REGULAR AGENDA
FOR THE MAYOR AND COUNCIL MEETING
BOROUGH OF FRANKLIN,
HELD AT THE MUNICIPAL BUILDING, 46 MAIN STREET
FRANKLIN, NEW JERSEY AT 7:00 P.M. ON
APRIL 9, 2024

A. **Mayor Sowden** will call the meeting to order; Clerk will call the roll.

B. **Mayor Sowden** will invite all present to salute the flag.

C. **Mayor Sowden** will state that "This meeting is being held in compliance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6 et sequentes. It has been properly advertised by posting in Borough Hall, and printed in the New Jersey Herald/Sunday New Jersey Herald on January 7, 2024, and posted on the Borough website, which adequate notice has been certified by the Clerk."

D. PRESENTATIONS
Mr. Rich Rebisz, JCP&L Regional External Affairs-NJ, JCP&L's Infrastructure Improvement Plan ("EnergizeNJ").

E. COMMITTEE REPORTS: **Mayor Sowden** will allow each member of the Council, Borough Administrator, Borough Clerk, and Borough Attorney to present their respective committee report.

Mayor Sowden will offer the Mayor's Report.

F. OPEN PUBLIC SESSION: **Mayor Sowden** will request a motion to open the meeting to the public, for any questions or comments concerning the good and welfare of the Borough. **All comments should be directed to the Mayor and kept to a 3-minute maximum per person.**

After giving all persons present an opportunity to address the Governing Body, **Mayor Sowden** will request a motion to close the meeting to the public and return to the regular order of business.

G. CONSENT AGENDA: **Mayor Sowden** will request that all persons present review the consent agenda. If any member of the Council or public wishes an item on the consent agenda to be discussed and considered separately, a motion to this effect shall so be made, at this time.

After all persons have had an opportunity to review the consent agenda and offer requests for changes, Mayor Sowden will request a motion to approve the consent agenda.

H. OLD BUSINESS:

I. NEW BUSINESS:

1. Approval of the Minutes for the regular meeting minutes for March 26, 2024. (Absent: None)

2. Resolution 2024-37 to accept the project as complete for proposed resurfacing of various roads (Taylor/Kane/Premock/Hillside/Brick Row/Mountain View). (Tabled from March 26, 2024 meeting)

3. Resolution 2024-38 to accept the project as complete for proposed installation of guiderail on Taylor Road and Rutherford Avenue. (Tabled from March 26, 2024 meeting)

4. Resolution 2024-39 to accept the project as complete for proposed line painting of Premock Road. (Tabled from March 26, 2024 meeting)

5. Resolution #2024-46 to authorize TSS Facility Services, Inc. to provide street sweeping in the amount of $7,540.00.

6. Resolution #2024-47 authorizing to join the County of Sussex in applying for a LEAP Implementation Grant.

7. Adoption of Ordinance 05-2023 entitled "AN ORDINANCE AMENDING CHAPTER 161 "LAND DEVELOPMENT" ARTICLE IX STORMWATER AND FLOODING CONTROLS OF THE BOROUGH OF FRANKLIN CODE"

   Prior to final roll call Mayor Sowden will request a motion to open the meeting to the public for Ordinance 05-2023.

8. Introduction of Ordinance 06-2024 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 119-4, GENERAL FEES."

   Public hearing will be held April 23, 2024.

9. Approve Garden State Fireworks Agreement for Fireworks Display for Franklin Day, to be held on June 29, 2024, in the amount of $13,200.00.

10. Approval of NJ State Firemen's Association Membership Application
    To approve the application for membership of Timothy R. Gould, 3282 Route 94, Franklin, as Firematic member to the Franklin Fire Department as endorsed by Michael Raperto, Franklin Fire Department Chief.

11. Franklin Fire Department Business Line of Credit Letter of Support request.

12. Mayoral Appointment
    Mayor Sowden will make the following appointment.

    Board of Health
    Mary Bauberger Member (4-yr. unexpired term) expires 12/31/2024

13. Discussion on Police Department Conditional Offer

14. Discussion on FFD Fireman's Park fencing repair

J. EXECUTIVE SESSION – IF REQUESTED

Mayor Sowden will request a motion to adopt a resolution to adjourn into Executive Session to discuss certain items excluded from the public.

THE OPEN PUBLIC MEETINGS ACT ALLOWS THE MAYOR AND COUNCIL TO EXCLUDE THE PUBLIC FROM A PORTION OF A MEETING IN CERTAIN CIRCUMSTANCES,

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF FRANKLIN, THAT THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF MATTERS ALLOWED BY NEW JERSEY LAW.

THE EXECUTIVE SESSION MINUTES WILL BE PLACED ON FILE IN THE BOROUGH CLERK'S OFFICE, AND WILL BE AVAILABLE TO THE PUBLIC AS PROVIDED FOR BY NEW JERSEY LAW.

Be further advised this Resolution shall take effect immediately.

K. MISCELLANEOUS COMMENTS: **Mayor Sowden** will allow each member of the Governing Body to offer any miscellaneous comments which they may have at this time.

L. ADJOURNMENT: **Mayor Sowden** will request a motion to adjourn the meeting.

EnergizeNJ
Overview

Jersey Central Power & Light
A FirstEnergy Company

Five-year, $930.5 million proposal represents the largest infrastructure upgrade investment in company history.

Grid Modernization

- Upgrading over 410 miles of overhead power lines with robust wiring and stronger, durable poles.
- Replacing about 46 miles of aging underground lines for increased durability and capacity.
- Burying seven miles of specific overhead lines and implementing additional circuit protections.
- Installing 2,069 new TripSaver devices across 487 JCP&L circuits.

System Resiliency

- Standardizing voltage across the JCP&L system.
- Interconnecting existing 12.5 kV circuits for redundancy and enhanced outage restoration.
- Building new circuits to add capacity and increase redundancy through additional circuit ties.

Substation Modernization

- Installing modernized protective devices and upgrading various substation components.
- Enhancing switchgear components at coastal substations with more protective housing to mitigate effects of increased salt in the environment.
- Adding additional mobile substations to the fleet for redundancy and emergency backup capacity in the event of significant power outages.

Locations for enhancements are data-driven and determined by historical outage patterns for maximum benefit.

For More Information
bit.ly/JCPL-EnergizeNJ

COMM10196-03-24-CV
Produced by FirstEnergy's Communications and Branding Department

Jersey Central® Power & Light

A FirstEnergy Company

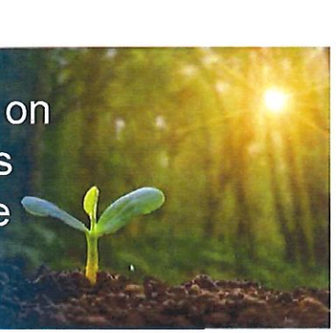
Focused on Our Future

Introducing *EnergizeNJ*

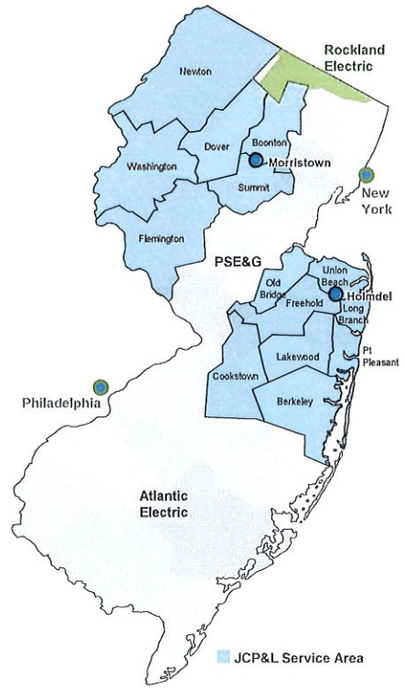
JCP&L's Infrastructure Investment Program

A Strong Presence in New Jersey

"We are a forward-thinking electric utility centered on integrity, powered by a diverse team of employees committed to making customers' lives brighter, the environment better, and our community stronger."



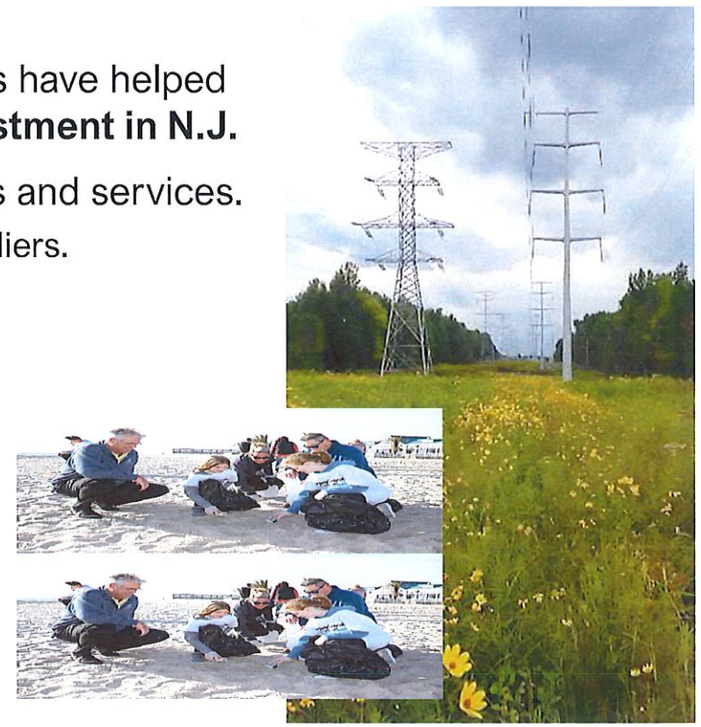
- JCP&L serves approximately 1.1 million residential, commercial and industrial customers located within 13 counties and 236 municipalities in N.J.
- We employ approximately 1,500 N.J.-based workers.
  - Including more than 1,100 IBEW electricians, line workers and technicians who build and maintain the critical assets that make up our system.
- Our company maintains and operates more than 26,000 miles of transmission and distribution lines in the state.



