

ORDINANCE 2011-21

AN ORDINANCE OF THE TOWNSHIP OF HILLSBOROUGH TO JOIN IN THE CREATION OF THE RARITAN AND MILLSTONE RIVERS FLOOD CONTROL COMMISSION

WHEREAS, the Township of Hillsborough is affected by the flooding of the Raritan and Millstone rivers and their tributaries; and

WHEREAS, addressing the problems created by flooding and flood prevention are more appropriately addressed on a regional level; and

WHEREAS, the Townships of Bridgewater, Franklin, Hillsborough and Montgomery, and the Boroughs of Manville, Millstone, Rocky Hill and South Bound Brook, along with the County of Somerset, desire to join in the creation of a commission to be known as the Raritan and Millstone Rivers Flood Control Commission established pursuant to the Joint Flood Control Commission Act, N.J.S.A. 40:14-16 et seq. (Chapter 316, P.L. 1971), to address the flooding of the Raritan and Millstone Rivers and their tributaries.

NOW, THEREFORE, BE IT ORDAINED by the Township of Hillsborough, County of Somerset, State of New Jersey, as follows:

THE RARITAN AND MILLSTONE RIVERS FLOOD CONTROL COMMISSION

Section 1. Preamble.

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

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

3. The Joint Flood Control Commission Act, N.J.S.A. 40:14-16 et seq. (Chapter 316, P.L. 1971), 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.

Section 2. Participation in Commission. The Township of Hillsborough 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 Chapter 316, P.L. 1971, as follows:

1. The municipalities and counties invited to participate in the Commission are: The Townships of Bridgewater, Franklin, Hillsborough and Montgomery, and the Boroughs of Manville, Millstone, Rocky Hill and South Bound Brook, along with the County of Somerville.

2. The Raritan and Millstone Rivers Flood Control Commission shall be established in accordance with Chapter 316, P.L. 1971 of the State of New Jersey.

Section 3. **Powers and Duties.**

The Raritan and Millstone Rivers Flood Control Commission shall:

a.i.1. Collect, study and analyze data on flooding, past floods and the causes of floods in the area;

a.i.2. Make such data and studies available to the participating members, to the Department of Environmental Protection, the Division of Water Resources therein, 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;

a.i.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;

a.i.4. Coordinate the activities of the participating members relating to flooding, flood prevention, brook cleaning and the like;

a.i.5. Encourage the acquisition of lands within the floodway and low-lying areas by appropriate county park commissions, counties or participating municipalities;

a.i.6. Publicize methods of flood control and flood prevention;

a.i.7. Encourage its participating members and others to adopt appropriate ordinances and regulations relating to flood control;

a.i.8. Encourage its participating members to support other programs designed or intended to alleviate flooding; and

a.i.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 Ordinance and subject to the limitations as set forth in Chapter 316, P.L. 1971.

Section 4. **Appropriations.**

1. The general, administrative and other expenses of the Commission, affecting the Commission as a whole, shall be initially 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 in Section 4.1 above may be changed by agreement among the participating municipalities and the County of Somerset, 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.

Section 5. Budget.

1. 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 County of Somerset representative and a representative from each municipality. A copy of such tentative budget shall be sent to the governing body of the County and each municipality 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.

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

Section 6. 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 of Somerset representative and at least nine (9) municipal representatives (regardless of the total number of municipalities represented thereby).

Section 7. Withdrawal. Each member municipality and the County of Somerset reserve the right, pursuant to N.J.S.A. 40:14-17d, Section 2d of Chapter 316, P.L. 1971, 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.

Section 8. Representatives.

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

2. In addition to such representatives, the Township Committee 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 Township and vote in the event of the absence or disability of one (1) or both of the regular representatives.

3. Each regular representative shall serve for a term of five (5) years, or until a 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 the elected or appointed office and only so long as the elected or appointed public officer shall hold such elected or appointed public office, notwithstanding the 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.

Section 9. **Severability.** If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

Section 10. **Effective Date.** This Ordinance shall take effect immediately upon final adoption, passage and publication according to law.

ATTEST:

HILLSBOROUGH TOWNSHIP

Michael Merdinger,
Acting Clerk

Gloria McCauley, Mayor

Introduced: 10/11/11
Published: 10/20/11
Public Hearing: 11/9/11
Adopted: 11/9/11
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