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**TOWNSHIP OF FRANKLIN**  
COUNTY OF GLOUCESTER

State of New Jersey

1571 Delsea Drive

FRANKLINVILLE, NEW JERSEY 08322

856-694-1234

**Township Clerk**

Barbara Freijomil

2. CALL MEETING TO ORDER  
Open Public Meetings Act Statement

3. Roll Call

**Mayor**

John Bruno

**Deputy Mayor**

Dave Deegan

**Township Committee**

Timothy Doyle

Heather Flaim

Mary Petsch-Wilson

4. Public Hearing On The Following Ordinances

Documents:

[ORDINANCE 08-22 EXHIBIT A POLICE PROMOTION \(PDF\).PDF](#)

[ORDINANCE 08-22 POLICE PROMOTION \(PDF\).PDF](#)

[ORDINANCE 09-22 SALARY ORDINANCE \(PDF\).PDF](#)

5. Motion To Open First Public Portion For Resolutions And/Or Ordinances Below

6. Motion To Approve Correspondence And Reports

7. Motion To Approve Minutes

8. Motion To Approve Bill List

9. Optional Items

9.I. Motion To Approve 2022 Licenses

9.II. Motion To Approve Farm Stand For Daniel Ferguson

10. Resolutions

10.I. Resolution Documents

Documents:

[RESOLUTION 072-22 CRESCITELLI POLICE AIDE \(PDF\).PDF](#)

[RESOLUTION 073-22 JUNK YARD TRANSFER TO NORTHEAST DIESEL \(PDF\).PDF](#)

[RESOLUTION 074-22 WAWA BOND RELEASE \(PDF\).PDF](#)

RESOLUTION 075-22 AUTHORIZING EXECUTION OF SETTLEMENT WITH  
FSHC (PDF).PDF  
RESOLUTION 076-22 DEPUTY CHIEF POSITION.PDF  
RESOLUTION 077-22 CLOSED SESSION (PDF).PDF

10.II. Introduction Of The Following Ordinance: Public Hearing Will Be On May 24, 2022

Documents:

ORDINANCE 10-22 ELECTRIC CARS (PDF).PDF  
ORDINANCE 11-22 SOLAR (PDF).PDF

11. Motion To Open Second Public Portion For Any Comments Or Questions
12. Administrator/Departmental Reports
13. Adjourn

SECTION 1. Section 98-49 of the Code of the Township of Franklin entitled “Testing Process for Promotion” is hereby replaced as follows:

*§98-49 Testing Process for promotion*

Testing Process for Promotion

A. Promotion shall be based on merit, demonstrated ability and competitive examination and otherwise shall comply with the provision of N.J.S.A.40A:14-129. ***Participants must be full-time members of the Franklin Township Police Department to be eligible.*** The Chief of Police shall be responsible to the appropriate authority for the aspects of the testing process delegated to him.

1. Written Examination (NJSACOP using IACP exam) - (30%)

Participants must achieve a minimum score of 70% or higher on the Written Exam administered by IACP to be eligible to participate in the Oral Exam. Scores for all candidates achieving a minimum score of 70% will be converted from a 100 point/percentage score to a “30%” scale, such that a score of 100 converts to the full 30 points, for example a score of 80% is converted to  $(.3 * 80) = 24$  points.

These results shall be forwarded to the Township Administrator directly by the NJSACOP.

2. Oral Examination (NJSACOP) - (40%)

Participants must achieve a minimum score of 70% or higher on the Oral Exam administered by NJSACOP in order to be eligible to participate in the final phase of the promotional process. Scores to be scaled to 40% scores as with written exam score for candidates achieving minimum score of 70%.

These results shall be forwarded to the Township Administrator.

3. Education/Military Service – (10%)

Chief of Police shall prepare a list of points for all candidates based upon education and military experience as follows (most, 10 points for highest level achieved, only no stacking)

- Military & Master’s Degree 100 points
- Military & Bachelor’s Degree 90 points
- Military & Associates Degree 80 points
- Master’s Degree 70 points
- Bachelor’s Degree 60 points
- Military Service 60 points\*
- Associates Degree 50 points
- Police Courses 50 points\*\*

\*A candidate having prior military service and having been promoted to the rank of E5 or higher.

\*\*Completion of a class of 40 hours (or more) offered by a Law Enforcement Agency or Police Academy with 10 points awarded for each class with a maximum of 50 points.

The Chief shall provide these scores to the Township Administrator.

4. Chief of Police Recommendation/Evaluation – (10%)

Each candidate shall be required to submit a resume to the Chief of Police outlining the candidate's merits and qualifications for promotion.

Chief of Police shall grade each candidate on a 10-point scale based upon administrative and practical work performance in specific areas set forth in the below categories granting one *half* point for each of the below in which the chief determines a candidate meets or exceeds the standards for the category and shall be assigned zero if the chief determines the candidate does not meet the expectations of :

1. oral communication skills
2. written communication skills
3. acceptance of responsibility
4. knowledge of policy and procedures
5. judgment and decision making
6. *off-duty* community involvement *for all communities we serve*
7. maturity
8. leadership potential
9. *official* commendations
10. lack of prior negative discipline
11. *empathy*
12. *integrity*
13. *courage*
14. *accountability*
15. *flexibility*
16. *motivation*
17. *confidence*
18. *self-awareness*
19. *humility*
20. *problem solving*

The Chief shall total the points for the **20** categories in this section.  
The Chief shall provide these scores to the Township Administrator.

5. Seniority – (10%)

Seniority. Each candidate shall receive **0.4 points** for each *full* year of service as a full time Franklin Township Police Officer for any promotion to a position.

The Chief shall provide these scores to the Township Administrator directly by the NJSACOP.

Upon the completion of Steps 1 thru 5, the Chief, the Township Administrator and the Public Safety Liaisons shall convene to complete the calculations of the scoring matrix. After final tabulation, the results shall be distributed to the Chief of Police and all members of the Township Committee.

**TOWNSHIP OF FRANKLIN**

**O-8-22**

**AMENDING AND REPLACING  
CHAPTER 98-49 ENTITLED "TESTING PROCESS FOR PROMOTION"  
OF THE CODE OF THE TOWNSHIP OF FRANKLIN**

**WHEREAS**, the Township Committee of the Township of Franklin have determined that certain amendments to the Code of the Township of Franklin are required.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Franklin that Chapter 98-49 entitled "Testing Process for Promotion" of the Code of the Township of Franklin is hereby amended in its entirety and replaced with attached Exhibit "A."

**BE IT FURTHER ORDAINED** as follows:

1. This Ordinance shall take effect upon final passage and publication according to law.
2. If any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.
3. All ordinances, policies and or procedures or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency.
4. This ordinance shall take effect upon final passage and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

-----  
Barbara Freijomil, Clerk

-----  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on April 12, 2022 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on April 26, 2022 at which time any person interested therein will be given an opportunity to be heard.

-----  
Barbara Freijomil, Municipal Clerk

Introduced April 12, 2022

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Doyle</b>						
<b>Deegan</b>						
<b>Petsch-Wilson</b>						
<b>Flaim</b>						
<b>Bruno</b>						

Adopted April 26, 2022

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Doyle</b>						
<b>Deegan</b>						
<b>Petsch-Wilson</b>						
<b>Flaim</b>						
<b>Bruno</b>						

**TOWNSHIP OF FRANKLIN**

**0-9-22**

**AN ORDINANCE ESTABLISHING THE SALARIES AND WAGES  
OF MUNICIPAL OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF  
FRANKLIN, COUNTY OF GLOUCESTER IN THE STATE OF NEW JERSEY**

BE IT ORDAINED by the Township Committee of the Township of Franklin, County of Gloucester in the State of New Jersey that the following salary and wage ranges are hereby established for municipal officials and employees of the Township of Franklin.

**SECTION I.** The salary and wages enumerated in this section shall be paid to full time employees every other week at a sum equal to the annual salary divided by the number of pay periods in the calendar year to January 1, 2022.

