

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
OCTOBER 10, 2023

- 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 6, 2023, and posted on the Borough website, which adequate notice has been certified by the Clerk."
- D. **PRESENTATIONS**
There are no presentations this evening.
- 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 September 26, 2023. (Absent: Snyder)
2. **Adoption of Ordinance #12-2023** entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING SECTION 60-15 REGARDING POLICE ASSIGNMENTS FOR TRAFFIC CONTROL AND OTHER EVENTS."

Mayor Sowden will request a motion to open the meeting to the public for ordinance 12-2023.

3. **Adoption of Ordinance #13-2023** entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF

REGULAR AGENDA – MAYOR AND COUNCIL MEETING OCTOBER 10, 2023

NEW JERSEY MODIFYING CHAPTER 168 REGARDING LITTER CONTROL.”

Mayor Sowden will request a motion to open the meeting to the public for ordinance 13-2023.

4. Adoption of Ordinance #14-2023 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 230-6 REGARDING DISPOSAL OF WASTE.”

Mayor Sowden will request a motion to open the meeting to the public for ordinance 14-2023.

5. Introduction of Ordinance #15-2023 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO ADD NEW CHAPTER 164 ENTITLED, “LEAD-BASED PAINT INSPECTIONS” REQUIRING INSPECTIONS OF CERTAIN RENTAL DWELLINGS FOR LEAD-BASED PAINT HAZARDS AS MANDATED BY P.L. 2021, C.182.”

Public hearing to be held on October 24, 2023.

6. Introduction of Ordinance #16-2023 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY CREATING CHAPTER 215 – STORM SEWERS”.

Public hearing to be held on October 24, 2023.

7. Introduction of Ordinance #17-2023 entitled “AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY AMENDING CHAPTER 234, REGARDING PRIVATELY-OWNED SALT STORAGE”.

Public hearing to be held on October 24, 2023.

8. Approval of Membership Application
To approve the application for junior membership of Derek Babcock, 75 High Street Franklin, to the Franklin Fire Department as endorsed by Michael Raperto, Franklin Fire Department Chief.

9. Approval of NJ State Firemen's Association Membership Application
To approve the application for membership of Christopher DelSordi, 7 Fowler Street Franklin, as Firematic member to the Franklin Fire Department as endorsed by Michael Raperto, Franklin Fire Department Chief.

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

Crossing Guard Hire

Jacquelyn A. Kimmel as substitute crossing guard at the rate of \$15.36/hr. effective October 11, 2023, contingent upon successful physical and background check, as recommended by Rebecca Babcock, Crossing Guard Captain.

11. Discussion on Hemlock Drive Curb and Sidewalks

J. EXECUTIVE SESSION – IF REQUESTED

REGULAR AGENDA – MAYOR AND COUNCIL MEETING OCTOBER 10, 2023

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.

**MINUTES OF THE MEETING OF THE
MAYOR AND COUNCIL
OF THE BOROUGH OF FRANKLIN
HELD AT THE FRANKLIN MUNICIPAL BUILDING
46 MAIN STREET, FRANKLIN, NJ
SEPTEMBER 26, 2023**

This meeting is being held in person adhering to the CDC guidelines and through a virtual meeting platform called ZOOM. The public who attended through ZOOM has been notified and instructed on how to join the meeting and participate during the public session.

Mayor Sowden called the meeting to order and requested the Borough Clerk to call the roll. Upon roll call, the following members of the Governing Body were present: Mr. Formica, Mrs. Heath, Mr. Limon, Mr. Postas (via ZOOM), Mr. Skellenger and Mayor Sowden.

Absent: Mr. Snyder

Mayor Sowden led the assembly in the flag salute.

Mayor Sowden stated "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 6, 2023, and posted on the Borough website, which adequate notice has been certified by the Clerk."

PRESENTATIONS

There were no presentations for tonight's meeting.

COMMITTEE REPORTS

Mrs. Heath had nothing to report.

Mr. Limon had nothing to report.

Mr. Skellenger thanked the Police Department for their response to the bomb threats at the school and those threats are still being investigated.

Mr. Posts commented that the curbing and sidewalks are progressing on Hemlock Drive. We have movement on the painting of the sphere and we have a scheduled date of October 10th for the test well located off Lehigh Street.

Mrs. Tremont commented that the seconded quarter taxes received from Ascend was \$285,886.33. Mrs. Tremont also commented that she received an email from Stephanie of French and Parrello in regards to road opening permits for the gas lines. The contractor that the gas company uses it not repairing the roads to the proper condition. Stephanie from French and Parrello is asking to hold off on issuing new permits until the road openings are repaired to the conditions, they were prior to the road opening.

