

**CONSENT AGENDA
FOR THE MEETING OF THE MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
AT 46 MAIN STREET, FRANKLIN, NJ HELD ON
JANUARY 2, 2024**

ALL MATTERS LISTED BELOW ARE CONSIDERED ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Memo from Brian VanDenBroek in regards to 2024 year projects outline/DPW Director Notes and concerns. **Voted to remove 1-2-2024**
2. Letter from SCMUA in re: Actual Annual Charge FY2023 and Quarterly Estimated charge FY2024.
3. Borough of Ogdensburg Ordinance 15-2023 amending Chapter 30 "Land Development".

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. None filed.

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bill for the meeting of January 2, 2024.



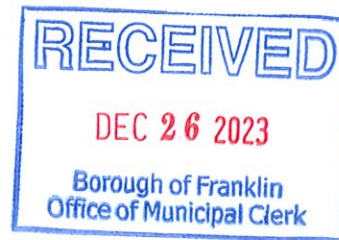
Sussex County Municipal Utilities Authority

34 South Route 94, Lafayette, NJ 07848

www.scmua.org

CONSENT

December 15, 2023



Honorable Mayor John Sowden
Borough of Franklin
46 Main Street
Franklin, New Jersey 07416

Re: Upper Walkkill System – Franklin Borough
Actual Annual Charge - FY2023
Quarterly Estimated Charge - FY2024
SCMUA Sewage Treatment Services

Dear Mayor Sowden:

Enclosed please find a "Certificate of Annual Charge", executed by the Chairman of the Sussex County Municipal Utilities Authority, for sewage treatment and disposal services provided by the Sussex County Municipal Utilities Authority in Fiscal Year 2023 (ending November 30, 2023).

The certificate is in accordance with the "1980 Franklin Service Contract."

This certificate is for the actual adjusted FY2023 annual charges. As a result of the FY2023 estimated bill previously issued being less than the actual amount, an additional amount of \$4,858.00 is due to SCMUA. This is a result of actual sewage volumes received from Franklin being a greater percentage of the total flows received than was projected in the estimated charges.

Since there will be an additional charge to Franklin Borough for FY2023, your quarterly sewer user FY2024 payments due are as follows:

<u>Date Due</u>	<u>FY2024 Est. Payment</u>	<u>FY2023 Additional Due</u>	<u>FY2024 Adjusted Payment</u>
2/16/24	\$303,549.00	\$4,858.00	\$308,407.00
5/16/24	\$303,549.00		\$303,549.00
8/16/24	\$303,549.00		\$303,549.00
11/16/24	\$303,549.00		\$303,549.00
	\$1,214,196.00	\$4,858.00	\$1,219,054.00

One copy of the report containing calculations of said actual FY2023 charges is enclosed. The SCMUA will be sending invoices for these scheduled payments in the near future.

Should you have any questions, please feel free to call.

Sincerely,



Timothy Day
Comptroller

Enclosure

Cc: Andrew Bernath, Franklin Borough Business Administrator, w/encl.
Valerie Olm, SCMUA Accountant, w/encl.

**FINAL CERTIFICATE OF ANNUAL CHARGE
FOR SEWAGE TREATMENT AND DISPOSAL SERVICE
AT THE SUSSEX COUNTY MUNICIPAL UTILITIES AUTHORITY'S
UPPER WALLKILL VALLEY WATER POLLUTION CONTROL FACILITIES**

SERVICES PROVIDED IN FISCAL YEAR 2023


BOROUGH OF FRANKLIN

It is hereby certified that the Actual Annual Charge to the Borough of Franklin for sewage treatment and disposal services, for the Sussex County Municipal Utilities Authority's Fiscal Year 2023 is \$1,013,051.

This amount reflects a General Charge (principal and interest on bonds) of \$63,809 and an Operating Charge (operating and maintenance expenses) of \$949,242.

The Borough of Franklin has previously been billed an estimated amount of \$1,008,193 as the Estimated FY2023 Annual Charge. As a result of the estimated billing being less than the actual FY2023 charges, \$4,858 is due to the SCMUA.

I further certify that I have been authorized, by Resolution of the Board of Commissioners of the Sussex County Municipal Utilities Authority, to submit this Certificate of Annual Charge to the Borough of Franklin.