**RANGES**

Township Administrator	75,000 - 155,000
Chief of Police	80,000 - 160,000
Deputy Chief	115,000 - 140,000
Captain of Police	100,000 - 135,000
Lieutenant of Police	96,000 - 130,000
Sergeant of Police	90,000 - 115,000
Patrolman, 1st Class	84,000 - 105,000
Patrolman, 2nd Class	80,000 - 105,000
Patrolman, 3rd Class	75,000 - 95,000
Patrolman, 4 <sup>th</sup> Class	65,000 - 89,000
Patrolman, 5 <sup>th</sup> Class	65,000 - 82,000
Patrolman, 6 <sup>th</sup> Class	55,000 - 79,000
Patrolman, 7 <sup>th</sup> Class	50,000 - 69,000
Patrolman, 8 <sup>th</sup> Class	45,000 - 65,000
Patrolman, 9 <sup>th</sup> Class	40,000 - 58,000
Patrolman, 10 <sup>th</sup> Class	35,000 - 49,500
Superintendent, Dept Public Works	60,000 - 90,000
DPW Supervisor	35,000 - 80,000
Foreman, Dept Public Works	40,000 - 70,000
Foreman, Parks & Recreation	40,000 - 70,000
Community Development Director	60,000 - 85,000
Tax Collector/Search Officer	50,000 - 80,000
Deputy Tax Collector	28,000 - 48,000
Township Clerk	70,000 - 115,000
Municipal Court Administrator	35,000 - 67,000
Administrator's Secretary	15,000 - 38,000
Planning and Zoning Administrative Officer	45,000 - 60,000

**SECTION II.** The salary and wages enumerated in this section shall be paid to part time salaried employees. Part time salaries will be paid every other week at a sum equal to the annual salary divided by the number of pay periods in the calendar year. The salary rates as established herein shall be retroactive to January 1, 2022.

Part Time Township Administrator	40,000 - 75,000
Construction Official	20,000 - 75,000
Chief Finance Officer	15,000 - 75,000
Community Center Director	25,000 - 65,000
Deputy Court Administrator	25,000 - 55,000
Qualified Purchasing Agent	10,000 - 25,000
Electrical Sub Code Official/Inspector	10,000 - 30,000
Building Inspector	10,000 - 30,000
Plumbing Sub Code Official/Inspector	10,000 - 30,000
Fire Protection Official	5,000 - 15,000
ADA Coordinator	2,500 - 9,500
Court Recorder	2,500 - 5,000
Grants Coordinator	1,000 - 10,000
Uniform Fire Official	10,000 - 22,000

Assistant Uniform Fire Official	1,500 -15,000
Zoning Officer	45,000 - 55,000

**SECTION III.** The wages enumerated in this section shall be paid to full and part time hourly employees. The hourly rates will be paid per pay period calculated by number of hours multiplied by hourly rate. The hourly rates as established herein shall be retroactive to January 1, 2022.

Assistant Administrator (per hour)	35.00 - 50.00
Planning and Zoning Coordinator (per hour)	20.00 - 35.00
Mechanic, 1st Class (per hour)	18.00 - 30.00
Mechanic, 2nd Class (per hour)	18.00 - 28.00
Mechanic, 3 <sup>rd</sup> Class (per hour)	17.00 - 26.00
Mechanic, 4th Class (per hour)	17.00 - 24.00
Mechanic, Probation (per hour)	14.00 - 22.00
CDL Driver, Class 1 (per hour)	18.00 - 29.00
CDL Driver, Class 2 (per hour)	18.00 - 27.00
CDL Driver, Class 3 (per hour)	16.00 - 25.00
CDL Driver, Class 4 (per hour)	15.00 - 23.00
CDL Driver, Probation (per hour)	13.00 - 20.00
Laborer, 1 <sup>st</sup> Class, after 10 years (per hour)	15.00 - 25.00
Laborer, 2nd Class, after 4 years (per hour)	14.00 - 22.00
Laborer, 3rd Class, eligible after one year (per hour)	18.00 - 20.00
Laborer 1 <sup>st</sup> Year after Probation (per hour)	13.00 - 17.00
Laborer Probation (per hour)	14.00 - 16.00
Laborer Part Time (per hour)	13.00 - 15.00
Operator, Heavy Equip (per hour)	15.00 - 26.00
Community Center Director (per hour)	13.00 - 20.00
Audio Visual Technician (per hour)	15.00 - 50.00
Electrical Inspector (per hour)	15.00 - 50.00
Building Inspector (per hour)	15.00 - 45.00
Fire Sub Code Official (per hour)	15.00 - 45.00
Plumbing Inspector (per hour)	15.00 - 45.00
Zoning Officer (per hour)	15.00 - 45.00
Housing Inspector (per hour)	15.00 - 45.00
Fire Protection Official (per hour)	15.00 - 25.00
Flex Clerk	13.00 - 18.00
Asst Admin Clerk (temporary) (per hour)	13.00 - 15.00
Asst Admin Clerk (Probation) (per hour)	13.00 - 15.00
Asst Admin Clerk 1 <sup>st</sup> yr after Probation (per hr)	13.00 - 17.00
Asst Admin Clerk, elig after 1 year (per hr)	13.00 - 22.00
Admin. Clerk, after 4 years (per hour)	13.00 - 23.00
Senior Admin. Clerk, elig after 10 years (per hour)	14.00 - 26.00
Senior Admin. Clerk, elig after 15 years (per hour)	15.00 - 28.00
Construction Clerk, Probation (per hour)	13.00 - 19.00
Construction Clerk (per hour)	15.00 - 25.00
Senior Construction Clerk elig after 10 yrs (per hour)	15.00 - 28.00
Senior Construction Clerk elig after 15 yr (per hour)	15.00 - 29.00
Finance Clerk (per hour)	15.00 - 40.00
Bus Driver (per hour)	13.00 - 23.00
Deputy Court Clerk (per hour)	15.00 - 30.00
GIS Consultant (per hour)	13.00 - 20.00
Meals on Wheels Courier (per hour)	13.00 - 20.00
Police Special Class II (per hour)	15.00 - 35.00
Police Aide (per hour)	15.00 - 35.00
Computer Support Specialist (per hour)	13.00 - 40.00
Administrative Intern (per hour)	13.00 - 15.00
Human Resource Coordinator	15.00 - 40.00



**SECTION IV.** The salary and wages enumerated in this section shall be payable quarterly:

Economic Development Secretary	500 - 3,000
Environmental Commission Secretary	500 - 3,000
Recreation Commission Secretary	500 - 3,000
Planning Board Secretary	1,000 - 3,000
Zoning Board Secretary	1,000 - 3,000
Cable TV Operator	500 - 5,000
Cable Television Secretary	1,000 - 3,000
Magistrate Substitute (per day)	200 - 1,000
Prosecutor Substitute (per day)	200 - 1,000

**SECTION V.** The salary and wages enumerated in this section shall be paid every month at a sum equal to one-twelfth (1/12) of the annual salary or per hourly wages.

Municipal Court Magistrate	25,000 - 47,000
Municipal Prosecutor	19,000 - 35,000
Public Defender	7,500 - 12,500
Member of the Township Committee	4,000
Mayor of Township Committee	6,000
Emergency Management Coordinator	1,000 - 10,000
Court Interpreter	1,000 - 6,000

**SECTION VI.** Fringe benefits will be in accordance with respective collective bargaining agreements and individual employment agreements. State minimum wages are in effect per law.

**SECTION VII.** The mileage reimbursement for business use of an employee’s personal vehicles will be in accordance with the Internal Revenue Service Code, Section 162, Mileage Reimbursement Allowance Rate.

This ordinance shall take effect immediately upon passage and publication in the manner required by law.

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
Barbara Freijomil, Municipal Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on April 12, 2022 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on April 26, 2022 at which time any person interested therein will be given an opportunity to be heard.

