

8 May 1986



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF 15 APRIL 1986:

TIME: 12:15 - 3:00 PM
DATE: Tuesday, 15 April 1986
PLACE: Prallsville Mills, Stockton, NJ

ATTENDING:

COMMISSIONERS: Messrs. Kirkland, Zaikov, Jessen, Jones and Guidotti

STAFF: Messrs. Amon, Baill & Mrs. Greenwald
George P. Cook, DAG

GUESTS: Paul Stern, D & R Canal State Park
Richard Famularo, WSA
Don Kroeck, WSA
Gene Gross, WSA
Ursula Buchanan, D & R Canal Coalition
Abigail Barrows, D & R Canal Coalition

Mr. Kirkland opened the meeting and stated that all applicable provisions of the Open Public Meeting Law of 1976 had been properly met.

DEVELOPMENT GUIDE UPDATE

Mr. Kirkland informed the Commissioners of his and Mr. Amon's meeting with the New Jersey Assembly Appropriations Committee. He requested support for the Canal Commission's Development Guide, and was received favorably by the Committee members.

MINUTES

Mr. Jessen moved and Mr. Zaikov seconded a motion to approve the minutes from the meeting of 18 March 1986. The motion carried unanimously.

MEETING SITES POLICY FOR 1986

Mr. Amon said that the response to the questionnaire he had sent to the Commissioners on the place and time of the monthly meetings was mixed. Most Commissioners, however, preferred all afternoon meetings and the Commission office was the most popular site. Mr. Amon pointed out that the Commission's staff had checked with other State commissions to see when meetings are held, and all hold their meetings in the daytime.

PRALLSVILLE MILLS P.O. BOX 539 STOCKTON, NJ 08559-0539 609-397-2000

EXECUTIVE	COMMISSIONERS					
DIRECTOR	Benjamin B. Kirkland	Martin D. Jessen	Donald B. Jones	Stuart R. Zaikov	Richard T. Dewling	Winona D. Nash
James C. Amon	Chairman	Vice-Chairman	Treasurer	Arthur J. Holland		Frank J. Torpey

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
Thomas H. Kean, Governor Richard T. Dewling, Commissioner

Both Mr. Zaikov and Mr. Jessen felt that the meetings should be held at the Commission's office in Prallsville. They both stated that they had to drive the farthest to get here and that neither of them minded.

Mr. Jessen then moved that the Commission hold most of their meetings at the Commission's office at 12:00 noon and occasionally visit other sites along the canal for noon meetings. The motion carried unanimously following Mr. Zaikov's second.

LEASES AND PERMITS

Mr. Amon informed the Commissioners of the following permits which he recommended for approval:

1. Canal Pointe request for approval of canal docks and drainage outfalls. Mr. Jessen moved approval of the request from Canal Pointe to construct trails leading to canoe docks and outfalls from detention basins on D & R Canal State property. This approval was conditioned upon the acceptance by Canal Pointe of the responsibility to maintain these facilities and also acceptance by the Division of Parks & Forestry. Mr. Zaikov seconded the motion which carried unanimously.
2. Woodwinds, an arborist organization, is requesting permission from the Canal Commission to take care of three silver maples that are growing along the canal adjacent to the Kingston Lock. They are proposing to trim, fumigate for carpenter ants, and take overall care of these trees as a part of their Arbor Day celebration. Mr. Jessen moved approval of the request, which carried unanimously following Mr. Jones' second. Before any work is carried out it was agreed that Mr. Stern would be notified.

REVIEW ZONE PROJECTS

Mr. Amon presented the following A Zone project to the Commissioners for their approval:

86-0993 Woodwinds

Following a motion by Mr. Jones and a second by Mr. Zaikov the motion carried unanimously.

Mr. Baill then presented the following B Zone projects to the Commissioners for approval:

85-0678 Shein Warehouse
85-0779 Whittingham
85-0821 Squires Run

85-0866 Freewood Associates
85-0906 Vantage
85-0969 Squires Gate

Following a motion by Mr. Kirkland and a second by Mr. Zaikov the motion carried unanimously with the exception of Mr. Jessen who abstained.

Mrs. Buchanan stated that she felt that the Commission should strengthen its regulations to include more requirements other than water quantity and quality. She feels that the Commission should be able to stop the rapid development that is occurring too close to the Canal Park.

Mr. Jones agreed with Mrs. Buchanan and he too feels that it is time to take whatever steps are necessary to strengthen the regulations.

Mr. Jessen pointed out that this development brings more people into the Canal Park.

MR. BAILL'S REQUEST TO DO ENGINEERING WORK IN THE REVIEW ZONE

Mr. Amon reported that Mr. Baill takes occasional outside engineering jobs to supplement his income. To date none of these jobs have been located in the Canal Commission's review zone. Mr. Baill would like to know, however, if he could work in the review zone on projects that do not require Commission action. The Commissioners agreed that this would be alright but advised Mr. Baill to bring any jobs on which he had questions before the Commission. It was further agreed that Mr. Baill must clear this request through the proper Department of Environmental Protection channels. Mr. Jessen felt that it may be a good thing because Mr. Baill would learn firsthand how different agencies work.