Ronald Petillo, Chairman

December 13, 2023
Date

Sewage Treatment Charges Calculation - Final Billings

Attachment A

FY2023 Financial Report (Unaudited)

Expenditures:

Upper Walkkill Operations, Maintenance, & Administration	\$	4,948,733
Taxes & Fees	\$	56,879
Capital Outlays	\$	194,988
Debt Service	\$	2,511,706
Reserves: Renewal & Replacement Fund	\$	100,000
Reserved: Vernon Rate Stabilization Fund	\$	4,649
Reserved for UW Rate Stabilization	\$	1,183,075
Total	\$	9,000,030

Revenues:

Sewer User System Participants - Charges for FY2023	\$	6,558,500
Sludge Treatment	\$	40,574
Septage Treatment	\$	831,193
Hauled Sewage Treatment	\$	4,914
Leachate Treatment	\$	330,405
Investment Earnings	\$	450,633
Connection Fees * (Unanticipated Revenue \$180,000)	\$	286,289
O&M Services	\$	193,100
Review Fees	\$	1,650
Miscellaneous Revenues	\$	13,200
Quarterly Reimbursable Items	\$	193,714
Verizon Rental Income	\$	37,583
Proceeds Obsolete Equipment	\$	31,840
Finance Charges	\$	26,435
Total	\$	9,000,030

UPPER WALLKILL VALLEY WATER POLLUTION CONTROL FACILITY
MONTHLY AVERAGE SEWAGE FLOWS FISCAL YEAR 2023

Attachment B

FY 2023	HAMBURG	FRANKLIN	VERNON	WALLKILL	Y.M.C.A.	CRYSTAL SPRINGS	INDIAN FIELD	WALLKILL H.S.	SUSSEX	SPARTA	WANTAGE A & P	AVERAGE TOTAL	MONTHLY PRECIP
December 22	224,000	389,000	228,000	96,000	3,600	191,000	59,000	5,800	257,000	125,000	3,100	1,581,500	3.75 "
January 23	227,000	428,000	247,000	100,000	4,400	191,000	63,000	6,100	299,000	121,000	2,900	1,689,400	3.10 "
February	206,000	430,000	226,000	84,000	4,100	183,000	58,000	6,200	168,000	118,000	2,900	1,486,200	1.21 "
March	216,000	404,000	228,000	91,000	4,400	179,000	61,000	6,200	267,000	123,000	3,200	1,582,800	3.91 "
April	208,000	422,000	202,000	89,000	3,500	181,000	58,000	5,700	268,000	119,000	3,000	1,559,200	5.35 "
May	212,000	455,000	234,000	95,000	3,600	189,000	59,000	6,800	230,000	122,000	2,900	1,609,300	0.80 "
June	206,000	380,000	218,000	89,000	3,900	189,000	57,000	5,600	169,500	121,000	2,900	1,441,900	6.00 "
July	246,000	585,000	291,000	110,000	3,100	228,000	61,000	6,200	326,000	125,000	3,000	1,984,300	9.90 "
August	203,000	382,000	220,000	87,000	3,300	193,000	65,000	4,800	158,000	117,000	2,900	1,436,000	4.50 "
September	222,000	403,000	230,000	96,600	5,200	185,500	69,000	9,600	210,000	126,000	2,800	1,559,700	6.76 "
October	214,000	393,700	216,000	86,200	12,500	183,600	67,600	38,600	173,000	124,100	3,068	1,512,368	3.60 "
November	210,000	381,000	205,000	92,100	8,200	179,700	56,500	27,000	162,000	121,000	2,977	1,445,477	2.40 "
TOTAL	<u>2,594,000</u>	<u>5,052,700</u>	<u>2,745,000</u>	<u>1,115,900</u>	<u>59,800</u>	<u>2,272,800</u>	<u>734,100</u>	<u>128,600</u>	<u>2,687,500</u>	<u>1,462,100</u>	<u>35,645</u>	<u>18,888,145</u>	<u>51.28 "</u>
AVERAGE	<u>216,167</u>	<u>421,058</u>	<u>228,750</u>	<u>92,992</u>	<u>4,983</u>	<u>189,400</u>	<u>61,175</u>	<u>10,717</u>	<u>223,958</u>	<u>121,842</u>	<u>2,970</u>	<u>1,574,012</u>	<u>4.27 "</u>

* - Y.M.C.A. flows are not included in Walkkill flows

* - A&P flows are not included in Sussex flows.

* - HTMUA Flows = YMCA + Crystal Springs + Indian Field + Walkkill HS

*- As of 4'22, Franklin flows adjusted to remove SCMUA Leachate

FY2023

Attachment C

FY2023

Sewage Treatment Charges Calculation -

Final Billing Calculations

	O & M Expenses	Debt Service	FY2023 Total
Allocation of Expenses	\$6,488,324	\$2,511,706	\$9,000,030
Percentage	72.1%	27.9%	100.0%

FY2023 Other Revenues

Sludge Treatment	\$ 40,574
Septage Treatment	\$ 831,193
Hauled Sewage Treatment	\$ 4,914
Leachate Treatment	\$ 330,405
Connection Fees	\$ 286,289
O&M Services	\$ 193,100
Investment Earnings	\$ 450,633
Review Fees	\$ 1,650
Miscellaneous Revenues	\$ 13,200
Proceeds Obsolete Equipment	\$ 31,840
Quarterly Reimbursable Items	\$ 193,714
Verizon Rental Income	\$ 37,583
Finance Charges	\$ 26,435

