

**THE RAMAPO RIVER WATERSHED
INTERMUNICIPAL COUNCIL**

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**THE RAMAPO RIVER WATERSHED INTERMUNICIPAL COUNCIL
MEMORANDUM OF UNDERSTANDING**

I. PREAMBLE

WHEREAS, Village of Airmont, County of Bergen, Borough of Franklin Lakes, Town of Haverstraw, Village of Hillburn, Village of Kiryas Joel, Township of Mahwah, Town of Monroe, Village of Monroe, Village of Montebello, Borough of Oakland, County of Orange, Palisades Interstate Park Commission, County of Passaic, Village of Pomona, Borough of Pompton Lakes, Town of Ramapo, Borough of Ramsey, Township of Ringwood, County of Rockland, Village of Sloatsburg, Village of Suffern, Village of Tuxedo Park, Town of Tuxedo, Borough of Wanaque, Township of Wayne, Village of Wesley Hills, Town of Woodbury and other municipalities of the Ramapo River Watershed (“Watershed”) as may from time-to-time join, hereinafter collectively referred to as The Ramapo River Watershed Intermunicipal Council (hereinafter “RRWIC”); and

WHEREAS, the Ramapo River Watershed is a critical asset that fulfills at least three vital functions for Orange, Rockland (NY), Bergen and Passaic Counties (NJ) and the entire 163 square mile Ramapo River Basin was listed as a Federal Sole Source Aquifer in 1992; and

WHEREAS, the Ramapo River Watershed is an irreplaceable regional water supply, recreational resource and a key ecosystem in the ecologically rich NY/NJ Highlands; and

WHEREAS, the health of the Highlands and the Watershed is dependent upon sound economic, social and environmental policies of the Watershed Communities.

NOW, THEREFORE, IT IS AGREED THAT the Ramapo River Watershed communities will establish a common and comprehensive watershed model, a set of model regulations and operating practices within their sphere of authority in order to prevent or minimize adverse impact upon water quality, wildlife and human well-being; provide storm water management and flood control, and enhance recreation, historic preservation and overall quality of life within the Watershed; and

IT IS FURTHER AGREED THAT the Ramapo River Watershed Communities will take reasonable measures to influence other entities operating within the Highlands and the Watershed to adopt similar regulations and operating practices to achieve the goals of this Agreement.

II. PURPOSE

The purpose of this Agreement is to describe the mutual commitments of the Watershed Communities and “to develop a Ramapo River Watershed Management Plan and oversee and administer it in order to access available funding.”

- Collaboratively and collectively work to address issues and problems within our watershed. To maintain the ecological health and beauty of the watershed and maintain a productive economy for the people of the Ramapo River Watershed.
- Develop a Ramapo River Watershed Management Plan, access funding and oversee and administer the plan.
- Establish watershed priorities.
- Approve an annual work plan and budget.
- Approve requests for funding and for endorsement of projects consistent with the priorities.
- Provide a forum for all municipalities within the watershed to interact and exchange information.
- Review technical and fiscal summary reports.

III. OBJECTIVES

Section 1. The objectives of the RRWIC are to:

1. Develop better communication across state lines and municipal boundaries, to share information and technology;
2. Empower local governments within the watershed to work together to acquire grants and funds for research, data collection, studies and analysis;
3. Protect the well fields, groundwater, surface water, ecosystems, wildlife habitats and open spaces of the Ramapo River Watershed Area;
4. Raise public awareness and commitment to a shared vision of clean water and a sustainable future for all;
5. Prevent point and non-point source pollution of both surface and ground waters in the watershed;
6. Preserve open space and natural resources;
7. Create land use guidelines consistent with watershed protections;
8. Encourage sustainable economic activities that are consistent with watershed protections;
9. Develop programs for educating the public and public officials;
10. Explore mutually beneficial ways of securing and sharing federal, state and county-agency funding for the programs that accomplish their objectives in the above areas;
11. Share the costs of monitoring compliance and enforcement of regulations;
12. Resolve disputes regarding development projects that may have inter-municipal impacts;
13. Work with federal, state and county agencies and authorities to assure that their activities in the watershed are compatible with the plans and programs of the cooperating municipalities;

14. Provide stormwater management and flood control.

Section 2. The members of RRWIC have resolved by valid Intermunicipal Memorandum of Understanding, dated as of May, 2005 (a copy of which is attached):

THAT: The municipalities named herein have joined together to form the Ramapo River Watershed Intermunicipal Council to advise and inform members on methods to accomplish the interests and objectives contained above;

THAT: The Council shall be comprised of up to three representatives selected by each municipality and shall adopt bylaws providing for the further administration, finance and governance of the Council, to be approved by each municipality;

THAT: The Council shall recommend specific ways in which the cooperating municipalities can accomplish their mutual objectives and interests.

