

MANSFIELD TOWNSHIP COMMITTEE MEETING

August 10, 2011

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Salute to Flag.

APPROVAL OF THE MINUTES:

Mr. Clancy made a motion to approve the minutes with the correction to change Ms. Nerbak as being absent for the regular meeting held on July 27, 2011, which was seconded by Mr. Watters

Ayes: Mr. Clancy, Mr. Watters, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain: Ms. Nerbak

PAYMENT OF BILLS:

Mr. Watters asked about the bill for Kobert's office in regards to Ameripay.

Mr. Lavery explained the lawsuit with Ameripay.

Mr. Watters asked about the inspection bills from the construction office in Washington Township, Warren County.

Ms. Hrebenak stated that as per the contract their construction office would finish any inspections they started and would bill us at \$16 an hour and that their total hours are listed in a report.

Mr. Watters made a motion to approve the bill list with the addendum, which was seconded by Mr. Tomaszewski

Ayes: Ms. Nerbak, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

CFO REPORT:

Mrs. Harm stated that the police car has been ordered and the interest was negotiated to 5.5% for the lease and it will be in in about 6 weeks.

Police Car is \$26,264.70

Mrs. Harm also stated that she would be in class from August 31st through December. Mrs. Fascenelli will be attending the meetings in her place.

CLERKS REPORT:

Ms. Hrebenak stated that she received a letter of request from the First Baptist Church asking permission to close Jackson Street on August 27th from 10am-5pm.

Underage Drinking Ordinance was given to committee for discussion.

Mr. Lavery explained that it would allow police to go on the property to arrest inside the house.

The committee agreed they did not want to get involved with an ordinance like that.

Ms. Hrebenak asked if Sgt. Reilly should attend the second meeting of the month, as did Chief Ort.

Mr. Tomaszewski said he does not.

Ms. Hrebenak stated that Sgt. Reilly changed the format and asked if the committee was okay with it.

Ms. Nerbak preferred the older format because it had the year to date information.

Ms. Hrebenak stated that there are a number of streets in Diamond Hill and Anderson that do not have any stop signs. About 28 signs and would be \$1,308.72 for posts and signs and \$39 for the bolts

Mr. Lavery said a resolution must be done with a list of locations where this needs to be done.

Ms. Hrebenak stated that the committee received a copy of the Best Practices Worksheet. The Clerk & Finance offices have been going through it and it asks if the township has a policy on absence from meetings.

Mr. Lavery suggested adopting the guidelines from the state's statute for meeting attendance and answer yes on the questionnaire.

Mayor Tomaszewski made a motion to adopt the state's policy for absenteeism, which was seconded by Mr. Watters.

Ayes: Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

Ms. Hrebenak stated that she had the resolution on the agenda for the property auction, but the amount that was given as what the township should sell the property for are a lot less than the assessed value.

Ms. Hrebenak asked if the resolution should remain the same.

Mr. Watters said yes.

ENGINEERS REPORT:

Mr. DiSessa spoke to the Township Committee in reference to the Property Maintenance Ordinance and stated that the Zoning Officer or the Engineer are not listed as an official for enforcement.

Mr. Lavery suggested that the township add the Zoning Officer, Township Engineer and any other Township Official by the Township Committee and to remove Housing Inspector because we do not have one.

Mr. DiSessa stated that he is preparing the grant for the culvert and seeking another one maybe for submission.

Mr. Watters asked if the Solar and Wind Ordinance issues were ironed out with Mr. Edelston.

Mr. DiSessa stated the ordinance has been changed with the updates for the first reading.

PUBLIC PORTION:

Mr. Profrock from Diamond Hill stated that he does not feel that the stop signs are the issue in Diamond Hill. He believes that speeding and running the stop signs are the problems.

Mr. Profrock stated that he was looking at the Chapter 159 resolutions for the Recycling and he was wondering if they are that far behind and why we haven't received 2010.

Ms. Nerbak stated that the state is working on it this year and will get it next year.

Mr. Profrock asked who would enforce the property maintenance ordinance.

Mayor Tomaszewski stated that it will be changed so that the zoning officer can enforce the ordinance and issues summons.

Ms. Hrebenak stated that the ordinance only applies to residential areas and that all the businesses are covered by the zoning ordinances or their site plan.

Mr. Watters asked if Mr. DiSessa can take care of the situation being reference to without changing the ordinance.

Ms. Hrebenak stated that he could.

Mr. Lavery stated that there is a violation section and it states that it would be enforced by Chapter 22, which states that the zoning officer, the township engineer, and the construction official.

RESOLUTION:

RESOLUTION # 2011 – 70
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY

WHEREAS, Tammy Crowley issued a check on 5/17/11 in the amount of \$ 75.00 for football registration with the Township of Mansfield, County of Warren,

WHEREAS, her child will not participate in football,

NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 75.00 to Tammy Crowley.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-70, which was seconded by Mr. Clancy

Ayes: Mr. Clancy, Ms. Nerbak, Mr. Watters, Mayor Tomaszewski
Nays: None
Absent: Mr. Smith
Abstain: None

RESOLUTION # 2011 – 71
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY
**RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL
AND RESIDENTIAL BUILDINGS**

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council).