Total Other Revenues	\$2,441,530	\$1,760,154	\$681,376	\$2,441,530
Gross charges allocated to Sewerage Systems Users		\$4,728,170	\$1,830,330	\$6,558,500
Vernon "Additional Bonds" (Note: D)			\$ (1,525,000)	
Net charges allocated to All Sewage System Participants		\$4,728,170	\$ 305,330	\$5,033,500

FY2023 Actual SEWAGE FLOWS

ACTUAL	Hamburg	Franklin	Vernon	Watkill Sewer	HTMUA	Sussex	Wantage	Sparta
	Borough	Borough	Township	Sewer Co.		Borough	Twsp	Twsp
Dec	224,000	389,000	228,000	96,000	259,400	257,000	3,100	125,000
Jan	227,000	428,000	247,000	100,000	264,500	299,000	2,900	121,000
Feb	206,000	430,000	226,000	84,000	251,300	168,000	2,900	118,000
Mar	216,000	404,000	228,000	91,000	250,600	267,000	3,200	123,000
Apr	208,000	422,000	202,000	89,000	248,200	268,000	3,000	119,000
May	212,000	455,000	234,000	95,000	258,400	230,000	2,900	122,000
Jun	206,000	380,000	218,000	89,000	255,500	169,500	2,900	121,000
Jul	246,000	585,000	291,000	110,000	298,300	326,000	3,000	125,000
Aug	203,000	382,000	220,000	87,000	266,100	158,000	2,900	117,000
Sep	222,000	403,000	230,000	96,600	269,300	210,000	2,800	126,000
Oct	214,000	393,700	216,000	86,200	302,300	173,000	3,068	124,100
Nov	210,000	381,000	205,000	92,100	271,400	162,000	3,000	121,000
FY2023 TOTAL	2,594,000	5,052,700	2,745,000	1,115,900	3,195,300	2,687,500	35,668	1,462,100
FY2023 Monthly Avg	216,167	421,058	228,750	92,992	266,275	223,958	2,972	121,842
FY2023 Mtly Avg Rounded	216,000	421,000	229,000	93,000	266,000	224,000	3,000	122,000

* Final billings are based on actual flows or GMF, as per participants service contract.

Allocation of Debt Service to Sewer Users (General Charge)

Participant	GMF GPD	Annual Avg. GPD		FY2023 Flows	% of Total	FY2023 Gen.Charge
Hamburg Borough	210,000	216,000	actual	78,840,000	10.72%	\$32,738
Franklin Borough	385,000	421,000	actual	153,665,000	20.90%	\$63,809
Walkill Sewer Co.	16,000	93,000	actual	33,945,000	4.62%	\$14,096
HTMUA	151,000	270,000	actual (A)	98,550,000	13.40%	\$40,923
Sussex Borough	312,000	312,000	GMF	113,880,000	15.49%	\$47,289
Wantage Twsp.	36,500	36,500	GMF	13,322,500	1.81%	\$5,532
Sparta Township	205,000	205,000	GMF	74,825,000	10.18%	\$31,071
Vernon Township	461,000	461,000	GMF	168,265,000	22.88%	\$69,872
		2,014,500		735,292,500	100.00%	305,330

AMF = Assigned (GUARANTEED) Minimum Flow

Allocation of O&M Service to Sewer Users (Operations & Maintenance Charge)

Participant	GMF GPD	Annual Avg. GPD		FY2023 Flows	% of Total	FY2023 O&M Charge
Hamburg Borough	210,000	216,000	actual	78,840,000	10.30%	\$487,022
Franklin Borough	385,000	421,000	actual	153,665,000	20.08%	\$949,242
Walkill Sewer Co.	16,000	93,000	actual	33,945,000	4.43%	\$209,690
HTMUA	302,000	321,000	GMF (B)	117,165,000	15.31%	\$723,768
Sussex Borough	312,000	312,000	GMF	113,880,000	14.88%	\$703,476
Wantage Twsp.	63,000	63,000	GMF	22,995,000	3.00%	\$142,048
Sparta Township	210,000	210,000	GMF	76,650,000	10.01%	\$473,493
Vernon Township	461,000	461,000	GMF	168,265,000	21.98%	\$1,039,431
		2,097,000		765,405,000	100.00%	4,728,170

NOTES:

- (A) HTMUA Actual (251,000) plus WVRHS Actual (11,000 gpd) plus YMCA GMF (8,000 gpd)
- (B) HTMUA GMF (302,000) plus WVRHS Actual (11,000 gpd) plus YMCA GMF (8,000 gpd)
- (C) Sussex Flow Meter less Wantage Flows
- (D) Vernon Twsp solely responsible for "Vernon Additional Bonds" debt service (FY2023 = \$1,525,000).

