

**TOWNSHIP OF FRANKFORD  
COUNTY OF SUSSEX, STATE OF NEW JERSEY**

**RESOLUTION 2022-057**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF  
FRANKFORD, 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 Township Committee of the Township of Frankford ('Township') 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 Township 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 Township 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 Township Committee of the Township of Frankford, in the County of Sussex, and State of New Jersey as follows:

1. The Township of Frankford 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 Township of Frankford 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.

**CERTIFICATION**

I, Lori Nienstedt, hereby certify that this is a true and accurate copy of the Resolution adopted by the Frankford Township Committee, in the County of Sussex, State of New Jersey at a regular meeting held on September 13, 2022.

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Lori Nienstedt, RMC, MBA  
Municipal Clerk, Administrator