

Sandyston Township

Minutes

August 6, 2013

This meeting was opened and called to order at 9:00 am by Mayor MacDonald who stated this meeting was being held in compliance with the Open Public Meetings Act, having been duly advertised.

Roll Call

The clerk was asked to call the roll. Present were: Deputy Mayor George B. Harper, Jr., and Mayor Fred V. MacDonald

Absent: Committeeman William Leppert

Also in attendance: Steve Williamson; Stanley J. Dutkus, Roy C. McClain, Betsy Pinzone, Ron Slate (Timplex – bid opening)

The Mayor invited all to join in the Pledge of Allegiance.

Bid Opening: Mayor MacDonald opened the bid received for the pole barn. There was only one bid received for this project which was from Zinno Construction of Vernon, New Jersey, in the amount of \$37,600. Mayor MacDonald made a motion to send the bid to the attorney for review, seconded by Deputy Mayor Harper.

Minutes: The Committee reviewed the regular meeting minutes of July 9, 2013. Deputy Mayor Harper made a motion to approve the minutes, seconded by Mayor MacDonald.

Tax Collector Report: The Tax Collector's report for the month of **July 2013** was presented with total receipts Month-To-Date of \$332,850.88 and Year-to-Date of \$3,227,962.74. Mayor MacDonald made a motion to approve the Tax Collector's Report, seconded by Deputy Mayor Harper.

Treasurer's Report: The Treasurer's Report for the month of **July 2013** was presented with a beginning balance of \$752,336.50, total receipts of \$343,246.45, and total disbursements of \$254,716.66 leaving an ending balance of \$840,866.29. Mayor MacDonald stated the General Capital Account is \$218,214.54, Animal Control Escrow \$40,420.61, Public Assist Escrow \$3,525.28, Unemployment Escrow \$22,417.31, COAH Trust \$23,469.12, Security Asst. Fund \$18,533.97 and the Small Cities Master \$4,762.71. Mayor MacDonald made a motion to approve the Treasurer's Report, seconded by Deputy Mayor Harper.

Payment of Vouchers: The bills list for the month **July 2013** was submitted for approval in the amount of \$522,356.91. Deputy Mayor Harper stated he would be interested in seeing how the lighting project is reducing the electric bills for the township and asked to compare the bills to see the reduction. Mayor MacDonald asked if Deputy Mayor Harper had seen the new lighting in the streetlights in Layton and Mayor Harper stated he had and felt all the light bulbs should be converted to the LED lighting, which is a softer light. Mayor MacDonald made a motion to approve the bills list, seconded by Deputy Mayor Harper.

Departmental Reports: The Committee reviewed the Departmental Reports. Deputy Mayor Harper stated he and Roy McClain performed a tour of the roads on Monday, August 5, 2013, and the road project is on schedule. Deputy Mayor Harper stated he couldn't be happier with the performance, they are right on target

and hats off the road department with the transition from three to two employees. Mayor MacDonald concurred with Deputy Mayor Harper.

Old Business:

Performance Bond: There has been no performance bond posted on Block 1105 Lot 14 (Sandyston Mall); however, they are working to complete the items requested by the Land Use Board. Deputy Mayor Harper noted the parking lot has been paved and the owner is working on the project actively and it is definitely advertised for tenancy.

Centurylink: The Clerk stated no word has been received from Centurylink to date.

Streetscape Route 560 – Phase II: Mayor MacDonald stated he talked to our engineer, Harold Pellow, and he is working on a new map which will give a better picture of the sidewalk and the easement which is being requested from the property owners. Deputy Mayor Harper stated once the drawing has been created, the engineer will get information to township attorney for easement wording for review by the property owners. Mayor MacDonald stated an on-site meeting will take place to discuss and answer questions of the property owners. The Committee discussed the width of the easement and the need to verify the exact width with Mr. Pellow, which Mr. MacDonald stated he would reach out to Mr. Pellow after the meeting.

New Business:

Peddling and Soliciting Ordinance: The Committee reviewed a draft of an update to the Peddling and Soliciting Ordinance. The Committee asked the Clerk to prepare the ordinance for the next meeting.