Jersey Central® Power & Light
A FirstEnergy Company

Company Introduction – A Strong Presence in N.J.

- Over the past decade, JCP&L economic development efforts have helped facilitate more than **7,000 new jobs** and **$1.7 billion in investment in N.J.**
- In 2022, we purchased more than **$90 million** in **local** goods and services.
  - Approximately 30% of N.J. purchases come from diverse suppliers.
- A primary goal of FirstEnergy and JCP&L is to put customers and the environment first.
  - JCP&L is the first and only electric utility to be named to the N.J. Dept. of Environmental Protection's Sustainable Business Registry.
  - Additional environmental recognition includes the Certificate of Innovation in Sustainability (NJDEP) and Environmental Leadership Award (Commerce & Industry Association of N.J.)



New Jersey Sustainable Business Registry

Jersey Central Power & Light
A FirstEnergy Company

EnergizeNJ Overview

- Five-year, $930.5 million proposal represents the **largest infrastructure upgrade investment in company history.**
- Goals of the plan include:
  - Enhancing reliability performance
  - Hardening the grid against storms
  - Expanding capacity
  - Building the backbone of the electric grid of the future

Jersey Central® Power & Light
A FirstEnergy Company

Three Components of *EnergizeNJ*

- Grid Modernization
- System Resiliency
- Substation Modernization

Jersey Central® Power & Light
A FirstEnergy Company

EnergizeNJ

Grid Modernization

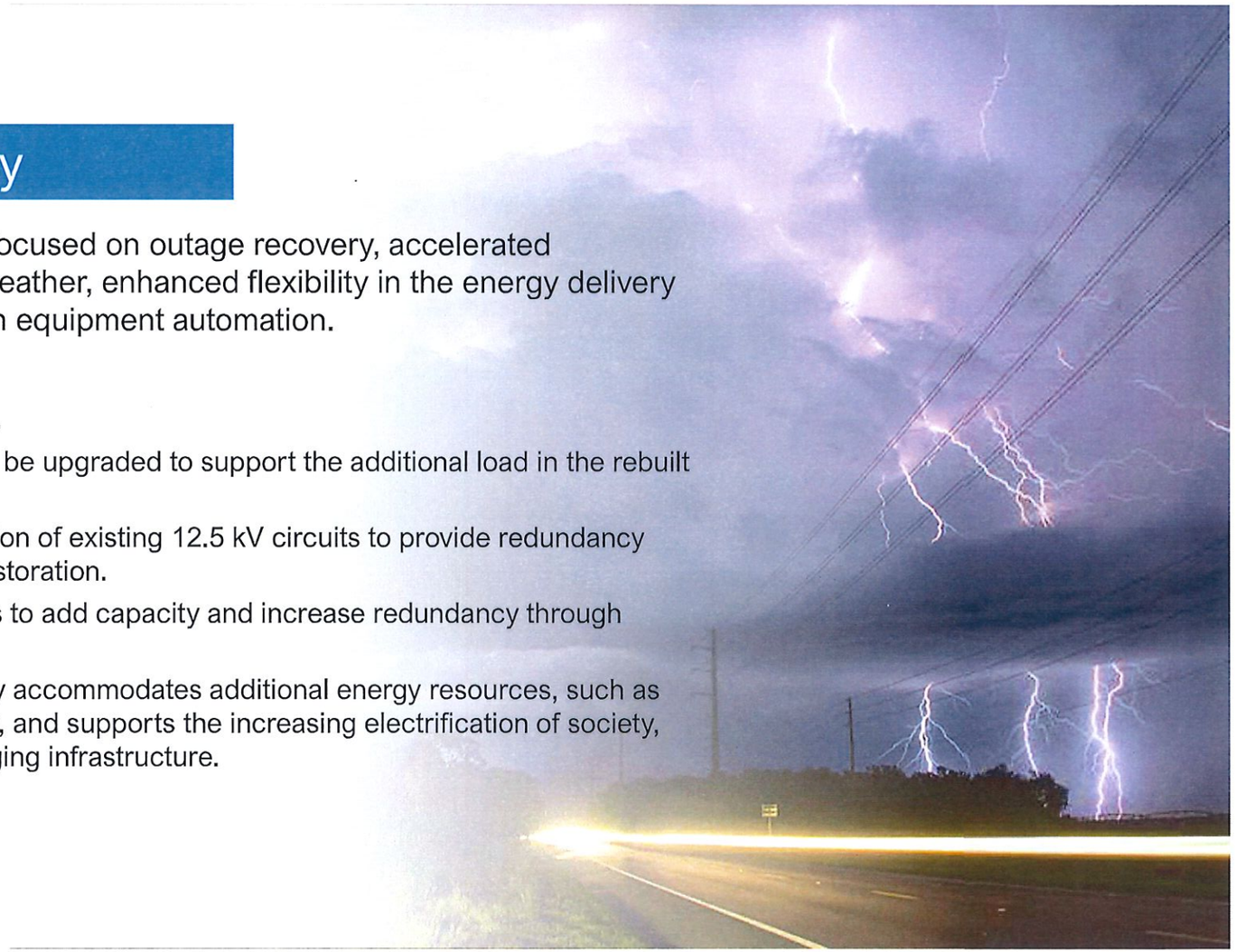
- **$271.2 million** program focused on reliability, storm hardening and expanded capacity.
- Highlights of this section include:
  - Upgrading 410+ miles of overhead power lines with more robust wiring and stronger, more durable poles.
  - Replacing approximately 46 miles of aging underground lines for additional durability and capacity.
  - Burying seven miles of specific overhead lines and implementing additional circuit protections.
  - Installing 2,069 new TripSaver devices across 487 JCP&L circuits.
- Locations for grid modernization enhancements are data-driven and determined by historical outage patterns for maximum benefit.

EnergizeNJ

System Resiliency

- **$559.3 million** program focused on outage recovery, accelerated restoration after severe weather, enhanced flexibility in the energy delivery system and an increase in equipment automation.
- Highlights include:
  - Voltage standardization.
    - 18 substations will be upgraded to support the additional load in the rebuilt circuits.
  - Additional interconnection of existing 12.5 kV circuits to provide redundancy and enhance outage restoration.
  - Build out of new circuits to add capacity and increase redundancy through circuit ties.
    - Additional capacity accommodates additional energy resources, such as solar development, and supports the increasing electrification of society, including EV charging infrastructure.

Jersey Central® Power & Light
A FirstEnergy Company



EnergizeNJ

Substation Modernization

- **$100 million** program focused on upgrading equipment and increasing remote access and automation capabilities.
- Modernized protective devices would be installed and various substation components upgraded as part of rebuilds.
- At coastal substations, key components known as switchgear will be enhanced and given more protective housing to mitigate effects of increased salt in the environment.
- Additional mobile substations added to fleet to provide redundancy and emergency back-up capacity in the event of significant power outages.

Jersey Central® Power & Light
A FirstEnergy Company

Customer Impact

- *EnergizeNJ* is an **investment in NJ's energy infrastructure.**
- The investment* should pay for itself with an approximately $3.36 billion return in reliability benefits to customers by:
  - Helping reduce non-storm outages.
  - Improving JCP&L's ability to restore power following a major storm event.
- A residential customer using 777 kWh of electricity per month would see a total increase of $4.07, or 3.3%, on their monthly electric bill over the five-year term of the plan.
  - Seven incremental increases would take place over five years, ranging from $0.17 (0.1%) to $0.89 (0.7%).
  - Initial increase ($0.42 or 0.3%) would be effective April 1, 2025.

**Benefits estimated using the U.S. Department of Energy's Interruption Cost Estimate tool.*

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Jersey Central® Power & Light

