

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 24, 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 October 10, 2023. (Absent: None)
2. **Resolution 2023-121** to approve appointing Darlene J. Tremont, as Fund Commissioner for the Local Unit calendar year 2024 and Colleen Little as Alternate fund commissioner for the Local Unit calendar year 2024.
3. **Resolution 2023-122** approving the LOSAP qualification list and authorizing contributions for qualifying members of the Franklin Fire Department and the Walkkill Valley First Aid Squad.
4. **Resolution 2023-123** authorizing the award of a required disclosure contract with EM signs in the amount not to exceed \$38,000 for the department of Recreation.
5. **Resolution 2023-124** requesting approval of items of revenue and appropriation NJSA 40A:4-87 captioned drive sober or get pulled over Labor Day Crackdown Grant in the amount of \$7,000.00.

REGULAR AGENDA – MAYOR AND COUNCIL MEETING OCTOBER 24, 2023

6. Resolution 2023-125 authorizing a disabled veteran exemption on Block 1006 Lot 18.
7. Resolution 2023-126 authorizing a Shared Service Agreement with the Township of Vernon for Animal Control Services beginning January 1, 2024 through December 31, 2026 in the amount of \$13,750 for 2024, \$14,000 for 2025 and \$14,250 for 2026. (Agreement provided in the Council Packet)
8. Adoption 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.”

Mayor Sowden will request a motion to open the meeting to the public for ordinance 15-2023.

9. Adoption 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”.

Mayor Sowden will request a motion to open the meeting to the public for ordinance 16-2023.

10. Adoption 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”.

Mayor Sowden will request a motion to open the meeting to the public for ordinance 17-2023.

11. Discussion on 25 Susquehanna Street

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.

**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
OCTOBER 10, 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, Mr. Skellenger, Mr. Snyder and Mayor Sowden.

Absent: None

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

Mr. Limon commented that last week he had a phone meeting with John Postas and Stephen Skellenger.

Mr. Postas commented that the water tower has been erected and they are starting to work on it. They are supposed to start this week on the test well off Lehigh Street. Regarding the gentleman who came last week regarding sewer repairs, I'm sure that Darlene sent a letter to him. It is in our ordinance that anything on the property is the responsibility of the property owner, and he does not think it is the onus of the town to take care of people's sewer lines on their own property.

Mr. Snyder had nothing to report.

Mrs. Heath commented that the gazebo has been placed at the pond. Kudos to everyone involved, especially Concetto who worked very hard.

Mr. Skellenger had nothing to report.

Mr. Formica commented that the sign should be ordered soon as he has quotes. He obtained prices for new holiday lights.

Ms. Little commented that Congressman Gottheimer's Office will be having mobile office hours on Tuesday, October 24, 2023 from 6-7pm at the Franklin Borough Municipal Building.

Mr. Ursin had nothing to report.

Mayor Sowden had nothing to report.

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 Mrs. Heath. All were in favor.

Mr. John Christiano stepped forward. Mr. Christiano spoke regarding an article that the New Jersey Herald printed about how the Planning Board denied an application from Habitat for Humanity to renovate a property on Susquehanna Street. Mr. Christiano stated that there was no such denial for a number of reasons; the first

MAYOR & COUNCIL MEETING MINUTES OCTOBER 10, 2023

being that no application was made, secondly at the TCC meeting that Habitat attended there was no quorum. Mr. Christiano handed out a form that the Planning Board uses for the TCC meetings.

Blanche House, stepped forward. Ms. House stated that she is unhappy about the sidewalk situation on Hemlock Drive and the residents were not notified. Ms. House commented on the school bus that is parked on Hemlock Drive.

Ward Dunnican, stepped forward. Mr. Dunnican commented about the school bus being parked on Hemlock Drive.

Dawne Rowe, stepped forward. Ms. Rowe commented on the issues with traffic in town and loud vehicles. Ms. Rowe asked for a second public session. Ms. Rowe commented that the gazebo looks great.

There being no one else present or on Zoom who wished to address the Governing Body, Mr. Postas 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. County of Sussex Ordinance amending the previously established regulations governing road opening and access permits issued by the Division of Engineering.
2. Township of Hardyston Ordinance amending certain portions of Chapter 185, Zoning.
3. FY2024 Proposed Rate schedule effective December 1, 2023 from SCMUA
4. Letter from NJDOT announcing that applications are now being accepted for NJDOT's Fiscal Year 2024 Local Freight Impact Fund.