Section 3. RRWIC is organized and operated exclusively for the above stated purposes. No part of the net earnings of RRWIC shall inure to the benefit of any officer or employee of RRWIC, or to any private individual (except that reasonable compensation may be paid for services rendered to or for RRWIC) and no officer or employee of RRWIC, or any private individual, shall be entitled to share in the distribution of any of RRWIC=s assets upon the dissolution of RRWIC.

IV. ORGANIZATION MEMBERSHIP

A. Representation/Members/Voting. Membership is open to all municipalities – counties, towns, villages, cities, Palisades Interstate Parkway Commission and Indian Nations (if any) – within the Watershed.

- Each of the Ramapo River Watershed Communities will have three Representatives appointed by their respective highest elected official
 1. One elected official for each government entity.
 2. One from the professional staff.
 3. One resident.

This group will be known as the Ramapo River Watershed Intermunicipal Council (hereinafter “RRWIC”).

- Each of the Watershed Communities will have one vote on matters requiring agreement. Matters requiring a vote must have affirmative votes from at least a simple majority of the Watershed Communities present at a duly constituted meeting in order to pass.

- The presence of at least ____ representatives from each of the twenty-one Watershed Communities shall constitute a quorum.

There will be Associate Members of the RRWIC who, in recognition of their expertise, will be asked to participate at all meetings of the RRWIC.

- To be determined

The following organizations as well as others identified from time to time may be asked to provide advice and information:

- To be determined

B. Non-voting members. In order to ensure ongoing public participation, any interested organization or individual may apply for non-voting membership.

C. Administration.

- a. Administrative Center. The Administrative Center of the RRWIC will be located in the host municipality. The Chair of the Executive Committee shall host the office of the RRWIC. The Administrative Center will be responsible for providing normal facilities services and staff as required for the operations of the RRWIC.
- b. Staff Director. A representative of the host municipality shall be staff director. Subject to the authority of the Executive Committee and the policies of the RRWIC, the chair of the RRWIC or designee will provide executive leadership for the Center. This person=s responsibilities shall include:
 1. Serving as Secretary to the Executive Committee and the RRWIC;
 2. Preparing agendas and minutes of the Executive Committee and RRWIC and other related meetings;
 3. Coordinating the development of plans, budgets and proposals;
 4. Coordinating and facilitating interactions among and between all interested parties;
 5. Identifying funding sources to support the RRWIC program.
- c. The RRWIC may hire a staff member, who will work in consultation with the Executive Committee and the Chair.

D. Officers.

The RRWIC will elect the following officers and may select a facilitator. Vacancies for these positions will be filled by a majority vote of the RRWIC in accordance with Paragraph IIIA.

- a. Chair. The RRWIC shall elect a Chair annually from among its voting members. The Chair shall preside at all meetings of the RRWIC and the RRWIC Executive Committee and work closely with administrative staff to set agendas. The Chair or his/her designee shall be the official spokesperson for the RRWIC. An individual can serve as Chair for a maximum of three consecutive terms at a time.
- b. Vice Chair. The RRWIC shall elect a Vice Chair annually from among its voting members. The Vice chair shall assist the Chair and, in the absence of the Chair, act as Chair.
- c. The RRWIC in its discretion may appoint other officers including secretary, treasurer, etc.
- d. The Secretary shall keep all records of RRWIC, keep the minutes of meetings of the RRWIC and Executive Committee, keep a record of all votes and other proceedings of RRWIC in a journal to be kept for such purposes and shall perform all the duties normally incident to this office. The Secretary may assign to the Facilitator, if one is appointed, such of these duties as deemed necessary for efficient operation.
- e. The Treasurer shall receive and have the care and custody of all of the funds and securities of RRWIC and shall deposit such funds in the name of RRWIC in a bank or other depository as designated by the Executive Committee. No funds shall be drawn from the depository except by checks for the same, signed by the Treasurer or in his/her absence the Secretary, and countersigned by either the Chair or the Vice Chair, pursuant to a direction of the Executive Committee.

The treasurer shall keep regular books of accounts showing receipts and expenditures and shall submit at each Annual Meeting a report of all receipts and disbursements during the preceding year, together with the status of all funds of RRWIC and shall submit interim reports during any current year when requested by the Executive Committee.

The treasurer may assign to the Facilitator, if one is appointed under Article VIII, such of the aforementioned duties deemed necessary for efficient operation.

It is desirable that the four officers be from separate communities.

E. Facilitator.

The Facilitator, who is not a member of the RRWIC, may be appointed by the RRWIC. The Facilitator's responsibility is to assure that an open and fair process is followed to permit the

RRWIC members to complete their objectives. The Facilitator will not be an advocate for any position and will strive to ensure that an even and balanced approach is followed in reaching consensus. The Facilitator serves as a non-voting member of the Executive Committee.

F. Sub-Committees.

The Executive Committee comprised of the four officers and the Facilitator will have responsibility for operations of the RRWIC and implementing the policies approved by the full RRWIC.