Mr. Ursin commented that a letter should be put together asking Elizabethtown Gas to come to a face-to-face meeting so that there can be no misunderstanding about what the Borough and our engineer expect and a timeline put in place for compliance.

Mrs. Tremont commented that she will talk with Stephanie to set up the meeting.

Mr. Formica commented on the recreation grant. The gazebo work is just about complete. Mr. Formica spoke to a couple sign companies in regards to an electric sign. There is \$38,776.39 left in the grant; the current estimate that he has on a sign is \$36,911.07 which would leave \$1,865. The gazebo came prewired for electric and he has a quote from an electrician and we need a little more stone. Those two items together would end up costing \$4,280. We may need an additional \$2,500 for the electrical sign and electric.

The Council wants to move forward with both and use extra funds if needed.

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 26, 2023

Mr. Ursin had nothing to report.

Mayor Sowden commented that Habitat for Humanity is no longer interested in 25 Susquehanna Street and wants to give it back to the Borough. The property has wetlands and it would be difficult to put a house on the property and the house may need flood insurance. Mayor Sowden commented that he obtained a quote to demolish the house and it would cost \$14,750.

Mr. Postas commented on the liability to the town.

If the town takes the property back, the property would need to be made safe immediately.

There were discussions on various actions the Borough may want to go such as, do nothing and keep it in the hands of Habitat for Humanity, take title back, sell at auction, raise the house, or offer the property through auction to adjacent property owners.

Mr. Ursin recommended before the Borough decides to take any type of action it would be beneficial to have the property inspected first.

OPEN PUBLIC SESSION

Mr. Skellenger made a motion to open the meeting to the public for anyone wishing to address the Governing Body. Seconded by Mr. Formica. All were in favor.

Joanne Tatka stepped forward. Ms. Tatka commented that she is glad to see the planning board and recreation minutes are back on line. She questioned the fee for the tax collector shared service agreement. Asked who will be enforcing the new ordinances.

Jonathan Brett of Highlands Self Storage stepped forward. Mr. Brett commented that he had company replace a portion of the main sewer line that runs through his property because there was bulge in the top of the pipe. This issue was originally found in 2008 while we were under construction. We had to encase the sewer line where a back retaining wall ran across it. We videotaped the sewer after the repair and everything was fine however 85 feet down the line was where the bulge was found. Mr. Brett is selling this property and did his due diligence and alerted the buyer to the bulge in the pipe. Mr. Brett handed out pictures of the bulged pipe. Mr. Brett opted to have the pipe repaired as to not push back his closing on the property. Mr. Brett is asking for reimbursement of his costs (\$2,800) to repair the pipe.

Rachel Heath stepped forward. Mrs. Heath spoke regarding the sidewalk and curbing work on Hemlock Drive. Mrs. Heath commented that the perfectly good sidewalks were removed. There was no communication provided to residents in regards to the project. Both sides of the sidewalks were ripped out but only 1 side will be replaced. Residents should have been surveyed. Mrs. Heath would like to know who and when the decision was made to remove the one side and not replace it.

There being no one else present or on Zoom who wished to address the Governing Body, Mr. Limon made a motion to close the meeting to the public, seconded by Mr. Skellenger. All were in favor.

CONSENT AGENDA

Mayor Sowden requested that all persons present review the consent agenda and offer any comments they may have at this time regarding the consent agenda.

CORRESPONDENCE (ACCEPTANCE FOR FILING ONLY OF THE FOLLOWING):

1. Sandyston Township letter dated September 18, 2023 to the New Jersey Sierra Club in re: Delaware Water Gap National Recreation Area requesting a meeting
2. Sandyston Township letter dated September 21, 2023 to the Pinchot Institute for Conservation and Three Rivers Environmental Consulting in re: NJ & PA Sierra Club proposal for redesignation of the Delaware Water Gap National recreation Area to a National Park and Preserve.

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 26, 2023

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. Construction Permit Activity Report – August 2023
2. Permit List – August 2023
3. COH Report – August 2023
4. DPW Report – August 21 – August 25
5. County Board of Health Report – August 2023
6. Police Department Report – August 2023

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. None filed.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of September 26, 2023.

Mr. Limon made a motion to approve the consent agenda of September 26, 2023. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

OLD BUSINESS

There was no old business for tonight's portion of the meeting.