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with the Township of Mansfield's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings.

WHEREAS, the township desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices...etc. (e.g. improve water conservation, reduce light pollution, increase construction waste recycling).

NOW, THEREFORE, BE IT RESOLVED that the Township of Mansfield hereby implements a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

Mr. Watters made a motion to approve the passage of Resolution 2011-71, which was seconded by Mr. Clancy.

Ayes: Ms. Nerbak, Mr. Watters, Mr. Clancy, Mayor Tomaszewski
Nays: None
Absent: Mr. Smith
Abstain: None

**RESOLUTION NO. 2011-72
TO AUTHORIZE THE REFUND OF PROPERTY TAXES
DUE TO DISABLED VETERAN STATUS OF THE OWNER**

WHEREAS, Joseph P. Cintineo is the owner of real property located at 24 Brookside Avenue, known as Block 2401 Lot 02, within the Township of Mansfield, County of Warren, State of New Jersey; and

WHEREAS, Joseph P. Cintineo has been declared a 100% disabled American Veteran by the United States government as defined in NJSA 54:4-3.30 et seq.; and

WHEREAS, Joseph P. Cintineo has, as of, January 19, 2011, applied to the Tax Assessor of the Township of Mansfield, County of Warren, State of New Jersey, on the appropriate application and with the supporting documentation to support said application to the satisfaction of the Tax Assessor; and

WHEREAS, NJSA 54:4-3.30 et seq. requires a municipality to grant tax exemption to those qualifying in accordance with its terms; and

WHEREAS, NJSA 54:4-3.32 authorizes the refund of taxes paid from the qualifying date of the exemption;

WHEREAS, the total due for tax due for 2011 is \$398.76 and the total paid was \$3,776.72;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, the Tax Collector and Acting CFO have hereby authorized to refund the following:

Joseph P. Cintineo
24 Brookside Avenue
Hackettstown, NJ 07840
Refund Due \$3,377.96

Mr. Watters made a motion to approve the passage of Resolution 2011-72, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

**2011-73
RESOLUTION
Cancellation of Taxes
Block 1506 Lot 8**

WHEREAS, the following property has outstanding property taxes for 2011;

WHEREAS, these outstanding amounts occurred due to the sale of this property from Gurdon Wattles to the County of Warren and the exempt classification being omitted in the 2011 tax duplicate;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield this 10th day of August 2011 that the Tax Collector is hereby authorized to cancel the following taxes:

**Block 1506 Lot 8
Warren County Board of Chosen Freeholders
2011 \$ 3,338.36**

Mr. Watters made a motion to approve the passage of Resolution 2011-73, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Clancy, Ms. Nerbak, Mr. Watters, Mayor Tomaszewski
Nayes:
Absent: Mr. Smith
Abstain:

**RESOLUTION NO. 2011-74
TO AUTHORIZE THE REFUND OF PROPERTY TAXES
DUE TO DISABLED VETERAN STATUS OF THE OWNER**

WHEREAS, Frances J. and Samuel T. Brandt are the owners of real property located at 216 Rockport Road, known as Block 802 Lot 25, within the Township of Mansfield, County of Warren, State of New Jersey; and

WHEREAS, Samuel T. Brandt has been declared a 100% disabled American Veteran by the United States government as defined in NJSA 54:4-3.30 et seq.; and

WHEREAS, Samuel T. Brandt has, as of, January 26, 2011, applied to the Tax Assessor of the Township of Mansfield, County of Warren, State of New Jersey, on the appropriate application and with the supporting documentation to support said application to the satisfaction of the Tax Assessor; and

WHEREAS, NJSA 54:4-3.30 et seq. requires a municipality to grant tax exemption to those qualifying in accordance with its terms; and

WHEREAS, NJSA 54:4-3.32 authorizes the refund of taxes paid from the qualifying date of the exemption;

WHEREAS, the total due for tax due for 2011 is \$797.05 and the total paid was \$5,391.42;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, the Tax Collector and Acting CFO have hereby authorized to refund the following:

Frances J. and Samuel T. Brandt
216 Rockport Road
Port Murray, NJ 07865
Refund Due \$4,594.37

Mr. Watters made a motion to approve the passage of Resolution 2011-74, which was seconded by Mr. Clancy.

Ayes: Ms. Nerbak, Mr. Watters, Mr. Clancy, Mayor Tomaszewski
Nayes:
Absent: Mr. Smith
Abstain:

**RESOLUTION # 2011 -75
REFUND OF RECREATION REGISTRATION
TOWNSHIP OF MANSFIELD
WARREN COUNTY, STATE OF NEW JERSEY**

WHEREAS, Sean & Tracy Brumble issued a check dated 6/01/11 in the amount of \$ 25.00 for tennis lessons with the

Township of Mansfield, County of Warren,
WHEREAS, they live in Mansfield, MA - their child will not be participating,
NOW THEREFORE BE IT RESOLVED, that the Acting Chief Financial Officer be authorized to refund the amount of \$ 25.00 to Sean & Tracy Brumble.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-75, which was seconded by Mr. Clancy.