REPORTS (ACCEPTANCE FOR FILING OF THE FOLLOWING):

1. DPW Report – September 4, 2023 – September 8, 2023
2. DPW Report – September 11, 2023 – September 15, 2023
3. Registrar Report – July through September 2023
4. Construction Permit List – September 2023
5. COH Report – September 2023
6. Construction Permit Activity Report – September 2023

APPLICATIONS (APPROVAL OF THE FOLLOWING):

1. Application for Peddler/Solicitor permit for Dale Purdy, 10 Sterling St. Franklin, NJ, for the solicitation/outreach for solar energy.

RESOLUTIONS (APPROVAL OF THE FOLLOWING):

1. Payment of bills for the meeting of October 10, 2023.

Mr. Limon made a motion to approve the consent agenda of October 10, 2023 with the removal of PO 37007. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Mrs. Heath made a motion to approve PO number 37007. Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Snyder

Nays: None Absent: None Abstentions: Skellenger

OLD BUSINESS

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

MAYOR & COUNCIL MEETING MINUTES OCTOBER 10, 2023

NEW BUSINESS

Approval of the Minutes

Mr. Limon made a motion to approve the regular meeting minutes for September 26, 2023. (Absent: Snyder) Seconded by Mr. Postas.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger

Nays: None Absent: None Abstentions: Snyder

Adoption of Ordinance #12-2023

Mr. Skellenger made a motion to adopt 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 requested a motion to open the meeting to the public for ordinance 12-2023. Mr. Postas made a motion to open to the public Ordinance 12-2023. Seconded by Mr. Skellenger. 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 12-2023. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #13-2023

Mr. Postas made a motion to adopt 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. Formica.

Mayor Sowden requested a motion to open the meeting to the public for ordinance 13-2023. Mr. Postas made a motion to open to the public Ordinance 13-2023. Seconded by Mr. Formica. All were in favor.

There being no one present or on ZOOM who wished to address the governing Body, Mr. Postas made a motion to close to the public Ordinance 13-2023. Seconded by Mr. Skellenger. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Adoption of Ordinance #14-2023

Mr. Postas made a motion to adopt 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. Skellenger.

Mayor Sowden requested a motion to open the meeting to the public for ordinance 14-2023. Mr. Postas made a motion to open to the public Ordinance 14-2023. Seconded by Mr. Skellenger. All were in favor.

There being no one present or on ZOOM who wished to address the governing Body, Mr. Skellenger made a motion to close to the public Ordinance 14-2023. Seconded by Mr. Postas. All were in favor.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

MAYOR & COUNCIL MEETING MINUTES OCTOBER 10, 2023

Introduction of Ordinance #15-2023

Mr. Formica made a motion to introduce 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." Seconded by Mr. Skellenger.

Mayor Sowden announced that the public hearing will be held on October 24, 2023.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Skellenger, Snyder

Nays: None Absent: None Abstentions: Postas

Introduction of Ordinance #16-2023

Mr. Skellenger made a motion to introduce ordinance 16-2023 entitled "AN ORDINANCE OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY CREATING CHAPTER 215 – STORM SEWERS". Seconded by Mr. Limon.

Mayor Sowden announced that the public hearing will be held on October 24, 2023.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Introduction of Ordinance #17-2023

Mr. Limon made a motion to introduce 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". Seconded by Mr. Formica.

Mayor Sowden announced that the public hearing will be held on October 24, 2023.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Approval of Membership Application

Mr. Snyder made a motion 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. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: Limon

Approval of NJ State Firemen's Association Membership Application

Mr. Snyder made a motion 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. Seconded by Mr. Formica.

Upon roll call vote:

Ayes: Formica, Heath, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: Limon

Mayoral Appointment

Mayor Sowden made the following appointment.

MAYOR & COUNCIL MEETING MINUTES OCTOBER 10, 2023

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.

Mrs. Heath made a motion to confirm the mayor's appointment. Seconded by Mr. Skellenger.