NEW BUSINESS

Approval of the Minutes

Mr. Skellenger made a motion to approve the regular meeting minutes for September 12, 2023. (Absent: Limon) Seconded by Mr. Formica

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: Limon

Resolution #2023-116

Mr. Formica made a motion to adopt Resolution 2023-116 authorizing refunds of field use deposits. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Resolution #2023-117

Mr. Skellenger made a motion to adopt Resolution 2023-117 authorizing the Municipal Court to escheat interest balances in the General Account in the amount of \$74.14. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Resolution #2023-118

Mr. Skellenger made a motion to adopt Resolution 2023-118 authorizing the Municipal Court to cancel outstanding credit card balances in the amount of \$55.62. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Resolution #2023-119

Mrs. Heath made a motion to adopt Resolution 2023-119 to approve appointing Wayne Dietz, Skylands Risk Management, Inc. Franklin Borough's Risk Management Consultant and Darlene J. Tremont, Municipal Clerk as the authorized representative of the public entity and is hereby authorized to execute the Risk

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 26, 2023

Management Consultant's Agreement for the year 2024. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Risk Management Consultant's Agreement

Mr. Limon made a motion approving the 2024 Fund Year Statewide Insurance Fund Risk Management Consultant's Agreement. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Resolution #2023-120

Mr. Limon made a motion to adopt Resolution 2023-120 to approve the amended Tax Collection Department Shared Service between Wantage Township and the Borough of Franklin beginning January 1, 2022, ending December 31, 2024 at the cost of \$15,000 for year 2024. (Agreement provided in Council packets) Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Adoption of Ordinance #10-2023

Mr. Formica made a motion to adopt Ordinance 10-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 230-10 REGARDING YARD WASTE". Seconded by Mr. Skellenger.

Mayor Sowden requested a motion to open the meeting to the public for ordinance 10-2023. Mr. Postas made a motion to open to the public Ordinance 10-2023. Seconded by Mr. Limon. All were in favor.

There being no one present or on ZOOM who wished to address the governing Body, Mr. Postas made a motion to close to the public Ordinance 10-2023. Seconded by Mr. Formica. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Adoption of Ordinance #11-2023

Mr. Formica made a motion to adopt Ordinance 11-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 86-17 REGARDING PET WASTE AND WILDLIFE FEEDING". Seconded by Mr. Skellenger.

Mayor Sowden requested a motion to open the meeting to the public for ordinance 11-2023. Mr. Skellenger made a motion to open to the public Ordinance 11-2023. Seconded by Mr. Formica. All were in favor.

There being no one present or on ZOOM who wished to address the governing body, Mr. Formica made a motion to close to the public Ordinance 11-2023. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Introduction of Ordinance 12-2023

MAYOR & COUNCIL MEETING MINUTES SEPTEMBER 26, 2023

Mr. Skellenger made a motion to introduce Ordinance 12-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY REPLACING SECTION 60-15 REGARDING POLICE ASSIGNMENTS FOR TRAFFIC CONTROL AND OTHER EVENTS." Seconded by Mr. Formica.

Mayor Sowden announced that the public hearing of Ordinance 12-2023 will be held on October 10, 2023.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Introduction of Ordinance 13-2023

Mrs. Heath made a motion to introduce Ordinance 13-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 168 REGARDING LITTER CONTROL." Seconded by Mr. Limon.

Mayor Sowden announced that the public hearing of Ordinance 13-2023 will be held on October 10, 2023.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

Introduction of Ordinance 14-2023

Mr. Limon made a motion to introduce Ordinance 14-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 230-6 REGARDING DISPOSAL OF WASTE." Seconded by Mr. Formica.

Mayor Sowden announced that the public hearing of Ordinance 14-2023 will be held on October 10, 2023.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: Snyder Abstentions: None

EXECUTIVE SESSION

There was no executive session.

MISCELLANEOUS COMMENTS

There were no miscellaneous comments.

ADJOURNMENT

There being no further items for discussion by the Mayor and Council, Mr. Limon made a motion to adjourn the meeting at 7:56p.m., seconded by Mr. Formica. All were in favor.

John M. Sowden IV, Mayor

Darlene J. Tremont, Municipal Clerk

BOROUGH OF FRANKLIN

ORDINANCE No. 12-2023

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
REPLACING SECTION 60-15 REGARDING POLICE
ASSIGNMENTS FOR TRAFFIC CONTROL AND OTHER
EVENTS**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin, County of Sussex, and State of New Jersey that Chapter 60 of the Franklin Borough Code is amended as follows:

SECTION I

Section 60-15 of the Code of the Borough of Franklin is hereby replaced as follows:

§ 60-15 Contracted Services.

