



DELAWARE AND RARITAN
CANAL COMMISSION

MINUTES OF THE MEETING OF 15 JULY 1986

TIME: 12:10 - 2:45 PM
DATE: Tuesday, 15 July 1986
Place: Canal Commission's Office
Prallsville Mills
Stockton, New Jersey

ATTENDING:

COMMISSIONERS: Messrs. Jessen, Zaikov, Kirkland, Torpey,
Guidotti, Holland, and Mrs. Nash

STAFF: Messrs. Amon and Baill, Mrs. Greenwald and
Ms. Blomkvest
Mrs. Dorothy M. Highland, DAG

GUESTS: Mr. Larry Pitt, Canal Society of New Jersey
Mr. Richard Famularo, N.J.W.S.A.
Mr. Frank Dunst, Transco Pipeline
Mr. Abe Shaikh, N.J.W.S.A.
Mr. Paul Stern, D & R Canal State Park
Mr. Todd Bryan, Executive Director, Stony Brook-
Millstone Watershed Assoc.
Mrs. Abigail Barrows, D & R Canal Coalition
Mrs. Ursula Buchanan, D & R Canal Coalition
Mrs. Barbara Thomsen, D & R Canal Coalition
Mrs. Rosemary Blair, 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.

MINUTES

Mr. Jessen moved and Mr. Guidotti seconded a motion to approve the minutes of the meeting of 17 June 1986. The motion carried unanimously.

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

EXECUTIVE
DIRECTOR
James C. Amon

COMMISSIONERS
Benjamin B. Kirkland
Chairman

Martin D. Jessen
Vice-Chairman

Donald B. Jones
Treasurer

Stuart R. Zaikov
Arthur J. Holland

Richard T. Dewling

Winona D. Nash
Frank J. Torpey

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

LEASES AND PERMITS

Mr. Amon presented the following leases for which he recommended approval:

James Suita - land
Apex Lumber - land

The leases passed unanimously following a motion by Mr. Jessen and a second by Mr. Torpey.

DISCUSSION OF CANAL COMMISSION LIABILITY

Mrs. Highland, Deputy Attorney General, distributed to each Commissioner a copy of a draft opinion addressing the potential liability of the members and their defense and indemnification in case of a lawsuit. She informed the Commissioners that this opinion is subject to the approval of the Assistant Attorney General in charge of Administrative Agency Advice and the Director of the Division of Law. It was noted that it was being submitted as an unsigned draft and that once it was reviewed and fully approved she would give each Commissioner a signed copy.

Mrs. Highland requested that each Commissioner review the document carefully and it would be discussed further at the next meeting.

Mr. Zaikov requested that this document be made a part of the meeting's agenda.

PRINCETON TURNING BASIN PARK

Mr. Amon presented a proposal from Princeton Township to install canoe docks, a future boat house, and related paths around Turning Basin Park.

Mr. Jessen moved approval of the project. This motion carried unanimously following Mr. Torpey's second.

REVIEW ZONE ACTIONS

Mr. Baill presented the following review zone projects to the Commissioners for their approval:

85-0877 Standard Paper Company
85-0909 Stonerise @ Lawrenceville
85-0872 Montgomery Estates
86-0987 Worlds Fair

86-1027 Eastern Properties
86-1056 Nissan Motor Corp.

Mr. Jessen moved approval of the above projects. His motion was seconded by Mr. Zaikov and unanimously carried.

Mr. Baill then presented the following review zone project to the Commissioners for their advice and recommendations:

86-0985 Matzel Enterprises

Mr. Baill stated that this project will drain directly into the canal through a pipe under Easton Avenue which protrudes from the bank without a headwall. He said that he and Mr. Amon had discussed this issue and concluded that the developer should be held responsible for the construction of a headwall or a drop manhole. Mr. Baill stated that the developer has said that he would be willing to pay his share towards this repair work but he (the developer) does not feel that he should be required to pay the entire bill. The developer has also offered to do repair work of a comparable cost elsewhere in the Canal Park.

Mr. Baill stated that there are many structures along the canal that relate to the region's drainage into the canal that are either poorly designed or in disrepair. He suggested that developers in the Review Zone be held responsible for providing funds for repairs or actually doing the repair work themselves. He suggested the following alternatives for assessing a developer for the costs of repair work:

1. A developer whose project drains through a substandard structure could be held responsible for the total repair cost of the structure. (This would be easy to administer but inherently unfair. The total cost of a major repair could be an unreasonable burden for a small developer.)
2. Developers could be assessed for a percentage of the total repair cost of the structure. (This would be a more fair alternative but would be difficult to administer. A fair assessment would be difficult and time consuming.)
3. All developers, regardless of the drainage structures, could be charged a flat application fee. This approach would seem to be the fairest and surest way of getting funds but Mr. Baill said that the legislature would have to amend the Commission's statute in order to allow it to charge a fee.

Mrs. Highland stated that collection of any money would be something that would have to be reviewed and approved by the governing body that created the Canal Commission.

She stated that the Canal Commission has the authority to approve or disapprove a project. This approval can be conditioned upon the developer's repair of the canal structure.

Mr. Zaikov expressed strong disapproval of the direction he feels that the Commission is taking. He feels that the Commission should be a force for orderly planning.

Mr. Torpey stated his approval of the concept that the Commission approve projects with conditions that certain repairs are done.

Mr. Jessen said that this kind of practice should be part of the regulations if it is to be practiced. He believes, however, that repairs to these structures should be handled by the WSA.