Use of Meeting Hall Request: Sussex County Department of Public Health Nursing has submitted a request to use the meeting hall for the Flu, Pneumonia & Tetanus Vaccination Clinic to be held Tuesday, October 1, 2013. Deputy Mayor Harper made a motion to approve this request, seconded by Mayor MacDonald.

Resolutions: None for this meeting

Ordinances:

SANDYSTON TOWNSHIP ORDINANCE

2013 - 08

**AN ORDINANCE SUPPLEMENTING
AND AMENDING CHAPTER Sect. 150**

BE IT ORDAINED, by the Mayor and Township Committee of Sandyston Township, County of Sussex and State of New Jersey, the Ordinance revisions recommended by the Land Use Board are made as follows:

150-27 Renewable Energy Systems Residential & Commercial.

A. Residential

a. *Purpose.* The primary purpose of a renewable energy system shall 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 (See Section B below), although this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a renewable energy system designed to meet the energy needs of the principal use. For the purposes of this subsection, the sale of excess power shall be limited, so that in no event is a renewable energy system generating more energy for sale than what is otherwise necessary to power the principal use on the property.

b. *Applicability.* Small wind energy and **solar** energy systems shall be permitted as an accessory use on the same lot as the principal use in all districts, subject to the requirements of this section. Renewable energy systems shall be a permitted use on any lots comprising twenty (20) or more contiguous acres owned by the same person or entity. This subsection shall not apply to roof-mounted **solar** energy systems which systems and equipment extend twelve (12) inches or less beyond the roofline or highest point of the roof structure on which the system is located. This subsection shall also not apply to ground-mounted **solar** energy systems that consist of ten (10) or less panels, and are situated more than fifty (50) feet from the nearest property boundary line.

All renewable energy systems require approval from the Zoning Officer and the Construction Official prior to installation. Applications for small wind energy and **solar** energy systems shall include information demonstrating compliance with the provisions of this subsection. In the event that the Zoning Officer or Construction Official does not believe the provisions of this subsection are satisfied, an applicant may request and/or file a variance application with the Township Land Use Board.

1. Small wind energy and **solar** energy systems accessory to a permitted principal use shall be allowed in any zoning district and may be installed upon receipt of the necessary construction, electrical and/or mechanical permit(s). This subsection applies to small wind energy and **solar** energy systems to be installed and constructed for both residential and commercial use.

2. Renewable energy systems that are the principal use of a lot are governed by other sections of the Township Zoning Ordinance, in accordance with the applicable zoning district regulations.

c. *Design and Installation.* Renewable energy systems shall comply with the accessory structure restrictions contained in the zoning district where the system is located, unless otherwise set forth below:

1. The systems shall conform to all current industry standards, including the National Electric Code as adopted by the NJ Department of Community Affairs.

2. All exterior electrical, utility and/or plumbing lines must be buried below the surface of the ground and be placed in a conduit. All electrical, utility and/or plumbing lines leading down the side of a structure from rooftop installations shall be installed and maintained as aesthetically as possible.

3. Renewable energy systems that connect to the electric utility shall comply with the applicable interconnection standards for Class I Renewable Energy Systems, as may be amended.

4. The systems shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the system. In no case shall any identification be visible from a lot line.

5. The design of renewable energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the system into the natural setting and existing environment.

6. The installation of a wind or **solar** energy system shall conform to the extent applicable to the Uniform Construction Code, as amended, and is subject to all local utility company requirements for interconnection.

d. *Setbacks and Height Restrictions.*

1. A renewable energy system must comply with all setback and height requirements for the zoning district where the system is to be installed, unless otherwise set forth in herein.

2. When a building or cabinet is necessary for storage cells or related mechanical equipment, it must be documented as to the necessity. The building may not exceed one hundred twenty (120) square feet in area nor fifteen (15) feet in height and must be located at least the number of feet equal to the accessory building setback requirements of the Zoning District from any lot line. Any mechanical equipment associated with and necessary for operation, including any building or cabinet for batteries and storage cells, shall be equipped with a functioning lock and posted with a small sign notifying the existence of renewable energy system equipment on the outside of the building or cabinet, in order to notify emergency personnel.

