

**BOROUGH OF HILLSDALE
RESOLUTION 22117**

RESOLUTION SUPPORTING NJ S-790 and NJ A-4200 REQUIRING THE NJ DEPT OF ENVIRONMENTAL PROTECTION AND OWNERS OF CERTAIN RESERVOIRS TO IMPLEMENT CERTAIN FLOOD CONTROL MEASURES AND AUTHORIZING THE OFFICE OF EMERGENCY MANAGEMENT TO ORDER LOWERING OF RESERVOIR LEVELS IN REPOSE TO SEVERE WEATHER EVENTS

WHEREAS the Borough of Hillsdale has suffered repeatedly from flooding of the Pascack Brook for many decades;

WHEREAS elected officials from the Borough and surrounding towns have requested that the owners and managers of the Woodcliff Lake reservoir that feeds the Pascack Brook (presently Veolia North America, but in the past Suez Water, and United Water) modulate the release of water from the reservoir in anticipation of expected storms so as to mitigate the effects of flooding on the Borough's residents;

WHEREAS, the owners of the reservoir historically cited their role as conservers of water and demonstrated a reluctance to release water for the purpose of flood mitigation;

WHEREAS the NJ Dept of Environmental Protection ("NJDEP) has generally supported the approach of the reservoir owners, indicating that the reservoir owner's primary role is water conservation management and does not include flood mitigation;

WHEREAS, the frequency and intensity of the flooding experienced by the residents of Hillsdale has increased, for reasons that may include climate change but certainly reflect the fact that there has been greater development along all the towns through which the Brook flows, encouraged significantly by greater urbanization and state-mandated affordable housing obligations;

WHEREAS the increased flooding being experienced by the residents of Hillsdale has caused great financial harm and suffering to Hillsdale residents and placed their physical well-being in greater jeopardy;

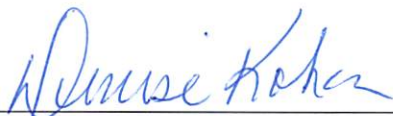
WHEREAS, State Senator Holly Schepisi has introduced legislation (S-790) that would (1) direct the NJDEP to identify those reservoirs in the State with a documented record of flooding, as determined by the NJDEP, and assess the downstream capacity and water storage capacity of the reservoir and the water usage needs of the residents and businesses served by the reservoir, (2) require the NJDEP to adopt rules and regulations necessary to implement the bill, including the establishment of a maximum level for each reservoir based on the results of its assessment, (3) require the NJDEP to set the maximum level for each reservoir at a level that best protects the areas surrounding the reservoir against flooding while ensuring an adequate water supply, (4) direct the NJDEP to notify each owner of a reservoir of the adoption of these rules and regulations and require compliance within 90 days after their adoption, (5) require every owner of a reservoir in the State that has a documented record of downstream flooding, as determined by the DEP, to prepare, submit, and implement a flood action plan approved by the NJDEP, which would include, but need not be limited to, the design, construction, operation, and maintenance of flood gates sited at the reservoir, (6) would 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


NJDEP, that lowering the reservoir level is in the general public interest and reasonably necessary to prevent or reduce the severity of flooding, and (7) indemnify any owner of a reservoir 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 NJDEP under S-790, 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 legislation.

NOW THEREFORE BE IT RESOLVED that the Hillsdale Mayor and Council express their support for S-790 and its companion bill (A-4200) sponsored Assemblyman Robert Auth and Assemblywoman DeAnne DeFuccio, and direct the Borough Clerk to send copies of this Resolution to NJ Governor Phil Murphy, members of the NJ Senate Environment and Energy Committee (members Sen. Richard Codey, Sen. Edward Durr, Sen. Linda Greenstein, Sen. Bob Smith, and Sen. Jean Stanfield), Senate President Nicholas Scutari and Assembly President Craig Coughlin, NJDEP Commissioner Shawn M. LaTourette, and to Bergen County Executive James Tedesco.

Council member	Motion	Second	Yes	No	Absent	Abstain	Recuse
DeRosa, Anthony			X				
Escobar, John			X				
Horvath, Zoltan	X		X				
Lundy, Abby		X	X				
Pizzella, Frank					X		
Trochimiuk, Janetta			X				
Ruocco, John							

Adopted: June 14, 2022

Attest: 
 Denise Kohan
 Municipal Clerk


 John J. Ruocco
 Mayor