Final FY2023 Sewer User Charges

Participant			Actual	Estimated (billed)	\$	%
	General Charge	Operating Charge	FY2023 User Charges	FY2023 User Charges		
Hamburg Boro	\$ 32,738	\$ 487,022	\$ 519,760	\$ 574,379	\$ (54,619)	-9.51%
Franklin Boro	\$ 63,809	\$ 949,242	\$ 1,013,051	\$ 1,008,193	\$ 4,858	0.48%
Walkill Sewer	\$ 14,096	\$ 209,690	\$ 223,786	\$ 206,001	\$ 17,785	8.63%
HTMUA	\$ 40,923	\$ 723,768	\$ 764,691	\$ 726,047	\$ 38,644	5.32%
Sussex Boro	\$ 47,289	\$ 703,476	\$ 750,765	\$ 756,145	\$ (5,380)	-0.71%
Wantage Twsp.	\$ 5,532	\$ 142,048	\$ 147,580	\$ 139,102	\$ 8,478	6.09%
Sparta Township	\$ 31,071	\$ 473,493	\$ 504,564	\$ 506,381	\$ (1,817)	-0.36%
Vernon Township	\$ 1,594,872	\$ 1,039,431	\$ 2,634,303	\$ 2,642,252	\$ (7,949)	-0.30%
Total: All System Users:	\$1,830,330	\$4,728,170	\$6,558,500	\$ 6,558,500	\$ (0)	

(Note: D)

Note: Due to system calculations rounding error may occur

Calculated Treatment Charges +	Participant Charges	\$6,558,500		
	O&M GPD	765,405,000	X	\$0.00857 per ga \$8.57 per 1000

Upper Walkill Facilities Budget

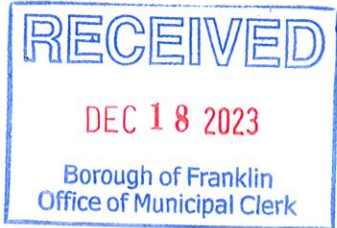
Final User Charge Comparison FY2013 to FY2022													FY22/23	FY22/23
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	\$ Change	% Change	
Hamburg Borough	\$ 513,266	\$ 491,166	\$ 482,153	\$ 478,827	\$ 477,924	\$ 499,383	\$ 548,678	\$ 493,805	\$ 502,973	\$ 510,287	\$ 519,760	\$ 7,314	1.4%	
Franklin Borough	\$ 958,564	\$ 940,232	\$ 856,580	\$ 877,850	\$ 878,470	\$ 1,043,015	\$ 953,757	\$ 844,955	\$ 906,183	\$ 978,429	\$ 1,013,051	\$ 72,246	7.4%	
Vernon Sewage Trans.Co. (*A)	\$ 454,674	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	-	
Walkill Sewer Co.	\$ 173,432	\$ 168,400	\$ 158,422	\$ 141,368	\$ 150,205	\$ 151,711	\$ 143,599	\$ 153,628	\$ 193,292	\$ 199,771	\$ 223,786	\$ 6,479	3.2%	
HTMUA	\$ 676,935	\$ 679,493	\$ 671,707	\$ 665,367	\$ 675,881	\$ 625,032	\$ 642,716	\$ 656,701	\$ 640,990	\$ 635,305	\$ 764,691	\$ (5,685)	-0.9%	
Sussex Borough	\$ 731,227	\$ 729,732	\$ 716,342	\$ 711,401	\$ 710,058	\$ 657,416	\$ 668,702	\$ 684,743	\$ 648,461	\$ 683,033	\$ 750,765	\$ 34,572	5.1%	
Wantage Twsp.	\$ 129,988	\$ 130,302	\$ 129,131	\$ 127,726	\$ 129,080	\$ 119,986	\$ 123,573	\$ 126,795	\$ 120,133	\$ 128,258	\$ 147,580	\$ 8,125	6.3%	
Sparta Twsp.	\$ 488,840	\$ 487,949	\$ 479,226	\$ 475,823	\$ 475,226	\$ 440,083	\$ 447,927	\$ 458,721	\$ 434,425	\$ 454,388	\$ 504,564	\$ 19,963	4.4%	
Vernon Twsp. (*B)	\$ 771,074	\$ 1,328,226	\$ 1,458,441	\$ 1,501,140	\$ 1,649,157	\$ 1,671,374	\$ 1,738,050	\$ 1,911,752	\$ 1,958,143	\$ 2,001,029	\$ 2,634,303	\$ 42,886	2.1%	
Totals	\$ 4,898,000	\$ 4,955,500	\$ 4,952,002	\$ 4,979,502	\$ 5,146,001	\$ 5,208,000	\$ 5,267,002	\$ 5,331,100	\$ 5,404,600	\$ 5,590,500	\$ 6,558,500	\$ 185,900	3.3%	
% Change (Increase Vernon Bonds not included)	0.0%	1.2%	-0.1%	0.6%	3.3%	1.2%	0.2%	0.3%	0.4%	2.5%	16.4%			
Note (*A): VSTC & Vernon Twsp Agreements Me	\$ 1,225,748	\$ 1,328,226	\$ 1,458,441	\$ 1,501,140	\$ 1,649,157	\$ 1,671,374	\$ 1,738,050	\$ 1,911,752	\$ 1,958,143	\$ 2,001,029	\$ 2,634,303			
Note (*B) Vernon Add'l Bonds Increase	\$ 150,000	\$ 250,000	\$ 400,000	\$ 450,000	\$ 600,000	\$ 700,000	\$ 750,000	\$ 900,000	\$ 1,000,000	\$ 1,000,000	\$ 1,525,000			
Vernon Sewer User Charges less "Vernon Add'l E	\$ 1,075,748	\$ 1,078,226	\$ 1,058,441	\$ 1,051,140	\$ 1,049,157	\$ 971,374	\$ 988,050	\$ 1,011,752	\$ 958,143	\$ 1,001,029	\$ 1,109,303			

