

ORDINANCE
TOWNSHIP OF FRANKLIN
AMENDING CHAPTER 49, ENVIRONMENTAL COMMISSION
O-12-07

WHEREAS, the Township Committee of the Township of Franklin has adopted a resolution No. R-62-07, to responsibly identify contaminated sites in the Township of Franklin; and

WHEREAS, the Township Committee wishes to amend Chapter 49, entitled ENVIRONMENTAL COMMISSION, section 49-3, POWERS and DUTIES, to authorize the Township Environmental Commission to be responsible for such action;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, Chapter 49-3 of the Township Code is hereby amended as follows:

Chapter 49 Environmental Commission Section 49-3. Powers and Duties:

A. The Commission is established for the protection, development or use of natural resources, including water resources, located within the territorial limits of the Township of Franklin. The Commission shall have the power to conduct research into the use and possible use of the open land areas of the township and may coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment are deemed necessary for its purposes. It shall keep an index of all open areas, publicly or privately owned, including open marshlands, swamps and other wetlands, in order to obtain information on the proper use of such areas, and may from time to time recommended to the Planning Board plans and programs of inclusion in the Master Plan and the development and use of such areas.

B. (1) The Commission is authorized to:

- a. Use information obtained from federal, state and county agencies to identify and describe known contaminated sites;
- b. Compile, maintain and routinely update information on sites known or suspected to be contaminated by Federal, State and/or County governmental agencies for use by Township government and staff and to maintain and routinely update such information;
- c. Develop educational materials and programs about contaminated sites, hazardous substances, well testing, and land use practices relating to contamination and about prevention of contamination;

(2) A contaminated site is defined by the New Jersey Department of Environmental Protection (NJDEP) as all portions of environmental media (e.g., soil, air, sediment, groundwater or surface water) at a site and any location where contamination is emanating, that contain one or more hazardous substances as defined pursuant to NJSA 58:10-23.11b et seq. A known contaminated site shall include any site or property maintained within the records and/or lists of Federal, State and County agencies and shall also include any property so classified as the result of any Phase I Environmental Site Assessment prepared in accordance with ASTM and/or NJDEP Standards that have been duly reviewed and classified by the Township Environmental Commission, Planning Board, Zoning Board and/or any Professional Engineer or Consultant in their employ, but shall not include any site based on hearsay;

(3) The Commission may create a Contaminated Sites subcommittee or any other subcommittee for any purpose consistent with the powers and purposes expressed under NJSA 40:56A-1 et seq. Each subcommittee shall consist of any number of members from the Commission, appointed by the Chairperson, for a term of one year beginning January 1 and ending December 31 of the same year, to carry out the required duties. The Chairperson shall fill a vacancy on each subcommittee by appointing a member for the remainder of the vacating member's term.

- (4) The Commission and its subcommittees do not have the legal authority to declare a site "contaminated" or to oversee or assist in cleanup operations of a contaminated site.

- (5) The Commission shall provide the Township Clerk with a copy of the contaminated sites list and the Township Clerk shall act as the repository for sharing the list with the general public in accordance with NJSA 46:3C-4 et seq.

BE IT FURTHER ORDAINED, Any Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance be and the same are hereby repealed; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon passage and publication in accordance with the Laws of the State of New Jersey.

Introduced: April 10, 2007

	MATTEI	FERRUCCI	SCAVELLI	GALLAGHER	SCAPELLATO
YES					
NO					
ABSTAIN					
ABSENT					

Public Hearing Held: May 22, 2007

Adopted: May 22, 2007

	MATTEI	FERRUCCI	SCAVELLI	GALLAGHER	SCAPELLATO
YES					
NO					
NO					
ABSTAIN					

NOTICE

The above ordinance was introduced and passed on first reading at the meeting of the Township Committee of the Township of Franklin in the County of Gloucester held on the 24th day of April, 2007 and will be considered for final passage at a meeting to be held by the Township Committee at 8 p.m. on the 22nd day of May, 2007 at which time and place any person interested will be given an opportunity to be heard.

ATTEST:

PETER SCAPELLATO

CAROL J. COULBOURN, Clerk

Mayor

CERTIFICATION

I, CAROL COULBOURN, 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, April 24, 2007, and thereafter duly advertised in the legal newspaper of the Township at least 10 days prior to it being considered for final passage and adoption at a subsequent meeting held on Tuesday, May 22, 2007, at which time any person interested therein was given an opportunity to be heard.

CAROL J. COULBOURN, Clerk