The Executive Committee may create other sub-committees from time to time in order to initiate studies, complete investigations, prepare reports and drafts for the benefit of the RRWIC. Sub-committees may include outside advisors but must include at least four RRWIC members representing four different entities of the Ramapo River Watershed Communities. The head of a sub-committee will be a voting member of the RRWIC.

G. Meetings.

The RRWIC will schedule regular meetings quarterly or more frequently as the Executive Committee shall determine. Meetings will be open to the public with time designated for public comment.

V. PROCESS

A. Fact Finding.

Prior to drafting any plan, the RRWIC will undertake to survey present practices and ordinances of the Ramapo River Watershed Communities, existing watershed plans, State regulations and County regulations (e.g., soil conservation and possibly future laws governing water), identify best practices locally and nationally with respect to watershed management of point and non-point source pollution, aquifer recharge and water supply, stormwater, and waste water (in total, the water balance); and invite educational presentations by interested parties and experts. After receiving this input, RRWIC will identify critical issues and prioritize those for earliest attention and action.

B. Drafting the Watershed Management Plan (the Plan).

The Watershed Management Plan will describe objectives to be accomplished in the Watershed by the Ramapo River Watershed Communities. Elements of the Plan will be

consistent with all government requirements. The Plan's elements will include appropriate model ordinances and/or operating procedures for consideration by each municipality and that will then be self-administered by the respective municipality or government organizations participating in this Agreement.

The Plan will:

- Accommodate healthy economic improvement in the Watershed while encouraging environmentally acceptable patterns of land use that will protect the Ramapo River Watersheds from individual and cumulative impacts.
- Promote and coordinate regional and intergovernmental processes to protect and manage the Watershed at the lowest practical community level.
- Protect, preserve, maintain and enhance the quality of life of the Watershed and essential character of the Watershed including developing practical facilities and practices to minimize flooding of developed areas.
- Protect, control, monitor and maintain the quality and quantity of surface and ground water in the Watershed.
- Be compatible with the State Development and Redevelopment Plan and the Master Plan.
- Recognize the role of each individual citizen in affecting the health and future of the Watershed and to educate the public as to its individual responsibilities.

C. Preparing the Watershed Hydrologic Model (the Model).

The RRWIC will, as part of its fact-finding process, identify the appropriate use and elements of the hydrologic Model (actually, a series of models for each of the various sub-watersheds) as well as any requirements for such a Model as would apply to the necessary state, federal or local permits required in connection with activities in the Watershed. The RRWIC will consider development of such a model utilizing work already by the Planning Board and other contributors. Concurrent with Model development, the RRWIC will also identify the organization(s) that will operate and maintain the Model in working order.

D. Open Space Management.

The RRWIC will identify and prioritize those land areas within or impacting upon the Watershed, which should be acquired or preserved as open space and held in public trust to provide:

- Protection for well and aquifer recharge areas.
- The creation of riparian vegetative corridors to filter runoff into the surface waters of the region.
- Protection of steep slope areas critical to water protection.

Having created the prioritization, the RRWIC shall facilitate the acquisition and/or protection by easement of priority areas through an appropriate agency (municipality, county, county utilities authority, county park commission, farm preservation board or historical or land trust), identifying all available funding sources; provided, however, that the RRWIC would not directly expend funds for or acquire any right, title or interest in such lands but would rather utilize the collective resource of its membership to guide the acquisition or preservation thereof through an appropriate entity.

E. Public Participation.

The process of developing the Plan and Open Space Prioritization will include as much public participation as possible so as to facilitate public understanding and acceptance of the resulting Plan, its ordinances and operating practices.

F. Presentation to Municipalities and Adoption.

It will be the responsibility of the representatives of the RRWIC to keep their respective municipal and county officers and elected officials and their public apprised of RRWIC developments and to assume positions in the RRWIC that would be acceptable to their constituency.

It is the premise of this effort that each governing entity of the Ramapo River Watershed Communities will modify its ordinances and practices to incorporate the intent of the model ordinances and operating practices prescribed in the Plan.

VI. TIMETABLE

This Intermunicipal agreement shall be presented to and approved by each of the Governing Bodies of the Ramapo River Watershed Communities on or before –date-.

- The RRWIC shall complete a budget and a plan for funding the Plan process at its second meeting.
- Fact-finding, while continuous, shall be substantially completed on or before –date- so that Model building and drafting of the Plan may commence.
- The Plan, draft model ordinances and open space management plan shall be completed for acceptance on or before –date-.
- The draft model ordinances shall be distributed to the RRWIC –date-.

A funding and work plan for completing the Model shall be in place by –date-.

- Each member of the Ramapo River Watershed Communities will use their best efforts to adopt the model ordinances as applicable, the operating practices and the final Plan on or before –date-.

The time limits set forth herein are goals and not inflexible time limitations.

VII. Signatories.

Signing of this agreement will be at a meeting of the RRWIC on –date-.