- A. Purpose. For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Franklin Police Department for traffic control, security or other needs, the Borough hereby establishes a policy regarding the use of said officers.
- B. Private employers or school districts may contract with the Borough for members of the Police Department to be assigned to off duty police-related employment at such times as will not interfere with the efficient performance of regularly scheduled or emergency duties for the Borough.
- C. A private vendor contracted by the police department shall be responsible for generating bills for extra-duty police services rendered.
- D. All fees for extra-duty police services will be collected by the vendor contracted by the Police Department to manage the extra-duty services and deposited with the Franklin Borough Finance Department.
- E. The total cost for extra-duty police services shall consist of a special hourly rate to be paid to officers working extra-duty assignments, a fee for the use of a police vehicle, an administrative fee charged by the Borough of Franklin, and an administrative fee charged by the private vendor contracted by the police department to manage extra-duty services.

Special Hourly Rate: The special hourly rate is paid to officers working extra-duty assignments. The rate is established by contract between the Borough and the recognized collective bargaining unit, and the Chief of Police respectively. The special hourly rate shall be paid to an employee at a rate of one hour if the employee works at least one-quarter of any hour.

Police Vehicle Fee: Payment for a police vehicle will be \$50.00 per vehicle for an eight-hour shift or any part thereof, and \$10 per vehicle for each additional hour.

Franklin Borough Administrative Fee: In addition to the special hourly rate for off-duty police and the police vehicle fee, the applicant shall submit an administrative fee equal to 15% to offset the Borough's cost for employer contributions to social security, unemployment, etc.

Contracted Vendor Administrative Fee: The Contracted Vendor Administrative Fee shall be charged by the vendor contracted to manage extra-duty services. The fee shall be 10% of the total cost with a minimum of \$5.50 per officer hour.

F. There shall be a four-hour minimum charge for all extra-duty police services hereunder. Cancellations must be received by the Franklin Borough Police Department not less than two hours prior to the scheduled start of any extra-duty job. Failure to cancel at least two hours prior to the scheduled start of any extra-duty job shall result in a four-hour minimum charge hereunder. All payments for such services shall be collected by the private vendor and paid to the Borough of Franklin.

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 VI

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

ATTEST:

BOROUGH OF FRANKLIN

Colleen Little, DEPUTY CLERK

BY: John M. Sowden IV, MAYOR

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 September 26, 2023 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 October 10, 2023 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.

Colleen Little, Deputy Municipal Clerk

CERTIFICATION

I, Colleen Little, Deputy Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of October, 2023.

Colleen Little, Deputy Municipal Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced: September 26, 2023

Adopted:

ORDINANCE No. 12-2023

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
REPLACING SECTION 60-15 REGARDING POLICE
ASSIGNMENTS FOR TRAFFIC CONTROL AND OTHER
EVENTS**

RECORD OF COUNCIL VOTES:

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

BOROUGH OF FRANKLIN

ORDINANCE No. 13-2023

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 168 REGARDING LITTER CONTROL

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

SECTION I. Section 168-1 of the Code is hereby amended to add or replace (as applicable) the following definitions:

§ 168-1. Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

LITTER

Any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packing or construction material, but does not include the waste of the primary process of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

LITTER RECEPTACLE

A container suitable for the depositing of litter.

PERSON

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION II. Section 168-2 of the Code is hereby replaced as follows:

§ 168-2. Prohibited acts and regulated activities.

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION III

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

SECTION IV

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.

ATTEST:

BOROUGH OF FRANKLIN

Colleen Little, DEPUTY CLERK

BY: John M. Sowden IV, MAYOR

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 September 26, 2023, 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 October 10, 2023, 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.

Colleen Little
Deputy Municipal Clerk

CERTIFICATION

I, Colleen Little, Deputy Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of October, 2023.

Colleen Little, Deputy Clerk
Borough of Franklin

John M Sowden IV, Mayor

Introduced: September 26, 2023

Adopted:

ORDINANCE No. 13-2023

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING CHAPTER 168 REGARDING LITTER CONTROL

RECORD OF COUNCIL VOTES:

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

NOT YET APPROVED BY COUNCIL

BOROUGH OF FRANKLIN

ORDINANCE No. 14-2023

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY MODIFYING SECTION 230-6 REGARDING DISPOSAL OF WASTE

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

SECTION I. Section 230-6 of the Code is hereby replaced as follows:

§ 230-6. Refuse disposal.