\_\_\_\_\_  
Barbara Freijomil, Municipal Clerk

Introduced April 12, 2022

Name	Yes	No	Abstain	Absent
Deegan				
Doyle				
Petsch-Wilson				
Flaim				
Bruno				

Adopted April 26, 2022

Name	Yes	No	Abstain	Absent
Deegan				
Doyle				
Petsch-Wilson				
Flaim				
Bruno				

**TOWNSHIP OF FRANKLIN**

**R-72-22**

**RESOLUTION APPOINTING KENNETH CRESCITELLI AS A POLICE AIDE FOR THE TOWNSHIP OF FRANKLIN POLICE DEPARTMENT**

**WHEREAS**, the Township Committee of the Township of Franklin has recognized the need for the appointment of a Police Aide to the Township of Franklin Police Department for Administrative and operational documentation and compliance; and

**WHEREAS**, Kenneth Crescitelli based on his qualifications, has been selected to serve in the position of Police Aide for the Township of Franklin Police Department.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, hereby appoints Kenneth Crescitelli to serve as a Police Aide effective April 27, 2022 at a rate of \$25.00 per hour and up to 24 hours a week.

Adopted: April 26, 2022

COMMITTEE MEMBER	MOTION	2 <sup>nd</sup>	YES	ABSTAIN	NO	ABSENT
<b>T. Doyle</b>						
<b>D. Deegan</b>						
<b>M. Petsch-Wilson</b>						
<b>H. Flaim</b>						
<b>J. Bruno</b>						

Attest:

Township of Franklin

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 26, 2022.

\_\_\_\_\_  
Barbara Freijomil, Clerk

**TOWNSHIP OF FRANKLIN**  
**R-73-22**

**RESOLUTION GRANTING JUNK YARD LICENSE TRANSFER**  
**WITHIN THE TOWNSHIP OF FRANKLIN**

WHEREAS, The Township of Franklin allows for the operation of Junk Yards in certain zoned areas within the Township of Franklin.

WHEREAS, Northeast Diesel NJ LLC and owner Mohammad Halayga have applied for and paid the appropriate fees for a junk yard license transfer from Joseph and Anna Marie Dalessandro. The following have been inspected and found to be in compliance by the Zoning Officer and Police Department. A background check was completed also; and

NOW, THEREFORE, BE IT RESOLVED by the Franklin Township Committee that Dalessandro's Junk Yard is approved to be transferred to Northeast Diesel NJ LLC.

Adopted: April 26, 2022

COMMITTEE MEMBER	MOTION	2 <sup>nd</sup>	YES	ABSTAIN	NO	ABSENT
<b>T. Doyle</b>						
<b>D. Deegan</b>						
<b>M. Petsch-Wilson</b>						
<b>H. Flaim</b>						
<b>J. Bruno</b>						

Attest:

Township of Franklin

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 26, 2022.

\_\_\_\_\_  
Barbara Freijomil, Clerk

**TOWNSHIP OF FRANKLIN**  
**R-74-22**

**RESOLUTION RELEASING A PERFORMANCE BOND**  
**FOR PROPERTY KNOWN AS WAWA**  
**BEING BLOCK 5078 LOT 1.01**

**WHEREAS**, the Township of Franklin has received a performance guarantee posted on behalf of WAWA Inc. Inc. to insure the successful completion of improvements with regard to Block 5078 Lot 1.01 on the Franklin Township tax maps; and

**WHEREAS**, the Township has received the Township Engineer's letter dated April 13, 2022 which recommends release of the performance bond based upon the successful completion of the work by WAWA Inc. Inc. subject to certain standard conditions; and

**WHEREAS**, the Township Committee believes it is in the best interest of the Township of Franklin to release the performance bond previously posted by WAWA Inc. Inc. subject to the conditions set forth therein;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that the performance guarantee posted by WAWA Inc. Inc. shall be released to the applicant subject to the following terms and conditions:

2. Payment of all outstanding escrows.

Adopted: April 26, 2022

COMMITTEE MEMBER	MOTION	2 <sup>nd</sup>	YES	ABSTAIN	NO	ABSENT
<b>T. Doyle</b>						
<b>D. Deegan</b>						
<b>M. Petsch-Wilson</b>						
<b>H. Flaim</b>						
<b>J. Bruno</b>						

Attest:

Township of Franklin

\_\_\_\_\_

Barbara Freijomil, Clerk

\_\_\_\_\_

John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 26, 2022.

\_\_\_\_\_  
Barbara Freijomil, Clerk

**TOWNSHIP OF FRANKLIN, GLOUCESTER COUNTY**

**R-75-22**

**AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER (“FSHC”) FOR THE TOWNSHIP’S PRIOR ROUND (1987-1999) AND THIRD ROUND (1999-2025) AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Township of Franklin (the “Township”) filed a Declaratory Judgment Action (the “Litigation”) in the Superior Court of New Jersey, Gloucester County, in furtherance of the Supreme Court’s March 10, 2015, decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”), which was assigned to the Honorable Robert P. Becker, Jr., P.J.Ch...; and

**WHEREAS**, Fair Share Housing Center (“FSHC”) is a Supreme Court-designated interested party in the Litigation in accordance with the Supreme Court Decision; and

**WHEREAS**, FSHC and the Township appeared before The Honorable Robert P. Becker at numerous case management conferences in 2021 and 2022 and participated in settlement conferences with representatives of FSHC and Special Master, Mary Beth Lonergan, P.P. (the “Special Master”) on several occasions; and

**WHEREAS**, through that process, FSHC offered to settle the Litigation in exchange for the Township to agreeing to provide for 527 affordable housing credits as its Third-Round gap need and prospective obligation covering the period 1999-2025 in addition to 130 affordable housing credits covering the balance of the Prior Round period 1987-1999 and 52 rehabilitation credits covering the Third Round present need; and

**WHEREAS**, through that process, the Township and FSHC agreed to settle the Litigation pursuant to a Settlement Agreement in the form attached hereto as Exhibit A and to present such Settlement Agreement to the trial court with jurisdiction over this matter to review; and

**WHEREAS**, the Township and FSHC seek to settle this matter because both parties recognize that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Committee of the Township of Franklin, Gloucester County, New Jersey, as follows:

1. The Township Attorney is authorized and directed to execute the Settlement Agreement in substantially the same form as attached hereto.
2. The Township Attorney and Township Planner are hereby authorized to take all steps to effectuate the Settlement Agreement including appearing at a Fairness Hearing, publishing notice of such hearing, and drafting a Housing Element and Fair Share Plan
3. This Resolution shall take effect immediately.

Adopted: April 26, 2022

COMMITTEE MEMBER	MOTION	2 <sup>nd</sup>	YES	ABSTAIN	NO	ABSENT
<b>T. Doyle</b>						
<b>D. Deegan</b>						
<b>M. Petsch-Wilson</b>						
<b>H. Flaim</b>						
<b>J. Bruno</b>						

Attest:

Township of Franklin

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 26, 2022.

\_\_\_\_\_  
Barbara Freijomil, Clerk

**TOWNSHIP OF FRANKLIN  
GLOUCESTER COUNTY**

**R-76-22**

**ACCEPTING APPLICATIONS FOR THE POSITION OF DEPUTY CHIEF OF THE  
FRANKLIN TOWNSHIP POLICE DEPARTMENT**

**WHEREAS**, the Township Committee of the Township of Franklin is accepting applications for the position of Deputy Chief of the Franklin Township Police Department; and

**WHEREAS**, the position of Deputy Chief was included in the composition of the Franklin Township Police Department pursuant to Section 98-14 by Ordinance of the Township Committee, #O – 19 – 2014, adopted August 26, 2014; and

**WHEREAS**, the position of Deputy Chief for the Franklin Township Police Department is currently vacant; and

**WHEREAS**, the Township Committee of the Township of Franklin wishes to accept applications for the position of Deputy Chief of the Franklin Township Police Department.

**NOW THEREFORE BE IT RESOLVED**, by the Township Committee of the Township of Franklin, in the County of Gloucester, New Jersey, that applications will be accepted from qualified candidates as delineated by Section 98-49 from April 27, 2022, until May 4, 2022, at 4:00 PM.

Adopted: April 26, 2022

COMMITTEE MEMBER	MOTION	2 <sup>nd</sup>	YES	ABSTAIN	NO	ABSENT
<b>T. Doyle</b>						
<b>D. Deegan</b>						
<b>M. Petsch-Wilson</b>						
<b>H. Flaim</b>						
<b>J. Bruno</b>						

Attest:

Township of Franklin

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 26, 2022.