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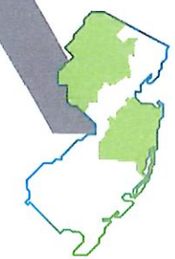
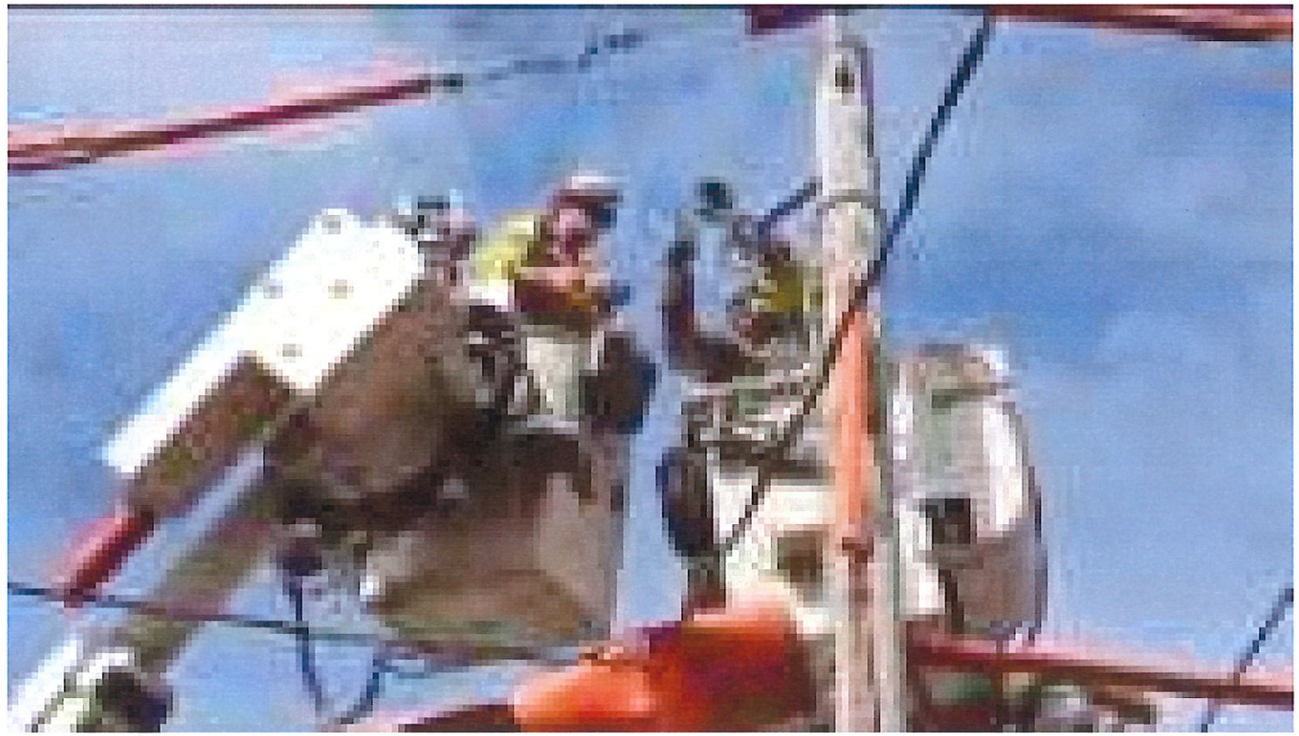
Focused on Our Future

Thank You

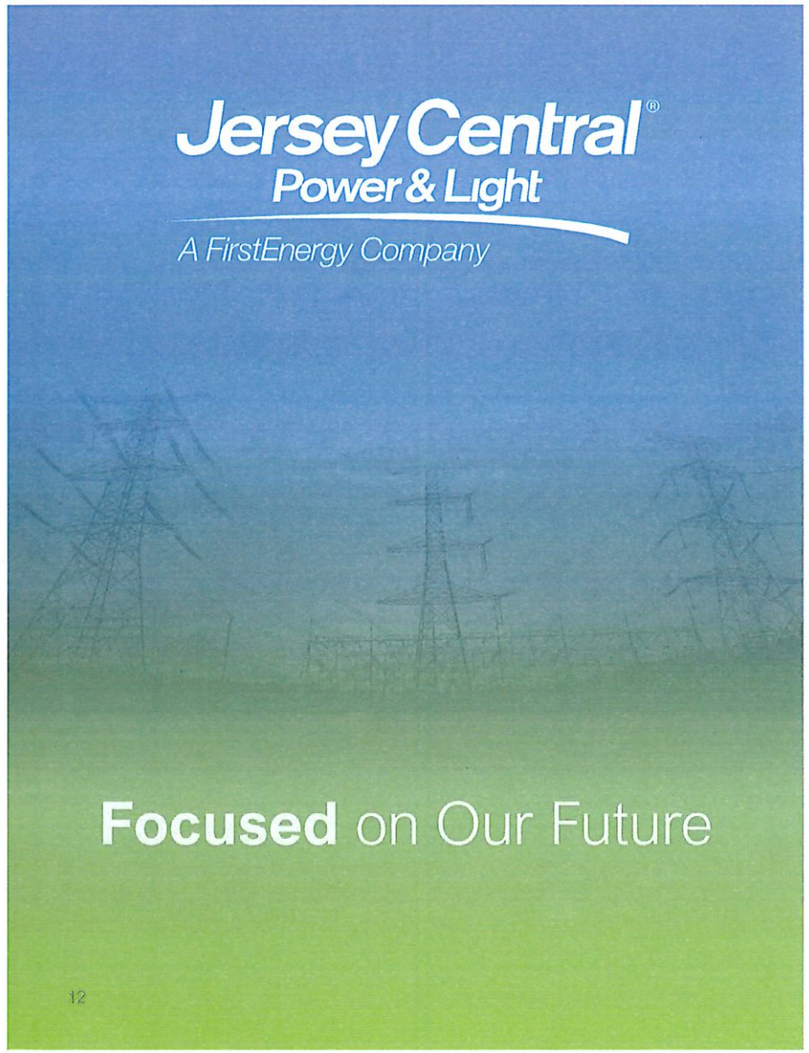
Q&A



Appendix: See how a TripSaver works



Jersey Central® Power & Light
A FirstEnergy Company



Forward-Looking Statements

This presentation includes forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995 based on information currently available to management. Such statements are subject to certain risks and uncertainties and readers are cautioned not to place undue reliance on these forward-looking statements. These statements include declarations regarding management's intents, beliefs and current expectations. These statements typically contain, but are not limited to, the terms "anticipate," "potential," "expect," "forecast," "target," "will," "intend," "believe," "project," "estimate," "plan" and similar words. Forward-looking statements involve estimates, assumptions, known and unknown risks, uncertainties and other factors that may cause actual results, performance or achievements to be materially different from any future results, performance or achievements expressed or implied by such forward-looking statements, which may include the following: the ability to successfully execute an exit of commodity-based generation that minimizes cash outflows and associated liabilities, including, without limitation, the losses, guarantees, claims and other obligations of FirstEnergy Corp., together with its consolidated subsidiaries (FirstEnergy) as such relate to the entities previously consolidated into FirstEnergy, including FirstEnergy Solutions Corp.(FES), its subsidiaries and FirstEnergy Nuclear Operating Company (FENOC), which have filed for bankruptcy protection; the potential for litigation and payment demands against FirstEnergy by FES, FENOC or their creditors, and the ability to successfully execute a definitive settlement agreement and obtain approvals from the Bankruptcy Court and others necessary for the comprehensive settlement as agreed to in principle; the risks associated with the bankruptcy cases of FES, its subsidiaries and FENOC, including, but not limited to, third-party motions in the cases that could adversely affect FirstEnergy, its liquidity or results of operations; the ability to experience growth in the Regulated Distribution and Regulated Transmission segments and the effectiveness of our strategy to operate as a fully regulated business; the accomplishment of our regulatory and operational goals in connection with our transmission and distribution investment plans; changes in assumptions regarding economic conditions within our territories, assessment of the reliability of our transmission and distribution system, or the availability of capital or other resources supporting identified transmission and distribution investment opportunities; the ability to accomplish or realize anticipated benefits from strategic and financial goals, including, but not limited to, the ability to grow earnings in our regulated businesses, continue to reduce costs through FE Tomorrow, FirstEnergy's initiative launched in late 2016 to identify its optimal organization structure and properly align corporate costs and systems to efficiently support a fully regulated company going forward, and other initiatives, and to successfully execute our financial plans designed to improve our credit metrics and strengthen our balance sheet; the risks and uncertainties associated with litigation, arbitration, mediation and like proceedings; the uncertainties associated with the deactivation of our remaining commodity-based generating units, including the impact on vendor commitments, and as it relates to the reliability of the transmission grid, the timing thereof; costs being higher than anticipated and the success of our policies to control costs; the uncertainty of the timing and amounts of the capital expenditures that may arise in connection with any litigation, including New Source Review litigation, or potential regulatory initiatives or rulemakings; changes in customers' demand for power, including, but not limited to, changes resulting from the implementation of state and federal energy efficiency and peak demand reduction mandates; economic and weather conditions affecting future sales, margins and operations, such as significant weather events, and all associated regulatory events or actions; changes in national and regional economic conditions affecting FirstEnergy and/or our major industrial and commercial customers, and other counterparties with which we do business; the impact of labor disruptions by our unionized workforce; the risks associated with cyber-attacks and other disruptions to our information technology system that may compromise our generation, transmission and/or distribution services and data security breaches of sensitive data, intellectual property and proprietary or personally identifiable information regarding our business, employees, shareholders, customers, suppliers, business partners and other individuals in our data centers and on our networks; the impact of the regulatory process and resulting outcomes on the matters at the federal level and in the various states in which we do business, including, but not limited to, matters related to rates; the impact of the federal regulatory process on Federal Energy Regulatory Commission (FERC) regulated entities and transactions, in particular FERC regulation of PJM Interconnection, L.L.C. (PJM) wholesale energy and capacity markets and cost-of-service rates, as well as FERC's compliance and enforcement activity, including compliance and enforcement activity related to North American Electric Reliability Corporation's mandatory reliability standards; the uncertainties of various cost recovery and cost allocation issues resulting from American Transmission Systems, Incorporated's realignment into PJM; the ability to comply with applicable state and federal reliability standards and energy efficiency and peak demand reduction mandates; other legislative and regulatory changes, including the federal administration's required review and potential revision of environmental requirements, including, but not limited to, the effects of the United States Environmental Protection Agency's Clean Power Plan, Coal Combustion Residuals and Cross-State Air Pollution Rule programs, including our estimated costs of compliance, Clean Water Act (CWA) waste water effluent limitations for power plants, and CWA 316(b) water intake regulation; changing market conditions that could affect the measurement of certain liabilities and the value of assets held in our pension trusts and other trust funds, and cause us and/or our subsidiaries to make additional contributions sooner, or in amounts that are larger, than currently anticipated; the impact of changes to significant accounting policies; the impact of any changes in tax laws or regulations, including the Tax Cuts and Jobs Act, adopted December 22, 2017, or adverse tax audit results or rulings; the ability to access the public securities and other capital and credit markets in accordance with our financial plans, the cost of such capital and overall condition of the capital and credit markets affecting us and our subsidiaries; further actions that may be taken by credit rating agencies that could negatively affect us and/or our subsidiaries' access to financing, increase the costs thereof, letters of credit and other financial guarantees, and the impact of these events on the financial condition and liquidity of FirstEnergy Corp. and/or its subsidiaries; issues concerning the stability of domestic and foreign financial institutions and counterparties with which we do business; and the risks and other factors discussed from time to time in our United States Securities and Exchange Commission (SEC) filings, and other similar factors. Dividends declared from time to time on FirstEnergy Corp.'s common stock, and thereby on FirstEnergy Corp.'s preferred stock, during any period may in the aggregate vary from prior periods due to circumstances considered by FirstEnergy Corp.'s Board of Directors at the time of the actual declarations. A security rating is not a recommendation to buy or hold securities and is subject to revision or withdrawal at any time by the assigning rating agency. Each rating should be evaluated independently of any other rating. These forward-looking statements are also qualified by, and should be read together with, the risk factors included in our filings with the SEC, including but not limited to the most recent Quarterly Report on Form 10-Q, which risk factors supersede and replace the risk factors contained in the Annual Report on Form 10-K and previous Quarterly Report on Form 10-Q, and any subsequent Quarterly Reports on Form 10-Q or Current Reports on Form 8-K. The foregoing review of factors also should not be construed as exhaustive. New factors emerge from time to time, and it is not possible for management to predict all such factors, nor assess the impact of any such factor on our business or the extent to which any factor, or combination of factors, may cause results to differ materially from those contained in any forward-looking statements. We expressly disclaim any obligation to update or revise, except as required by law, any forward-looking statements contained herein as a result of new information, future events or otherwise.