Mr. Torpey replied that we have a responsibility to protect the canal and if projects threaten the canal through poor drainage structures the Canal Commission should either reject the proposal or approve it with suggested repairs to the drainage structure.

Mrs. Nash suggested that the Commission consider the system used in Lawrence Township. The first developer to effect a structure needing improvement in Lawrence pays for the entire cost of the repair. The township then requires subsequent developers to pay a portion of the cost to the original developer. The township apportions the costs and keeps track of the payments.

Mayor Holland moved approval of Mrs. Nash's suggestion. Mr. Torpey seconded the motion.

Mrs. Nash strongly suggested that Franklin Township take care of this.

Mr. Zaikov then called the question. Voting in favor of calling the question were Kirkland, Torpey, Nash, Zaikov and Holland. Messrs. Jessen and Guidotti voted against.

Mr. Kirkland then called for a vote on Mayor Holland's motion. The motion passed, with Messrs. Jessen, Guidotti, and Zaikov voting against it, and Mrs. Nash, Messrs. Kirkland, Holland, and Torpey voting for it.

Mrs. Nash moved the approval of the Matzel project conditioned upon his arrangements to provide an adequate discharge structure at the canal to be approved by the Canal Commission's engineer. Mr. Kirkland seconded the motion. The motion carried with the exception of Mr. Jessen who voted no and Mr. Zaikov who abstained.

CHANGE IN DESIGN GUIDE STANDARD FOR EMBANKMENT STONE

Mr. Amon told the Commissioners that the DESIGN GUIDE has three options for the stone embankment walls that line most of the canal. He requested that two of these, which allow either dumped stone or concrete sacks below the water, be removed. He explained that in most cases the portion of the embankment wall that needs repair is the upper half. The lower part is more frequently intact. When repairs are made the Commission shouldn't allow dumped rip rap or sacked concrete for the lower portions because this would often mean that this economy measure would occur in front of the real historic wall or in place of it. He further pointed out that the alternatives for dumped rock and concrete sacks violate the canal's historic design and should not be permitted.

Mr. Jessen then moved that the hand-laid rip rap to the bottom of the Canal be the proper rehabilitation of the Canal's rip rap. Mayor Holland seconded the motion which carried unanimously.

DEVELOPMENT PLANS

Mr. Amon informed the Commissioners that \$250,000 should produce plans and specifications for approximately \$2,000,000 worth of construction projects. He distributed a list of his recommendations (with estimated construction costs) and requested Commission input.

Following some discussion Mrs. Nash moved approval of the recommendations as submitted by Mr. Amon. The motion carried unanimously following Mr. Jessen's second.

2:05 pm Mrs. Nash left.

REVIEW ZONE REGULATIONS ALTERATIONS

Mr. Kirkland requested that public comment open the discussion of the proposed changes in the Review Zone Regulations. He said that after the public has had its input he would like to close public comment so that the Commissioners could discuss the matter without interruptions.

Mr. Kirkland suggested that they structure their discussions of this meeting to be sure that they are debating on the merits of what is actually proposed. In the most general sense there are two general questions that must be answered: Is the preservation of stream corridors a good thing for the Canal Park and would it be proper for the Canal Commission to exercise this kind of regulatory authority?

Mrs. Blair stated that the Canal Coalition supports strongly those increases in the regulations that protect stream corridors. She feels that it is essential for the Commission to accept its responsibility to monitor those water levels.

Mr. Bryan, Executive Director of the Stony Brook-Millstone Watershed Association, felt that the Commission should be regulating stream corridors.

Mayor Holland offered a motion that the proposed stream corridor preservation regulation is a good idea and is appropriate for the Commission. Mr. Kirkland seconded the motion.

Mr. Jessen thinks that there is a big difference between a corridor of a stream that empties into the canal and one that simply runs under the canal and he urged the Commission to differentiate between the two streams. He is afraid, however, that the Commission is beyond its authority.

Mayor Holland said that Mr. Jessen may be right but right now the only question is the broad issue of whether the preservation of corridors is good for the Canal Park.

All members voted in favor of preservation of stream corridors with the exception of Mr. Jessen who voted no.

Mr. Zaikov wants the Canal Commission to clearly define its position.

Mayor Holland felt that we we should defer any further discussion until Mr. Amon comes back with a memo that would be a table of items to discuss.

Mr. Jessen requested that Mr. Amon should also come back with rules and regulations that already exist.

PISTOL RANGE

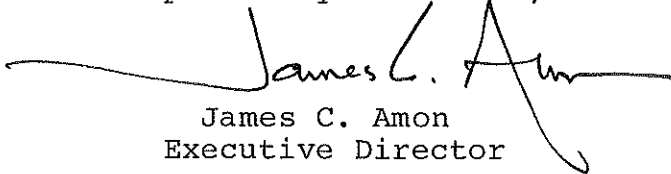
South Bound Brook is requesting that the Canal Commission allow

them to keep using a piece of Canal Park land between the canal and the Raritan River as a pistol range. It was felt that this is not an appropriate use of a park. Mr. Guidotti stated that the division would be willing to let them use it for a period but they have already had a year and a half to find other places and have made no move to do so. Mayor Holland then moved that the Canal Commission support the Division of Parks in not permitting the park land to be used as a pistol range. The motion carried unanimously following Mr. Zaikov's second.

ADJOURNMENT

The meeting was adjourned at 2:45.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James C. Amon". The signature is written in a cursive style with a long horizontal stroke extending to the left and a large, sweeping flourish on the right side that loops back down towards the text below.

James C. Amon
Executive Director

pg

Attachment