\_\_\_\_\_  
Barbara Freijomil, Clerk



**TOWNSHIP OF FRANKLIN**  
**R-77-22**

**RESOLUTION AUTHORIZING A CLOSED EXECUTIVE MEETING  
FOR THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF FRANKLIN**

WHEREAS, N.J.S.A. 10:4-6 "Open Public Meetings Acts" of the State of New Jersey, generally requires that all matters of public bodies be opened to the public; and

WHEREAS, the "Act" also provides that a public body may be excluded from a public meeting in which it will discuss various specific subjects, as enumerated in the "Act" N.J.S.A. 10:4-12 Paragraph B-6.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Franklin, in the County of Gloucester, State of New Jersey, that:

1. The Township Committee of the Township of Franklin shall hold a closed meeting to which the public shall not be admitted on April 26, 2022.
2. The general nature of the subjects to be discussed is: Litigation per NJSA 10:4-12(b)7- Docket No GLO-L-901-15 Fair Share Housing Center
3. The minutes of said closed meeting may be disclosed to the public at such time when the above matters have been resolved to the extent allowed by law.

Adopted: April 26, 2022

COMMITTEE MEMBER	MOTION	2 <sup>nd</sup>	YES	ABSTAIN	NO	ABSENT
<b>T. Doyle</b>						
<b>D. Deegan</b>						
<b>M. Petsch-Wilson</b>						
<b>H. Flaim</b>						
<b>J. Bruno</b>						

Attest:

Township of Franklin

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on Tuesday, April 26, 2022.

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Barbara Freijomil, Clerk

**TOWNSHIP OF FRANKLIN  
COUNTY OF GLOUCESTER**

**O-10-22**

**ORDINANCE AUTHORIZING ELECTRIC VEHICLE SUPPLY/SERVICE  
EQUIPMENT (EVSE)  
AND MAKE READY PARKING SPACES**

This Ordinance sets forth procedures for the installation of Electric Vehicle Supply/Service Equipment (EVSE) and Make-Ready parking spaces and establishes associated regulations and other standards within the Township of Franklin, in the County of Gloucester and State of New Jersey.

**WHEREAS**, P.L. 2021, c.171, which Governor Murphy signed into law on July 9, 2021, requires EVSE and Make-Ready parking spaces be designated as a permitted accessory use in all zoning or use districts and establishes associated installation and parking requirements.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Committee of the Township of Franklin, in the County of Gloucester as follows:

**FIRST: ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT**

**A. Purpose.**

The purpose of this Ordinance is to exercise the discretion reserved for local governing bodies pursuant to P.L. 2021, c.171.

**B. Definitions**

Certificate of occupancy: The certificate provided for in N.J.A.C. 5:23-2, indicating that the construction authorized by the construction permit has been completed in accordance with the construction permit, the act and the regulations. See "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.) and regulations adopted pursuant thereto.

Charging Level: The amount of voltage provided to charge an electric vehicle varies depending on the type of EVSE as follows:

1. Level 1 operates on a fifteen (15) to twenty (20) amp breaker on a one hundred twenty (120) volt AC circuit.
2. Level 2 operates on a forty (40) to one hundred (100) amp breaker on a two hundred eight (208) or two hundred forty (240) volt AC circuit.
3. Direct-current fast charger (DCFC) operates on a sixty (60) amp or higher breaker on a four hundred eighty (480) volt or higher three phase circuit with special grounding equipment. DCFC stations can also be referred to as rapid charging stations that are typically characterized by industrial grade electrical outlets that allow for faster recharging of electric vehicles.

Electric vehicle: Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; and operates either partially or exclusively using an electric motor powered by an externally charged on-board battery.

Electric Vehicle Supply/Service Equipment or (EVSE): The equipment, including the cables, cords, conductors, connectors, couplers, enclosures, attachment plugs, power outlets, power electronics, transformer, switchgear, switches and controls, network interfaces, point of sale equipment, and associated apparatus designed and used for the purpose of transferring energy from the electric supply system to a plug-in electric

vehicle. "EVSE" may deliver either alternating current or, consistent with fast charging equipment standards, direct current electricity. "EVSE" is synonymous with "electric vehicle charging station."

Make-Ready Parking Space: means the pre-wiring of electrical infrastructure at a parking space, or set of parking spaces, to facilitate easy and cost-efficient future installation of Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment, including, but not limited to, Level Two EVSE and direct current fast chargers. Make Ready includes expenses related to service panels, junction boxes, conduit, wiring, and other components necessary to make a particular location able to accommodate Electric Vehicle Supply Equipment or Electric Vehicle Service Equipment on a "plug and play" basis. "Make-Ready" is synonymous with the term "charger ready," as used in P.L.2019, c.362 (C.48:25-1 et al.).

Private EVSE: EVSE that has restricted access to specific users (e.g., single and two-family homes, executive parking fleet parking with no access to the general public).

Publicly-accessible EVSE: EVSE that is publicly available (e.g., park & ride, public parking lots and garages, on-street parking, shopping center parking, non-reserved parking in multi-family parking lots, etc.).

### **C. Approvals and Permits**

1. An application for development submitted solely for the installation of EVSE or Make-Ready parking spaces shall be considered a permitted accessory use and permitted accessory structure in all zoning or use districts and shall not require a variance pursuant to C.40:55D-70.
2. EVSE and Make-Ready Parking Spaces installed pursuant to Section D. below in development applications that are subject to site plan approval are considered a permitted accessory use as described in 1. above.
3. All EVSE and Make-Ready parking spaces shall be subject to applicable local and/or Department of Community Affairs permit and inspection requirements.
4. The Zoning Officer shall enforce all signage and installation requirements described in this ordinance. Failure to meet the requirements in this ordinance shall be subject to the same enforcement and penalty provisions as other violations of Franklin's land use regulations.
5. An application for development for the installation of EVSE or Make-Ready spaces at an existing gasoline service station, an existing retail establishment, or any other existing building shall not be subject to site plan or other land use board review, shall not require variance relief pursuant to C.40:55D-1 et seq. or any other law, rule, or regulation, and shall be approved through the issuance of a zoning permit by the administrative officer, provided the application meets the following requirements:
  - a. the proposed installation does not violate bulk requirements applicable to the property or the conditions of the original final approval of the site plan or subsequent approvals for the existing gasoline service station, retail establishment, or other existing building;
  - b. all other conditions of prior approvals for the gasoline service station, the existing retail establishment, or any other existing building continue to be met; and
  - c. the proposed installation complies with the construction codes adopted in or promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119 et seq.), any safety standards concerning the installation, and any State rule or regulation concerning electric vehicle charging stations.

6. An application pursuant to Section 5. above shall be deemed complete if:
  - a. the application, including the permit fee and all necessary documentation, is determined to be complete;
  - b. a notice of incompleteness is not provided within 20 days after the filing of the application; or
  - c. a one-time written correction notice is not issued by the Zoning Officer within 20 days after filing of the application detailing all deficiencies in the application and identifying any additional information explicitly necessary to complete a review of the permit application.
  
7. EVSE and Make-Ready parking spaces installed at a gasoline service station, an existing retail establishment, or any other existing building shall be subject to applicable local and/or Department of Community Affairs inspection requirements.
  
8. A permitting application solely for the installation of electric vehicle supply equipment permitted as an accessory use shall not be subject to review based on parking requirements.