Flow Comparison FY2013 to FY2023 (Daily Avg. Actual Flows)												
	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	FY2023	FY22/23
Hamburg Borough	219,000	207,000	202,000	197,000	205,000	237,000	256,000	225,000	242,000	235,000	216,000	7.6%
Franklin Borough	409,000	402,000	369,000	361,000	386,000	495,000	445,000	383,000	436,000	405,000	421,000	13.8%
Vernon Sewage Trans.Co.	194,000	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	
Walkill Sewer Co.	74,000	72,000	69,000	62,000	66,000	72,000	67,000	70,000	93,000	92,000	93,000	32.9%
HTMUA	223,000	222,000	223,000	224,000	236,000	246,000	238,000	229,000	259,000	253,000	266,000	13.1%
Sussex Borough	222,000	205,000	189,000	173,000	236,000	286,000	227,000	196,000	251,000	217,000	224,000	28.1%
Wantage Twsp.	5,000	5,000	4,000	4,000	3,000	3,000	3,000	3,000	2,000	3,000	3,000	-33.3%
Sparta Twsp.	76,000	75,000	73,000	74,000	74,000	79,000	86,000	75,000	82,000	117,000	122,000	9.3%
Vernon Twsp.	0	196,000	191,000	200,000	205,000	223,000	209,000	204,000	225,000	219,000	229,000	10.3%
Totals	1,422,000	1,384,000	1,320,000	1,295,000	1,411,000	1,641,000	1,531,000	1,385,000	1,590,000	1,541,000	1,574,000	14.8%
% change in sewage volumes:	1.0%	-2.7%	-4.6%	-1.9%	9.0%	16.3%	-6.7%	-9.5%	14.8%	-3.1%	2.1%	



14 Highland Avenue
Ogdensburg, NJ 07439
973-827-3444
FAX 973-827-9602

ADMINISTRATIVE OFFICES
George P. Hurnick, MAYOR
Robin Hough, RMC/CMR



December 13, 2023

Sussex County Planning Board
C/O Planning Director
Sussex County Administrative Center
One Spring Street
Newton, NJ 07860

Re: Borough of Ogdensburg Ordinance 15-2023 amending Chapter 30 "Land Development"

Dear Planning Director,

Enclosed please find Borough of Ogdensburg Ordinance 15-2023 entitled "AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 30-502.1 OF THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH ENTITLED "STORMWATER MANAGEMENT". This ordinance was introduced by the Mayor and Council at their November 13, 2023 meeting and adopted at their December 11, 2023 meeting.

If you have any questions call 973-827-3444 ext 5.

Respectfully,

Robin Hough, RMC/CMR
Borough Clerk

CERTIFIED RRR: 7018 1830 0001 4165 8472

cc Robert McBriar, Borough Attorney (via email)
Roger Thomas, Land Use Board Attorney, (via email)
Darlene Tremont, RMC, Borough of Franklin Certified RRR 7018 1830 0001 4165 8489
Jane Bakalarczyk, RMC, Township of Hardyston Certified RRR 7018 1830 0001 4165 8496
Roxanne Landy, RMC, Township of Sparta Certified RRR 7018 1830 0001 4165 8502

BOROUGH OF OGDENSBURG
COUNTY OF SUSSEX
ORDINANCE 15-2023

AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF
SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 30-502.1
OF THE LAND DEVELOPMENT REGULATIONS OF THE BOROUGH
ENTITLED "STORMWATER MANAGEMENT"

WHEREAS, the Borough of Ogdensburg ("Borough") regulates the control and discharge of stormwater through the use of stormwater best management practices and nonstructural stormwater management strategies; and

WHEREAS, on March 2, 2020, the New Jersey Department of Environmental Protection ("NJDEP" or "Department") adopted amended stormwater management rules at N.J.A.C. 7:8-1 et seq. ("Amended Rules"), which required municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules; and

WHEREAS, on July 17, 2023, the NJDEP promulgated the Inland Flood Protection Rule which further amended stormwater management rules at N.J.A.C. 7:8-1 et seq. further requiring municipalities to revise their stormwater control Ordinances in accordance with the Amended Rules; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Ogdensburg, County of Sussex, and State of New Jersey that Section 30-502.1 of the Land Development Regulations of the Borough entitled "Stormwater Management" is hereby amended as follows:

SECTION I.