Borough of Franklin, County of Sussex
Resolution #2024-37

RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
TO ACCEPT PROJECT AS COMPLETE FOR
PROPOSED RESURFACING OF VARIOUS ROADS
(TAYLOR/KANE/PREMOCK/HILLSIDE/BRICK ROW/MOUNTAIN VIEW)

WHEREAS, Schifano Construction Corp. performed a project for Proposed Resurfacing of various roads (Taylor/Kane/Premock/Hillside/Brick Row/Mountain View); and

WHEREAS, the project is now complete; and

WHEREAS, the municipal engineer has recommended in his letter dated March 19, 2024 that the project be accepted by the Council as complete; and

WHEREAS, on July 12, 2016, the Borough of Franklin adopted Ordinance 17-2016 establishing a 3 year moratorium on all newly resurfaced roads; and

WHEREAS, the 3 year moratorium for the resurfacing of Taylor Rd., Kane Rd. Premock Rd., Hillside Ave., Brick Row and Mountain View Rd. will expire on March 26, 2027;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the project performed by Schifano Construction Corp., for the Proposed Resurfacing of various roads (Taylor/Kane/Premock/Hillside/Brick Row/Mountain View) is accepted as complete.

NOW THEREFORE IT BE FURTHER RESOLVED by the Mayor and Council the 3 year moratorium of Taylor Rd., Kane Rd. Premock Rd., Hillside Ave., Brick Row and Mountain View Rd. will expire on March 26, 2027.

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on April 9, 2024.

_____
Darlene J. Tremont, Municipal Clerk

NOT YET APPROVED BY COUNCIL

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex
Resolution #2024-38

RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
TO ACCEPT PROJECT AS COMPLETE FOR
PROPOSED INSTALLATION OF GUIDERAIL
ON TAYLOR ROAD AND RUTHERFORD AVENUE

WHEREAS, Road Safety Systems, performed a project for Installation of Guiderail on Taylor Road and Rutherford Avenue; and

WHEREAS, the project is now complete; and

WHEREAS, the municipal engineer has recommended in his letter dated March 19, 2024 that the project be accepted by Council as complete;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the project performed by Road Safety Systems for the installation of guiderails on Taylor Road and Rutherford Avenue is accepted as complete.

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on April 9, 2024.

_____

Darlene J. Tremont, Municipal Clerk

NOT YET APPROVED BY COUNCIL

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex
Resolution #2024-39

RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
TO ACCEPT PROJECT AS COMPLETE FOR
PROPOSED LINE PAINTING OF PREMOCK ROAD

WHEREAS, Denville Line Painting, performed a project for Proposed Line Painting of Premock Road; and

WHEREAS, the project is now complete; and

WHEREAS, the municipal engineer has recommended in his letter dated March 19, 2024 that the project be accepted by Council as complete;

NOW THEREFORE IT BE RESOLVED by the Mayor and Council of the Borough of Franklin that the project performed by Denville Line Painting for the Proposed Line Painting of Premock Road is accepted as complete.

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on April 9, 2024.

_____

Darlene J. Tremont, Municipal Clerk

NOT YET APPROVED BY COUNCIL

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex
Resolution #2024-46

AUTHORIZATION TO PROVIDE FOR STREET SWEEPING

WHEREAS, the Mayor and Council of the Borough of Franklin has heretofore established certain current budget expenditures for 2024 so that the roads can be maintained; and

WHEREAS, the following vendor is an authorized supplier, and has rendered the most favorable price quote:

TSS Facility Services, Inc. $7,540.00

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Franklin does hereby authorize the execution of the necessary purchase order to secure the service provided by TSS Facility Services, Inc.: and

BE IT FURTHER RESOLVED that upon receipt, inspection and approval of voucher therefore by the using agency, payment, pursuant to said purchase order, are hereby authorized with the same to be charged against funds established in the 2024 Current Fund Budget account for said purpose: and

BE IT FURTHER RESOLVED that certified copies of this Resolution be forwarded to TSS Facility Services, Inc., 999 Rahway Avenue, Union, NJ 07083.

CERTIFICATION: I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin, County of Sussex, State of New Jersey at a regular meeting held on April 9, 2024

_____

Darlene J. Tremont, Municipal Clerk

NOT YET APPROVED BY COUNCIL

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

Borough of Franklin, County of Sussex
Resolution #2024-47

AUTHORIZING TO JOIN THE COUNTY OF SUSSEX IN APPLYING FOR THE LEAP IMPLEMENTATION GRANT

WHEREAS, the State of New Jersey has appropriated $7.5 million for Shared Services and School District Consolidation Study and Implementation Grants to assist local units with the study, development, and implementation of new shared and regional services; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services (DLGS) is tasked with administering these grant funds through the Local Efficiency Achievement Program (LEAP); and

WHEREAS, LEAP Implementation Grants exist to support costs associated with shared service implementation to ensure that meaningful, efficiency generating initiatives are not hindered by short term transitional expenses; and

WHEREAS, the County of Sussex Senior Services and the Borough of Franklin propose to enter into a shared services agreement, but face certain expenses associated with implementation that present a burden to the local units; and

WHEREAS, the purpose of this shared services agreement is to provide support and social activities for senior citizens which will benefit the residents of all participating local units; and

WHEREAS, the County of Sussex has agreed to be the lead agency in this program and will submit the application to DLGS on behalf of all participating units; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Franklin, that the Borough of Franklin does hereby join with the County of Sussex applying for a LEAP Implementation Grant in the amount of $53,334.00 to support implementation of this shared service.

NOT YET APPROVED BY COUNCIL

CERTIFICATION

I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin in the County of Sussex, and the State of New Jersey do hereby Certify that the foregoing Resolution is a true copy of the Original Resolution duly passed and adopted by a majority of the full membership of the Borough of Franklin Governing Body at its meeting of April 9, 2024.

_____

Darlene J. Tremont, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
CONCETTO FORMICA				
RACHEL HEATH				
JOSEPH LIMON				
JOHN POSTAS				
STEPHEN SKELLENGER				
GILBERT SNYDER				
MAYOR SOWDEN (Tie Only)				

FRANKLIN BOROUGH
SUSSEX COUNTY, NEW JERSEY
ORDINANCE NO. 05-2024

AN ORDINANCE AMENDING CHAPTER 161 "LAND DEVELOPMENT" ARTICLE IX STORMWATER AND FLOODING CONTROLS OF THE BOROUGH OF FRANKLIN CODE

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of Franklin, County of Sussex, State of New Jersey, that:

SECTION 1. Chapter 161, Article IX, §§ 161-45 through 161-48 are replaced with the following:

Article IX. Stormwater and Flooding Controls

§ 161-45 General provisions

A. This article shall be known and referred to as the "Stormwater Control Ordinance of the Borough of Franklin, Sussex County, New Jersey."

B. Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs and low impact development (LID) should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs and LID should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for water quality, quantity, and groundwater recharge.

C. The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below.

D. Applicability. This ordinance shall be applicable to the following major developments:
   (1) Non-residential major developments; and
   (2) Aspects of residential major developments that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21.
   (3) All major developments undertaken by the Borough of Franklin

E. Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

F. This article is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

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G. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

§ 161-46 Standards, measures, and strategies

§ 161-46.1. General standards for stormwater management measures.

A. Stormwater management measures for major development be designed to provide erosion control, groundwater recharge, stormwater runoff quantity control, and stormwater runoff quality treatment as follows:
   (1) The minimum standards for erosion control are those established under the Soil and Sediment Control Act, N.J.S.A. 4:24-39 et seq., and implementing rules at N.J.A.C. 2:90.
   (2) The minimum standards for groundwater recharge, stormwater quality, and stormwater runoff quantity shall be met by incorporating green infrastructure.