- A. No refuse of any kind shall be imported from outside the Borough of Franklin for disposal in the Borough of Franklin. All refuse collected in the Borough of Franklin shall be disposed of at a sanitary landfill established, conducted, operated and maintained in accordance with standards established by the State Department of Environmental Protection.
- B. The spilling, dumping, or disposal of materials other than stormwater including uncontaminated ground water to the municipal separate storm sewer system operated by the Borough of Franklin is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

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

Colleen Little, DEPUTY CLERK

BY: John M. Sowden IV, MAYOR

DATED: October 10, 2023

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 September 26, 2023, 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 October 10, 2023, 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.

Colleen Little
Deputy Municipal Clerk

CERTIFICATION

I, Colleen Little, Deputy Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the 10th day of October, 2023.

Colleen Little, Deputy Clerk
Borough of Franklin

John M. Sowden IV, Mayor

Introduced: September 26, 2023

Adopted:

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

ORDINANCE NO. 15-2023

**BOROUGH OF FRANKLIN
SUSSEX COUNTY, NEW JERSEY CALENDAR YEAR 2023**

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO ADD NEW CHAPTER 164 ENTITLED, “LEAD-BASED PAINT INSPECTIONS” REQUIRING INSPECTIONS OF CERTAIN RENTAL DWELLINGS FOR LEAD-BASED PAINT HAZARDS AS MANDATED BY P.L. 2021, C.182

WHEREAS, the State of New Jersey enacted N.J.S.A. 52:27D-437.1 et seq. known as the “Lead Hazard Control Assistance Act” which established lead-based paint testing programs for residential rental properties; and

WHEREAS, N.J.S.A. 52:27D-437.16 now requires all municipalities to inspect single-family, two-family, and multiple rental dwellings located within the municipality, subject to certain exceptions, on a recurring basis and at tenant turnover for lead-based paint hazards; and

WHEREAS, the Borough Council of the Borough of Franklin has determined that it is in the best interest of the Borough to amend the Borough Code to require such inspections to conform with State law.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Franklin, County of Sussex, State of New Jersey, that Chapter 164 entitled, “Lead-Based Paint Inspections” be added to the Code of the Borough as follows:

SECTION 1. Part II, General Legislation, of the Borough of Franklin Code is hereby amended to add new Chapter 164, entitled “Lead-Based Paint Inspections” to read as follows:

Chapter 164 Lead-Based Paint Inspections

§ 164-1 Definitions.

The following terms shall have the meanings indicated below pursuant to N.J.S.A. 52:27D-437.16 as may be amended and which is incorporated by reference.

DUST WIPE SAMPLING

A sample collected by wiping a representative surface and tested in accordance with a method approved by the United States Department of Housing and Urban Development.

TENANT TURNOVER

The time at which all existing occupants vacate a dwelling unit and all new tenants move into the dwelling unit.

VISUAL ASSESSMENT

A visual examination for deteriorated paint or visible surface dust, debris, or residue.

§ 164-2 Inspections.

Subject to the exceptions set forth in this Chapter, the Construction Code Official, a designee, or a certified lead evaluation contractor hired by the Borough shall inspect every single-family, two-family, and multiple rental dwelling located within the Borough at tenant turnover for lead-based paint hazards or by July 22, 2024, whichever is earlier. Thereafter, all such units shall be inspected for lead-based paint hazards the earlier of every three years or upon tenant turnover, except that an inspection upon tenant turnover shall not be required if the owner has a valid lead-safe certification. The owner of any such rental dwelling shall not permit any tenant turnover without first complying with this Chapter. The Borough shall charge the dwelling owner or landlord, and the dwelling owner or landlord shall pay the Borough in advance of any inspection, a fee sufficient to cover the cost to the Borough of the inspection, which shall be dedicated to meeting the costs of implementing and enforcing this Chapter.

§ 164-3 Option for Owner/Landlord to Hire Lead Evaluation Contractor.

The dwelling owner or landlord may directly hire a lead evaluation contractor who is certified to provide lead paint inspection services by the New Jersey Department of Community Affairs to satisfy the requirements of § 164-2 instead of the Borough conducting the inspection. In the event that a dwelling owner or landlord directly hires such a lead evaluation contractor, the term "Construction Code Official" shall also mean and include such lead evaluation contractor for purposes of this Chapter (except for the purposes of § 164-13).

§ 164-4 Consultation with Local Health Board.