Section 30-502.1.1 of the Code entitled "Scope and Purpose" is hereby amended to add new sections 30-502.1.1(C)(3) – (C)(5) as follows:

§ 30-502.1.1 Scope and Purpose

C. Applicability.

3. An application required by ordinance pursuant to (C)(1) above that has been submitted prior to December 11, 2023, shall be subject to the stormwater management requirements in effect on December 10, 2023
4. An application required by ordinance for approval pursuant to (C)(1) above that has been submitted on or after March 2, 2021, but prior to December 11, 2023, shall be subject to the stormwater management requirements in effect on December 10, 2023.

5. Notwithstanding any rule to the contrary, a major development for any public roadway or railroad project conducted by a public transportation entity that has determined a preferred alternative or reached an equivalent milestone before July 17, 2023, shall be subject to the stormwater management requirements in effect prior to July 17, 2023.

SECTION II.

Section 30-502.1.2 entitled "Definitions" is hereby amended to add new definitions alphabetically as follows:

§ 30-502.1.2 Definitions.

PUBLIC ROADWAY OR RAILROAD

A pathway for use by motor vehicles or trains that is intended for public use and is constructed by, or on behalf of, a public transportation entity. A public roadway or railroad does not include a roadway or railroad constructed as part of a private development, regardless of whether the roadway or railroad is ultimately to be dedicated to and/or maintained by a governmental entity.

PUBLIC TRANSPORTATION ENTITY

A Federal, State, county, or municipal government, an independent State authority, or a statutorily authorized public-private partnership program pursuant to P.L. 2018, c. 90 (N.J.S.A. 40A:11-52 *et seq.*), that performs a public roadway or railroad project that includes new construction, expansion, reconstruction, or improvement of a public roadway or railroad.

SECTION III.

Section 30-502.1.4 entitled "Stormwater Management Requirements for Major Development" is hereby amended to delete and replace the URL referenced in Section 30-502.1.4(E) as follows:

§ 30-502.1.4 Stormwater Management Requirements for Major Development.

- E. The most current version of the BMP Manual can be found on the Department's website at:

https://njstormwater.org/bmp_manual2.htm.

The remaining portions of Section 30-502.1.4(E) are unchanged and shall remain in full force and effect.

SECTION IV.

Section 30-502.1.4 entitled "Stormwater Management Requirements for Major Development" is hereby amended to delete and replace Sections 30-502.1.4(P)(2)(b) and 30-502.1.4(P)(4)(a) as follows:

§ 30-502.1.4 Stormwater Management Requirements for Major Development.

P. Groundwater Recharge Standards.

- 2(b). Demonstrate through hydrologic and hydraulic analysis that the increase of stormwater runoff volume from pre-construction to post-construction for the projected 2-year storm, as defined and determined pursuant to Section 30-502.1.5(D), is infiltrated.
- 4(a). Stormwater from areas of high pollutant loading. High pollutant loading areas are areas in industrial and commercial developments where solvents and/or petroleum products are loaded/unloaded, stored, or applied, areas where pesticides are loaded/unloaded or stored; areas where hazardous materials are expected to be present in greater than "reportable quantities" as defined by the United States Environmental Protection Agency ("EPA") at 40 CFR 302.4; areas where recharge would be inconsistent with Department approved remedial action work plan approved pursuant to the Administrative Requirements for the Remediation of Contaminated Sites rules, N.J.A.C. 7:26C, or Department landfill closure plan and areas; and areas with high risks for spills of toxic materials, such as gas stations and vehicle maintenance facilities; and

SECTION V.

Section 30-502.1.4 entitled "Stormwater Management Requirements for Major Development" is hereby amended to delete and replace Sections 30-502.1.4(R)(2)(a)-(c) as follows:

§ 30-502.1.4 Stormwater Management Requirements for Major Development.

R. Stormwater Runoff Quantity Standards.

- 2(a). Demonstrate through hydrologic and hydraulic analysis that for stormwater leaving the site, post-construction runoff hydrographs for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Sections 30-502.1.5(C) and (D), respectively, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;
- 2(b). Demonstrate through hydrologic and hydraulic analysis that there is no increase, as compared to the pre-construction condition, in the peak runoff rates of stormwater leaving the site for the current and projected 2-, 10-, and 100-year storm events, as defined and determined pursuant to Sections 30-502.1.5(C) and (D), respectively, and that the increased volume or change in timing of stormwater runoff will not increase flood damage at or downstream of the site. This analysis shall include the analysis of impacts of existing land uses and projected land uses assuming full development under existing zoning and land use ordinances in the drainage area;

- 2(c). Design stormwater management measures so that the post-construction peak runoff rates for the current and projected 2-, 10-, and 100-year storm events, as defined and determined in Sections 30-502.1.5(C) and (D), respectively, are 50, 75 and 80 percent, respectively, of the pre-construction peak runoff rates. The percentages apply only to the post-construction stormwater runoff that is attributable to the portion of the site on which the proposed development or project is to be constructed; or

SECTION VI.

