

**BOROUGH OF WOODLAND PARK
ORDINANCE NO. 18-03**

**AN AMENDING ORDINANCE OF THE BOROUGH OF WOODLAND
PARK IN THE COUNTY OF PASSAIC, STATE OF NEW JERSEY, AS
AMENDED AND INCORPORATED UNDER FLOOD CONTROL
BOARD IN CHAPTER 85 OF THE CODE OF THE BOROUGH OF
WOODLAND PARK**

WHEREAS, Code section 85 Entitled Flood Control Board (Passaic Valley Regional Flood Control Board) provided that the provisions of Code are made in accordance with N.J.S.A 40A:27-1 et seq., the Borough hereby amends and supplements the Woodland Park Administrative Code; and

WHEREAS, the Borough Council has determined that the structure of the Board will be better served by working directly with the Township of Little Falls and the Borough of Totowa; and

WHEREAS, the Board as originally constituted included The Township of Little Falls, the Borough of Woodland Park and the Township of Cedar Grove; and

WHEREAS, the Township of Cedar Grove has determined that since the impact of possible flooding on the Passaic River and the Peckman River have a much greater impact on the Borough of Woodland Park and the Township of Little Falls, it has by ordinance withdrawn from the Passaic Valley Regional Flood Control Board; and

WHEREAS, the Borough of Woodland Park recognizes the sage advice and contributions made by the Township of Cedar Grove and its members who served on the Passaic Valley Regional Flood Control Board. The Borough of Woodland Park will continue to work with the Township of Cedar Grove on matters affecting both municipalities; and

WHEREAS, it is in the best interest of the Borough of Woodland Park that the present Borough Code section 85 entitled Flood Control Board be maintained as part of the Borough Code and request that the Borough of Totowa and the Township of Little Falls amend their Administrative Codes to mirror the amendments set forth herein;

NOW, THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Woodland Park in the County of Passaic and the State of New Jersey as follows:

The Code of the Borough of Woodland Park Section 85 Entitled Flood Control Board be and is hereby amended as follows:

85-1. Title; findings.

A.
Pursuant to the Municipal and County Flood Control Act, N.J.S.A. 40A:27-1 et seq., the Borough hereby amends and supplements the Woodland Park Code to include the following, entitled "Ordinance to Form and Establish the Woodland Park- Little Falls- Totowa Passaic Valley Regional Flood Control Board" (hereinafter, the "Board").

B.
Findings:

(1)
The Mayor and Council of the Borough of Woodland Park conclude that the public health, safety and welfare can best be assured by the establishment of the Board, and its review of the potential acquisition, construction, financing, improvement, maintenance and operation of flood control facilities in cooperation with other local units, as set forth in N.J.S.A. 40A:27-4.

(2)
The Mayor and Council of the Borough of Woodland Park find that the Board will contribute to the overall management of the surface water of the Passaic River and the Peckman River basins, insofar as those basins impact upon the properties located within the Borough of Woodland Park.

§ 85-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONTRACTING LOCAL UNIT

A municipality which enters into a contract with another municipality for the construction, maintenance, improvement, acquisition, or financing of a flood control facility for its own use.

CONTRACTOR

A local unit which enters into a contract with a contracting local unit to construct, maintain, improve, acquire or finance flood control facilities for the contracting local unit.

COST

The cost of construction, reconstruction or maintenance and improvement, the cost of all labor, materials, machinery and equipment, the costs of all lands, property, rights and easements acquired, financing charges, interest on bonds issued to finance a facility prior to, during and after acquisition or construction, the cost of plans and specifications, surveys or estimates of costs and of revenues, the cost of engineering and legal services, and all other expenses necessary or incidental to determining the feasibility or practicability of the construction, reconstruction, improvement or maintenance of a facility, administrative expenses and such other expenses as may be necessary or incidental to the construction, maintenance or acquisition of a facility, and the financing herein authorized. Any obligation or expense incurred by a local unit in connection with any of the foregoing items of cost prior to the issuance of bonds or notes as authorized herein may be reimbursed to the local unit out of the proceeds of bonds issued under the provisions of this chapter.

FLOOD CONTROL FACILITIES

The dams, drainageways, structures and other real and personal property acquired, constructed, operated, financed, maintained or improved or to be acquired, constructed, operated, financed, maintained or improved by a local unit for the purposes of flood control, including storage reservoirs, dikes, divisions, dams, spillways, levees, revetments, drains, ditches or channel improvements, such as widening, deepening, straightening, clearing, desnagging, sloping, building and filling in, and other plants, structures, boats, conveyances and other real or personal property and rights therein, and appurtenances necessary for the control of flooding, the preservation of stream flow and the management of surface water and stormwater, including any storm sewers, storm drains, drainage facilities, and detention basins, and the dredging or desnagging of any drainageways.

LEAD AGENCY

The Township of Little Falls will function as Lead Agency for the Passaic Valley Flood Control Board. Improvements and or programs to protect the public health, safety and welfare proposed by the Board, including but not limited to; potential acquisition, construction, financing, improvement, maintenance and operation of flood control facilities will require each member municipality to authorize, and approve all projects and establish funding requirements prior to moving forward with said project and authorizing the appropriate documents for designation as Lead Agency.

LOCAL UNIT

A municipality or county.

