

## Ordinance #2011-1106

### AN ORDINANCE TO CREATE THE RARITAN AND MILLSTONE RIVERS FLOOD CONTROL COMMISSION

**Preamble.** There exists along the Raritan and Millstone Rivers and their tributaries certain problems of flooding and flood prevention which concern several municipalities and Somerset County, as well as other governmental bodies.

The various governmental units affected by such drainage basin recognize the need for cooperation efforts to prevent future floods and to alleviate flooding and flood hazards.

N.J.S.A. 40:14-16, et seq., authorizes the establishment of a joint Flood Control Commission and provides that the participating municipalities and counties may enter into such a Commission and may define and limit the areas of responsibility and authority of such a Commission, and may set forth the terms under which appropriations shall be made by the participating municipalities and counties.

**Participation in Commission.** The Borough of Manville in the County of Somerset, State of New Jersey, agrees to participate in the creation of and operations of the Raritan and Millstone Rivers Flood Control Commission, pursuant to N.J.S.A. 40:14-16, et seq., as follows:

- a. The municipalities and counties invited to participate in the Commission are: Bridgewater Township, Franklin Township, Hillsborough Township, the Borough of Millstone, Montgomery Township, the Borough of Rocky Hill, the Borough of Somerville, the Borough of South Bound Brook and the County of Somerset.
- b. The Raritan and Millstone Rivers Flood Control Commission shall be established in accordance with N.J.S.A. 40:14-16, et seq.
- c. The Raritan and Millstone Rivers Flood Control Commission shall:
  1. Collect, study and analyze data on flooding, past floods and the causes of floods in the area;
  2. Make such data and studies available to the participating members, to the Division of Water Policy and Supply, the Army Corps of Engineers, local and county planning boards and officials concerned with subdivisions and development of properties within the floodway and drainage areas;
  3. Keep itself informed as to the availability of state and federal funds and grants, and the procedures for applying therefore, and shall make such information available to participating members;
  4. Coordinate the activities of the participating members relating to flooding, flood prevention, brook cleaning and the like;
  5. Encourage the acquisition of lands within the floodway and low-lying areas by appropriate County Park Commissions, counties or participating municipalities;
  6. Publicize methods of flood control and flood prevention;
  7. Encourage its participating members and others to adopt appropriate ordinances and regulations relating to flood control;
  8. Encourage its participating members to support other programs designed or intended to alleviate flooding;
  9. Perform such other acts and fulfill such other functions as may be permitted by law and as determined by the members, subject to the limitations in this agreement and subject to the limitations as set forth in N.J.S.A. 40:14-16, et seq.
- d. Appropriations.
  1. The general, administrative and other expenses of the Commission, affecting the Commission as a whole, shall be funded among the members as follows:
    - (a) Two Thousand Five Hundred (\$2,500.00) Dollars from the County of Somerset; and
    - (b) Two Hundred Fifty (\$250.00) Dollars from each municipal member.

2. Whenever a specific project is to be undertaken, involving less than the interest of all of the participating members, or of special benefit to less than all of the participating members, the apportionment of the costs thereof shall be agreed upon by the participating members specially benefited thereby in advance of authorization of such project.

3. The initial funding requirements set forth herein may be changed by agreement among the participating municipalities and Somerset County, which additional funding is subject to the consent of the governing body of each participating municipal member and the Board of Chosen Freeholders of Somerset County.

e. Budget. The tentative annual budget for the Commission shall be adopted by the Commission no later than January 15 of each year and such adoption shall be by a vote of a Somerset County representative and a representative from each municipality. A copy of such tentative budget shall be sent to the governing body of each of the County and municipalities within one (1) week of the adoption thereof. Such notice shall include notification of the date fixed by the Commission for final adoption of such budget, which shall be at least three (3) weeks after the date of tentative adoption by the Commission.

Expenditures outside the regular budget for special projects involving Somerset County or the participating municipalities (but less than the entire Commission) shall be negotiated and arranged separately among the involved participating members and the Commission.

f. Quorum. Any number of members of the Commission shall have the right to meet at regularly scheduled meetings. Any action taken involving the expenditure of funds, other than clerical and mailing connected with the usual business of the Commission, shall be adopted only at a meeting at which there are at least one (1) county representative and at least nine (9) municipal representatives (regardless of the total number of municipalities represented thereby).

g. Withdrawal. Each member municipality and county reserves the right, pursuant to N.J.S.A. 40:14-17(d), to withdraw from the Commission provided, however, that at least ninety (90) days notice of such intention is given to the Commission, and provided further, that such withdrawal after the adoption of the Commission budget for a given year shall not abrogate the responsibility of the municipality or county to meet its obligations under the budget for such year.

### **Representatives.**

a. The Borough Council shall appoint two (2) representatives to the Commission; either or both of the representatives may be a member of the Borough Council or hold other elective or appointive office in the Borough.

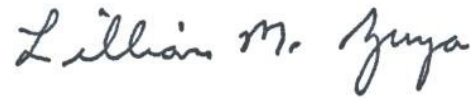
b. In addition to such representatives, the Borough Council may appoint two (2) alternate representatives to the Commission, who shall serve for the terms of one (1) year each, or until the appointment and qualification of their successors. Such alternates shall have the right to attend all meetings of the Commission and take part in all discussions. The alternates shall be designated as first alternate and second alternate and in such order may represent the Borough and vote in the event of the absence or disability of one (1) or both of the regular representatives.

c. Each regular representative shall serve for a term of five (5) years, or until his successor has been appointed and has qualified, except that any appointed representative who holds another elected or appointed public office shall serve as such representative for the term of his elected or appointed office and only so long as he shall hold such elected or appointed public office, notwithstanding his term of appointment as such representative. Appointments to vacancies caused by the death, resignation or other inability to serve of a representative shall be filled for the balance of the term only. No alternate representative shall automatically succeed to a regular representative position upon a vacancy occurring in a regular position.

**Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

**Effective Date.** This ordinance shall take effect immediately upon adoption and publication in accordance with the laws of the State of New Jersey.

Borough of Manville

A handwritten signature in black ink that reads "Lillian M. Zuza". The signature is written in a cursive style with a large, stylized initial "L".

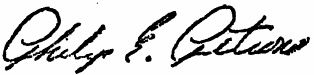
Lillian M. Zuza, Mayor

**ORDINANCE #2011-1106**

**FIRST READING:**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		<b>ASHER</b>	√			
		<b>FISCHER</b>	√			
		<b>LYNN</b>	√			
	√	<b>ONDERKO</b>	√			
		<b>PETZINGER</b>	√			
		<b>SZABO</b>	√			
		<b>MAYOR ZUZA</b>				

**PASSED** this 10<sup>th</sup> day of October, 2011

Attest:   
Philip E. Petrone, Borough Clerk

**SECOND READING:**

Introduced	Seconded	Council	Yes	No	Abstain	Absent
	√	<b>ASHER</b>	√			
		<b>FISCHER</b>	√			
√		<b>LYNN</b>	√			
		<b>ONDERKO</b>	√			
		<b>PETZINGER</b>	√			
		<b>SZABO</b>	√			
		<b>MAYOR ZUZA</b>				

**PASSED** this 14<sup>th</sup> day of November, 2011

Attest:   
Philip E. Petrone, Clerk