Ayes: Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nayes:
Absent: Mr. Smith
Abstain:

TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY
RESOLUTION # 2011 –76

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Township of Mansfield has been awarded \$ 8,218.80 from the Solid Waste Administration – FY 2008 Recycling Tonnage Grant and wishes to amend its 2011 Budget to include this amount as revenue.

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$ 8,218.80 which is available as a revenue from:

Miscellaneous Revenues –
Revenue Offset with Appropriations – 2008 Recycling Tonnage Grant
Total with increase to be \$ 8,218.80

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$ 8,218.80 be and the same is hereby appropriated under the caption of:

General Appropriations –
Public & Private Programs Offset by Revenues – 2008 Recycling Tonnage Grant
State / Federal Share \$ 8,218.80
Non State Share \$
Total with increase to be \$ 8,218.80

BE IT FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-76, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski
Nayes:
Absent: Mr. Smith
Abstain:

TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY
RESOLUTION # 2011 –77

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Township of Mansfield has been awarded \$ 11,737.06 from the Solid Waste Administration – FY 2009 Recycling Tonnage Grant and wishes to amend its 2011 Budget to include this amount as revenue.

SECTION 1,

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$ 11,737.06 which is available as a revenue from:

Miscellaneous Revenues –

Revenue Offset with Appropriations – 2009 Recycling Tonnage Grant

Total with increase to be \$ 11,737.06

SECTION 2,

BE IT FURTHER RESOLVED that a like sum of \$ 11,737.06 be and the same is hereby appropriated under the caption of:

General Appropriations –

Public & Private Programs Offset by Revenues – 2009 Recycling Tonnage Grant

State / Federal Share \$ 11,737.06

Non State Share \$

Total with increase to be \$ 11,737.06

BE IT FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Ms. Nerbak made a motion to approve the passage of Resolution 2011-77, which was seconded by Mr. Clancy.

Ayes: Mr. Clancy, Ms. Nerbak, Mr. Watters, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

RESOLUTION 2011-78

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN,
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION
OF AN ADDENDUM TO THE COLLECTIVE NEGOTIATIONS AGREEMENT BETWEEN THE
TOWNSHIP OF MANSFIELD
AND FRATERNAL ORDER OF POLICE LODGE #157

WHEREAS, the Township of Mansfield and FOP Local #157 are parties to a collective negotiations agreement covering 2010 through 2012; and

WHEREAS, the Township of Mansfield and FOP Lodge #157 have determined that the provision related to the provision of an annual stipend for EMT Certification was inadvertently removed from the current collective negotiations agreement, as Article XVI, which dealt primarily with education expenses, was completely removed from the new Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, in the County of Warren, State of New Jersey, as follows:

- The Mayor and Township Clerk are hereby authorized to execute the attached Addendum, confirming the Township's ongoing policy and practice to provide an annual EMT Certification stipend to those police officers who obtain and maintain said EMT Certifications.
- A copy of the executed Addendum and 2010-2012 collective negotiations agreement will be maintained on file in the Office of the Township Clerk for inspection by the public.

3. This Resolution shall take effect upon approval.

Mr. Tomaszewski made a motion to approve the passage of Resolution 2011-78, which was seconded by Mr. Clancy.

Ayes: Ms. Nerbak, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

**Sale of Surplus Real Property
RESOLUTION NO. 2011-79**

A RESOLUTION OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF CERTAIN PROPERTY OWNED BY THE TOWNSHIP AND NOT REQUIRED FOR PUBLIC PURPOSES, PURSUANT TO N.J.S.A. 40A:12-13(A) ET SEQ.

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(a) authorizes the sale by municipalities of any real property, capital improvements or personal property or interests therein, not needed for public use by open public sale at auction to the highest bidder after the required newspaper advertisements;

WHEREAS, the Township of Mansfield is the owner of certain real property not needed for public use and the Township Committee has determined that it is in the best interest of the Township to sell the property in an effort to put it back on the active tax rolls; and

WHEREAS, the Township of Mansfield, prior to the auction, will offer the right of first refusal to contiguous property owners for any properties which are less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements pursuant to N.J.S.A. 40A:12-13.2.

WHEREAS, there shall be no minimum bid, however, the Township reserves the right to reject all bids.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY, that the property set forth in the Schedule "A" annexed hereto shall be offered for sale by open public sale at auction to the highest bidder, pursuant to N.J.S.A. 40A:12-12(a). Said public auction shall be conducted on September 10, 2011 at 10:00 am at the Municipal Building, 100 Port Murray Road, Port Murray, New Jersey.

