

[First Reprint]
ASSEMBLY, No. 665

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1996 SESSION

By Assemblymen BAGGER and WEINGARTEN

1 AN ACT creating the Upper Rahway River Intergovernmental
2 Cooperation Committee and supplementing Title 58 of the Revised
3 Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

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8 1. This act shall be known, and may be cited, as the "Upper
9 Rahway River Intergovernmental Cooperation Committee Act."

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11 2. The Legislature finds and declares that the upper Rahway river
12 is an important natural, recreational, and economic resource utilized
13 and enjoyed by the citizens of the State; that the value of this resource
14 is heavily dependent upon water quality, and poor water quality is a
15 potential threat to the public health, safety, and welfare, and to the
16 environment; that the river has suffered in the past, and continues to
17 suffer, from abuse and neglect due to point and nonpoint source
18 pollution discharges, stormwater runoff, illegal dumping of litter and
19 other debris, and other environmental and aesthetic insults.

20 The Legislature therefore determines that it is appropriate for the
21 municipalities and counties within which the upper Rahway river is
22 located to form an intergovernmental cooperative working group to
23 (1) develop recommended regional planning strategies and other
24 regional policies, procedures, and model ordinances and resolutions,
25 which would be implemented by each member municipality and county
26 on a voluntary basis, (2) where appropriate, coordinate efforts of
27 member municipalities and counties to clean up the upper Rahway
28 river system or any tributary or watershed land thereof, (3)
29 recommend appropriate State legislation and administrative action, and
30 (4) advocate, and where appropriate, act as a coordinating,
31 distributing, or recipient agency for, federal and State funding of

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly floor amendments adopted September 26, 1996.

1 environmental protection projects in river municipalities and river
2 counties, all for the purpose of achieving the State goal of fully
3 restoring, promoting, preserving, and maintaining the environmental
4 health and water quality of the upper Rahway river system.

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6 3. As used in this act:

7 "Commissioner" means the Commissioner of Environmental
8 Protection.

9 "Committee" means the "Upper Rahway River Intergovernmental
10 Cooperation Committee" created pursuant to section 4 of this act.

11 "Department" means the Department of Environmental Protection.

12 "Environmental protection project" means any work the purpose of
13 which is to reduce point or nonpoint source pollution discharges,
14 stormwater runoff, illegal dumping of litter and other debris, and other
15 environmental and aesthetic insults to the upper Rahway river system,
16 or to otherwise maintain or enhance the environmental health and
17 water quality of the upper Rahway river system or any tributary or
18 watershed land thereof.

19 "River counties" means Union county and Essex county.

20 "River municipalities" means the Union county municipalities of
21 Clark, Cranford, Garwood, Kenilworth, Mountainside, Rahway,
22 Springfield, Summit, Union, Westfield, and Winfield, the Essex county
23 municipalities of Maplewood, Millburn, Orange, South Orange, and
24 West Orange, and any other Union or Essex county municipality that
25 chooses to participate, and is accepted, as a member of the committee
26 as provided in section 4 of this act.

27
28 4. a. There is created the "Upper Rahway River Intergovernmental
29 Cooperation Committee," which shall be composed of: (1) a
30 representative of each river municipality, who shall be selected by the
31 governing body of that municipality and who shall be a voting member
32 of the committee; (2) a representative of Union county, who shall be
33 selected by the governing body of that county and who shall be a
34 voting member of the committee; (3) a representative of Essex county,
35 who shall be selected by the ¹[governing body] county executive¹
36 of that county and who shall be a voting member of the committee; and
37 (4) the commissioner, or the commissioner's designee, who shall serve
38 ex officio and who shall be a nonvoting member of the committee.

39 Any municipality in Union county or Essex county that is not a river
40 municipality may, through its governing body, request membership,
41 with full voting privileges, on the committee. Such membership shall
42 be granted upon a majority vote of the voting membership of the
43 committee.

44 b. Vacancies in the positions on the committee shall be filled in the
45 same manner as the original appointments were made.

46 c. Members of the committee shall serve without compensation,

1 but may, within the limits of funds appropriated or otherwise made
2 available to the committee, be reimbursed for actual expenses
3 necessarily incurred in the discharge of their official duties.

4 d. A member of the committee may be removed at any time for any
5 reason by the municipal or county governing body, ¹or the county
6 executive,¹ as the case may be, that appointed that member.

7
8 5. a. The committee shall organize as soon as may be practicable
9 after the appointment of its members and shall select a chairperson and
10 a vice-chairperson from among its members. The department shall
11 provide technical and planning assistance to the committee.

12 b. A majority of the voting membership of the committee shall
13 constitute a quorum for the transaction of committee business. Action
14 may be taken and motions and resolutions adopted by the committee
15 at any meeting thereof by the affirmative vote of a majority of the full
16 voting membership of the committee.

17 c. The committee shall meet regularly as it may determine, and
18 shall also meet at the call of the chairperson of the committee, the
19 commissioner, or the Governor.

20
21 6. In order to facilitate achievement of the State goal, as set forth
22 in this act, to fully restore, promote, preserve, and maintain the
23 environmental health and water quality of the upper Rahway river
24 system, the committee shall:

25 a. develop recommended regional planning strategies and other
26 regional policies, procedures, and model ordinances and resolutions,
27 which would be implemented by each member municipality and county
28 on a voluntary basis;

29 b. where appropriate, coordinate efforts of member municipalities
30 and counties to clean up the upper Rahway river system or any
31 tributary or watershed land thereof;

32 c. recommend appropriate State legislation and administrative
33 action; and

34 d. advocate, and where appropriate, act as a coordinating,
35 distributing, or recipient agency for, federal and State funding of
36 environmental protection projects in river municipalities and river
37 counties, which projects may include the work of the committee.

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39 7. The committee shall be entitled to call to its assistance and avail
40 itself of the services of such employees of any State, county, or
41 municipal department, board, bureau, commission, agency, or
42 authority as it may require and as may be available to it for the
43 purpose of carrying out its duties under this act, and to employ such
44 staff or experts and incur such traveling and other miscellaneous
45 expenses as it may deem necessary in order to perform its duties, and
46 as may be within the limits of funds appropriated or otherwise made

1 available to it for those purposes.

2

3 8. The meetings of the committee shall be subject to the provisions
4 and requirements of the "Open Public Meetings Act," P.L.1975, c.231
5 (C.10:4-6 et seq.).

6

7 9. a. The committee shall report its findings and conclusions,
8 together with any recommendations for legislation or administrative
9 action to abate environmental threats to the upper Rahway river
10 system or to otherwise further the State goal to fully restore, promote,
11 preserve, and maintain the environmental health and water quality of
12 that river system, to the Governor, the Legislature, and the
13 commissioner within one year after the date of enactment of this act
14 and periodically as necessary thereafter.

15 b. The committee shall dissolve ten years after the date of
16 enactment of this act unless the voting membership of the committee
17 unanimously votes to continue its existence. Thereafter, such a vote
18 shall be held annually, and failing the receipt of a unanimous vote of
19 the voting membership to continue the existence of the committee for
20 another year, the committee shall thereupon dissolve.

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22 10. This act shall take effect immediately.

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27 Creates Upper Rahway River Intergovernmental Cooperation
28 Committee.