**D. Requirements for New Installation of EVSE and Make-Ready Parking Spaces**

1. As a condition of preliminary site plan approval, for each application involving a multiple dwelling with five or more units of dwelling space, which shall include a multiple dwelling that is held under a condominium or cooperative form of ownership, a mutual housing corporation, or a mixed-use development, the developer or owner, as applicable, shall:
  - a. prepare as Make-Ready parking spaces at least 15 percent of the required off-street parking spaces, and install EVSE in at least one-third of the 15 percent of Make-Ready parking spaces;
  - b. within three years following the date of the issuance of the certificate of occupancy, install EVSE in an additional one-third of the original 15 percent of Make-Ready parking spaces; and
  - c. within six years following the date of the issuance of the certificate of occupancy, install EVSE in the final one-third of the original 15 percent of Make-Ready parking spaces.
  - d. Throughout the installation of EVSE in the Make-Ready parking spaces, at least five percent of the electric vehicle supply equipment shall be accessible for people with disabilities.
  - e. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
  
2. As a condition of preliminary site plan approval, each application involving a parking lot or garage not covered in 1. above shall:
  - a. Install at least one Make-Ready parking space if there will be 50 or fewer off-street parking spaces.
  - b. Install at least two Make-Ready parking spaces if there will be 51 to 75 off-street parking spaces.
  - c. Install at least three Make-Ready parking spaces if there will be 76 to 100 off-street parking spaces.
  - d. Install at least four Make-Ready parking spaces, at least one of which shall be accessible for people with disabilities if there will be 101 to 150 off-street parking spaces.
  - e. Install at least four percent of the total parking spaces as Make-Ready parking spaces, at least five percent of which shall be accessible for people with disabilities, if there will be more than 150 off-street parking spaces.
  - f. In lieu of installing Make-Ready parking spaces, a parking lot or garage may install EVSE to satisfy the requirements of this subsection.

- g. Nothing in this subsection shall be construed to restrict the ability to install electric vehicle supply equipment or Make-Ready parking spaces at a faster or more expansive rate than as required above.
- f. Notwithstanding the provisions of Section E above, a retailer that provides 25 or fewer off-street parking spaces or the developer or owner of a single-family home shall not be required to provide or install any electric vehicle supply equipment or Make-Ready parking spaces.

#### **E. Minimum Parking Requirements**

- 1. All parking spaces with EVSE and Make-Ready equipment shall be included in the calculation of minimum required parking spaces, pursuant Chapter 400-1 to 400-62 – Zoning.
- 2. A parking space prepared with EVSE or Make-Ready equipment shall count as at least two parking spaces for the purpose of complying with a minimum parking space requirement. This shall result in a reduction of no more than 10 percent of the total required parking.
- 3. All parking space calculations for EVSE and Make-Ready equipment shall be rounded up to the next full parking space.
- 4. Additional installation of EVSE and Make-Ready parking spaces above what is required in Section D. above may be encouraged, but shall not be required in development projects.

#### **F. Reasonable Standards for All New EVSE and Make-Ready Parking Spaces**

- 1. Location and layout of EVSE and Make-Ready parking spaces is expected to vary based on the design and use of the primary parking area. It is expected flexibility will be required to provide the most convenient and functional service to users. Standards and criteria should be considered guidelines and flexibility should be allowed when alternatives can better achieve objectives for provision of this service.
- 2. Installation:
  - a. Installation of EVSE and Make-Ready parking spaces shall meet the electrical subcode of the Uniform Construction Code, N.J.A.C. 5:23-3.16.
  - b. Each EVSE or Make-Ready parking space that is not accessible for people with disabilities shall be not less than 9 feet wide or 18 feet in length. Exceptions may be made for existing parking spaces or parking spaces that were part of an application that received prior site plan approval.
  - c. To the extent practical, the location of accessible parking spaces for people with disabilities with EVSE and Make Ready equipment shall comply with the general accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
  - d. Each EVSE or Make-Ready parking space that is accessible for people with disabilities shall comply with the sizing of accessible parking space requirements in the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- 3. EVSE Parking:
  - a. Publicly-accessible EVSE shall be reserved for parking and charging electric vehicles only. Electric vehicles shall be connected to the EVSE.

- b. Electric vehicles may be parked in any parking space designated for parking, subject to the restrictions that would apply to any other vehicle that would park in that space.
- c. Public Parking. Pursuant to NJSA 40:48-2, publicly-accessible EVSE parking spaces shall be monitored by the municipality's police department and enforced in the same manner as any other parking. It shall be a violation of this Section to park or stand a non-electric vehicle in such a space, or to park an electric vehicle in such a space when it is not connected to the EVSE. Any non-electric vehicle parked or standing in a EVSE parking space or any electric vehicle parked and not connected to the EVSE is subject to fine and/or impoundment of the offending vehicle as described in the general penalty provisions of this Municipal Code or Section 7-12. Signage indicating the penalties for violations shall comply with Section 5. below. Any vehicle parked in such a space shall make the appropriate payment for the space and observe the time limit for the underlying parking area, if applicable.
- d. Private Parking. The use of EVSE shall be monitored by the property owner or designee.

#### 4. Safety.

- a. Each publicly-accessible EVSE shall be located at a parking space that is designated for electric vehicles only and identified by green painted pavement and/or curb markings, a green painted charging pictograph symbol, and appropriate signage pursuant to Section 5. below.
- b. Where EVSE is installed, adequate site lighting and landscaping shall be provided in accordance with Franklin's ordinances and regulations.
- c. Adequate EVSE protection such as concrete-filled steel bollards shall be used for publicly-accessible EVSE. Non-mountable curbing may be used in lieu of bollards if the EVSE is setback a minimum of 24 inches from the face of the curb. Any stand-alone EVSE bollards should be 3 to 4-feet high with concrete footings placed to protect the EVSE from accidental impact and to prevent damage from equipment used for snow removal.
- d. EVSE outlets and connector devices shall be no less than 36 inches and no higher than 48 inches from the ground or pavement surface where mounted, and shall contain a cord management system as described in e. below. Equipment mounted on pedestals, lighting posts, bollards, or other devices shall be designated and located as to not impede pedestrian travel, create trip hazards on sidewalks, or impede snow removal.
- e. Each EVSE shall incorporate a cord management system or method to minimize the potential for cable entanglement, user injury, or connector damage. Cords shall be retractable or have a place to hang the connector and cord a safe and sufficient distance above the ground or pavement surface. Any cords connecting the charger to a vehicle shall be configured so that they do not cross a driveway, sidewalk, or passenger unloading area.
- f. Where EVSE is provided within a pedestrian circulation area, such as a sidewalk or other accessible route to a building entrance, the EVSE shall be located so as not to interfere with accessibility requirements of the Uniform Construction Code, N.J.A.C. 5:23, and other applicable accessibility standards.
- g. Publicly-accessible EVSEs shall be maintained in all respects, including the functioning of the equipment. A 24-hour on-call contact shall be provided on the equipment for reporting problems with the equipment or access to it. To allow for maintenance and notification, Franklin shall require the owners/designee of publicly-accessible EVSE

to provide information on the EVSE's geographic location, date of installation, equipment type and model, and owner contact information.

## 5. Signs

- a. Publicly-accessible EVSE shall have posted regulatory signs, as identified in this section, allowing only charging electric vehicles to park in such spaces. For purposes of this section, "charging" means that an electric vehicle is parked at an EVSE and is connected to the EVSE. If time limits or vehicle removal provisions are to be enforced, regulatory signs including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. For private EVSE, installation of signs and sign text is at the discretion of the owner.
- b. All regulatory signs shall comply with visibility, legibility, size, shape, color, and reflectivity requirements contained within the Federal Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration.
- c. Wayfinding or directional signs, if necessary, shall be permitted at appropriate decision points to effectively guide motorists to the EVSE parking space(s). Wayfinding or directional signage shall be placed in a manner that shall not interfere with any parking space, drive lane, or exit and shall comply with b. above.
- d. In addition to the signage described above, the following information shall be available on the EVSE or posted at or adjacent to all publicly-accessible EVSE parking spaces:
  - 1) Hours of operation and/or time limits if time limits or tow-away provisions are to be enforced by the municipality or owner/designee;
  - 2) Usage fees and parking fees, if applicable; and
  - 3) Contact information (telephone number) for reporting when the equipment is not operating or other problems.

## 6. Usage Fees

- a. Private EVSE: Nothing in this ordinance shall be deemed to preclude a private owner/designee of an EVSE from collecting a fee for the use of the EVSE, in accordance with applicable State and Federal regulations. Fees shall be available on the EVSE or posted at or adjacent to the EVSE parking space.

### **SECOND: SEVERABILITY**

If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

### **THIRD: REPEAL OF PRIOR ORDINANCES**

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

**FOURTH: EFFECTIVE DATE**

This ordinance shall take effect after final passage and publication as provided by law.

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on April 26, 2022, and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on May 24, 2022, at which time any person interested therein will be given an opportunity to be heard.