MEMBER MUNICIPALITY-LOCAL UNITS

The Township of Little Falls, and the Borough of Woodland Park and the Borough of Totowa

MUNICIPAL AND COUNTY FLOOD CONTROL ACT

N.J.S.A. 40A:27-1 et seq.

§ 85-3. Purpose of Board.

Once the Board is appointed pursuant to other provisions of this chapter, the Board may make, or cause to be made, any necessary surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues relating to the provision of flood control facilities on the Passaic River and the Peckman River; provided, however, the Board's recommendations are approved by the member municipalities and the Lead Agency first secures or approves the funding by way of grants for such surveys, investigations and the like.

§ 85-4. Interlocal contract provisions.

Upon the adoption of such necessary ordinances or resolutions of the Borough of Woodland Park, and the Borough of Totowa upon passage in advance of a resolution adopted by the Mayor and Council of the Township of Little Falls and subject to the approval of the Woodland

Park Attorney as to the form of such contracts, the Township of Little Falls as Lead Agency shall enter into an interlocal contract with the local contracting units of the Borough of Woodland Park, and the Borough of Totowa to construct, maintain, improve, acquire, or finance a flood control facility for the benefit of the member municipalities. Such interlocal contract may address the following items: administrative organization; governance; election of officers; staffing and personnel; budget; funding by constituent municipalities; property arrangements; meetings; insurance; indemnification; community participation; and any other requirements pursuant to N.J.S.A. 40:8A-1 et seq., or other applicable statutes.

85-5. Creation of Board; membership; appointment of members.

A.

In order to effectuate the establishment of the Board, the Borough of Woodland Park authorizes, upon the adoption of requisite like ordinances and the execution of such required contracts by the local contracting units of the Township of Little Falls, and the Borough of Totowa the creation of the Board, as set forth below.

B.

The "Woodland Park- Little Falls-Totowa Passaic Valley Regional Flood Control Board" shall consist of 15 members. Each municipality shall appoint to serve on the Passaic Valley Regional Flood Control Board; (1) Council member, appointed by Council, the Public Works Manager from each Municipality and (2) resident Members, appointed by the Mayor, with advice and consent of the Council and the Mayors or his /her designee of each member municipality. Each Mayor or his/her designee shall serve as chair of the Board in rotating each year, Woodland Park shall chair the Board in 2018, Little Falls in 2019 and Totowa in 2020, with the rotation continuing from there. The duties of the Chair are to schedule meetings, chair the meetings and to vote in case of a tie when all seats on the board are full. A Vice Chair may be selected by vote of the Board Members. All terms are for one year. Appointments shall be made annually at the municipal reorganization meeting of each member municipality.

The Board should meet once per quarter and only when matters defined in the code are to be addressed. Special meetings may be held if necessary and only by authorization of both Mayor's. The Township of Little Falls Clerk will post and make all meeting notices on behalf of the Board.

§ 85-6. Duties of Board.

A.

The Woodland Park- Little Falls-Totowa Passaic Valley Regional Flood Control Board may jointly recommend the purchase, construction, improvement, extension, enlargement or reconstruction of flood control facilities on behalf of its member local units subject to the approval of the council or governing body of each of the member local units.

B.

The Woodland Park- Little Falls-Totowa Passaic Valley Regional Flood Control Board may request, on behalf of its member local units, to receive and accept, from the federal or state government or any agency thereof, grants for the planning, acquisition, purchase, construction, extension, enlargement, reconstruction, improvement or financing of any of these facilities and to receive and accept contributions from any source of either money, property, labor or other things of value to be held, used and applied for the purposes for which these grants and contributions may be made, subject to the approval of the council or governing body of each of the member local units.

C.

All requests and recommendations of the Board shall be made in writing to the Mayor of each member municipality.

§ 85-7. Funding.

Any budgetary funding provided by the Borough of Woodland Park for the operation of Woodland Park- Little Falls-Totowa Passaic Valley Regional Flood Control Board shall be subject to the annual availability and appropriation of sufficient funds.

§ 85-8. Enabling ordinance.

A.

The creation of the Woodland Park- Little Falls-Totowa Passaic Valley Regional Flood shall be subject to and contingent upon each of the member local units satisfying all of the terms and conditions precedent contained in this chapter. The within ordinance is only an enabling ordinance, subject to all of the various statutes and contingencies mentioned herein, and shall only become fully operative once an interlocal contract is executed among the municipalities and this regional flood board is compliant with the Interlocal Act, the Municipal Services Act, "Pay-to-Play Statute," Acquisition and Construction of Public Improvement Act and other such similar Acts.

B.

None of the municipalities herein shall be required to expend any funds by virtue of this chapter. It is contemplated by this chapter that this is a joint undertaking between the Borough of Woodland Park and the Township of Little Falls and the Borough of Totowa to be separately funded by future grants and other such similar aid and funding as may be hereinafter designated by separate enactments. The Township of Little Falls will Function as the Lead Agency for all projects recommended and approved by the Board.

Severability.

If any section, paragraph, subdivision, clause, sentence, phrase or provision of this ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

Repealer and Merger.

All Township ordinances and parts or ordinances inconsistent with this ordinance are hereby repealed.

Section 7 - Effective Date.

This ordinance shall take effect upon its final passage by the Township Council, approval by the Mayor, and publication as required by law.

Introduced: February 21, 2018

Adopted: March 21, 2018