e. *Abandonment.* A renewable energy system that is out of service for a continuous 12-month period shall be deemed abandoned. The Municipal Zoning Officer may issue a notice of abandonment to the owner of an abandoned renewable energy system. The owner shall have the right to respond to the notice of abandonment within thirty (30) days from the receipt date. The Municipal Zoning Officer shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn if the owner provides the Municipal Zoning Officer with information demonstrating the renewable energy system has not been abandoned. If the renewable energy system is determined to be abandoned, the owner of the renewable energy system shall remove the system at the owner's expense within three (3) months of receipt of notice of abandonment. If the owner fails to remove the renewable energy system, the Township may pursue a legal action to have the system removed at the owner's expense.

f. *Solar Energy Systems.* **Solar** energy systems shall not be permitted in a front yard, and shall be located so that any glare is directed away from an adjoining property. **Solar** panels shall not add, contribute to or be calculated to cause an increase in impervious surface coverage or ratio of any lot.

1. Rooftop **Solar** Panels. **Solar** panels shall be permitted as rooftop installation in any zoning district. The **solar** panels shall not exceed a height of twelve (12) inches above the highest point of the roof structure. In no event shall the placement of **solar** panels result in a total height, including building and panels, greater than one (1) foot in excess of what is permitted for the principal structure in the zoning district in which they are located. Panels installed in a rooftop configuration must be installed within the actual boundaries or edges of the roof area and cannot overhang any portion of the edge of roof. **Solar** panels installed in a rooftop configuration should be installed on the rear roof to the extent possible.

2. Ground-Mounted **Solar** Panels. **Solar** panels may be installed on a ground-mounted apparatus only on lots with a minimum lot size of three (3) acres. The principal building setback as required by the applicable zone shall be required between any ground-mounted **solar** panel and any lot line. Ground-mounted **solar** panels shall not exceed a height of fifteen (15) feet.

3. No Additional Rights. Any approval of a **solar** energy system does not create any actual or inferred **solar** energy system easement against adjacent property and/or structures. The owner and/or property owner of a **solar** energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the **solar** energy system. The approval of any **solar** energy system granted by the Township under this subsection shall not create any future liability or infer any vested rights to the owner and/or property owner of the **solar** energy system on the part of the Township or by any other officer or employee thereof for any future claims against said issuance of approval of the **solar** energy system that result from reliance on this subsection or any administrative decision lawfully made there under.

g. *Small Wind Energy Systems.*

1. Design Criteria.

(a) Wind generators shall be designed with an automatic brake or other similar device to prevent over-speeding and excessive pressure on the tower structure.

(b) Small wind energy systems shall not be artificially lighted, except to the extent required by the FAA or other applicable authority.

(c) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

(d) The tower shall be designed and installed so as not to provide step bolts, a ladder, or other publicly accessible means of climbing the tower, for a minimum height of eight (8) feet above the ground.

(e) All moving parts of the small wind energy system shall be a minimum of ten (10) feet above ground level.

(f) The blades on the small wind energy system shall be constructed of a corrosive resistant material.

(g) All guy wires or any part of the wind energy system shall be located on the same lot as the energy system.

(h) All equipment, sheds and tower bases shall be enclosed with a security chain link or wood fence of at least seven (7) feet in height, but no higher than eight (8) feet unless otherwise approved by the Zoning Officer. All fences shall include a functioning locking security gate.

(i) The connection between the small wind energy system and the building, electrical grid or street shall be underground.

2. Bulk Requirements.

(a) Minimum lot size ten (10) acres.

(b) Minimum setbacks. All wind generators shall be setback from all setback lines a distance equal to one hundred (100%) percent of the height of the structure plus ten (10) feet, including the blades.

(c) Wind generators shall not be permitted in any front yards, unless application is made to and granted by the Land Use Board, based upon topographic conditions.

(d) Maximum Height. Freestanding wind generators shall not exceed a height of one hundred twenty (120) feet, plus blades but in no event higher than one hundred forty-five (145) feet. The maximum height shall include the height of the blades at its highest point. If a height variance is granted, any approved tower must be monopole construction.

(e) No more than one (1) wind generator shall be permitted on any parcel of property.

(f) Wind generators shall not be allowed as rooftop installations.

