

Borough of Franklin, County of Sussex

Resolution #2022-95

A RESOLUTION OF THE BOROUGH OF FRANKLIN, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY IN OPPOSITION TO THE REASSIGNMENT BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION OF ALL MUNICIPALITIES CURRENTLY DESIGNATED TIER B UNDER THE MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT PROGRAM TO TIER A DESIGNATION

WHEREAS, it has come to the attention of the Borough of Franklin ('Borough') that the New Jersey Department of Environmental Protection ('NJDEP') intends to reassign to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program ('Permit Program') all New Jersey municipalities currently designated 'Tier B' ('Reassignment Plan'); and

WHEREAS, compliance with the Permit Program for a municipality designated 'Tier A' ('Tier A') is far costlier and more onerous than compliance for a municipality designated 'Tier B' ('Tier B'); and

WHEREAS, under the existing designation system ('Existing Designation System'), the Tier B designation was specifically created for municipalities that are located in more rural areas and non-coastal regions, while the Tier A designation was created for municipalities that are located within the more densely populated regions of the state or along or near the coast; and

WHEREAS, the Existing Designation System makes logical sense, as the costly and onerous compliance required for municipalities designated Tier A is necessitated by the population densities and environmental concerns of Tier A municipalities; and

WHEREAS, the Existing Designation System makes logical sense also for municipalities designated Tier B, as Tier B municipalities generally do not have the population densities and environmental concerns of their Tier A counterparts; and

WHEREAS, many municipalities designated Tier B under the Existing Designation System simply do not have the resources to comply with Tier A designation, unlike their Tier A counterparts; and

WHEREAS, the State, however well-intentioned in its actions, continues to saddle municipalities with additional responsibilities via its unfunded mandates; and

WHEREAS, reassignment by the NJDEP to Tier A designation for all New Jersey municipalities currently designated Tier B under the Existing Designation System will result in a redistribution of these municipalities' limited resources, away from their crucial government functions; and

WHEREAS, the Borough wholeheartedly supports taking action to better protect and improve the quality of its own waterways, as well as waterways throughout the State; and

WHEREAS, the Borough simply views the NJDEP's Reassignment Plan as a costly, unfair, and ineffectual approach to improving the well being of the State's waterways.

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

1. The Borough of Franklin hereby urges members of the New Jersey Assembly and Senate to support, co-sponsor, and adopt legislation that would prevent the New Jersey Department of Environmental Protection ('NJDEP') from reassigning to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated 'Tier B.'

2. The Borough of Franklin hereby urges the Governor of the State of New Jersey to sign any legislation adopted by the State Assembly and Senate which legislation would prevent the New Jersey Department of Environmental Protection ('NJDEP') from reassigning to 'Tier A' designation under the Municipal Separate Storm Sewer System permit program New Jersey municipalities that are currently designated 'Tier B.'


3. A certified true copy of this Resolution upon its adoption shall be furnished to New Jersey State Governor Philip D. Murphy, New Jersey State Senator Steven V. Oroho, New Jersey State Assemblyman Parker Space, New Jersey Assemblyman Harold Wirths, the New Jersey

Department of Environmental Protection, the New Jersey State League of Municipalities, and the Municipal Clerks of all the Sussex County Municipalities.

4. All municipal officials are hereby authorized to take whatever actions may be necessary to implement the terms of this Resolution.
5. This Resolution shall take effect immediately.

Approved: September 13, 2022

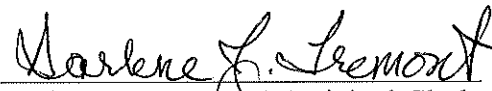
Attest:


 Darlene J. Tremont, Municipal Clerk


 John M. Sowden IV, Mayor

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 September 13, 2022


 Darlene J. Tremont, Municipal Clerk

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