\_\_\_\_\_  
Barbara Freijomil, Municipal Clerk

Introduced April 26, 2022

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Doyle</b>						
<b>Deegan</b>						
<b>Petsch-Wilson</b>						
<b>Flaim</b>						
<b>Bruno</b>						

Adopted May 24, 2022

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Doyle</b>						
<b>Deegan</b>						
<b>Petsch-Wilson</b>						
<b>Flaim</b>						
<b>Bruno</b>						



TOWNSHIP OF FRANKLIN  
GLOUCESTER COUNTY, NEW JERSEY

O-11-22

**ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF  
GLOUCESTER, AND STATE OF NEW JERSEY,  
AMENDING CHAPTER 253-83 ENERGY CONSERVATION OF  
THE CODE OF THE TOWNSHIP OF FRANKLIN**

**WHEREAS**, Chapter 253 of the Code of the Township of Franklin, entitled “LAND DEVELOPMENT,” promotes orderly development, limits congestion on streets, protects against hazards, regulates intensity of use, regulates location of buildings, establishes standards of development, encourages good aesthetics, prohibits incompatible uses, regulates alterations of existing buildings, conserves taxable value of land and implements the Master Plan of the Township; and

**WHEREAS**, Article VIII, Chapter 253-86 establishes Energy Conservation within the Township of Franklin; and

**WHEREAS**, the Township of Franklin supports Energy Conservation uses in all areas of the Township; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

**WHEREAS**, it has come to the attention of the Township that certain sections of Article VIII, Chapter 253-86 needs to be amended in order to to include Solar Energy Systems.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Franklin, County of Gloucester and State of New Jersey, as follows:

**SECTION 1**

**§253-83-1 - Residential Solar Energy Systems**

A. **Residential Solar Energy Systems** shall be permitted as an accessory use to a Single-Family Dwelling on residentially zoned properties throughout the Township of Franklin as governed pursuant to the terms of this Chapter to be incorporated into the Township’s Land Use Code, 253-83.

B. **Definitions.** The following definitions shall govern small wind and solar energy systems in the Township of Franklin.

**Solar Panel.** A structure containing one or more receptive cells or collector devices, the purpose of which is to use solar radiation to create usable electrical energy.

**Solar Energy System.** One or more solar panels and all associated equipment involved in the conversion of solar radiation to electrical energy which functions as the only principal use on the land on which such system is situated, said land constituting ten or more acres in size.

**Solar Panels.** A structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical energy by way of a solar energy system.

C. **Generally applicable standards**

1. The primary purpose of a solar panel energy system will be to provide power

for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial purposes, although this provision shall not be interpreted to prohibit the sale of excess power generated from time-to-time from a wind or solar energy system designed to meet the energy needs of the principal use. For the purposes of this section, the sale of excess power shall be limited so that in no event an energy system is generating more energy for sale than what is otherwise necessary to power the principal use on the property.

2. Solar energy systems shall only be permitted as an accessory use on the same lot as the principal use. All energy systems require approval from the Zoning Officer and Building Department prior to installation. Applications for an energy system shall include information demonstrating compliance with the provisions of this section. In the event that the Zoning Officer or Building Department does not believe the provisions of this section will be satisfied, an applicant may request a variance.

**D. Permitted as an accessory use to residential property as an accessory to a single-family dwelling.**

1. **Rooftop Solar energy Systems.** Solar panels shall be permitted as a rooftop installation in any zoning district, in accordance with the following: the solar panels shall not exceed a height of 12 inches or overhang from the rooftop. In no event shall the placement of the solar panels result in a total height, including building and panels, then what is permitted in the zoning district where they are located for the principal or accessory building.

**E. Conditional use to residential property as an accessory to a single-family dwelling.**

**1. Ground Mount Solar Energy System.**

- a) Solar panels shall be located so that any glare is directed away from an adjoining property, or the applicant must provide evidence that the solar panels do not emit glare.
- b) Solar panels shall be permitted as ground arrays in any residential zoning district in accordance with the following:
  - 1) Minimum lot size: three acres.
  - 2) All ground arrays shall be set back a distance of fifty (50) feet from all property lines. A fifty (50) foot wide densely planted perimeter landscaped buffer that includes a combination of evergreen trees and shrubs.
  - 3) Ground arrays shall not be permitted in a front yard.
  - 4) Ground arrays shall not exceed a height of eight feet.
  - 5) Exposed hardware, supporting structures, frames and piping shall be finished in nonreflective surfaces.
- c) Noise. All residential solar energy systems shall comply with the following:
  - 1) Between a residential use or zone sound levels of the solar energy system shall not exceed 35 dBA at a common property line or 30 dBA to the closest occupied structure.
  - 2) In all other cases at a common property line, sound levels of the solar energy system shall not exceed 45 dBA.

## §253-83-2 – Commercial Solar Energy Systems

### A. Solar energy Systems shall be a Conditional Permitted Use, subject to meeting all of the following requirements:

1. **Site plan required.** A site plan shall be submitted for review and approval showing all elements of the proposed facility as required herein and complying with all of the checklist requirements for submission of a site plan in the IC Industrial Commercial Zone.
2. **Locational/site qualification regulations for a solar energy facility.**
  - a) The site proposed for a solar energy facility shall have a minimum lot area of at least 5 contiguous acres and a maximum of 20 contiguous acres that are owned by the same person or entity and shall otherwise comply with the lot width, lot depth and other dimensional requirements of the zoning district.
  - b) Except pursuant to a permit issued by NJDEP, no portion of such facility shall occupy any area of land designated and regulated by NJDEP as floodplain, flood hazard area, wetlands, wetlands transition area or riparian corridor. An applicability determination from the NJDEP shall be provided as a condition of approval to document the presence and/or absence of these regulated areas at the time a site plan is submitted. This applicant shall also maintain the minimum required riparian buffer along any C-1 waterway in accordance with the Surface Water Quality Standards rules at N.J.A.C. 7:9B-1.4, even if the riparian buffer area was previously disturbed for agricultural purposes.
  - c) Such facilities shall not occupy areas of land designed by the NJDEP as critical habitat for State threatened and/or endangered species of flora and fauna. Moreover, no land having slopes over 30% shall be occupied by such facilities.
  - d) Woodlands shall not be clear cut to accommodate such facilities. Any removal of more than ten (10) trees having a diameter in excess of 12 inches dbh (diameter at breast height) shall require replacement onsite of all but the first ten (10) trees.
  - e) An applicant seeking approval of a solar energy facility (major/commercial) shall provide documentation and evidence of a firm commitment from the electric utility that the alternative electrical energy to be generated by the solar and photovoltaic energy facilities and structures shall be purchased or utilized by an improvement onsite and/or purchased or utilized by the electricity utility provider.
3. **Bulk/buffering regulations.**
  - a) Such facility shall not occupy any area outside the required principal building setback lines for the zoning district in which the facility is to be located except that utility poles for outside connections to the electrical power grid may be placed outside the required principal building setback lines. A security fence is required around the entire perimeter of the facility. The security fencing shall be located within or at the required principal building setback lines; however, landscaping, buffering and berms may be located outside the required principal building setback lines.
  - b) The maximum building coverage limits for principal and accessory structures in this zoning district shall not apply to such facilities; provided, however, that all setback and buffering requirements of this

section and for this zoning district shall be met and further provided that no development shall be permitted to occur in any area of the lot in which development is prohibited by regulation of either this Township or the State of New Jersey.