Upon roll call vote:

Ayes: Formica, Heath, Limon, Postas, Skellenger, Snyder

Nays: None Absent: None Abstentions: None

Discussion on Hemlock Drive Curb and Sidewalks

Stefanie Williams from French and Parello stepped forward. Ms. Williams commented that the project is almost complete.

Mr. Snyder asked if notification was sent out to the homeowners.

Ms. Williams commented that there was some confusion on who was delivering the notices to the homeowners. Ms. Williams stated that she had written a letter and emailed it to the DPW Director and Administrator for approval. She received a phone call from a resident stating that they received a letter. The reason that the one resident received the letter is because he came into the borough hall.

Mr. Formica commented that we met last week to discuss and it seems that it was a communication breakdown from a few months ago. An idea was presented to French and Parrello and from then until now nothing else was presented to them. When they got the OK to go out to bid for the curbs and sidewalks; the last discussion they had was this idea.

Ms. Williams commented that the idea behind this was to make a safe routes to school. Safe routes to school requires construction from one end of the sidewalk to the last house available. As far as the curbing, the curbing was done with the idea that we are going to be milling and paving.

Mr. Formica commented that he and Mr. Postas went out and looked at the project. There is a lot of settlement on that road with the curbs. If we want to try and keep a uniform look, we need to go back and measure out what areas we want changed and then get a price on that.

Mr. Postas commented that he thinks our best course of action is to go through and mark out what we want and try to make it a uniform 3–4-inch curb and then after we can mill and pave.

Mayor Sowden asked if we also wanted to look at the driveways where the sidewalks were removed.

Mr. Formica commented that we should do a walk through and start measuring out what would need to be replaced and obtain a couple different quotes.

Mayor Sowden commented that members of the public utilities committee or buildings and grounds will meet with Stefanie to discuss and come up with a viable answer and we will make sure that the letters will be sent to the residents.

Mayor Sowden requested a motion to open the meeting to public for comments on Hemlock Drive curb and sidewalks. Mr. Limon made a motion to open the meeting to the public, seconded by Mr. Skellenger. All were in favor.

Ward Dunnican stepped forward. Mr. Dunnican commented that he was on the board of public works when the sewers started and the problem was there was no compaction done when the sewers were installed. Some of the curbing is lower than the road.

MAYOR & COUNCIL MEETING MINUTES OCTOBER 10, 2023

Blanche House stepped forward. Ms. House commented that the street had different water breaks and then repaired which could be reason for the curbing the way it is.

Marianne Dunnican stepped forward. Ms. Dunnican commented that she hopes that in the future when this road project does finally come to fruition that we do have the communication that we're all hearing we are going to have and also to be sure that a supervisor is on site from the construction company to answer questions from residents.

Rachel Heath stepped forward. Ms. Heath commented that her concern is that the sidewalks were neglected and a few of the homes blacktopped their driveways and went over the sidewalks. Ms. Heath wants to know if all the driveways will be made uniform.

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

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. Snyder made a motion to adjourn the meeting at 7:49p.m., seconded by Mr. Postas. All were in favor.

John M. Sowden IV, Mayor

Colleen Little, Deputy Municipal Clerk

Borough of Franklin, County of Sussex
Resolution #2023-121

STATEWIDE INSURANCE FUND
APPOINTING FUND COMMISSIONER
2024 Fund year

WHEREAS, the Borough of Franklin (hereinafter "Local Unit") is a member of the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 et seq.; and

WHEREAS, the Fund's Bylaws require participating members to appoint a Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Franklin (Local Unit) that Darlene J. Tremont is hereby appointed as the Fund Commissioner for the Local Unit for the **Fund Year 2024**; and

BE IT FURTHER RESOLVED that Colleen Little is hereby appointed as the Alternate Fund Commissioner for the Local Unit for the **Fund Year 2024**; and

BE IT FURTHER RESOLVED that the Local Unit's Fund Commissioner is authorized and directed to execute all such documents as required by the Fund.

