

ORDINANCE
TOWNSHIP OF FRANKLIN
ORDINANCE RETROACTIVELY ADOPTING THE FIVE YEAR TAX
ABATEMENT PROGRAM OF FRANKLIN TOWNSHIP

O-10-13

WHEREAS, the Township Committee of the Township of Franklin first adopted Ordinance O-2-91 based upon enabling legislation adopted by the Legislature in 1991 under N.J.S.A. 40A:21-1 identifying the municipality as qualified to exempt from local property taxes certain industrial and commercial improvements and projects; and

WHEREAS, Ordinance O-2-91 was amended by Ordinance O-22-98 which sought to clarify the types of projects which would be subject to and eligible for long term tax abatement; and

WHEREAS, pursuant to N.J.S.A. 40A:21-4, ordinances permitting tax abatement must be renewed every 10 years in order to be valid; and

WHEREAS, the Township Committee inadvertently failed to renew and readopt the tax abatement ordinance in 2008 at which time Ordinance O-22-98 lapsed; and

WHEREAS, the Township Committee did, however, adopt Ordinance O-7-12 renewing the five year tax abatement ordinance but the County Tax Assessor has questioned the validity of a number of tax abatement agreements entered into by the Township of Franklin including, but not limited to, Ordinance O-3-04 in favor of RT Enterprises, LLC, Ordinance O-4-11 authorizing a tax abatement in favor of Antonio Fricano with respect to property known as Block 5601, Lot 26.01 and Ordinance O-3-04 respecting Russell and Anthony Leo and property located at 1248 Dutch Mill Road;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that Ordinance O-22-98 be and is hereby reaffirmed and re-ordained and this ordinance shall be retroactive to January 1, 2008 and shall apply to each and every of the tax abatement applications and ordinances approved during the period that Ordinance O-22-98 had lapsed; and

BE IT FURTHER ORDAINED, that any agreement for tax abatement adopted pursuant to township ordinance shall be retroactively adopted and approved and shall continue in effect as if previously adopted pursuant to this ordinance; and

BE IT FURTHER ORDAINED, that all existing ordinances or parts of ordinances which are contrary to the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect; and

BE IT FURTHER ORDAINED, if any section, sentence, clause, provision, or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect or impair any other section, sentence, clause, provision and/or portion of this ordinance.

This ordinance shall take effect immediately upon its final passage, adoption and publication in accordance with State law.

The foregoing ordinance was introduced on first reading at a meeting of the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, held on September 24, 2013 and will be read and considered for final passage at a meeting to be held by the Franklin Township Committee at the Municipal Building, 1571 Delsea Drive, Franklinville, New Jersey 08322 at 8:00pm on October 22, 2013 at which time and place any and all interested persons will be given an opportunity to be heard.

ATTEST:

TOWNSHIP OF FRANKLIN

BARBARA FREIJOMIL, CLERK

BY: _____
MARGE PFROMMER, MAYOR

CERTIFICATION

I, BARBARA FREIJOMIL, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the Township of Franklin held on Tuesday, September 24, 2013, and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on Tuesday, October 22, 2013 at which time any person interested therein will be given an opportunity to be heard.

BARBARA FREIJOMIL, CLERK

Notice is hereby given that the foregoing Ordinance O-10-13 was finally adopted at a meeting of the Franklin Township Committee held on the October 22, 2013 at 8:00 in the Township of Franklin Municipal Building, 1571 Delsea Drive, Franklinville, NJ.

BARBARA FREIJOMIL, CLERK

	Yes	No	Abstain	Absent
Mr. Leopardi				
Mr. Genna				
Mr. Deegan				
Mr. Petsch				
Mayor Pfrommer				