BE IT FURTHER RESOLVED that the subject property shall be offered for public bidding as set forth below and shall be sold pursuant to the further expressed conditions enumerated below:

1. Each bid is subject to the rejection or acceptance by the Township Committee which shall occur no later than at its second regular meeting following the auction sale. The Township Committee reserves the right to reject all bids. If no action is taken by the Township Committee by the second regular meeting, then the bid shall be deemed to be rejected.
2. The successful bidder, as indicated by the highest bid, shall be required to deposit 10 percent (10%) of his or her bid with the Township at the time of the auction. This deposit shall be made by either a certified check, money order or cash in an amount equal to at least 10 percent (10%) of the winning bid. All monies so received will be credited toward the total sale price.
3. The successful bidder, as indicated by the highest bid, shall be required to execute a Contract for the Sale of Real Estate at the time of auction. A copy of the contract for each property is on file with the Township Clerk.
4. The deposit made by the purchaser is non-refundable. The risk of loss is in the purchaser.
5. Bidders are required to register for the auction by completing the form in Schedule "B" and including a letter or line of credit. All bidders must appear in person at the auction and upon becoming the successful bidder must present identifying credentials in compliance with the auction rules stated below:
 - a. The Designated Official will start with the auction by reading these auction rules.
 - b. Each registered bidder will receive a bidder number. In order to make a bid, a bidder raises their number in the air. The Designated Official will record each bidder's number and bid amount. A bid indication is considered a contractual

obligation.

- c. Bidders may not communicate with each other in any manner.
 - d. The minimum bid increment is One Hundred Dollars (\$100.00) in U.S. Dollars.
 - e. A person bidding on behalf of a corporation, upon becoming the successful bidder, must present a copy of the Certificate of Incorporation and a resolution authorizing that person to bid on behalf of the corporation.
 - f. A person bidding on behalf of a partnership or using a trade name upon becoming the successful bidder, must submit a copy of the Certificate of Trade Name (partnership) and a letter of authorization from the other partner(s).
 - g. No other bidder may submit a bid on behalf of another, except that a husband or wife may bid on behalf of both.
 - h. The winning bid will be decided when the highest bid has no counter bids made after three (3) requests.
6. The successful bidder shall not sell or otherwise transfer title to the premises, or any part thereof, to a nonprofit or nontaxable organization for a period of five (5) years from the date of closing on the property.
 7. The successful bidder(s) shall bear the cost of recording the deed(s) and agree that the deed(s) shall be recorded on behalf of the purchaser by the Township Attorney. The successful bidder, prior to closing of title, will not be permitted to assign his or her bid nor any right, title or interest in the property on which the bid was made.
 8. The burden is on all successful bidders to obtain any and all variances and/or approvals from the Land Use and Development Ordinance of the Township of Mansfield from the appropriate municipal agency.
 9. Title is to close within thirty (30) calendar days of confirmation of the bid by the Township Committee at the Township Attorney's office, unless otherwise extended in the sole discretion of the Township Committee, but if the last day for closing of title falls on a Saturday/Sunday, or legal holiday, then title shall close on the following day. Time is of the essence. **NO POSTPONEMENT OF CLOSING IS PERMITTED.**
 10. All conveyances shall be by Quitclaim Deed from the Township of Mansfield to the successful bidder, to be dated on the date of closing of title.
 11. The sale price, as may result from this auction sale, may not be used before any County Board of Taxation, State Tax Court or in any other court of this State to challenge the as-

assessment with respect to the subject property nor may same be used as a comparable sale to challenge assessment with regard to other properties.

12. This sale is also subject to further conditions that if the State of New Jersey or any upland owner has any rights or claim to the land being sold herein by reason of a riparian interest or otherwise, any charges levied or so levied by the State of New Jersey of upland owner for said riparian interest or otherwise are to be borne by the purchaser, in addition to the sale price bid for said property.
13. All prospective purchasers are put on notice that no employee, agent or officer of the Township of Mansfield has authority to waive, modify or amend any of the conditions of sale.
14. If the successful bidder was the sole or part owner of the property to be sold at the time the Township acquired title by a tax foreclosure, said bidder may not reacquire the property directly or indirectly without complying with the following condition: The successful bidder of any property at this auction, by making such bid, thereby agrees to pay the Township at closing of title the difference, if any, between the total amount of taxes, plus interest and penalties due at the time of the judgment of foreclosure was entered and the amount of the successful bid.
15. It is conclusively presumed that a bidder prior to taking his or her bid has done the following:
 - a. Checked the exact location, including the correct street address and lot size of the property on the Official Tax Maps that are available at the Assessor's Office.
 - b. Checked the zoning restrictions to ascertain the legal use of the property. This information can be obtained from the Township Zoning Office.
 - c. Made a personal inspection of the property prior to the bidding on a piece of property by contacting the Township Clerk, Monday – Friday, between 9:00 am to 4:00 pm, telephone number (908) 689-6151.
 - d. Responsibility for failure to comply with the above-mentioned conditions and guidelines will be fully assumed by the purchaser.
16. A failure by the purchaser to fully comply with the terms, conditions, requirements and regulations of sale as herein contained shall be considered, at the option of the Township of Mansfield, as a material breach of the conditions of sale whereupon the Township of Mansfield may declare said contract or purchase terminated and at an end. All monies paid on behalf of the purchase price, by way of deposit or otherwise, may be retained by the Township as its liquidated damages and it may thereafter resell the said property and/or pursue such other and further legal and/or equitable remedies as it may

have and the defaulting purchaser shall continue to remain liable for all damages and losses sustained by the Township of Mansfield by reason of any such default.