Section 30-502.1.5 entitled "Calculation of Stormwater Runoff and Groundwater Recharge" is hereby amended to delete Sections 30-502.1.5(A)(1)(a)-(b) and replace same with new Section 30-502.1.5(A)(1), and delete and replace Section 30-502.1.5(A)(2), and add new Sections 30-502.1.5(C)-(D) as follows:

§ 30-502.1.5 Calculation of Stormwater Runoff and Groundwater Recharge.

- A(1). The design engineer shall calculate runoff using the following method:

The USDA Natural Resources Conservation Service (NRCS) methodology, including the NRCS Runoff Equation and Dimensionless Unit Hydrograph, as described in Chapters 7, 9, 10, 15 and 16 *Part 630, Hydrology National Engineering Handbook*, incorporated herein by reference as amended and supplemented. This methodology is additionally described in *Technical Release 55 - Urban Hydrology for Small Watersheds (TR-55)*, dated June 1986, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the Natural Resources Conservation Service website at:

<https://directives.sc.egov.usda.gov/viewerFS.aspx?hid=21422>

or at United States Department of Agriculture Natural Resources Conservation Service, New Jersey State Office.

- A(2). For the purpose of calculating curve numbers and groundwater recharge, there is a presumption that the pre-construction condition of a site or portion thereof is a wooded land use with good hydrologic condition. The term "curve number" applies to the NRCS methodology above at Section 30-502.1.5(A)(1). A curve number or a groundwater recharge land cover for an existing condition may be used on all or a portion of the site if the design engineer verifies that the hydrologic condition has existed on the site or portion of the site for at least five years without interruption prior to the time of application. If more than one land cover has existed on the site during the five years immediately prior to the time of application, the land cover with the lowest runoff potential shall be used for the computations. In addition, there is the presumption that the site is in good hydrologic condition (if the land use type is pasture, lawn, or park), with good cover (if the land use type is woods), or

with good hydrologic condition and conservation treatment (if the land use type is cultivation).

C. The precipitation depths of the current two-, 10-, and 100-year storm events shall be determined by multiplying the values determined in accordance with items 1 and 2 below:

1. The applicant shall utilize the National Oceanographic and Atmospheric Administration (NOAA), National Weather Service's Atlas 14 Point Precipitation Frequency Estimates: NJ, in accordance with the location(s) of the drainage area(s) of the site. This data is available at:

https://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=nj; and

2. The applicant shall utilize Table 5: Current Precipitation Adjustment Factors below, which sets forth the applicable multiplier for the drainage area(s) of the site, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 5: Current Precipitation Adjustment Factors

County	Current Precipitation Adjustment Factors		
	2-year Design Storm	10-year Design Storm	100-year Design Storm
Sussex	1.03	1.04	1.07

- D. Table 6: Future Precipitation Change Factors provided below sets forth the change factors to be used in determining the projected two-, 10-, and 100-year storm events for use in this chapter, which are organized alphabetically by county. The precipitation depth of the projected two-, 10-, and 100-year storm events of a site shall be determined by multiplying the precipitation depth of the two-, 10-, and 100-year storm events determined from the National Weather Service's Atlas 14 Point Precipitation Frequency Estimates pursuant to (c)1 above, by the change factor in the table below, in accordance with the county or counties where the drainage area(s) of the site is located. Where the major development and/or its drainage area lies in more than one county, the precipitation values shall be adjusted according to the percentage of the drainage area in each county. Alternately, separate rainfall totals can be developed for each county using the values in the table below.

Table 6: Future Precipitation Change Factors

County	Future Precipitation Change Factors		
	2-year Design Storm	10-year Design Storm	10-year Design Storm
Sussex	1.24	1.29	1.50

SECTION VII.

Section 30-502.1.6 entitled "Sources for Technical Guidance" is hereby amended to delete and replace the URLs referenced in Sections 30-502.1.6(A) and 30-502.1.6(A)(2), and delete and replace the address for The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection as follows:

§ 30-502.1.6 Sources for Technical Guidance.

- A. Technical guidance for stormwater management measures can be found in the documents listed below, which are available to download from the Department's website at:

<http://dep.nj.gov/stormwater/bmp-manual/>

- A(2). Additional maintenance guidance is available on the Department's website at:

<http://dep.nj.gov/stormwater/bmp-manual/>

- B. Submissions Required for Review by the Department Should be Mailed to:

The Division of Watershed Protection and Restoration, New Jersey Department of Environmental Protection, Mail Code 501-02A, PO Box 420, Trenton, New Jersey 08625-0420.

The remaining portions of Section 30-502.1.6 are unchanged and shall remain in full force and effect.

SECTION VIII.

Section 30-502.1.8 entitled "Safety Standards for Stormwater Management Basins" is hereby amended to delete and replace Section 30-502.1.8(C)(2)(b) as follows:

§ 30-502.1.8 Safety Standards for Stormwater Management Basins.