(g) Wind generators on properties shall have a nameplate capacity (maximum ability to generate energy) of twenty (20) kilowatts or less. If a kilowatt variance is granted, then the approved tower must be of monopole construction.

(h) Towers for the wind generators shall have footprints no larger than thirteen by thirteen (13 x 13) feet in size.

3. Noise. All small wind energy systems shall comply with the following:

(a) Between a residential use or zone, sound levels of the wind energy system shall not exceed a 55 dBA at a common property line and 50 dBA to the closest occupied structure.

(b) In all other cases at a common property line sound levels of the wind energy system shall not exceed 65 dBA.

(c) These levels may be exceeded during short-term events such as utility outages and/or severe windstorms, for a maximum of four (4) hours.

(d) Site Location. Must be approved by the planning and Zoning board with due consideration given to the impact of the improvement on the surrounding properties.

h. Notice of hearings for consideration of the application of Renewable Energy Systems Residential & Commercial by the Land Use Board shall be given in accordance with N.J.S.A. 40:55D-10.

B. Commercial Scale Solar Energy Systems.

a. Preamble. In recognition of the State of New Jersey's desire to promote the construction and use of renewable energy sources and, further, the State of New Jersey's designation of commercial scale **solar** energy system installations as an "inherently beneficial use," the Township seeks to designate such installations as conditional uses subject to a set of conditions consistent with sound engineering and planning principles which also take into account the character of the Township as a rural community without commercial or industrial zones.

It is the Township's belief and intent that the conditions and standards defined herein will serve to promote the beneficial use of commercial scale **solar** energy installations while ensuring that the negative impact of such development on environmentally sensitive areas, adjoining tracts, and the community as a whole is minimized and in keeping with the character of the Township.

b. Definitions.

COMMERCIAL SCALE **SOLAR** ENERGY SYSTEM – A **solar** energy system installation which produces energy in excess of the amount defined for residential scale **solar** energy systems. Such systems may also be identified as production systems or major **solar** energy systems.

GROUND MOUNTED **SOLAR** ARRAY – A **solar** energy system consisting of individual panels or arrays of panels mounted on armatures anchored to the ground with ground cover beneath.

RESIDENTIAL SCALE **SOLAR** ENERGY SYSTEM – A **solar** energy system installation which produces energy in a year's time which is one hundred ten (110%) percent or less of the total amount which may

be reasonably anticipated to be consumed on average in a year's time by a principal residential use on the same parcel. In this context, reasonably anticipated may include actual or estimated present or future usage for lighting, space heating, air conditioning, charging of electric vehicles, and other energy consumption that may be associated with or anticipated in the near future to be associated with a principal residential use.

SOLAR ARRAY – A quantity of structures, typically flat panels, arranged in an array and so oriented as to facilitate collection of **solar** energy. Individual structures within the array are known as **solar** collectors or panels. **Solar** collectors may be photovoltaic (converting light to electricity) in nature, thermal (converting **solar** energy to heat), or of another type.

c. Zoning Regulations and Conditions Pertaining to Commercial Scale **Solar** Energy Systems.

(1) General.

(i) Where there is range of possible alternative locations for an installation, preference will be given to installations installed on Township owned property.

(2) Conditions. The **solar** energy systems, commercial scale shall comply with the following conditions.

(i) Parcels upon which the installation is to be constructed must be a minimum of twenty (20) acres or greater in area. The area or areas of a parcel or parcels immediately adjacent to the parcel under consideration may be considered in the area calculation provided that the deeds of any parcel(s) so used are modified to include permanent restrictions against further development except for that which pertains to the **solar** energy system in question.

(ii) Control of Visual Impact – Screening. Commercial **solar** energy systems shall be screened from view of all public streets and adjoining properties. The required buffer shall be a minimum width of fifty (50) feet consisting of naturalized plantings of predominantly evergreen trees. Buffering shall be continuous, with the exception of access roadways, and include a minimum of one (1) tree and five (5) shrubs per three hundred (300) square feet of buffer area. Deciduous trees shall have a minimum caliper of two and one-half (2.5) inches and evergreen trees shall have a minimum height of eight (8) feet. Adjoining residences shall be appropriately screened with a strategically located buffer no less than one hundred fifty (150) feet in length, or as deemed necessary by the Planning Board to achieve a reasonable degree of screening. Existing mature perimeter vegetation having a width of less than fifty (50) feet may be used to make up part of the required minimum buffer width of fifty (50) feet. Species selected for

new plantings shall be indigenous or widely introduced types also known for robustness and disease resistance. The intent is to present the appearance of an undeveloped property (other than for an access roadway or roadways) when the installation is viewed from off property.