17. Any descriptions of the properties published by the Township are intended as a general guide only and may not be accurate. NO REPRESENTATIONS OF ANY KIND ARE MADE BY THE TOWNSHIP OF MANSFIELD AS TO THE CONDITIONS OF THE PROPERTY, SAID PREMISES AND BUILDINGS ARE BEING SOLD IN THEIR PRESENT CONDITIONS "AS IS".

18. The sale is made subject to such state of facts as an accurate survey may disclose, existing tenancies, rights of persons in possession, easements, conditions, covenants and restrictions and any other encumbrances of title.

19. The sale is made subject to all applicable laws and ordinances of the State of New Jersey and the Township of Mansfield.

20. Successful bidders agree to the following conditions:

- a. To pay prorated property taxes for the balance of the current year as of the date of closing.
- b. To abide by appropriate zoning, subdivision, health and building regulations and codes and stipulations that this sale will not be used as grounds to support a challenge of the existing assessment of the subject property, nor shall the purchase price be used as a comparable sale to challenge assessments with regard to other properties.
- c. That the failure to close title as agreed shall forfeit to the Township of Mansfield any and all money deposited with the Township.

21. If any section or provision of this Resolution shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Resolution, except so far as the section of the provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Adopted:

I, Dena Hrebenak, Clerk of the Township of Mansfield, County of Warren, do hereby certify that the foregoing is a true and exact copy of the resolution adopted by the Township of Mansfield Committee on August 10, 2011.

Dena Hrebenak, RMC
Township Clerk

Schedule B

**Mansfield Township
100 Port Murray Road
Port Murray, NJ 07865**

Bidder Registration Form

Company: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone Number: _____

FAX Number: _____

Email: _____

Authorized Bidder's

Name: _____

Title: _____

Phone Number: _____

Other Contact Numbers: _____

I certify that I am authorized to take part in the auction of the property listed in Schedule "A".

Signature Date

Letter of Credit or Line of Credit is Required.

Township Use:

Bidder Number: _____ Date Received: _____

Mr. Watters made a motion to approve the passage of Resolution 2011-79, which was seconded by Mayor Tomaszewski.

Ayes: Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

RESOLUTION # 2011 – 80

TITLE: INSERTION OF SPECIAL ITEM OF REVENUE PURSUANT TO N.J.S.A. 40A:4-87, CHAPTER 159

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, said Director may also approve the insertion of any item of appropriation for an equal amount; and

WHEREAS, the Township of Mansfield has been awarded \$ 16,771.96 from the Solid Waste Administration – FY 2011 Clean Communities Grant and wishes to amend its 2011 Budget to include this amount as revenue.

SECTION 1.

NOW, THEREFORE BE IT RESOLVED that the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2011 in the sum of \$16,771.96 which is available as a revenue from:

Miscellaneous Revenues –

Revenue Offset with Appropriations – Clean Communities Grant

Total with increase to be \$ 16,771.96

SECTION 2.

BE IT FURTHER RESOLVED that a like sum of \$ 16,771.96 be and the same is hereby appropriated under the caption of:

General Appropriations –

Public & Private Programs Offset by Revenues – Clean Communities Grant

State / Federal Share \$ 16,771.96

Non State Share \$

Total with increase to be \$ 16,771.96

BE IT FURTHER RESOLVED that two certified copies of this resolution with a copy of the appropriate documentation be forwarded to the Division of Local Government Services.

Ms. Nerbak made the motion to approve the passage of Resolution 2011-80, which was seconded by Mr. Watters.

Ayes: Mr. Clancy, Ms. Nerbak, Mr. Watters, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

ORDINANCE:

First Reading

Mayor Tomaszewski introduced Ordinance 2011-17

ORDINANCE 2011-17

**TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY**

AN ORDINANCE TO AMEND CHAPTER 22 OF THE CODE OF THE TOWNSHIP OF MANSFIELD TO PROVIDE REGULATIONS REGARDING RENEWABLE ENERGY FACILITIES (SOLAR AND WIND)

WHEREAS, the Township of Mansfield recognizes the growing trend of residential and commercial properties installing solar and wind structures to produce renewable energy, and

WHEREAS, use of renewable energy is one way for a property to reduce its impact on the environment and solar and wind energies are abundant, non polluting and renewable energy resources, and

WHEREAS, in recognition of the above statements the New Jersey Legislature has recently amended the Municipal Land Use Law (N.J.S.A. 40:55D) to permit renewable energy facilities in industrial zones on sites of 20 acres or larger and to recognize renewable energy facilities as inherently beneficial uses, and

WHEREAS, the Land Use Board has determined that there exists the need to regulate the use and placement of renewable energy facilities and structures in light of the current national and regional trend toward the development of renewable energy generating systems. And that existing zoning regulations do not address this emerging trend as it may impact the use of valuable natural resources, rural character and farmland in Mansfield Township; and

WHEREAS, the Land Use Board has considered recent legislation enacted in the State of New Jersey declaring certain renewable energy generating systems inherently beneficial uses to the citizens of this State and the Land Use Board believes there is a need to balance the development of these uses with State and local land use goals and objectives to protect the natural resources, including farmland, and the rural character of Mansfield Township, while allowing for the development of renewable solar or photovoltaic and wind energy facilities and structures in an orderly way; and

WHEREAS, the Mansfield Township Committee acknowledges that existing ordinance standards do not adequately provide for the orderly use and development of lands in the Township of Mansfield for solar or photovoltaic and wind energy facilities and structure installations for individual homeowners and business establishments and for larger installations that are capable of generating electrical power for the general citizenry of the State, region, and community, and concurs with the recommendations of the Land Use Board.