REVIEW ZONE REGULATIONS

Mr. Amon suggested that the Commissioners consider revising the Review Zone Regulations. He pointed out as an example that the Regulations, as presently written, do not address the impact that quarries would have on the Canal Park. This and other kinds of impact could be addressed if the regulations specifically dealt with land use issues instead of simply setting performance standards. He said that impact from transportation patterns was also inadequately handled in the present regulations.

Mr. Jessen felt that the Commission should work with DOT in the planning process of future roads along the Canal Park and look for alternative routes to those along the canal.

It was decided that Mr. Amon should make a list of changes he would propose for the Regulations and that he should contact the DOT about

the problems with roads. Mr. Amon briefly outlined the transportation study that he wants to undertake. The Commissions agreed that it should be pursued.

LAKE CARNEGIE RESTORATION PLAN

Mr. Kirkland told the Commissioners of the recent meeting that was held in Plainsboro to discuss the restoration plan. He said that there was general acceptance of the plan but some complaint about the short period for public input. Mr. Kirkland pointed out that the period had to be short since the Coalition's representative to the planning team had delayed the process for two months by failing to attend meetings. Mr. Kirkland suggested that another meeting could be held after the plants have had a chance to grow and results could be seen.

Mr. Jones moved approval of the plan as submitted and to review the plan again with an open mind a year or so from now. Mr. Jessen seconded this motion which was passed unanimously.

WATER SUPPLY AUTHORITY PROJECTS

Scudder's Falls Waste Gate

Mr. Kroeck brought the Commissioners up to date on the status of this project. Following a motion by Mr. Jessen the Scudder's Falls Waste Gate project was approved. A subsequent resolution by Mr. Jessen and seconded by Mr. Jones requested that the date of construction be impressed in the concrete headwall. This motion also carried unanimously.

Transco Test Drilling

Mr. Famularo explained Transco's request to do borings on Canal Park land to investigate the type and depth of rock for a possible pipeline in the Canal Park. Mr. Jessen then moved approval of the borings. The motion passed unanimously following Mr. Guidotti's second.

Adjustment of Canal Lease

Mr. Myers reported that the Water Supply Authority has not been able to get the amount of insurance which is stated in the lease. The lease calls for \$30 million but the WSA can only get \$950,000. After some discussion Mr. Jones moved approval of the request to change the canal lease to reflect the amount of liability insurance coverage that is available, and to include a clause which holds the Canal Commission harmless. This motion was seconded by Mr. Jessen and unanimously carried.

REQUEST FOR LEGAL OPINION

Several Commissioners expressed concern about the degree to which they are personally responsible for decisions made by the Canal Commission. This concern includes liability for law suits connected with review zone decisions as well as decisions effecting the development or use of the Canal Park. Mr. Amon was instructed to check with Dorothy Highland, DAG.

TELEPHONE POLE REPLACEMENT

Mr. Amon informed the Commissioners of P.S.E. & G.'s request to replace a telephone pole alongside the canal. Mr. Zaikov moved approval for P.S.E. & G. to replace the leaning utility pole on Rt. 29 near Mountain View Road with two poles which would be held in place by cables stretching across the canal and multi-use trail to two other poles located between the trail and the Delaware River. Mr. Jones seconded the motion and it carried unanimously.

CANAL PARK SUPERINTENDENT'S REPORT

To be submitted by Paul Stern, Canal Park Superintendent

DR. KRAUT'S FENCE

Mr. Guidotti explained that a Canal Park neighbor is selling the State a conservation easement on property along the canal in Ewing Township. He wants, however to erect a fence on the boundary of this property with the Canal Park. Following lengthy discussion Mr. Jones moved to disallow a fence to be erected on the easement area. Mr. Zaikov seconded the motion. The motion carried unanimously with the exception of Mr. Jessen who voted against it.

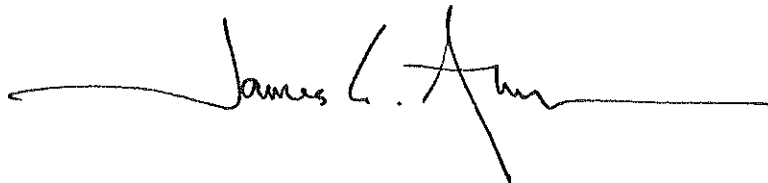
MAGNESIUM ELEKTRON

Mr. Jones reported that Magnesium Elektron is requesting a change in their permit to discharge salts into the Wickeocheke Creek, a tributary of the Canal. There was general agreement that they should not be permitted to increase the level of their pollution discharge. Mr. Cook suggested that the Commission write a letter to the Delaware River Basin Commission requesting postponement of their approval pending study by the Canal Commission. Mr. Amon was asked to take care of this.

ADJOURNMENT

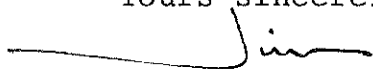
The meeting was adjourned at 3:00.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "James L. Amon". The signature is written in a cursive style with a long horizontal line extending to the right.

The Canal Park is at its most beautiful right now. You should take a weekend day off and enjoy it; you will come away with renewed conviction that all the meetings you attend and other jobs you undertake on the canal's behalf are worth the effort.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Jim", with a long horizontal flourish extending to the left.

James C. Amon
Executive Director

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