- (iii) Noise. Under all normal operating conditions and during all times of the year measured noise at the parcel boundaries shall be less than 55dBA as measured using industry standard noise measuring instrumentation and measurement practices. Plan sub-mission shall include an acoustic modeling study prepared by appropriately licensed professionals demonstrating compliance with the 55dBA limit. Noise levels predicted by the model shall be such that calculated margins of error are added to modeled levels prior to comparison with the 55dBA limit.

(3) Setback Requirements.

[a] Minimum setbacks for the front shall be no less than one hundred fifty (150) feet and for rear and side lines no less than one hundred (100) feet. Improvements including screening plantings, fencing, and access roadways are allowed within the setback zone with the proviso that setbacks for fencing shall be fifty (50) feet minimum from any parcel boundary. Additionally, any fencing shall be located to the interior of the parcel with respect to any plantings established for purposes of visual screening.

[b] Setbacks for noise producing equipment such as transformers, inverters, and the like, provided such equipment produces noise at levels in excess of 55dBA when measured at a distance of six (6) feet, shall be five hundred (500) feet minimum from any boundary line unless the applicant can demonstrate that the noise limit given in paragraph (a)(3) above can be met at a lesser setback distance which may be less than five hundred (500) feet but no less than two hundred fifty (250) feet.

- (4) Whenever possible, transformers, inverters, switchgear and other electrical equipment shall be enclosed with a building or buildings constructed for this purpose.
- (5) The maximum height above ground for **solar** arrays, **solar** panels and **solar** equipment shall be sixteen (16) feet.
- (6) The commercial grade **solar** energy systems shall be located on previously disturbed land, e.g., farmland not designated as prime agricultural soils to the greatest extent possible.

Installations on lands consisting of prime agricultural soils are prohibited. However, this restriction shall not be taken to mean that installations are prohibited on

parcels with mixed soil types provided such installations are designed and located in such a manner so as to not interfere with continuing or future use of the areas having prime agricultural soils.

- (7) The property shall be adequately fenced with a fence with a minimum height of eight (8) feet to prevent access by unauthorized persons and shall be appropriately gated.

d. Plan Submittal Requirements.

- (1) Detailed plans for the entire proposed development shall be submitted for review. These plans shall, at minimum, provide the following information.
 - (i) Nature and extent of all proposed disturbances and developments to the parcel in question, e.g., structures, access and maintenance roadways, **solar** panel foundations, stormwater control structures, fencing, security means such as cameras, visual screening barriers, border landscaping, etc.
 - (ii) Area and bounds of proposed **solar** panel field(s).
 - (iii) Number of panels to be installed.
 - (iv) Type and size of individual panels.
 - (v) Proposed mounting methods for panels, etc., e.g, fixed position racks, tracking pedestal mounts, etc.
 - (vi) Proposed foundation structures for supporting panels.
 - (vii) Proposed generating capacity of the installation.
 - (viii) Proposed structures and intended purpose of such structures.
 - (ix) Location, physical size, and capacity of transformers, inverters, substations, switchgear, transmission lines or other utility infrastructure.
 - (x) Location and design of access and maintenance roadways.
 - (xi) Screening with proposed planting details including species, height at planting and location and existing screening.
 - (xii) Fencing details and security details.
 - (xiii) Setbacks from all property lines.
 - (xiv) Plans shall be prepared by a licensed surveyor, engineer and architect as their licenses permit.
- (2) The application shall fully comply with applicable requirements for major site plans as set forth in the Township Ordinances except as altered by this section.
- (3) Notice of hearings for consideration of the application of Renewable Energy Systems Residential & Commercial by the

Land Use Board shall be given in accordance with N.J.S.A. 40:55D-10.

e. Design and Construction Standards.