NOW, THEREFORE, be it ordained by the Mayor and Township Committee of the Township of Mansfield that the Land Use Code of the Township of Mansfield shall be amended as follows:

SECTION I - SOLAR, DEFINITIONS

CHAPTER 22 – Zoning, of the Ordinances of Mansfield Township, Section 22-2, Definitions, is hereby amended and supplemented with the following new definitions:

MINOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - "Minor solar or

photovoltaic energy facility or structure " or "minor solar or photovoltaic energy system" means a solar or photovoltaic panel or system of panels for the production of energy that:

- Uses solar energy as its fuel; is located on the power beneficiary's premises; is designed and intended primarily to offset part or all of the beneficiary's requirements for energy consumption on site; and is secondary to the beneficiary's use of the premises for other lawful purpose(s); or,
- Is intended to mitigate electrical system improvement requirements; and
- Generates not more than 110% of the power consumed by the beneficiary's premises, which shall be documented through the submission of power company electricity usage bills for the twelve months prior to the date of application, or another form of documentation acceptable to the Mansfield Township Zoning Officer. This documentation shall be provided at the time of application.

MAJOR SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE - Major solar or photovoltaic energy facility or structure or major solar or photovoltaic energy system means a system of solar or photovoltaic panels and equipment for the production of energy that is not a minor solar or photovoltaic energy facility or structure.

PANEL - A solar panel is an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes, but is not limited to, flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy or array.

SECTION II – SOLAR, ZONING

Chapter 22 of the Ordinances of Mansfield Township, permitted Accessory uses and Conditional uses in Section 22-7, the **A**, **R-1**, and **R-2** Districts; Section 22-8, the **R-3** District; Section 22-9, the **B-1** District and Section 22-10, the **B-2** District is hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

1. Permitted Accessory Uses – Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12" beyond the edge of the roofline or 12" above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line. Minor solar facilities shall have a setback requirement consistent with building regulations. In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line. Minor solar ground mounted facilities serving residential uses shall consist of no more than ten (10) panels. Minor solar ground mounted facilities located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit and shall have setback requirements consistent with building regulations. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible

detrimental effects on children, wildlife, water supplies and the environment.

2. Conditional Uses - Major solar or photovoltaic energy facilities or structures.

Chapter 22 of the Ordinances of Mansfield Township, Permitted Uses, Accessory and Conditional uses in Section 22-11, the **PO** District; Section 22-12, the **I** District are hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

- Permitted Uses - Major solar or photovoltaic energy facilities or structures on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity, and in accordance with the regulations set forth in Section III below.
- Permitted Accessory Uses - Minor solar or photovoltaic energy facilities or structures. Minor solar facilities shall be permitted to be ground mounted and mounted to principal and accessory structures and buildings, provided however that in the case of a roof mounted system, the photovoltaic solar panels and all necessary equipment shall not extend more than 12" beyond the edge of the roofline or 12" above the highest point of the roof surface or structure. Flat roofs shall be exempt from the height requirement. However, panels on a flat roof shall not extend more than 5 feet above the roof line. Minor solar facilities shall have a setback requirement consistent with building regulations. In the case of a surface level or ground mounted system, the system shall be situated more than 50 feet from the nearest property boundary line. Minor solar ground mounted facilities located less than 50 feet from the nearest property line shall require minor site plan approval prior to obtaining a zoning permit and shall have setback requirements consistent with building regulations. Notwithstanding, these systems shall not exceed the maximum building height in the zoning district. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.
- Conditional Uses - Major solar or photovoltaic energy facilities or structures on a parcel of land comprising less than 20 acres.

SECTION III – SOLAR, CONDITIONAL USE STANDARDS

Chapter 22 of the Ordinances of Mansfield Township, Section 22-13, Conditional Uses, is hereby amended and supplemented, by adding the following new subsection as follows:

Major Solar or Photovoltaic Energy Facilities or Structures

All major solar or photovoltaic energy facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards. Preliminary and final site plan approval shall be obtained prior to obtaining a zoning permit.

- Minimum lot size: 20-acres. In the **PO** and **I** Zones the 20 acre minimum lot size does not apply for conditional use standards. Solar installations on preserved and commercial farmland shall be subject to the State Agriculture Development Committee (SADC) regulations.
- No soil shall be removed from any site upon which major solar or photovoltaic energy facilities and

structures or other necessary equipment required for the solar facility is constructed. Grading within Prime Farmland and Farmlands of Statewide Significance shall be limited to only that necessary to construct access roads and for construction of inverter and switching equipment pads.