- c) The maximum permitted vertical height about ground for the highest point of any ground-mounted solar and photovoltaic energy panels shall be ten (10) feet or fourteen (14) feet at the lower part of a grade if located on a slope.
- d) The minimum vegetated visual buffer width for such facility shall be the greater of fifty (50) feet or the minimum requirement for other uses in the same zone.
- e) Such facility shall be screened by topography and/or natural vegetation, supplemented by additional plantings as needed, or by berms and landscaping, from public traveled ways (public roads, navigable waterways, and publicly available trails on land owned by or held by easement of a public entity), residential buildings on an adjoining lot, open space owned by or subject to easement of a public entity, and historic sites and buildings listed in the State and/or National Registers of Historic Places.
  - 1) To the extent feasible, installations shall be sited behind existing vegetation, supplemented with landscaping, using berms and landscaping only where existing vegetation is nonexistent or sparse.
  - 2) The extent feasible, installations shall be sited where natural topography can provide or at least add screening.
  - 3) Berms shall be constructed with a width at base of at least twenty-five (25) feet to allow for proper growth of root structure and to lend a more natural appearance.
  - 4) Landscaping shall include an even blend mix of coniferous and deciduous trees and shrubs that are indigenous to the area avoiding invasive species. Such plantings shall be depicted on a plan, presented in and approved as part of the site plan, prepared by a licensed landscape architect. At the time of planting, deciduous trees shall be not less than two (2) inches to two and a half (2 ½) inches dbh and coniferous trees shall be a minimum of eight (8) feet to ten (10) feet in height or at least five (5) feet higher than the height of the highest solar or photovoltaic panel.
  - 5) All ground areas of the lot occupied by the facility that are not utilized for access to operate and maintain the installation, for berms and landscaping, for existing additional principal uses on the lot, or for agricultural uses, or that will remain forested, shall be planted and maintained with shade tolerant grasses for the purpose of soil stabilization. A seed mixture of native, noninvasive shade-tolerant grasses shall be utilized and specified in the landscaping plan. If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, noninvasive plant species and nonnative, noninvasive shade-tolerant species is acceptable for soil erosion control and soil stabilization and can be better sustained over the life of the facility, the approving authority may approve such an alternative to the requirement for native, noninvasive shade-tolerant grass mix. The use of stone, gravel, wood chips or shavings or any artificial material shall not be permitted for soil erosion control and soil stabilization. If land

having a slope of greater than twenty percent (20%) is proposed to be disturbed, additional soil erosion and sediment control measures may need to be implemented, and shall be subject to approval, based upon the recommendations of the Township Engineer.

- 6) A maintenance plan shall be submitted for approval as part of the site plan that provides for the continuing maintenance of all required plantings, including a schedule of specific maintenance activities to be conducted. Maintenance of the required berms and landscaping shall be a continuing condition of any approval that may be granted. The use of herbicides shall not be permitted as an acceptable maintenance practice.

#### 4. **Installation and site development requirements.**

- a) Only nonglare glass shall be used to minimize the potential for reflective glare.
- b) No portion of the facility or its component parts shall be used for displaying any advertising. Signage shall be limited to the identification and safety signage permitted elsewhere in this section.
- c) All new distribution or transmission power lines on site shall be placed underground except as necessary to connect to already existing aboveground power towers, poles and lines. Feeder lines and collection lines may be placed overhead near substations or points of interconnection to the electric grid.
- d) No soil shall be removed from any site upon which such a facility is constructed. Necessary grading shall be accomplished so that no offsite soil removal or offsite fill is required.
- e) Land disturbance, grading and the construction of site improvements associated with the installation of such a facility, on any lot that has been and will continue to be used for agricultural purposes, shall be directed, insofar as is feasible, to portions of the lot that contain neither prime agricultural soils nor soils of statewide significance. Where land disturbance, grading or the construction of site improvements on such soils are unavoidable, it shall be limited to the minimum intrusion necessary to construct required access roads, inverter and switching equipment pads and other facilities required for connection to the grid.
- f) A barrier or fence having a height of at least eight (8) feet (unless a greater height is required by law) shall be installed around the entire perimeter of the installation and entirely within the required building setback lines, which barrier shall secure the facility at all times; restrict access to all electrical wiring, transformers and high voltage equipment; and comply with applicable Uniform Construction Code requirements. One or more locked access gates (not less than twenty (20) feet in width) to the facility shall be provided. Each locked access gate shall include a sign identifying the responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the berm, landscaping and security fence; and for ownership of the land upon which the facility is located.
- g) The site plan shall provide for adequate and appropriate drainage facilities, which shall be designed such that site grading and construction shall not alter the natural drainage patterns of stormwater originating both within and beyond the property boundaries, which is not inconsistent with Stormwater Management Regulations.

- h) The site plan shall include a construction/staging plan identifying the location, size and configuration of the areas to be used on a temporary basis during construction for the delivery and storage of materials and equipment and for the off-street parking of construction workers' vehicles. The construction/staging plan shall include a plan and timetable for the restoration for these areas upon completion of construction.

5. **Performance standards.**

- a) Wind velocities. All components of solar energy facilities (major/commercial) shall be designed to withstand a ground-level wind velocity of at least ninety (90) miles per hour, unless a higher standard for wind-loading is specified in the New Jersey Uniform Construction Code.
- b) Hazardous materials. The use of lead-acid batteries shall not be permitted in major solar energy systems (minor) and facilities, except for such batteries as are needed to store electricity to power emergency lights in the event of a power outage.
- c) Noise. The total daytime operational mechanical or aerodynamic noise, including turbine, inverter or transmission line noise from the solar energy facility shall not exceed fifty (50) dBA, measured from the nearest property line.

**B. Commercial Solar Energy Projects must seek a use variance and site plan approval when they do not meet the above conditions and are not located in the IC Industrial Commercial Zone.**

A site plan application for a solar energy system shall address, and not be limited to, buffering, care and maintenance of all property associated with the installation, security, visual impacts, drainage, traffic to and from the site.

Installations shall be subject to the following requirements.

1. The location of ground mounted arrays and free-standing collectors shall be setback a distance of one hundred fifty (150) feet from all property lines.
2. Ground mounted arrays shall not exceed twenty (20) feet in height when oriented at maximum tilt.
3. A fifty (50) foot wide densely planted perimeter landscaped buffer that includes a combination of evergreen trees and shrubs with a six (6) foot tall black vinyl-coated chain link fence located inside the landscape perimeter.

Plantings shall not be a lesser height than that of the solar array at time of plantings. No more than eighty percent (80%) of the total lot area shall be utilized for a solar energy system installation. To the extent reasonably possible, solar energy panels, regardless of how they are mounted, shall be oriented and/or screened year-round so that glare is directed away from adjoining properties and streets.

To the extent reasonably possible, solar energy systems shall be designed using such features as colors, materials, textures, screening and landscaping so as to blend into their settings and avoid visual blight.

The solar energy systems shall remain painted or finished in the color or finish that was originally applied by the manufacturer. The exterior surface of any visible components shall be non-reflective, neutral color like white, grey or another non-obtrusive color. Finishes shall be matte or non-reflective.

Solar energy systems shall not be used for the display of advertising.

### **C. Abandonment and Decommissioning.**

1. Any application for Solar Energy Fields that have obtained a Site Plan Approval shall be required to post a decommissioning bond in the amount determined by the Township Engineer.
2. Abandonment is defined as the facility being out of service for a continuous twelve-month period.
3. Decommission Process Description.
  - a) The decommissioning and restoration process comprise removal of above-ground structures; grading, to the extent necessary; restoration of topsoil (if needed) and seeding. The process of removing structures involves evaluating and categorizing all components and materials into categories of recondition and reuse, salvage, recycling and disposal. The Project consists of numerous materials that can be recycled, including steel, aluminum, glass, copper and plastics. In the interest of increased efficiency and minimal transportation impacts, components and material may be stored on-site until the bulk of similar components or materials are ready for transport. The components and material will be transported to the appropriate facilities for reconditioning, salvage, recycling, or disposal. Above-ground structures include the panels, racks, inverters, pads and any interconnection facilities located on the property. The above-ground structures and below -ground structures are collectively referred to herein as the "Project Components."
  - b) Temporary erosion and sedimentation control best management practices will be used during the decommissioning phase of the project. Control features will be regularly inspected during the decommissioning phase and removed at the end of the process.
4. Project Component Removal: Control cabinets, electronic components, and internal cables will be removed. The panels, racks and inverters will be lowered to the ground where they may be transported whole for reconditioning and reuse or disassembled/cut into more easily transportable sections for salvageable, recyclable, or disposable components.
5. PV Module Removal: Solar photovoltaic modules used in the project are manufactured within regulatory requirements for toxicity based on Toxicity Characteristic Leaching Procedure (TCLP). The solar panels are not considered hazardous waste. The panels used in the Project will contain silicon, glass, and aluminum which have value for recycling. Modules will be dismantled and packaged per manufacturer or approved recyclers specifications and shipped to an approved off-site recycler.
6. Component Pad Removal: Pads will be excavated to a depth sufficient to remove all anchor bolts, rebar, conduits, cable, and concrete to a depth of 24 inches below grade. The remaining excavation will be filled with clear subgrade material of quality comparable to the immediate surrounding area. The sub-grade material will be compacted to a density similar to surrounding subgrade material. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner to adequately restore the topsoil and sub-grade material to the proper density consistent and compatible with the surrounding area.
7. Electric Wire Removal: DC wiring can be removed manually from the panels to the inverter. Underground wire in the array will be pulled and removed from the ground. Overhead cabling for the interconnection will be removed from poles. All wire will be sent to an approved recycling facility.
8. Racking and Fencing removal: All racking and fencing material will be

broken down into manageable units and removed from the facility and sent to an approved recycler. All racking posts driven into the ground will be pulled and removed.