The Construction Code Official, designee, or certified lead evaluation contractor responsible for inspecting single-family, two-family, and multiple rental dwellings pursuant to this Chapter may consult with the local health board, the State of New Jersey Department of Health, and/or the State of New Jersey Department of Community Affairs concerning the criteria for the inspection and identification of areas and conditions involving a high risk of lead poisoning in dwellings, methods of detection of lead in dwellings, and standards for the repair of dwellings containing lead paint.

§ 164-5 Exceptions for Inspections.

Notwithstanding any language in § 164-2 to the contrary, a dwelling unit in a single-family, two-family, or multiple rental dwelling shall not be subject to inspection and evaluation for the presence of lead-based paint hazards if the unit:

- A. has been certified to be free of lead-based paint;
- B. was constructed during or after 1978;
- C. is in a multiple dwelling that has been registered with the State of New Jersey Department of Community Affairs as a multiple dwelling for at least 10 years, either under the current or a previous owner, and has no outstanding lead violations from the most recent cyclical inspection performed on the multiple dwelling under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A-1, et seq.);

- D. is a single-family or two-family seasonal rental dwelling which is rented for less than six months duration each year by tenants that do not have consecutive lease renewals; or
- E. has a valid lead-safe certification issued in accordance with this section.

§ 164-6 Remediation.

If the Construction Code Official, designee, or certified lead evaluation contractor finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to § 164-2, then the owner of the dwelling unit shall remediate the lead-based paint hazard by using abatement or lead-based paint hazard control methods approved in accordance with the provisions of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1 et al.). Upon the remediation of the lead-based paint hazard, the Construction Code Official, designee, or certified lead evaluation contractor shall conduct an additional inspection of the unit to certify that the hazard no longer exists. The Construction Code Official shall charge an additional fee sufficient to cover the cost to the Borough for such additional inspection.

§ 164-7 Lead-Safe Certification.

If the Construction Code Official, designee, or certified lead evaluation contractor finds that no lead-based paint hazards exist in a dwelling unit upon conducting an inspection pursuant to § 164-2 or following remediation of a lead-based paint hazard pursuant to § 164-6, then the Construction Code Official, designee, or certified lead evaluation contractor shall certify the dwelling unit as lead-safe on a form prescribed by the New Jersey Department of Community Affairs as provided for in regulations or guidance promulgated pursuant to N.J.S.A. 52:27D-437.20. The lead-safe certification provided to the property owner by Construction Code Official, designee, or certified lead evaluation contractor shall be valid for two years.

§ 164-8 Production of Lead-Safe Certification.

Beginning on July 22, 2024, property owners shall:

- A. Provide evidence of a valid lead-safe certification obtained pursuant to this section as well as evidence of the most recent tenant turnover at the time of the cyclical inspection carried out under the Hotel and Multiple Dwelling Law (N.J.S.A. 55:13A1, et seq.), unless not required to have had an inspection by the Construction Code Official, designee, or certified lead evaluation contractor pursuant to sections A, B, or C of § 164-5;
- B. Provide evidence of a valid lead-safe certification obtained pursuant to this section to new tenants of the property at the time of tenant turnover unless not required to have had an inspection by the Construction Code Official, designee, or certified lead evaluation contractor pursuant to sections A, B, C, and D of § 164-5, and shall affix a copy of such certification as an exhibit to the tenant's or tenants' lease; and
- C. Maintain a record of the lead-safe certification which shall include the name or names of the unit's tenant or tenants, if the inspection was conducted during a period of tenancy,

unless not required to have had an inspection by the Construction Code Official, designee, or certified lead evaluation contractor pursuant to sections A, B, C, and D of § 164-5.

§ 164-9 Notification to Commissioner of Community Affairs.

If the Construction Code Official, designee, or certified lead evaluation finds that a lead-based paint hazard exists in a dwelling unit upon conducting an inspection pursuant to this Chapter, then the inspector shall notify the Commissioner of Community Affairs, who shall review the findings in accordance with the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.8).

§ 164-10 Inspection of Two- or Three-Dwelling Units.

If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three-dwelling units, then the Construction Code Official, designee, or certified lead evaluation contractor shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The Construction Code Official may charge an additional fee sufficient to cover the cost to the Borough of the inspection.

§ 164-11 Fees.