- Except pursuant to a permit issued by the New Jersey Department of Environmental Protection (NJDEP), no portion of major solar or photovoltaic energy facilities and structures shall occupy areas of land designated and regulated by NJDEP as floodplains, flood hazard areas, wetlands, wetland transition areas or riparian corridors. An applicability determination from the NJDEP shall be provided to document the presence and/or absence of these regulated areas. Buffer maintenance shall be consistent with NJDEP regulations.
- Major solar or photovoltaic energy facilities and structures shall not occupy any area beyond the required principal building setbacks for the zone in which the facility is located, exclusive of poles for interconnection of the facility to the electrical grid. Setback requirements shall be equal to the principal building setback in the zone or the minimum vegetated visual and security buffer requirement, whichever is greater. A minimum 100 foot wide vegetated visual screen shall separate solar or photovoltaic facilities from residential uses and properties in residential zone districts, a minimum 50 foot wide visual screen shall separate such facilities from public roads, and a 25 foot wide visual screen shall separate such facilities from properties in a nonresidential zone district.
- Major solar or photovoltaic energy facilities and structures shall be visibly screened from the public traveled way (public roads, trails, scenic highways and by-ways), open space, preserved farmland, publicly owned properties and historic resources, including sites and buildings listed or eligible for listing on the State and National Registers of Historic Places.
 - To the extent achievable, solar or photovoltaic energy facilities and structures shall be sited using the natural topography to screen the energy project from public view and the view of any adjoining residences.
 - If the property is adjacent and contiguous to a permanently preserved farm, open space and/or public access easements it shall buffer the farm, open space and/or easements from view.
 - The following minimum screening requirements shall be met. However, notwithstanding the minimum requirements, the applicant shall demonstrate, to the satisfaction of the Land Use Board, that the proposed screening provides a visual screen of the facility from neighboring properties. Additional screening may be needed to meet this requirement as determined by the board.
 - Screening shall consist of a combination of native plantings, to the extent possible. Alternately, an earthen berm may be employed if existing vegetated screening and native plantings will not suffice to provide the necessary buffer and maintain the rural character of the Township. The need for and location of vegetative screens includes the identification of appropriate species and varieties of vegetation to ensure that there is adequate visual screening throughout the year.
 - The landscaping plantings shall be designed for enhancing the quality of the soil and the

ability of the land to absorb rainwater.

- Landscaping shall be limited to the extent possible of native species of deciduous and coniferous trees and shrubs that are indigenous to the area, as listed in the Natural Resource Inventory, and shall not include invasive species as listed in Natural Resource Inventory of Mansfield Township. Such plantings shall be depicted on a plan prepared by a licensed professional. The applicant shall rely upon existing vegetation, including existing hedgerows or windbreaks that provide screening, to the maximum extent practical. The appropriate height or caliper of the vegetation to be planted shall ensure that there is a 75 percent screening of the solar energy generation facilities within five years of completing the installation of the facilities. A photo simulated exhibit depicting screening at key locations at the projected five year period shall be required.
- A barrier shall be installed behind the required screen which shall:
 - Secure the facility at all times.
 - Restrict access to all electrical wiring that may be readily accessible.
 - All electrical control equipment shall be labeled and secured to prevent unauthorized access.
 - Conform to the Uniform Construction Code and other applicable standards.
 - One or more access gates to the facility shall be provided. The actual number and location of access gates may be determined by the board based on safety and security requirements of the site. Each access gate shall include a sign identifying the property owner as well as responsible parties for operation of the major solar and photovoltaic energy facilities and structures; for maintenance of the facility; and for maintenance of the visual screen, landscaping and security fence. Contact information for all of the above responsible parties shall be provided on each access gate sign.
 - No signs shall be posted on a solar facility or any associated building, structures, or fencing with the exception of access gate signs, appropriate warning signs, and manufacturer's or installer's identification.
 - All transformers, inverters, and high voltage equipment and equipment buildings shall be situated within a compound, which shall be enclosed within a security fence and access gate, which shall remain locked at all times. If appropriate, the entire facility shall be enclosed within a security fence and access gate.
 - The height of security fences and access gates shall be 8' plus an angled non-barbed wire extension, unless a lower fence height is approved by the board. In no case shall the fence height be less than 6' plus an angled non-barbed wire extension. Barbed wire fences are not permitted except in cases where it is demonstrated to the satisfaction of the board that barbed wire fencing is required for security purposes. In such cases the total height of the fence and access gates

including barbed wire shall not exceed 8'. Approval of barbed wire fencing for solar facilities is at the discretion of the board.

