper, and more likely to quickly recover. Second, it was suggested that 500 feet may be too far apart for the practical operation of the construction project.

[Dr. Hamilton arrived at 1:00.]

Mr. Amon distributed a resolution that he prepared on the dredging project listing what he feels are important points that the Canal Commission should insist be dealt with before Canal Commission approval can be granted. They are:

- 1) that sediment be disposed of properly and economically;
- 2) that rip rap be required in accordance with the resolution passed by the Canal Commission at its 20 October 1981 meeting;
- 3) that the EIS identify the immediate and long term impact on aesthetic, cultural, and recreational features of the Canal Park and specifically state how the Canal Park will look after the project is completed; and
- 4) that the specifications require stringent inspection and supervision of the project.

He suggested that the Canal Commission publicly and strongly express its concern that these issues be addressed.

Mr. Guidotti stated that the hiring of a site engineer can be requested to be included in the construction contract but he pointed out that the Division of Building and Construction is the only agency with the authority to change or stop a project if it is determined that the contract is not properly adhered to.

Mr. Jessen inquired about the disposal procedure and was told that although the formal decision has not been made, it is likely that there will be only two or three disposal sites.

Mr. Amon expressed his concern regarding the digging of a trench in the canal and reported that, in his review of approximately 1300 cross sections, he or Abe Shaikh had recommended over 600 changes. He explained that digging a trench in the canal would leave ledges that will produce rapid weed growth and sediment build-up and eventually impede the flow of the canal. He distributed a copy of his comments to PRC Harris on the cross sections. Mr. Zaikov pointed out that the ledges producing weed growth would hide the rip rap.

Mr. Amon pointed out that the digging of the trench as well as the lowering of the water level were not mentioned in the EIS and stressed the importance of the impact of these proposals on the canal. PRC Harris contends that these proposals will not impact the canal environment.

Mr. Kroeck explained that because the canal conduit will be opened up as a result of the sediment removal, a lower water level is required to produce a lower velocity to move the water down the canal.

Mr. Jessen said that the cross sections should indicate the present water level and the water level at the completion of the project.

Mr. Kirkland suggested that a joint meeting be held with the Water Authority reviewing the goals and trying to resolve these problems.

Concerning the ledges made by the trench, Mr. Zaikov asked who determines whether these ledges are detrimental or not. Mr. Amon felt that this should be dealt with in the EIS.

It was generally felt that the Commission does not have the adequate information to properly review the project. Mayor Holland moved to request PRC Harris to provide the proper EIS information that the Canal Commission requires. Ms. Fenske added that this information should include the recreational impact as well as the aesthetic and cultural impacts. The motion and its amendment were seconded by Mr. Zaikov and unanimously approved.

[Ms. Fenske left the meeting at 2:15; Mr. Sayen arrived at 2:20.]

Mr. Zaikov questioned what EIS information was required in the PRC Harris contract. He was told that only the Division of Building and Construction has a copy of the contract. He moved to request the Treasury Department to review the contract to determine what is required in the EIS and to inform the Canal Commission. The motion was seconded by Dr. Hamilton and carried with Mr. Sayen abstaining.

Floodgate at Scudder's Falls

Mr. Kroeck explained that a floodgate is required at Scudder's Falls in order to maneuver water levels in coordination with the Perdicaris Place floodgate. He said that the spillway presently at the site is not sufficient to carry flood waters and the floodgate would be used in conjunction with the spillway. He also stated that the Water Authority hoped to have this project under construction at the time this area is drained for the sediment removal project.

It was moved by Mr. Jessen and seconded by Mr. Zaikov to grant conceptual approval to this project. The motion was passed without dissent.

Executive Director's Report

D & P Industrial Park: Mr. Amon reported on the outcome of the meeting of the subcommittee and Somerset County Engineer's office to discuss the D & P Industrial Park. The County stated that it would accept the acceleration-deceleration lane, would require no grading and recognized that the Canal Commission approval of the accel-decel lane does not constitute Canal Commission approval of the road widening.

Black River and Western Railroad: Mr. Amon reported that the Black River and Western Railroad has agreed to replant the area along the canal that was sprayed. The replanting would be done in accordance with a plant list supplied by Mr. Amon.

Personnel Matters: Mr. Amon said that he wished to discuss a personnel matter and wanted to enter executive session.

Mr. Jones made the following motion:

"WHEREAS, the Open Public Meeting Act provides that under certain circumstances, the Commission may enter executive session; and,

WHEREAS, included in those circumstances is "any matter involving the employment, appointment...of any specific prospective public officer or employee..."; and,

WHEREAS, the Commission wishes to discuss the employment of a consultant for professional services involving management decisions and will disclose the nature of the closed session upon the resolution of the employment situation (approximately two to three months); now,

THEREFORE BE IT RESOLVED THAT the Commission will enter into closed session."

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

At the end of the executive session it was moved by Mr. Zaikov to authorize Mr. Amon to draw up a scope of services for management review limiting the cost of this project to \$2000. The motion was seconded by Dr. Hamilton and carried unanimously.

The meeting was adjourned at 3:05.