B. The standards in this ordinance apply only to new major development and are intended to minimize the impact of stormwater runoff on water quality and water quantity in receiving water bodies and maintain groundwater recharge.

§ 161-46.2. Stormwater Management Requirements for Major Development

A. The development shall incorporate a maintenance plan for the stormwater management measures incorporated into the design of a major development in accordance with § 161-48.

B. Stormwater management measures shall avoid adverse impacts of concentrated flow on habitat for threatened and endangered species as documented in the Department's Landscape Project or Natural Heritage Database established under N.J.S.A. 13:1B-15.147 through 15.150, particularly *Helonias bullata* (swamp pink) and/or *Clemmys muhlnebergi* (bog turtle).

C. The following linear development projects are exempt from the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 161-46.4, §161-46.5 and §161-46.6:
   (1) The construction of an underground utility line provided that the disturbed areas are revegetated upon completion;
   (2) The construction of an aboveground utility line provided that the existing conditions are maintained to the maximum extent practicable; and
   (3) The construction of a public pedestrian access, such as a sidewalk or trail with a maximum width of 14 feet, provided that the access is made of permeable material.

D. A waiver from strict compliance from the green infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity requirements of § 161-46.3, § 161-46.4, § 161-46.5, and § 161-46.6 may be obtained for the enlargement of an existing public roadway or railroad; or the construction or enlargement of a public pedestrian access, provided that the following conditions are met:

   (1) The applicant demonstrates that there is a public need for the project that cannot be accomplished by any other means;

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(2) The applicant demonstrates through an alternatives analysis, that through the use of stormwater management measures, the option selected complies with the requirements of § 161-46.3, § 161-46.4, § 161-46.5, and § 161-46.6 to the maximum extent practicable;
(3) The applicant demonstrates that, in order to meet the requirements of § 161-46.3, § 161-46.4, § 161-46.5, and § 161-46.6 existing structures currently in use, such as homes and buildings, would need to be condemned; and
(4) The applicant demonstrates that it does not own or have other rights to areas, including the potential to obtain through condemnation lands not falling § 161-46.2.D.(3) above within the upstream drainage area of the receiving stream, that would provide additional opportunities to mitigate the requirements of § 161-46.3, § 161-46.4, § 161-46.5, and § 161-46.6 that were not achievable onsite.

E. N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2, and 5-3 summarize the ability of stormwater best management practices identified and described in the New Jersey Stormwater Best Management Practices Manual to satisfy the green infrastructure, groundwater recharge, stormwater runoff quality and stormwater runoff quantity standards specified of § 161-46.3, § 161-46.4, § 161-46.5, and § 161-46.6. When designed in accordance with the most current version of the New Jersey Stormwater Best Management Practices Manual, the stormwater management measures found at N.J.A.C. 7:8-5.2 (f) Tables 5-1, 5-2 and 5-3, are presumed to be capable of providing stormwater controls for the design and performance standards as outlined in the tables below. Upon amendments of the New Jersey Stormwater Best Management Practices to reflect additions or deletions of BMPs meeting these standards, or changes in the presumed performance of BMPs designed in accordance with the New Jersey Stormwater BMP Manual, the Department shall publish in the New Jersey Registers a notice of administrative change revising the applicable table. The most current version of the BMP Manual can be found on the Department's website at: https://dep.nj.gov/stormwater/bmp-manual/.

F. Where the BMP tables in the NJ Stormwater Management Rule are different due to updates or amendments, the BMP Tables in the Stormwater Management Rule at N.J.A.C. 7:8-5.2(f) shall take precedence.

G. An alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate may be used if the design engineer demonstrates the capability of the proposed alternative stormwater management measure and/or the validity of the alternative rate or method to the municipality. A copy of any approved alternative stormwater management measure, alternative removal rate, and/or alternative method to calculate the removal rate shall be provided to the Department in accordance with §161-46.9B. Alternative stormwater management measures may be used to satisfy the requirements at § 161-46.3 only if the measures meet the definition of "green infrastructure" at § 161-45. Alternative stormwater management measures that function in a similar manner to a BMP listed at §161-46.3A are subject to the contributory drainage area limitation specified at §161-46.3A for that similarly functioning BMP. Alternative stormwater management measures approved in accordance with this section that do not function in a similar manner to any BMP listed at §161-46.3A shall have a contributory drainage area less than or equal to 2.5 acres, except for alternative stormwater management measures that function similarly to cisterns, grass swales, green roofs, standard constructed wetlands, vegetative filter strips, and wet ponds, which are not subject to a contributory drainage area limitation. Alternative measures that function similarly to standard constructed wetlands or wet ponds shall not be used for compliance with the stormwater runoff quality standard unless a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 161-46.2D is granted from § 161-46.3.

H. Whenever the stormwater management design includes one or more BMPs that will infiltrate stormwater into subsoil, the design engineer shall assess the hydraulic impact on the groundwater table and design

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the site, so as to avoid adverse hydraulic impacts. Potential adverse hydraulic impacts include, but are not limited to, exacerbating a naturally or seasonally high water table, so as to cause surficial ponding, flooding of basements, or interference with the proper operation of subsurface sewage disposal systems or other subsurface structures within the zone of influence of the groundwater mound, or interference with the proper functioning of the stormwater management measure itself.

I. Design standards for stormwater management measures are as follows:

(1) Stormwater management measures shall be designed to take into account the existing site conditions, including, but not limited to, environmentally critical areas; wetlands; flood-prone areas; slopes; depth to seasonal high water table; soil type, permeability, and texture; drainage area and drainage patterns; and the presence of solution-prone carbonate rocks (limestone);

(2) Stormwater management measures shall be designed to minimize maintenance, facilitate maintenance and repairs, and ensure proper functioning. Trash racks shall be installed at the intake to the outlet structure, as appropriate, and shall have parallel bars with one-inch spacing between the bars to the elevation of the water quality design storm. For elevations higher than the water quality design storm, the parallel bars at the outlet structure shall be spaced no greater than one-third the width of the diameter of the orifice or one-third the width of the weir, with a minimum spacing between bars of one inch and a maximum spacing between bars of six inches. In addition, the design of trash racks must comply with the requirements of §161-46.10;

(3) Stormwater management measures shall be designed, constructed, and installed to be strong, durable, and corrosion resistant. Measures that are consistent with the relevant portions of the Residential Site Improvement Standards at N.J.A.C. 5:21-7.3, 7.4, and 7.5 shall be deemed to meet this requirement;

(4) Stormwater management BMPs shall be designed to meet the minimum safety standards for stormwater management BMPs at §161-46.10; and

(5) The size of the orifice at the intake to the outlet from the stormwater management BMP shall be a minimum of two and one-half inches in diameter.

J. Manufactured treatment devices may be used to meet the requirements of this subchapter, provided the pollutant removal rates are verified by the New Jersey Corporation for Advanced Technology and certified by the Department. Manufactured treatment devices that do not meet the definition of green infrastructure at §161-45F may be used only under the circumstances described at §161-46.3C.

K. Any application for a new agricultural development that meets the definition of major development at §161-45F shall be submitted to the Soil Conservation District for review and approval in accordance with the requirements at §161-46.3, § 161-46.4, § 161-46.5, and § 161-46.6 and any applicable Soil Conservation District guidelines for stormwater runoff quantity and erosion control. For purposes of this subsection, "agricultural development" means land uses normally associated with the production of food, fiber, and livestock for sale. Such uses do not include the development of land for the processing or sale of food and the manufacture of agriculturally related products.

L. If there is more than one drainage area, the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §161-46.3, § 161-46.4, § 161-46.5, and § 161-46.6 shall be met in each drainage area, unless the runoff from the drainage areas converge onsite and no adverse environmental impact would occur as a result of compliance with any one or more of the individual standards being determined utilizing a weighted average of the results achieved for that individual standard across the affected drainage areas.

M. Any stormwater management measure authorized under the municipal stormwater management plan or ordinance shall be reflected in a deed notice recorded in the Sussex County Clerk's office. A form of deed notice shall be submitted to the municipality for approval prior to filing. The deed notice shall contain a description of the stormwater management measure(s) used to meet the green

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infrastructure, groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §§ 161-46.3 161-46.4, 161-46.5, and 161-46.6 and shall identify the location of the stormwater management measure(s) in NAD 1983 State Plane New Jersey FIPS 2900 US feet or latitude and longitude in decimal degrees. The deed notice shall also reference the maintenance plan required to be recorded upon the deed pursuant to § 161-48B(5). Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality. Proof that the required information has been recorded on the deed shall be in the form of either a copy of the complete recorded document or a receipt from the Clerk or other proof of recordation provided by the recording office. However, if the initial proof provided to the municipality is not a copy of the complete recorded document, a copy of the complete recorded document shall be provided to the municipality within 180 calendar days of the authorization granted by the municipality.

N. A stormwater management measure approved under the municipal stormwater management plan or ordinance may be altered or replaced with the approval of the municipality, if the municipality determines that the proposed alteration or replacement meets the design and performance standards pursuant to § 161-46.2 through 161-46.6 of this article and provides the same level of stormwater management as the previously approved stormwater management measure that is being altered or replaced. If an alteration or replacement is approved, a revised deed notice shall be submitted to the municipality for approval and subsequently recorded with the Sussex County Clerk's office and shall contain a description and location of the stormwater management measure, as well as reference to the maintenance plan, in accordance with Subsection L above. Prior to the commencement of construction, proof that the above required deed notice has been filed shall be submitted to the municipality in accordance with Subsection L above.