- (C)(2)(b) The overflow grate spacing shall be no greater than two inches across the smallest dimension.

SECTION IX.

Section 30-502.1.10 entitled "Maintenance and Repair" is hereby amended to delete and replace the URL referenced in Section 30-502.1.10(B)(8) as follows:

§ 30-502.1.10 Maintenance and Repair.

(B)(8) Maintenance and inspection guidance can be found on the Department's website at:

<http://dep.nj.gov/stormwater/maintenance-guidance/>

The remaining portions of Section 30-502.1.10 are unchanged and shall remain in full force and effect.

SECTION X.

If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION XI.

In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other ordinances of the Borough are hereby ratified and confirmed, except where inconsistent with the terms hereof.

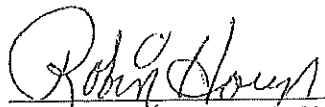
SECTION XII.

This Ordinance shall take effect immediately upon final passage and publication according to law.

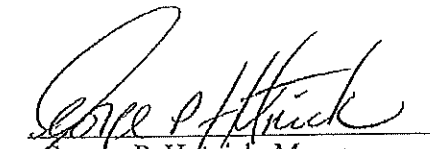
SECTION XIII.

The Borough Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. The Borough Clerk is further directed to refer this Ordinance to the Borough land use Board, pursuant to N.J.S.A. 40:55D-64. Upon the adoption of this Ordinance, after public hearing, the Borough Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Attest:



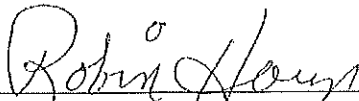
Robin Hough, Borough Clerk



George P. Hutnick, Mayor

NOTICE

TAKE NOTICE that the above entitled ordinance was introduced at a regular meeting of the Borough Council of the Borough of Ogdensburg on November 13, 2023, and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Ogdensburg to be held on December 11, 2023 at 7:00PM in the Municipal Building, 14 Highland Ave., Ogdensburg, New Jersey, and shall take effect according to law.



Robin Hough, Borough Clerk

Roll call vote for Introduction of Ordinance 15-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez				✓
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo	✓			
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

Roll call vote for Adoption of Ordinance 15-2023:

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
Councilman Alvarez	✓			
Councilman Ciasullo	✓			
Councilwoman Cowdrick	✓			
Councilman DeMeo				✓ Late
Councilman Poyer	✓			
Councilwoman Ruitenberg	✓			
Mayor Hutnick (Tie Only)				

**BOROUGH OF OGDENSBURG
LEGAL NOTICE
ORDINANCE 15-2023**

**AN ORDINANCE OF THE BOROUGH OF OGDENSBURG, COUNTY OF SUSSEX,
AND STATE OF NEW JERSEY AMENDING SECTION 30-502.1 OF THE LAND
DEVELOPMENT REGULATIONS OF THE BOROUGH ENTITLED
"STORMWATER MANAGEMENT".**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Ogdensburg, in the County of Sussex, State of New Jersey, held in the Municipal Building on the 13th day of November, 2023, and the same came up for final passage at a meeting of the said Borough Council on the 11th day of December, 2023, at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the borough according to law by order to the Borough Council of the Borough of Ogdensburg, County of Sussex and State of New Jersey.


Robin Hough, RMC/CMR

List of Bills - CLEARING ACCOUNT - Franklin

Check#	Vendor	Description	Payment	Check Total
55959	2428 - FRANKLIN BOROUGH PETTY CASH	PO 37618 RETURN OF POLICE PETTY CASH	8.53	
		PO 37622 RETURN OF CLERK PETTY CASH	171.68	180.21
TOTAL				180.21

Summary By Account

ACCOUNT	DESCRIPTION	CURRENT YR	APPROP. YEAR	NON-BUDGETARY	CREDIT
01-201-20-100-020	General Administration Other Expenses	171.68			
01-201-25-240-020	Police Other Expenses	8.53			
01-260-05-100	Due To/From Clearing			0.00	180.21
TOTALS FOR	Current Fund	180.21	0.00	0.00	180.21

Total to be paid from Fund 01 Current Fund 180.21
 =====
 180.21

Checks Previously Disbursed

23305	FRANKLIN BOROUGH PAYROLL ACCOUNT	PR 12/30	15,929.10	12/27/2023
23307	FRANKLIN BOROUGH PAYROLL ACCOUNT	PR 12/30	132,040.60	12/28/2023
232305	FRANKLIN BOROUGH PAYROLL ACCOUNT	PR 12/30 - EXTRA DUTY	766.48	12/27/2023
			148,736.18	

Totals by fund	Previous Checks/Voids	Current Payments	Total
Fund 01 Current Fund	132,040.60	180.21	132,220.81
Fund 03 Trust Fund	766.48		766.48
Fund 09 Water Sewer Operating Fund	15,929.10		15,929.10
BILLS LIST TOTALS	148,736.18	180.21	148,916.39