Name of Entity: Borough of Franklin

ATTEST:

By: _____

Darlene J. Tremont, Municipal Clerk

Print Name: John M. Sowden, IV

Title: Mayor

This Resolution agreed to the 24th day of October, 2023, by a vote of:

_____ Affirmative _____ Abstain _____ Negative _____ Absent

Borough of Franklin, County of Sussex

Resolution #2023-122

RESOLUTION APPROVING THE LOSAP QUALIFICATION LIST AND AUTHORIZING CONTRIBUTIONS FOR QUALIFYING MEMBERS OF THE FRANKLIN FIRE DEPARTMENT AND THE WALLKILL VALLEY FIRST AID SQUAD

WHEREAS, Ordinance 10-2017, adopted by the Governing Body of the Borough of Franklin on July 25, 2017, created a Length of Service Award Program (LOSAP) in order to reward members of the volunteer Franklin Fire Department and Wallkill Valley First Aid Squad; and

WHEREAS, Ordinance 17-2019, adopted by the Governing Body amended the schedule for members of the Franklin Fire Department; and

WHEREAS, the Franklin Fire Department and Wallkill Valley First Aid Squad has certified the attached list of all members who have qualified for the 2022 LOSAP award.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Franklin, that the eligibility list attached to this resolution is approved and in accordance with Chapter 388, P.L. 1997 and is to be posted by the Borough Clerk and returned to the respective emergency service organizations for posting for 30 days to allow for any appeals prior to contributions being made.

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 October 24, 2023 at 7:00 PM.

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)				

Borough of Franklin, County of Sussex

Resolution #2023-122

Franklin Borough

Length of Service Awards Program – 2022

Qualifying Members

Franklin Fire Department

Babcock, Fred
Cole, Mike
Conklin, Khyle
Conklin, Kody
Houghtaling, Corey
Lang, Ted
Nidelko, Jim
Petro, Mike
Raperto, Mike
Williams, David

Wallkill Valley First Aid Squad

Clint, James
Francavilla, Gina
Friend, Jennifer
Friend, John
Gunderman, Alison
Havel, Jason
Henry, Jennifer
Hynda, Miranda
Lanham, Bill
Lanham, Cindy
Limon, Vincent
Sanchez, Tyler
Tarleton, Erin
VanAllen, Kat

Borough of Franklin, County of Sussex

Resolution #2023-123

RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX. STATE OF NEW JERSEY, AUTHORIZING THE AWARD OF A REQUIRED DISCLOSURE CONTRACT WITH EM SIGNS FOR THE DEPARTMENT OF RECREATION

WHEREAS, the Borough of Franklin Department of Recreation has a need for various a new electronic sign and EM Signs LLC of 3 Aaron Way Unit C, Sparta NJ has a required disclosure contract pursuant to the provisions of N.J.S.A. 19:44A-20.4et. Seq., and,

WHEREAS, the Qualified Purchasing Agent has certified that the value of the contract is in excess of the Pay to Play threshold of \$17,500.00; and

WHEREAS, EM Signs LLC of 3 Aaron Way Unit C, Sparta NJ has supplied a quote for:

- Supply and installation of a Digital Sign Board not to exceed \$38,000.00

WHEREAS KC Signs has also submitted a quote in the amount of \$40,960.00

WHEREAS EM Signs is deemed to be the most advantageous to the Borough based upon Price and other Factors in accordance with N.J.S.A.40A:11-6.1 et. Seq., and

WHEREAS, EM Signs has completed and submitted a Business Entity Disclosure Certification and a Personal Contribution Disclosure form which certifies that EM Signs has not made any reportable contributions to a candidate in the Borough of Franklin in the previous one year and that the contract will prohibit EM Signs from making any reportable contributions through the term of the contract, and

WHEREAS, the Purchasing Agent has recommended the contract be awarded in the amount of not to exceed \$38,000.00 and,

WHEREAS the Chief Financial Officer certifies the availability of funds and that the funds shall not exceed \$38,000.00

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of Franklin, County of Sussex, State of New Jersey, as follows:

1. That the contract be and hereby is awarded for the supply and installation of a digital sign board in the amount not to exceed \$38,000.00 to EM Signs of 3 Aaron Way Unit C, Sparta NJ
2. That the cost for the services aforesaid shall not exceed \$38,000.00

Borough of Franklin, County of Sussex

Resolution #2023-123

4. That the Municipal Clerk shall forward a certified copy of this Resolution to the following:

- A. Chief Financial Officer
- B. Purchasing Agent
- C. Director of Public Works
- D. EM Signs
3 Aaron Way, Unit C
Sparta, NJ

CERTIFICATION

I, Darlene Tremont, Municipal Clerk of the Borough of Franklin, County of Sussex, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Borough Council at a meeting held on the 24th day of October 2023.