- (1) Submitted plans required for conditional use approval shall demonstrate that the planners have considered and acted to minimize all aspects of potentially negative impact such as visual appearance of the **solar** panel fields and attendant structures, appearance and placement of structures, reflections and glare from panels during daylight hours for all four (4) seasons, placement and type of access and maintenance roadways, visual impact as seen from adjacent properties and particularly from the immediate vicinity of improvements (e.g. residences), potential interference with indigenous animal and plant species, preexisting natural features, removal of existing woodlands, etc. As an example, the design shall, to the maximum extent practicable, use materials, colors, textures, architectural features, screening and landscaping that will blend the facility into the natural setting and existing environment. Similarly, structures shall use materials, colors, textures, and architectural features consistent with and in keeping with the appearance and character of existing structures in the community.
- (2) The maximum permitted vertical height above ground for **solar** arrays shall be sixteen (16) feet.
- (3) Location and orientation of **solar** panels or arrays of panel shall not result in reflective glare as viewed from second story level (twenty (20) feet above ground) and below on adjoining properties.
- (4) Installations shall be of the type defined herein as ground mounted **solar** arrays. Fixed orientation or tracking type mountings are both permitted.
- (5) Placement of impervious surfaces beneath **solar** array installations is not permitted.
- (6) Removable pilings or other low impact foundation, e.g. concrete poured into footing tubes, structures are strongly preferred as foundations for the **solar** arrays. Use of linear concrete footings is discouraged.
- (7) The minimum allowable "beginning of life" efficiency for photovoltaic panels shall be twelve (12%) percent or greater.
- (8) To the maximum extent possible, all wiring and cabling associated with the **solar** installation shall be located underground.
- (9) The installation shall fully comply with requirements given in the edition of the IBC (International Building Code) that is current at the time of application.

- (10) The installation shall fully comply with all applicable requirements of the National Electric Code as adopted by the NJ Department of Community Affairs.
- (11) Energy systems connecting to the electric utility shall comply with the NJ Net Metering and Interconnection Standards for Class I Renewable Energy Systems and as required by the electric utility connected thereto.
- (12) Structures for electrical equipment and for storage of vehicles, landscaping and maintenance equipment etc., shall be designed to have a visual appearance in keeping with The Township's rural, farm, and residential character. Ideally such structures shall mimic typical farm buildings in external appearance rather than having an industrial appearance.

f. Environmental Requirements.

- (1) Installations are not permitted to occupy areas of land designated by the NJDEP as critical habitat for State threatened and/or endangered species of flora or fauna or any other areas designated as areas of special concern.
- (2) No portion of the installation shall occupy areas of land designated by the NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. A three hundred (300) foot buffer zone shall be maintained between any disturbance associated with the installation and NJDEP designated Category One waters.
- (3) Alteration of the parcel's natural contours is prohibited except for minimal changes as required for construction of access and maintenance roadways or for foundations for structures. All proposed construction shall comply with Sandyston Township's ordinance for design standards, Section 134.
- (4) Design and construction of the installation shall comply with Township's Stormwater Management Ordinance (Chapter 138). **Solar** panels or **solar** panel arrays (exclusive of the bases or foundations of the same) shall not be included in calculations for impervious coverage.
- (5) Submitted plans for conditional use approval shall demonstrate that the applicant has selected appropriate vegetation for planting underneath and in the immediate vicinity of installed **solar** panels for the purposes of soil stabilization and that means will be in place to ensure property ongoing maintenance of these plantings. Plantings of low maintenance sun and shade tolerant grass mixtures such as "OVN" provided through the South Jersey Farmers Exchange are suitable for this purpose. Plantings of appropriately selected native species may also be acceptable. Plans shall also include provisions for prevention of takeover by

invasive species. These plans shall be prepared by an appropriately licensed professional.

(6) All access and maintenance roadways shall be constructed using pervious surfaces.

(7) Use of photovoltaic panels containing hazardous substances, particularly any such substances liable to slow release into the environment via out-gassing, leaching, or similar processes, is prohibited.