In addition to the fees charged for inspection of rental housing as set forth in this ordinance, the Borough shall assess an additional fee of \$20.00 per unit inspected for the purposes of the Lead Hazard Control Assistance Act (N.J.S.A. 52:27D-437.1, et seq.) concerning lead hazard control work, unless the unit owner demonstrates that the Department of Community Affairs already has assessed an additional inspection fee of \$20.00 pursuant to the provisions of N.J.S.A. 52:27D-437.10. In a common interest community, any inspection fee charged pursuant to this section shall be the responsibility of the unit owner and not the homeowners' association, unless the association is the owner of the unit. The fees collected pursuant to this section shall be deposited into the "Lead Hazard Control Assistance Fund" established pursuant to N.J.S.A. 52:27D-437.4.

§ 164-12 Inspections as a Result of Testing of Children of Six Years of Age or Younger.

- A. If less than three percent (3%) of children tested in the Borough, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the State of New Jersey Department of Health pursuant to N.J.S.A. 26:2-137.6, or according to other data deemed appropriate by the commissioner (as such term is used in and for the purposes of N.J.S.A. 52:27D-437.16), then the Construction Code Official, designee, or certified lead evaluation contractor may inspect a dwelling located therein for lead-based paint hazards through visual assessment.
- B. If at least three percent (3%) of children tested, six years of age or younger, have a blood lead level greater than or equal to five ug/dL, according to the central lead screening database maintained by the State of new Jersey Department of Health pursuant to section 5 of P.L.1995, c.328 (C.26:2-137.6), or according to other data deemed appropriate by

the commissioner, then the Construction Code Official, designee, or certified lead evaluation contractor shall inspect a dwelling located therein through dust wipe sampling.

- C. If a lead hazard is identified in an inspection of one of the dwelling units in a building consisting of two- or three- dwelling units, then the Construction Code Official, designee, or certified lead evaluation contractor shall inspect the remainder of the building's dwelling units for lead hazards, with the exception of dwelling units that have been certified to be free of lead-based paint. The Construction Code Official may charge fees in accordance with this section for such additional inspections.

§ 164-13 Penalties.

The Borough and the Construction Code Official, designee, or certified lead evaluation contractor shall be authorized to conduct investigations and issue penalties to enforce a property owner's failure to comply with N.J.S.A. 52:27D-437.16 or this Chapter. If the Borough or the inspector determines that a property owner has failed to comply with a provision of N.J.S.A. 52:27D-437.16, et seq. or this section regarding a rental dwelling unit owned by the property owner, the property owner shall first be given thirty (30) days to cure any violation by conducting the required inspection or initiate any required remediation efforts. If the property owner has not cured the violation after thirty (30) days, the property owner shall be subject to a penalty not to exceed \$1,000.00 per week until the required inspection has been conducted or remediation efforts have been initiated.

SECTION 2. All other provisions unaffected by this Ordinance shall remain in full force and effect.

SECTION 3. All Ordinances or parts of Ordinances inconsistent herewith are repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase, or a portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. This ordinance shall become effective after second reading and publication as required by law.

Attest:

BOROUGH OF FRANKLIN

Darlene J. Tremont, Municipal Clerk

John M. Sowden IV, Mayor

NOTICE

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Franklin, in the County of Sussex, State of New Jersey, held in the municipal building on October 10, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the Franklin Borough Municipal Building, 46 Main Street, in the Borough of Franklin on October 24, 2023, at which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Borough Clerk's Office to the members of the general public who shall request the same.

CERTIFICATION

I, Darlene J. Tremont, Municipal Clerk of the Borough of Franklin, do hereby certify that the Borough of Franklin Council duly adopted the foregoing Ordinance on the ____ day of _____, 2023.

Darlene J. Tremont, Municipal Clerk

John M. Sowden IV, Mayor

Introduced:

Adopted:

NOT YET APPROVED BY COUNCIL

BOROUGH OF FRANKLIN

ORDINANCE No. 16-2023

AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY CREATING CHAPTER 215 - STORM SEWERS

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

SECTION I. Chapter 215 of the Code is hereby created as follows:

§ 215-1. Definitions.

A. Municipal separate storm sewer system (MS4)— a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by Borough of Franklin and is designed and used for collecting and conveying stormwater.

B. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

C. Storm drain inlet- an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

D. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

E. Domestic sewage - waste and wastewater from humans or household operations.

F. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Franklin, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

G. Industrial waste - non-domestic waste, including, but not limited to, those pollutant regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act (33 U.S.C. §1317(a), (b), or (c)).

H. Non-contact cooling water - water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides, or biocides to control fouling of equipment such as heat exchangers, and/or corrosion inhibitors.

I. Process wastewater - any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

§ 215-2. Improper Discharge.