Darlene 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)				

Borough of Franklin, County of Sussex
Resolution #2023-124

**RESOLUTION REQUESTING APPROVAL OF ITEMS OF
REVENUE AND APPROPRIATION
NJSA 40A:4-87**

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget: and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED, that the Borough of Franklin in the County of Sussex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2023 budget in the amount of \$7,000.00, which is now available from the Division of Highway Traffic Safety in the amount of \$7,000.00.

BE IT FURTHER RESOLVED, that the like sum of \$7,000.00 is hereby appropriated under the caption NJ Drive Sober or Get Pulled Over Labor Day Crackdown Grant; and

BE IT FURTHER RESOLVED, that the above is the result of an award from the NJ Drive Sober or Get Pulled Over Labor Day Crackdown Grant in the amount of \$7,000.00.

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 October 24, 2023.

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)				

Borough of Franklin, County of Sussex

Resolution #2023-125

RESOLUTION AUTHORIZING A DISABLED VETERAN EXEMPTION ON BLOCK 1006 LOT 18

WHEREAS, The Department of Veteran Affairs determined that Eugene Stansfield at 15 Ridgewood Rd, Block 1006 Lot 18 had a service connected disability that was totally disabling effective August 2, 2023.

WHEREAS, the Tax Assessor has received a Claim for property tax exemption on dwelling house of Disabled Veteran, which was approved by the Tax Assessor on October 12, 2023.

WHEREAS, as per N.J.S.A.54: 4-3.30et seq, Mr. Stansfield is entitled to a tax exemption on his property located at 15 Ridgewood Rd from August 2, 2023.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Tax Collector is authorized to cancel taxes billed from August 2, 2023 to December 31, 2023 in the amount of \$2,558.53.
2. This property will be marked as exempt in the 2024 tax list.

This Resolution shall take effect immediately.

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 October 24, 2023.

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)				

Borough of Franklin, County of Sussex

Resolution #2023-126

AUTHORIZING THE RENEWAL OF A SHARED SERVICE AGREEMENT BETWEEN THE TOWNSHIP OF VERNON AND THE BOROUGH OF FRANKLIN FOR ANIMAL CONTROL SERVICES

WHEREAS, the Borough of Franklin (“Borough”) entered into a shared services agreement with the Township of Vernon (“Township”) for Animal Control Services for in 2021 for a 3 year term expiring March 31, 2024; and

WHEREAS, the Township of Vernon requested to change the agreement term period to a full calendar year term if the Borough is interested in renewing the agreement to begin January 1, 2024 through December 31, 2026; and

WHEREAS, the shared service annual increase will be \$250.00 per year beginning January 1, 2024 at the annual cost as follows:

2024: \$13,750.00
2025: \$14,000.00
2026: \$14,250.00

WHEREAS, the Borough of Franklin is satisfied with the animal control services provided by the Township; and

NOW THEREFORE IT BE RESOLVED, by the Mayor and Council of the Borough of Franklin authorizes the renewal of the shared service agreement for Animal Control Services with the Township of Vernon beginning January 1, 2024 through December 31, 2026 in the amount specified above, and execute the same.

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 October 24, 2023.

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)				

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 24th day of October, 2023.

Darlene J. Tremont, Municipal Clerk

John M. Sowden IV, Mayor

Introduced: October 10, 2023

Adopted: October 24, 2023

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. 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 algaecides, 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 practicably 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 24th day of October, 2023.

 Darlene J. Tremont, Clerk
 Borough of Franklin

 John M. Sowden IV, Mayor

Introduced: October 10, 2023

Adopted: October 24, 2023

RECORD OF COUNCIL VOTES-FIRST READING					Move	2nd
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT		
CONCETTO FORMICA	X					
RACHEL HEATH	X					
JOSEPH LIMON	X					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. 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: October 24, 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 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 24th day of October, 2023.

 Darlene J. Tremont, Clerk
 Borough of Franklin

 John M. Sowden IV, Mayor

Introduced: October 10, 2023

Adopted: October 24, 2023

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)						