

P.L. 1997, CHAPTER 342, *approved January 12, 1998*
Assembly, No. 665 (*Second Reprint*)

1 AN ACT creating the ²[Upper]² 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 " ²[Upper]²
9 Rahway River Intergovernmental Cooperation Committee Act."

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11 2. The Legislature finds and declares that the ²[upper]² Rahway
12 river is an important natural, recreational, and economic resource
13 utilized and enjoyed by the citizens of the State; that the value of this
14 resource is heavily dependent upon water quality, and poor water
15 quality is a potential threat to the public health, safety, and welfare,
16 and to the environment; that the river has suffered in the past, and
17 continues to suffer, from abuse and neglect due to point and nonpoint
18 source pollution discharges, stormwater runoff, illegal dumping of
19 litter and other debris, and ²[other environmental and aesthetic insults]
20 is subject to flooding conditions, creating a threat to people and
21 property throughout the river system².

22

23 The Legislature therefore determines that it is appropriate for the
24 municipalities and counties within which the ²[upper]² Rahway river
25 is located to form an intergovernmental cooperative working group to
26 (1) develop recommended regional planning strategies and other
27 regional policies, procedures, and model ordinances and resolutions,
28 which would be implemented by each member municipality and county
29 on a voluntary basis, (2) where appropriate, coordinate efforts of
30 member municipalities and counties to clean up the ²[upper]² Rahway
river system or any tributary or watershed land thereof ²and to

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.

² Senate SCO committee amendments adopted December 11, 1997.

1 alleviate flooding conditions in that river system², (3) recommend
2 appropriate State legislation and administrative action, and (4)
3 advocate, and where appropriate, act as a coordinating, distributing,
4 or recipient agency for, federal and State funding of environmental
5 protection projects in river municipalities and river counties, all for the
6 purpose of achieving the State goal of fully restoring, promoting,
7 preserving, and maintaining the environmental health and water quality
8 of the ²[upper]² Rahway river system.

9

10 3. As used in this act:

11 "Commissioner" means the Commissioner of Environmental
12 Protection.13 "Committee" means the "²[Upper]² Rahway River
14 Intergovernmental Cooperation Committee" created pursuant to
15 section 4 of this act.

16 "Department" means the Department of Environmental Protection.

17 "Environmental protection project" means any work the purpose of
18 which is to reduce point or nonpoint source pollution discharges,
19 stormwater runoff, illegal dumping of litter and other debris, and other
20 environmental and aesthetic insults to the ²[upper]² Rahway river
21 system, or to otherwise maintain or enhance the environmental health
22 and water quality of the ²[upper]² Rahway river system or any
23 tributary or watershed land thereof.24 "River counties" means Union county ², Middlesex county,² and
25 Essex county.26 "River municipalities" means the Union county municipalities of
27 Clark, Cranford, Garwood, Kenilworth, ²Linden,² Mountainside,
28 Rahway, ²Scotch Plains,² Springfield, Summit, Union, Westfield, and
29 Winfield, ²the Middlesex county municipalities of Carteret, Edison,
30 and Woodbridge,² the Essex county municipalities of Maplewood,
31 Millburn, Orange, South Orange, and West Orange, and any other
32 Union ², Middlesex,² or Essex county municipality that chooses to
33 participate, and is accepted, as a member of the committee as provided
34 in section 4 of this act.

35

36 4. a. There is created the "²[Upper]² Rahway River
37 Intergovernmental Cooperation Committee," which shall be composed
38 of: (1) a representative of each river municipality, who shall be
39 selected by the governing body of that municipality and who shall be
40 a voting member of the committee; (2) a representative of Union
41 county, who shall be selected by the governing body of that county
42 and who shall be a voting member of the committee; (3) ²a
43 representative of Middlesex county, who shall be selected by the
44 governing body of that county and shall be a voting member of the
45 committee; (4)² a representative of Essex county, who shall be
46 selected by the ¹[governing body] county executive¹ of that county

1 and who shall be a voting member of the committee; and ²[(4)] (5)²
2 the commissioner, or the commissioner's designee, who shall serve ex
3 officio and who shall be a nonvoting member of the committee.

4 Any municipality in Union county ², Middlesex county,² or Essex
5 county that is not a river municipality may, through its governing
6 body, request membership, with full voting privileges, on the
7 committee. Such membership shall be granted upon a majority vote
8 of the voting membership of the committee.

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

11 c. Members of the committee shall serve without compensation,
12 but may, within the limits of funds appropriated or otherwise made
13 available to the committee, be reimbursed for actual expenses
14 necessarily incurred in the discharge of their official duties.

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

18
19 5. a. The committee shall organize as soon as may be practicable
20 after the appointment of its members and shall select a chairperson and
21 a vice-chairperson from among its members. The department shall
22 provide technical and planning assistance to the committee.

23 b. A majority of the voting membership of the committee shall
24 constitute a quorum for the transaction of committee business. Action
25 may be taken and motions and resolutions adopted by the committee
26 at any meeting thereof by the affirmative vote of a majority of the full
27 voting membership of the committee.

28 c. The committee shall meet regularly as it may determine, and
29 shall also meet at the call of the chairperson of the committee, the
30 commissioner, or the Governor.

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32 6. In order to facilitate achievement of the State goal, as set forth
33 in this act, to fully restore, promote, preserve, and maintain the
34 environmental health and water quality of the ²[upper]² Rahway river
35 system, the committee shall:

36 a. develop recommended regional planning strategies and other
37 regional policies, procedures, and model ordinances and resolutions,
38 which would be implemented by each member municipality and county
39 on a voluntary basis;

40 b. where appropriate, coordinate efforts of member municipalities
41 and counties to clean up the ²[upper]² Rahway river system or any
42 tributary or watershed land thereof ²and to alleviate flooding
43 conditions in that river system²;

44 c. recommend appropriate State legislation and administrative
45 action; and

46 d. advocate, and where appropriate, act as a coordinating,

1 distributing, or recipient agency for, federal and State funding of
2 environmental protection projects in river municipalities and river
3 counties, which projects may include the work of the committee.

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5 7. The committee shall be entitled to call to its assistance and avail
6 itself of the services of such employees of any State, county, or
7 municipal department, board, bureau, commission, agency, or
8 authority as it may require and as may be available to it for the
9 purpose of carrying out its duties under this act, and to employ such
10 staff or experts and incur such traveling and other miscellaneous
11 expenses as it may deem necessary in order to perform its duties, and
12 as may be within the limits of funds appropriated or otherwise made
13 available to it for those purposes.

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

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19 9. a. The committee shall report its findings and conclusions,
20 together with any recommendations for legislation or administrative
21 action to abate environmental threats to the ²[upper]² Rahway river
22 system or to otherwise further the State goal to fully restore, promote,
23 preserve, and maintain the environmental health and water quality of
24 that river system, ²and to alleviate flooding conditions in that river
25 system,² to the Governor, the Legislature, and the commissioner
26 within one year after the date of enactment of this act and periodically
27 as necessary thereafter.

28 b. The committee shall dissolve ten years after the date of
29 enactment of this act unless the voting membership of the committee
30 unanimously votes to continue its existence. Thereafter, such a vote
31 shall be held annually, and failing the receipt of a unanimous vote of
32 the voting membership to continue the existence of the committee for
33 another year, the committee shall thereupon dissolve.

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35 10. This act shall take effect immediately.

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40 Creates Rahway River Intergovernmental Cooperation Committee.