

Borough of Hillsdale**11168****Resolution**

Title: Supporting Assembly Bill 4287 (Flood control measures)

WHEREAS, flooding of land may result in loss of life, damage to property, and unsanitary conditions, all of which are detrimental to the health, safety and welfare of the residents of lands in the area threatened by flooding;

WHEREAS, substantial flooding has repeatedly occurred in several areas of this State located downstream from reservoirs, which, in some cases, may have been caused or exacerbated by high reservoir levels;

WHEREAS, it is in the public interest to minimize and prevent the loss of life and property, disruption of commerce, and impairment of the tax base by ensuring that reservoirs are kept at levels satisfactory for the public water supply but protective of the public from the dangers and losses attributed to flooding;

WHEREAS, legislation has been introduced in the Assembly to call upon the Department of Environmental Protection to: identify each reservoir in the State that has a documented record of flooding, as determined by the department; study and assess the downstream river or stream capacity and the water reservoir; identify each municipality with a documented record of downstream flooding caused or exacerbated by high reservoir levels;

WHEREAS, on the basis of the results of these studies, this legislation calls upon the department shall determine maximum water levels to be maintained at each reservoir in the State, set at a level that best protects the area surrounding the reservoir against flooding while ensuring the availability of an adequate water supply for the area served by the reservoir;

WHEREAS, this legislation would require the owner or person having control of a reservoir in the State that has a documented record of downstream flooding to prepare, submit and implement a flood action plan approved by the DEP, which would include, but need not be limited to, the design, construction, operation, and maintenance of flood gates sited at the reservoir;

WHEREAS, the bill would also authorize the Office of Emergency Management in the Division of State Police to order the water level of any reservoir in the State to be lowered in a manner prescribed by the office prior to or during a severe weather event if the office has made a determination, after consultation with the DEP, that lowering the reservoir level is in the general public interest and reasonably necessary to prevent or reduce the severity of flooding;

WHEREAS, the owner of a reservoir would be indemnified against any act or omission with respect to any claims or any cause of action arising out of the proper implementation of a flood action plan approved by the DEP under this legislation, provided, however, the owner is in full compliance with any order of the Office of Emergency Management to lower reservoir levels, as may be issued pursuant to the bill;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Hillsdale implore the General Assembly and the Senate of the State of New Jersey, along with Governor Chris Christie, to act

swiftly to support the passage of A4287;

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Chris Christie and to all state legislators in both the Senate and the Assembly.

Council member	Motion	Second	Yes	No	Absent	Abstain
DeJoseph, Jonathan			x			
Frank, Douglas		x	x			
Giancarlo, Michael	x		x			
Hanlon, Marie			x			
Schiavone, Donna			x			
Weinstein, Andrew			x			

Adopted: December 13,
2011

Attest: _____
Robert P. Sandt, RMC
Municipal Clerk

Mayor Max Arnowitz