9. Concrete Slab Removal: Concrete slabs used as equipment pads will be broken and removed to a depth of two feet below grade. Clean concrete will be crushed and disposed of off-site.
10. Access Road: During decommissioning, the processed stone access roads will be stripped, exposing the geotextile beneath. The geotextile will then be removed and disposed revealing the original soil surface. The compacted soil beneath the road fill may require ripping with a subsoiler plow to loosen it before it can be returned to crop production.
11. Site Restoration Process Description: Following decommissioning activities, the sub-grade material and topsoil from affected areas will be de-compacted and restored to a density and depth consistent with the surrounding areas. If the subsequent use for the project site will involve agriculture, a deep till of the project site will be undertaken. The affected areas will be inspected, thoroughly cleaned, and all construction-related debris removed. Disturbed areas will be reseeded to promote re-vegetation of the area unless the area is to be immediately redeveloped. In all areas restoration shall include, as reasonably required, leveling, terracing, mulching, and other necessary steps to prevent soil erosion, to ensure establishment of suitable grasses and forbs, and to control noxious weeds and pests.
12. Decommissioning Terms: The project shall be decommissioned within 180 days of the end of the project's operational life. Areas disturbed during the decommissioning phase will be seeded with a drought-tolerant grass seed mix appropriate for the area unless such areas are being immediately redeveloped for other uses.
13. The decommissioning plan shall contain the following provisions:
  - a) Provisions for the removal of all components of the facility/system from the site and the full restoration of the site to its predevelopment condition insofar as is feasible; and the safe disposal of all components of the facility/system, including the recycling of all recoverable materials, consistent with prevailing best practices relating to the disposal and recycling of photovoltaic waste.
  - b) Provisions that the Township shall notify the land owner and owner/operator of the facility of the pending determination of abandonment and order proof of the resumption of energy generation to at least eighty percent (80%) of the facility's capacity ore removal of the facilities in accordance with the approved decommissioning plan, subject to the issuance of a demolition permit.
  - c) A provision that within sixty (60) days of service of the notice of abandonment, the land owner or facility operator shall apply for and obtain a demolition permit for the decommissioning in accordance with the decommissioning plan..
  - d) Provisions that, as a condition of site plan approval and prior to the issuance of any building permits, the land owner or operator of the facility shall obtain and submit to the township a performance bond or other agree upon secured funding in a form approved by the Township Attorney to ensure that the decommissioning plan provides financial assurance that there will be sufficient funds available for decommissioning and site restoration. Such bond shall be in an amount, as determined in detail by the Township Engineer, which shall be adequate to cover the estimated cost of such removal. The form of



such bond shall be approved by the Township Attorney. The bond shall not be subject to revocation or reduction prior to the completion of the work covered by the demolition permit and decommissioning plan and the full restoration of the site as required by the decommissioning plan. The decommissioning bond shall be reevaluated to reflect inflation every five (5) years from the start of operations which shall be defined as the date of issuance of the certificate of occupancy for the generation of power. Such reevaluation shall be submitted no fewer than thirty (30) days prior to the end of the five (5) year period by the owner/operator and/or landowner to the Township Attorney and Township Engineer for review and approval. If the anticipated cost of decommissioning increases by ten percent (10%) or more, the property owner or operator of the facility shall deposit additional funds into an escrow account or revise the bond or other surety to reflect the increased amount.

- e) Measures to provide for the protection of public health and safety and for protection of the environment and natural resources during both the removal and site restoration stages, as well as the schedule for the completion of all site restoration work in accordance with the decommissioning plan.
- f) Provisions that, if the performance bond described above, plus any supplemental funding that may have been provided by the owner/operator, is insufficient to fully implement the decommissioning plan or if the owner/operator fails to fully satisfy the obligations described herein, then the landowner shall be held responsible for any and all costs associated with the decommissioning to the extent that such costs are not covered by the performance bond and any supplementary funds provided by the owner/operator, if applicable.
- g) Provisions detailing the anticipated life of the project.
- h) The estimated cost of decommissioning in current dollars and an explanation of how the cost was determined, which shall be prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. Salvage value shall not be considered when determining the estimated decommissioning cost.

**D. Permit requirements.**

- 1. Permit. A zoning permit and building permit shall be required for the installation of any solar energy system. In all zoning districts located within the Pinelands Area, a certificate of filing shall be obtained when required from the Pinelands Commission prior to the issuance of any zoning permit or building permit or to the installation of any solar energy system.

**E. Violations.**

- 1. It is unlawful for any person to construct, install, or operate any solar energy system that is not in compliance with this section. Energy systems not expressly approved in this ordinance require a use variance approval and site plan approval by the Zoning Board of Adjustment.
- 2. Existing solar energy systems installed prior to the adoption of this section are exempt from the requirements of this section, except for the provisions regarding abandonment.

**F. Administration and enforcement.**

- 1. This section shall be administered by the Zoning Officer, Construction Official or other official as designated.

2. The Zoning Officer, Construction Official or other official as designated may enter any property for which a permit has been issued under this section to conduct an inspection to determine whether the conditions stated in the permit have been met.
3. The Zoning Officer, Construction Official or other official as designated may issue orders to abate any violation of this section.
4. The Zoning Officer, Construction Official or other official as designated may issue a citation for any violation of this section.
5. The Zoning Officer, Construction Official or other official as designated may refer any violation

**G. Penalties.**

1. Any person who fails to comply with any provision of this section shall be subject to enforcement and penalties as stipulated in chapter and section of the appropriate zoning code.
2. Nothing in this section shall be construed to prevent the Zoning Officer/Land Use Administrative Officer of the Township of Franklin from using any lawful means to enforce this section.

**SECTION 2.** This Ordinance shall be in full force and effect from and after its adoption and any publication as required by law.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

**SECTION 4.** This Ordinance shall be referred to the Township Planning Board for review.

**SECTION 5.** Upon adoption of this Ordinance after public hearing thereon, the Township Clerk is further directed to publish notice of the passage thereof and to file a copy of this Ordinance with the County Planning Board, the Pinelands Commission and other agencies as required by law.

**SECTION 5.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 thereof.

**SECTION 7.** This Ordinance shall take effect upon final passage and publication according to law.

ATTEST:

TOWNSHIP OF FRANKLIN

\_\_\_\_\_  
Barbara Freijomil, Clerk

\_\_\_\_\_  
John Bruno, Mayor

**CERTIFICATION**

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do here certify that the foregoing Ordinance was introduced at the Regular Meeting of the Township of Franklin held on April 26, 2022 and thereafter duly advertised in the legal newspaper of the Township at least seven (7) days prior to it being considered for final passage and

adoption at a subsequent meeting to be held on May 24, 2022 at which time any person interested therein will be given an opportunity to be heard.

\_\_\_\_\_  
Barbara Freijomil, Municipal Clerk

Introduced April 26, 2022

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Doyle</b>						
<b>Deegan</b>						
<b>Petsch-Wilson</b>						
<b>Flaim</b>						
<b>Bruno</b>						

Adopted May 24, 2022

<b>Name</b>	<b>Motion</b>	<b>Second</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
<b>Doyle</b>						
<b>Deegan</b>						
<b>Petsch-Wilson</b>						
<b>Flaim</b>						
<b>Bruno</b>						