A. The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by Borough of Franklin is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

B. Exceptions to Prohibition:

- (i) Water line flushing and discharges from potable water sources
- (ii) Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- (iii) Air conditioning condensate (excluding contact and non-contact cooling water)
- (iv) Irrigation water (including landscape and lawn watering runoff)
- (v) Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- (vi) Residential car washing water, and residential swimming pool discharges
- (vii) Sidewalk, driveway and street wash water
- (viii) Flows from fire fighting activities
- (ix) Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 215.3. Prohibited Conduct in Proximity to Storm Sewer.

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either: (1) Already meets the design standard below to control passage of solid and floatable materials; or (2) Is retrofitted or replaced to meet the standard in Section IV below prior to the completion of the project.

§ 215-4. Storm Drain Inlets.

A. No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Franklin any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater). Storm drain inlets referenced in this Section above 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.

B. Design engineers shall use either 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:

1. 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 (April 1996); or

2. 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. Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

C. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) 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.

D. This standard does not apply:

1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practically be overcome by using additional or larger storm drain inlets that meet these standards;

2. Where flows 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:

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

(ii) A bar screen having a bar spacing of 0.5 inches.

3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1”) spacing between the bars; or

4. 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.

§ 215-5. Enforcement.

This ordinance shall be enforced by the Police Department, Zoning Official, Municipal Engineer, or DPW Superintendent of the Borough of Franklin.

SECTION II. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, shall be subject to the penalties set forth in Section 1-15.

SECTION III.

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

SECTION IV

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 V

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

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 October 10, 2023, 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 October 24, 2023, 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 _____, 2023.

 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 | | | | | | |
| JOSEPH LIMON | | | | | | |
| JOHN POSTAS COUNCIL PRESIDENT | | | | | | |
| 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 | | | | | | |
| JOSEPH LIMON | | | | | | |
| JOHN POSTAS COUNCIL PRESIDENT | | | | | | |
| STEPHEN SKELLENGER | | | | | | |
| GILBERT SNYDER | | | | | | |
| MAYOR SOWDEN, IV (Tie Only) | | | | | | |

**BOROUGH OF FRANKLIN
ORDINANCE NO. 17-2023**

**AN ORDINANCE OF THE BOROUGH OF FRANKLIN,
COUNTY OF SUSSEX, AND STATE OF NEW JERSEY
AMENDING CHAPTER 234, REGARDING
PRIVATELY-OWNED SALT STORAGE**

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.

Chapter 234, Article III is hereby created as follows:

ARTICLE III. Privately-Owned Sal Storage.

§ 234-18. Definitions:

- A. “De-icing materials” means any granular or solid material such as melting salt or any other granular solid that assists in the melting of snow.
- B. “Impervious surface” means a surface that has been covered with a layer of material so that it is highly resistant to infiltration by water.
- C. “Storm drain inlet” means the point of entry into the storm sewer system.
- D. “Permanent structure” means a permanent building or permanent structure that is anchored to a permanent foundation with an impermeable floor, and that is completely roofed and walled (new structures require a door or other means of sealing the access way from wind driven rainfall).

A fabric frame structure is a permanent structure if it meets the following specifications:

- 1. Concrete blocks, jersey barriers or other similar material shall be placed around the interior of the structure to protect the side walls during loading and unloading of de-icing materials;
- 2. The design shall prevent stormwater run-on and run through, and the fabric cannot leak;
- 3. The structure shall be erected on an impermeable slab;
- 4. The structure cannot be open sided; and
- 5. The structure shall have a roll up door or other means of sealing the access way from wind driven rainfall.

§ 234-19. Deicing Material Storage Requirements:

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

- 1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;

2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable, and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind; and
 - e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and
6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 -April 15.

C. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections.

§ 234-20. Exemptions:

A. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks.

B. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements of this Section. Piles of de-icing materials are not exempt, even if stored in a permanent structure.

C. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

§ 234-21. Enforcement:

This ordinance shall be enforced by the Police Department, Zoning Official, Municipal Engineer, or DPW Superintendent of the Borough of Franklin.

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

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 October 10, 2023, 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 October 24, 2023, 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 _____, 2023.

 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 | | | | | | |
| JOSEPH LIMON | | | | | | |
| JOHN POSTAS COUNCIL PRESIDENT | | | | | | |
| 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 | | | | | | |
| JOSEPH LIMON | | | | | | |
| JOHN POSTAS COUNCIL PRESIDENT | | | | | | |
| STEPHEN SKELLENGER | | | | | | |
| GILBERT SNYDER | | | | | | |
| MAYOR SOWDEN, IV (Tie Only) | | | | | | |