§ 161-46.3. Green Infrastructure Standards.

This section specifies the types of green infrastructure BMPs that may be used to satisfy the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards.

A. To satisfy the groundwater recharge and stormwater runoff quality standards at §161-46.4 and 161-46.5, the design engineer shall utilize green infrastructure BMPs identified in §161-46.2.F and/or an alternative stormwater management measure approved in accordance with §161-46.2.G. The following green infrastructure BMPs are subject to the following maximum contributory drainage area limitations:

Best Management Practice	Maximum Contributory Drainage Area
Dry Well	1 acre
Manufactured Treatment Device	2.5 acres
Pervious Pavement Systems	Area of additional inflow cannot exceed 3 times the area occupied by the BMP
Small-scale Bioretention Systems	2.5 acres
Small-scale Infiltration Basin	2.5 acres
Small-scale Sand Filter	2.5 acres

B. To satisfy the stormwater runoff quantity standards at §161-46.6, the design engineer shall utilize BMPs from N.J.A.C. 7:8-5.2 (f) Table 5-1 or from Table 5-2 and/or an alternative stormwater management measure approved in accordance with §161-46.2G.

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C. If a variance in accordance with N.J.A.C. 7:8-4.6 or a waiver from strict compliance in accordance with § 161-46.2D is granted from the requirements of this section, then BMPs and/or an alternative stormwater management measure approved in accordance with §161-46.2G may be used to meet the groundwater recharge, stormwater runoff quality, and stormwater runoff quantity standards at §161-46.4, §161-46.5 and §161-46.6.

D. For separate or combined storm sewer improvement projects, such as sewer separation, undertaken by a government agency or public utility (for example, a sewerage company), the requirements of this subsection shall only apply to areas owned in fee simple by the government agency or utility, and areas within a right-of-way or easement held or controlled by the government agency or utility; the entity shall not be required to obtain additional property or property rights to fully satisfy the requirements of this subsection. Regardless of the amount of area of a separate or combined storm sewer improvement project subject to the green infrastructure requirements of this subsection, each project shall fully comply with the applicable groundwater recharge, stormwater runoff quality control, and stormwater runoff quantity standards at §161-46.4, §161-46.5 and §161-46.6, unless the project is granted a waiver from strict compliance in accordance with §161-46.2D.

§ 161-46.4. Groundwater Recharge Standards. This subsection contains the minimum design and performance standards for groundwater recharge as follows:

A. The design engineer shall, using the assumptions and factors for stormwater runoff and groundwater recharge calculations at §161-46.7, either:
   (1) Demonstrate through hydrologic and hydraulic analysis that the site and its stormwater management measures maintain 100 percent of the average annual pre-construction groundwater recharge volume for the site; or
   (2) 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 §161-46.7D of this ordinance, is infiltrated.

B. This groundwater recharge requirement does not apply to projects within the "urban redevelopment area," or to projects subject to subsection C below.

C. The following types of stormwater shall not be recharged:
   (1) 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
   (2) Industrial stormwater exposed to "source material." "Source material" means any material(s) or machinery, located at an industrial facility, that is directly or indirectly related to process, manufacturing or other industrial activities, which could be a source of pollutants in any industrial stormwater discharge to groundwater. Source materials include, but are not limited to, raw materials; intermediate products; final products; waste materials; by-products; industrial machinery and fuels, and lubricants, solvents, and detergents that are related to process, manufacturing, or other industrial activities that are exposed to stormwater.

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§ 161-46.5. Stormwater Runoff Quality Standards. This subsection contains the minimum design and performance standards to control stormwater runoff quality impacts of major development. Stormwater runoff quality standards are applicable when the major development results in an increase of one-quarter acre or more of regulated motor vehicle surface.

A. Stormwater management measures shall be designed to reduce the post-construction load of total suspended solids (TSS) in stormwater runoff generated from the water quality design storm as follows:
   (1) Eighty percent TSS removal of the anticipated load, expressed as an annual average shall be achieved for the stormwater runoff from the net increase of motor vehicle surface.
   (2) If the surface is considered regulated motor vehicle surface because the water quality treatment for an area of motor vehicle surface that is currently receiving water quality treatment either by vegetation or soil, by an existing stormwater management measure, or by treatment at a wastewater treatment plant is to be modified or removed, the project shall maintain or increase the existing TSS removal of the anticipated load expressed as an annual average.

B. The requirement to reduce TSS does not apply to any stormwater runoff in a discharge regulated under a numeric effluent limitation for TSS imposed under the New Jersey Pollutant Discharge Elimination System (NJPDES) rules, N.J.A.C. 7:14A, or in a discharge specifically exempt under a NJPDES permit from this requirement. Every major development, including any that discharge into a combined sewer system, shall comply with 2 above, unless the major development is itself subject to a NJPDES permit with a numeric effluent limitation for TSS or the NJPDES permit to which the major development is subject exempts the development from a numeric effluent limitation for TSS.

C. The water quality design storm is 1.25 inches of rainfall in two hours. Water quality calculations shall take into account the distribution of rain from the water quality design storm, as reflected in Table 1, below. The calculation of the volume of runoff may take into account the implementation of stormwater management measures.

Table 1 - Water Quality Design Storm Distribution

Time (Minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)	Time (minutes)	Cumulative Rainfall (inches)
1	0.00166	41	0.1728	81	1.0906
2	0.00332	42	0.1796	82	1.0972
3	0.00498	43	0.1864	83	1.1038
4	0.00664	44	0.1932	84	1.1104
5	0.00830	45	0.2000	85	1.1170
6	0.00996	46	0.2117	86	1.1236
7	0.01162	47	0.2233	87	1.1302
8	0.01328	48	0.2350	88	1.1368
9	0.01494	49	0.2466	89	1.1434
10	0.01660	50	0.2583	90	1.1500
11	0.01828	51	0.2783	91	1.1550
12	0.01996	52	0.2983	92	1.1600
13	0.02164	53	0.3183	93	1.1650
14	0.02332	54	0.3383	94	1.1700
15	0.02500	55	0.3583	95	1.1750
16	0.03000	56	0.4116	96	1.1800
17	0.03500	57	0.4650	97	1.1850
18	0.04000	58	0.5183	98	1.1900

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19	0.04500	59	0.5717	99	1.1950
20	0.05000	60	0.6250	100	1.2000
21	0.05500	61	0.6783	101	1.2050
22	0.06000	62	0.7317	102	1.2100
23	0.06500	63	0.7850	103	1.2150
24	0.07000	64	0.8384	104	1.2200
25	0.07500	65	0.8917	105	1.2250
26	0.08000	66	0.9117	106	1.2267
27	0.08500	67	0.9317	107	1.2284
28	0.09000	68	0.9517	108	1.2300
29	0.09500	69	0.9717	109	1.2317
30	0.10000	70	0.9917	110	1.2334
31	0.10660	71	1.0034	111	1.2351
32	0.11320	72	1.0150	112	1.2367
33	0.11980	73	1.0267	113	1.2384
34	0.12640	74	1.0383	114	1.2400
35	0.13300	75	1.0500	115	1.2417
36	0.13960	76	1.0568	116	1.2434
37	0.14620	77	1.0636	117	1.2450
38	0.15280	78	1.0704	118	1.2467
39	0.15940	79	1.0772	119	1.2483
40	0.16600	80	1.0840	120	1.2500

D. If more than one BMP in series is necessary to achieve the required 80 % TSS reduction for a site, the applicant shall utilize the following formula to calculate TSS reduction:

$R = A + B – (A \times B) / 100,$

Where

R = total TSS Percent Load Removal from application of both BMPs, and
A = the TSS Percent Removal Rate applicable to the first BMP
B = the TSS Percent Removal Rate applicable to the second BMP.

E. Stormwater management measures shall also be designed to reduce, to the maximum extent feasible, the post-construction nutrient load of the anticipated load from the developed site in stormwater runoff generated from the water quality design storm. In achieving reduction of nutrients to the maximum extent feasible, the design of the site shall include green infrastructure BMPs that optimize nutrient removal while still achieving the performance standards in §161-46.4, §161-46.5 and §161-46.6

F. In accordance with the definition of FW1 at N.J.A.C. 7:9B-1.4, stormwater management measures shall be designed to prevent any increase in stormwater runoff to waters classified as FW1.

G. The Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-4.1(c)1 establish 300-foot riparian zones along Category One waters, as designated in the Surface Water Quality Standards at N.J.A.C. 7:9B, and certain upstream tributaries to Category One waters. A person shall not undertake a major development that is located within or discharges into a 300-foot riparian zone without prior authorization from the Department under N.J.A.C. 7:13.

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H. Pursuant to the Flood Hazard Area Control Act Rules at N.J.A.C. 7:13-11.2(j)3.i, runoff from the water quality design storm that is discharged within a 300-foot riparian zone shall be treated in accordance with this subsection to reduce the post-construction load of total suspended solids by 95 percent of the anticipated load from the developed site, expressed as an annual average.

I. The stormwater runoff quality standards do not apply to the construction of one individual single-family dwelling, provided that it is not part of a larger development or subdivision that has received preliminary or final site plan approval prior to December 3, 2018, and that the motor vehicle surfaces are made of permeable material(s) such as gravel, dirt, and/or shells.

§ 161-46.6. Stormwater Runoff Quantity Standards. This subsection contains the minimum design and performance standards to control stormwater runoff quantity impacts of major development.