- g. **Security Requirements.** Submitted plans for conditional approval shall demonstrate that adequate measures are taken to ensure security and safety for all aspects of the installation. These shall include at minimum measures to ensure that unauthorized access to the entire installation is prevented and particularly that access to potential hazards such as high voltages is denied other than for authorized personnel. It is recommended that the applicant demonstrate that means such as security cameras or other monitoring equipment are in place to assist in identification and prompt apprehension of persons gaining unauthorized access.
- h. **Solar Access.** Presumption of implied **solar** access rights by virtue of placement of a **solar** energy installation or panels on a given parcel is denied. It shall be the sole responsibility of the owner(s) of the installation to locate improvements so as to ensure continuing **solar** access irrespective of any existing or permitted future improvements to adjacent properties or from natural changes on adjacent properties such as growth of trees or other vegetation.
- i. **Maintenance and Inspections.** The applicant shall submit a plan for ongoing monitoring of all impacts anticipated for the development, particularly with respect to stormwater management, maintenance of security features such as fencing and cameras, and ongoing maintenance or replacement of plantings located to provide visual screening. The plan shall include provisions for inspection by Township officials as appropriate.
- j. **Decommissioning Requirements.** The applicant shall provide a plan for the decommissioning and removal, or Township approved repurposing of all improvements to the parcel. This shall be accomplished within one hundred eighty (180) days of the date on which commercial scale **solar** generation ceases to occur at the installation. The decommissioning process shall include steps taken to return the parcel to a semi-natural state, e.g. open fields planted with native or agricultural grasses. The Township Zoning Officer and Construction Official shall be responsible for overseeing any such decommissioning. It shall be the responsibility of the applicant or current owner(s) to cover all expenses associated with oversight by Township officials during the decommissioning process. The Township may require a performance guaranty by way of a bond or letter of credit to secure the decommissioning process.

Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected thereby and shall remain in full force and effect.

Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

The Committee reviewed **Ordinance 2013-08**. This being a public hearing, Deputy Mayor Harper made a motion to open this portion of the meeting to the public for comment, seconded by Mayor MacDonald. There being no comment from the public, Deputy Mayor Harper made a motion to close this portion of the meeting to the public, seconded by Mayor MacDonald. Mayor MacDonald made a motion to approve **Ordinance 2013-08**, seconded by Deputy Mayor Harper. Roll Call Vote followed: Ayes: Harper, MacDonald; Nays: 0; Abstain: 0; Absent: Leppert.

Correspondence: Deputy Mayor Harper noted the receipt of a letter from Sussex County Habitat for Humanity regarding an evaluation of property site located at 197 Route 206 in Sandyston. This property was recently struck back to the township during the tax sale. Deputy Mayor Harper requested the Clerk refer this letter to our township attorney and respond to Habitat for Humanity stating we are interested in any option which affords us COAH credit. Deputy Mayor Harper requested to know how can we get our tax money back and can we sell this to Habitat for Humanity for what we might have to give them in our COAH trust to pay for it to benefit the taxpayers and receive COAH credit.

Deputy Mayor Harper also discussed the current insurance and made a motion to increase the current building value from \$1.6 million to \$1.75 million, seconded by Mayor MacDonald.

Open Meeting To Floor: Mayor MacDonald made a motion to open the meeting to the public, seconded by Deputy Mayor Harper. There being no comment from the public, Mayor MacDonald made a motion to close the meeting to the floor, seconded by Deputy Mayor Harper and unanimously carried.

Mayor MacDonald stated that he has been trying to get in touch with Undersheriff Keith Armstrong regarding the 911 Dispatching Center. Mayor MacDonald stated he would follow up with Undersheriff Armstrong.

Coming Up: Deputy Mayor Harper noted the following dates:

Next Township Meeting:	Tuesday, September 10, 2013 at 7:30 pm
Planning Board:	Monday, September 9, 2013 at 7:00 pm
Recreation Meeting:	Tuesday, August 20, 2013 at 6:30 pm
Seniors Meeting:	Tuesday, September 3, 2013 at 12:00 pm
DVUMC Chicken BBQ:	Saturday, August 17, 2013
STVFD Tractor Parade:	Saturday, August 24, 2013
County of Sussex Flu Clinic	Tuesday, October 1, 2013

Adjournment: Mayor MacDonald made a motion to close the meeting at 9:20 am, seconded by Deputy Mayor Harper and unanimously carried.

Respectfully submitted,

Amanda F. Lobban, RMC
Municipal Clerk