A. In order to control stormwater runoff quantity impacts, the design engineer shall, using the assumptions and factors for stormwater runoff calculations at §161-46.7, complete one of the following:

i. 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 §161-46.7.C and D, respectively, of this ordinance, do not exceed, at any point in time, the pre-construction runoff hydrographs for the same storm events;

ii. 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 §161-46.7.C and D, respectively, of this ordinance, 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;

iii. 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 Section §161-46.7.C and D, respectively, of this ordinance, 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

iv. In tidal flood hazard areas, stormwater runoff quantity analysis in accordance with 2.i, ii and iii above is required unless the design engineer demonstrates through hydrologic and hydraulic analysis that the increased volume, change in timing, or increased rate of the stormwater runoff, or any combination of the three will not result in additional flood damage below the point of discharge of the major development. No analysis is required if the stormwater is discharged directly into any ocean, bay, inlet, or the reach of any watercourse between its confluence with an ocean, bay, or inlet and downstream of the first water control structure.

B. The stormwater runoff quantity standards shall be applied at the site's boundary to each abutting lot, roadway, watercourse, or receiving storm sewer system.

§ 161-46.7. Calculation of Stormwater Runoff and Groundwater Recharge.

A. Stormwater runoff shall be calculated in accordance with the following:

(1) The design engineer shall calculate runoff using the following method: The USDA

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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.

(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 V.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).

(3) In computing pre-construction stormwater runoff, the design engineer shall account for all significant land features and structures, such as ponds, wetlands, depressions, hedgerows, or culverts, that may reduce pre-construction stormwater runoff rates and volumes.

(4) In computing stormwater runoff from all design storms, the design engineer shall consider the relative stormwater runoff rates and/or volumes of pervious and impervious surfaces separately to accurately compute the rates and volume of stormwater runoff from the site. To calculate runoff from unconnected impervious cover, urban impervious area modifications as described in the NRCS *Technical Release 55 – Urban Hydrology for Small Watersheds* or other methods may be employed.

(5) If the invert of the outlet structure of a stormwater management measure is below the flood hazard design flood elevation as defined at N.J.A.C. 7:13, the design engineer shall take into account the effects of tailwater in the design of structural stormwater management measures.

B. Groundwater recharge may be calculated in accordance with the following:
The New Jersey Geological Survey Report GSR-32: A Method for Evaluating Groundwater-Recharge Areas in New Jersey, incorporated herein by reference as amended and supplemented. Information regarding the methodology is available from the New Jersey Stormwater Best Management Practices Manual; at the New Jersey Geological Survey website at: https://www.nj.gov/dep/njgs/pricelst/gsreport/gsr32.pdf or at New Jersey Geological and Water Survey, 29 Arctic Parkway, PO Box 420 Mail Code 29-01, Trenton, New Jersey 08625-0420.

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

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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

§ 161-46.8 Solids and Floatable Materials Control Standards:

A. Site design features identified under Section IV.F above, or alternative designs in accordance with Section IV.G above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see Section VII.A.2 below.

(1) Design engineers shall use one of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

(a) The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or

(b) A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

(2) For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces,

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shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

(3) The standard in A.1. above does not apply:

(a) Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;

(b) Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets;

(c) Where flows from the water quality design storm as specified in N.J.A.C. 7:8 are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

[1] A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or

[2] A bar screen having a bar spacing of 0.5 inches.

[3] Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle-safe grates in new residential development [N.J.A.C. 5:21-4.18(b)2 and 5:21-7.4(b)1].

(d) Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or

(e) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 161-46.9 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:

https://dep.nj.gov/stormwater/bmp-manual/.

(1) Guidelines for stormwater management measures are contained in the New Jersey Stormwater Best Management Practices Manual, as amended and supplemented. Information is provided on stormwater management measures such as, but not limited to, those listed in Tables 1, 2, and 3.

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

https://dep.nj.gov/stormwater/maintenance-guidance/.

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.

§ 161-46.10 Safety Standards for Stormwater Management Basins.

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This section sets forth requirements to protect public safety through the proper design and operation of stormwater management BMPs. This section applies to any new stormwater management BMP.

A. The provisions of this section are not intended to preempt more stringent municipal or county safety requirements for new or existing stormwater management BMPs. Municipal and county stormwater management plans and ordinances may, pursuant to their authority, require existing stormwater management BMPs to be retrofitted to meet one or more of the safety standards in Section VIII.C.1, VIII.C.2, and VIII.C.3 for trash racks, overflow grates, and escape provisions at outlet structures.

B. Requirements for Trash Racks, Overflow Grates and Escape Provisions

(1) A trash rack is a device designed to catch trash and debris and prevent the clogging of outlet structures. Trash racks shall be installed at the intake to the outlet from the Stormwater management BMP to ensure proper functioning of the BMP outlets in accordance with the following:

(a) The trash rack shall have parallel bars, with no greater than six-inch spacing between the bars;

(b) The trash rack shall be designed so as not to adversely affect the hydraulic performance of the outlet pipe or structure;

(c) The average velocity of flow through a clean trash rack is not to exceed 2.5 feet per second under the full range of stage and discharge. Velocity is to be computed on the basis of the net area of opening through the rack; and

(d) The trash rack shall be constructed of rigid, durable, and corrosion resistant material and designed to withstand a perpendicular live loading of 300 pounds per square foot.

(2) An overflow grate is designed to prevent obstruction of the overflow structure. If an outlet structure has an overflow grate, such grate shall meet the following requirements:

i. The overflow grate shall be secured to the outlet structure but removable for emergencies and maintenance.

ii. The overflow grate spacing shall be no greater than two inches across the smallest dimension

iii. The overflow grate shall be constructed and installed to be rigid, durable, and corrosion resistant, and shall be designed to withstand a perpendicular live loading of 300 pounds per square foot.

(3) Stormwater management BMPs shall include escape provisions as follows:

i. If a stormwater management BMP has an outlet structure, escape provisions shall be incorporated in or on the structure. Escape provisions include the installation of permanent ladders, steps, rungs, or other features that provide easily accessible means of egress from stormwater management BMPs. With the prior approval of the municipality pursuant to VIII.C, a free-standing outlet structure may be exempted from this requirement;

ii. Safety ledges shall be constructed on the slopes of all new stormwater management BMPs having a permanent pool of water deeper than two and one-half feet. Safety ledges shall be comprised of two steps. Each step shall be four to six feet in width. One step shall be located approximately two and one-half feet below the permanent water surface, and the second step shall be located one to one and one-half feet above the permanent water surface. See VIII.E for an illustration of safety ledges in a stormwater management BMP; and

iii. In new stormwater management BMPs, the maximum interior slope for an earthen dam, embankment, or berm shall not be steeper than three horizontal to one vertical.

C. Variance or Exemption from Safety Standard. A variance or exemption from the safety standards

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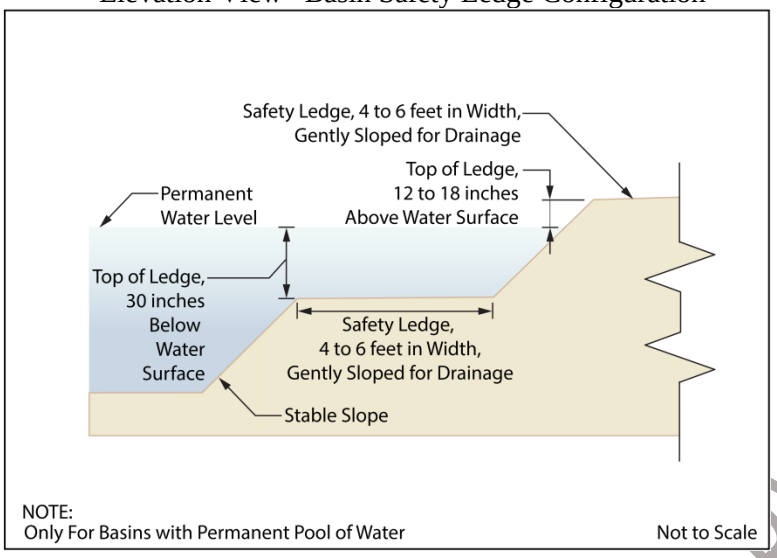
for stormwater management BMPs may be granted only upon a written finding by the municipality that the variance or exemption will not constitute a threat to public safety.

D. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 161-47 Requirements for a Site Development Stormwater Plan:

A. Submission of Site Development Stormwater Plan

(1) Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 161-47.C below as part of the submission of the application for approval.

(2) The applicant shall demonstrate that the project meets the standards set forth in this ordinance.

(3) The applicant shall submit five copies of the materials listed in the checklist for site development stormwater plans in accordance with § 161-47.C below.

B. Site Development Stormwater Plan Approval. The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan. The following information shall be required:

(1) Topographic Base Map. The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

(2) Environmental Site Analysis. A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

(3) Project Description and Site Plans. A map (or maps) at the scale of the topographical base

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map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

(4) Land Use Planning and Source Control Plan. This plan shall provide a demonstration of how the goals and standards of §161-46 and §161-47 are being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

(5) Stormwater Management Facilities Map. The following information, illustrated on a map of the same scale as the topographic base map, shall be included:

i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.

ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.

(6) Calculations

i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in §161-46.2 through §161-476.7 of this ordinance.

ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.

(7) Maintenance and Repair Plan. The design and planning of the stormwater management facility shall meet the maintenance requirements of §161-48.

(8) Waiver from Submission Requirements. The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in §161-47.C.1 through §161-47.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 161-48. Maintenance and Repair.

A. Applicability. Projects subject to review as in § 161-45 of this article shall comply with the requirements of § 161-48B and C below.

B. General Maintenance

(1) The design engineer shall prepare a maintenance plan for the stormwater management measures incorporated into the design of a major development.

(2) The maintenance plan shall contain specific preventative maintenance tasks and schedules; cost estimates, including estimated cost of sediment, debris, or trash removal; and the name, address, and telephone number of the person or persons responsible for preventative and corrective

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maintenance (including replacement). The plan shall contain information on BMP location, design, ownership, maintenance tasks and frequencies, and other details as specified in Chapter 8 of the NJ BMP Manual, as well as the tasks specific to the type of BMP, as described in the applicable chapter containing design specifics.

(3) If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation.

(4) Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.

(5) If the party responsible for maintenance identified under § 161-48B(3) above is not a public agency, the maintenance plan and any future revisions based on § 161-48B(7) below shall be recorded upon the deed of record for each property on which the maintenance described in the maintenance plan must be undertaken.

(6) Preventative and corrective maintenance shall be performed to maintain the functional parameters (storage volume, infiltration rates, inflow/outflow capacity, etc.).of the stormwater management measure, including, but not limited to, repairs or replacement to the structure; removal of sediment, debris, or trash; restoration of eroded areas; snow and ice removal; fence repair or replacement; restoration of vegetation; and repair or replacement of non-vegetated linings.

(7) The party responsible for maintenance identified under § 161-48B(3) above shall perform all of the following requirements:

i. maintain a detailed log of all preventative and corrective maintenance for the structural stormwater management measures incorporated into the design of the development, including a record of all inspections and copies of all maintenance-related work orders;

ii. evaluate the effectiveness of the maintenance plan at least once per year and adjust the plan and the deed as needed; and

iii. retain and make available, upon request by any public entity with administrative, health, environmental, or safety authority over the site, the maintenance plan and the documentation required by Section X.B.6 and B.7 above.

(8) The requirements of § 161-48B(3) and (4) above do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department.

(9) After final acceptance of the stormwater facilities, a two-year maintenance guarantee in accordance with N.J.S.A. 40:55D-53 shall be posted. Maintenance and inspection guidance can be found on the Department's website at:

https://dep.nj.gov/stormwater/maintenance-guidance/.

(10) In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately

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proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53

§ 161-49. Design standards for stormwater conveyance structures.

A. Storm sewer pipes design shall be performed using technical procedures as outlined in American Society of Civil Engineers (ASCE) Manual and Report on Engineer Practice No.37. For storm sewer pipes in public right-of-way, reinforced concrete culvert pipe (CCP) of appropriate class shall be used.
B. A minimum cover of two feet on top of all pipes shall be required.
C. Minimum slope for conduits shall be 0.5%. Where discharge is made into a stream bed, adequate protection shall be provided and the allowable velocities shall be as shown in the Standards and Specifications for Soil Erosion and Sediment Control in New Jersey, Design of Roadside Channels, Hydraulic Design Series No. 4, Department of Transportation, Federal Highway Administration, or in Design Charts for Open Channel Flow, United States Department of Commerce, Bureau of Public Works.
D. Ends of pipes starting or terminating in an open channel shall have reinforced concrete headwalls or flared end sections.
E. Storm water pipes shall be true to line and grade.
F. Storm water structures shall be placed where lines change horizontal or vertical alignment grade or size or are joined by other lines. In addition, stormwater structures shall be placed not more than 300 feet apart. Inlets shall be located to prevent gutter flow from crossing street pavement and to prevent runoff accumulations above curbing at all intersections and low points along the roadway. Maximum inlet flow rate shall be based on the capacity of the type of inlet and shall not exceed six cubic feet per second. All hydraulic structures shall have sufficient depth to prevent overflow due to energy losses or changes in flow.
G. All bridges and culverts shall be designed in accordance with the following publications:
   (1) New Jersey Department of Transportation Design Manual, Bridges and Structures.
   (2) United States Department of Transportation, Hydraulic Charts for the Selection of Highway Culverts.
H. All bridges and culverts shall meet the requirements and procedures set forth in the manuals.
I. When channels, swales or ditches are used as part of the storm drainage system, they shall be designed in accordance with the following publications:
   (1) United States Army Corps of Engineers, Hydraulic Design of Flood Control Channels.
   (2) United States Department of Transportation, Design of Roadside Channels, Hydraulic Design Series No. 4.
   (3) New Jersey State Soil Conservation Committee, Standards for Soil Erosion and Sediment Control in New Jersey.
J. All channels and ditches shall meet the requirements and procedures set forth in the manuals.
K. All storm drainage systems, including connecting pipes, inlets, manholes, swales, ditches, etc., shall be designed to adequately carry stormwater generated from the twenty-five-year storm frequency storm in addition to all other required provisions of this article.

§ 161-50. Off-site and off-tract drainage facilities.

A. For purposes of this section, the definition of "off site" shall also include "off tract."
B. The decision regarding what, if any, off-site drainage improvements are to be required of a developer shall be made by the Board or Borough Engineer. This decision shall be made upon analysis and review of the stormwater control plan submitted by the design engineer. The Board shall also, prior to the imposition of any conditions on an applicant for development, determine whether the off-site drainage

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improvements are to be constructed by the Borough or the developer. Once the foregoing determination has been made, the Board shall estimate, with the aid of the Board or Borough Engineer and other such persons having pertinent information or expertise, the cost of the improvement and the amount by which all properties within a related or common drainage area will be specifically benefited therefrom.

C. The capacity and design of the drainage required to control and convey stormwater runoff from the proposed development to a point of positive discharge shall be based on methods and standards consistent with other provisions of this article and chapter. Calculations, plans and cost estimates shall be provided by the applicant's engineer and approved by the Board or Borough Engineer.

SECTION 2. Severability.
Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION 3. Repealer.
All Ordinances or parts of Ordinances which are inconsistent with any provisions of this Ordinance are hereby repealed as to the extent of such inconsistencies.

SECTION 4. Effective Date.
This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

ATTEST: **BOROUGH OF FRANKLIN**

_____ _____
Darlene J. Tremont, CLERK BY: JOHN M. SOWDEN IV, MAYOR

DATED: April 9, 2024

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on March 12, 2024, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on April 9, 2024, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

_____
Darlene J. Tremont, Municipal Clerk

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 9th day of April, 2024.

NOT YET APPROVED BY COUNCIL

_____ _____

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced: March 12, 2024

Adopted: April 9, 2024

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
RACHEL HEATH COUNCIL PRESIDENT	X					
JOSEPH LIMON	X				X	
JOHN POSTAS	X					X
STEPHEN SKELLENGER	X					
GILBERT SNYDER				X		
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA						
RACHEL HEATH COUNCIL PRESIDENT						
JOSEPH LIMON						
JOHN POSTAS						
STEPHEN SKELLENGER						
GILBERT SNYDER						
MAYOR SOWDEN, IV (Tie Only)						

NOT YET APPROVED BY COUNCIL

BOROUGH OF FRANKLIN
ORDINANCE NO. 06-2024

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING SECTION 119-4, GENERAL FEES

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that the Code of the Borough of Franklin is hereby amended as follows:

SECTION I.

Section 119-4 is amended to update the following fees:

Chapter 196, Parks and Recreation:

§ 196-4	Daily use of recreation fields	$75 (nonrefundable)
	Seasonal use of fields	$400 (nonrefundable)
	Security deposit for damage to fields	$400 (refundable)
	Use of refreshment stands	
	Daily	$50 (nonrefundable)
	Seasonal	$300 (nonrefundable)
	Use of fixed municipal rest rooms	$50 per event (nonrefundable)
	Lighting Fee	
	Daily	$75 (nonrefundable)
	Seasonal	$350 (nonrefundable)

SECTION II

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

ATTEST: **BOROUGH OF FRANKLIN**

_____ _____

Darlene J. Tremont, CLERK BY: John M. Sowden IV, MAYOR

NOT YET APPROVED BY COUNCIL

DATED:

NOTICE

NOTICE is hereby given that the foregoing Ordinance was introduced to pass on first reading at a regular meeting of the Council of the Borough of Franklin held on April 9, 2024, at 7:00 p.m. and ordered published in accordance with the law. Said Ordinance will be considered for final reading and adoption at a regular meeting of the Borough Council to be held on April 23, 2024, at 7:00 p.m., or as soon thereafter as the Borough Council may hear this Ordinance at the Municipal Building, 46 Main Street, Franklin, New Jersey 07416, at which time all persons interested may appear for or against the passage of said Ordinance.

_____

Darlene J. Tremont
Municipal Clerk

CERTIFICATION

I, Darlene J. Tremont, Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the _____ day of _____, 2024.

_____ _____

Darlene J. Tremont, Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced:

Adopted:

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA						
RACHEL HEATH COUNCIL PRESIDENT						
JOSEPH LIMON						
JOHN POSTAS						
STEPHEN SKELLENGER						
GILBERT SNYDER						
MAYOR SOWDEN, IV (Tie Only)						

RECORD OF COUNCIL VOTES-SECOND READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA						
RACHEL HEATH COUNCIL PRESIDENT						
JOSEPH LIMON						
JOHN POSTAS						
STEPHEN SKELLENGER						

NOT YET APPROVED BY COUNCIL

GILBERT SNYDER						
MAYOR SOWDEN, IV (Tie Only)						

NOT YET APPROVED BY COUNCIL