- A Maintenance Plan shall be submitted by the applicant for the continuing maintenance of all required plantings, solar panels and appurtenances, including a schedule of specific maintenance activities to be conducted. A Maintenance Plan narrative shall also be included on the site plans in note form. Maintenance of the required landscaping, fencing, solar panels, equipment buildings, access roads, and security measures shall be a continuing condition of any approval that may be granted, and shall be the shared responsibility of the property owner and applicant (if owner is not the applicant). A cost estimate for required plantings shall be presented as part of any application and a 5 year maintenance bond approved by the Township Engineer shall be a condition of approval. The property owner and applicant (if owner is not the applicant) shall act as co-principals of the maintenance bond. The Maintenance Plan shall be environmentally responsible.
- All ground areas occupied by a major solar or photovoltaic energy facility or structure installation that are not utilized for access to operate and maintain the installation shall be planted and maintained with shade tolerant grasses for the purpose of soil erosion control and soil stabilization:
 - A seed mixture of native, non-invasive shade tolerant grasses shall be utilized and specified in a landscaping plan that shall be provided.
 - If it can be demonstrated by the applicant that an alternative vegetative ground cover consisting of a seed mix of native, non-invasive plant species and non-native, non-invasive shade tolerant species shall be accepted for soil erosion control and soil stabilization, and the alternative can be better sustained over the life of the facility, the Board may approve such an alternative to the requirement for native, non-invasive shade-tolerant grasses or mix of grasses.
 - To the extent possible, access roads within the site shall not be constructed of impervious materials in order to minimize the amount of soil compaction. Perimeter and internal access roads shall be provided for security and emergency vehicle access. Minimum spacing between rows or blocks of panels shall be ten (10') feet.
 - The bed and banks of existing drainage ditches, brooks, streams and drainage swales shall be maintained in their natural condition, except that where soil erosion is evident in these features due to a lack of suitable stabilized vegetation. The Board may require such areas to be planted and stabilized in accordance with the recommendations found in Chapter 8, Restoration Design, of the publication entitled Stream Corridor Restoration, Principles, Processes and Practices, 10/98 Published Version. Revised 8/2001, prepared by the Natural Resource Conservation Service and available at www.nrcs.usda.gov/technical/stream_restoration/newtofc.htm.
 - The components of this plan may be combined with the requirements of the Grading and Drainage Plan. See Section III, 8, below.
- The required landscaping plan shall include the provision of adequate and appropriate drainage features, which shall be designed such that site grading and construction maximizes the natural

drainage patterns of stormwater originating within the property boundaries and beyond property boundaries. If grading is proposed, then a grading and drainage plan shall be submitted, which shall demonstrate that the project is in compliance with the Township's stormwater ordinance and other applicable state standards.

- A grading and drainage plan, including a soil erosion, a soil stabilization and a soil grading plan shall be submitted under the seal of a licensed professional engineer prior to any permits being issued. The plan shall adequately demonstrate to the board engineer that no stormwater runoff or natural water shall be diverted as to overload existing drainage systems or create flooding. Such plan shall also address the need for additional drainage structures on other private properties or public lands.
- The grading and drainage plan shall show, among other things:
 - All existing and proposed natural and artificial drainage courses and other features for the control of drainage, erosion, and water generally;
 - The calculated volume of water run-off from the slope and from the lot in question, as proposed to be improved; the existence of all natural and artificial drainage courses and facilities within 500 feet of the lot, which are or will be used to carry or contain the run-off from the slope and the lot; and
 - The effect of any increased water runoff on all adjacent properties and any other property which will be materially affected by increased water run-off.
- Calculations shall be provided to adequately demonstrate that existing preconstruction stormwater runoff rates shall not be exceeded in the post development condition. Disturbed areas during construction shall be calculated to determine the need for stormwater management facilities on the site during construction.
- The use of stone shall not be permitted for soil erosion control and soil stabilization unless as part of an overall plan approved by the board.
- In addition to those items required for an application to be deemed complete, a site plan application shall provide the following:
 - Location, dimensions, and types of existing structures on the property.
 - Location of proposed and existing overhead and underground utility and transmission lines.
 - Location of any proposed or existing substations, inverters or transformers.
 - Details of solar panels and arrays. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment
 - Description of how the energy generated by the facility will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user. This

description shall also address the ability to disconnect the system in the event of an emergency or maintenance.

- Description of shielding of any electric equipment to prevent interference of radio or television reception at the property line.
- Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
- For projects over 2MW, the location and elevations of all transmission lines, support structures and attachments to a substation(s).
- Location and condition of existing hedgerows and vegetated windbreaks.
- A description of any lighting and its impact on neighboring residences and properties.
- A construction plan to include, but not limited to mounting techniques and a description of on site construction.
- A glare study prepared by a qualified individual or firm experienced in such studies.
- A description of security measures and systems to be implemented on the site.

10. An as-built plan shall be provided prior to activation.

11. Permitted height – the maximum permitted vertical height above ground for solar and photovoltaic energy panels shall be 15’.

12. The use of lead-acid batteries shall not be permitted in major solar energy systems and facilities except as standby power supplies for control systems. Cadmium telluride solar panels shall not be permitted due to the highly carcinogenic nature of cadmium and the possible detrimental effects on children, wildlife, water supplies and the environment.

13. Solar energy generation facilities shall be designed to comply with either of the following standards for sound emission:

- The sound level shall not exceed 40 dBA when measured at any point on the property line of the solar facility; or
- The sound level shall not exceed the ambient sound levels measured at locations at the property line of the solar facility that reasonably represent current or potential off-site sensitive receptors in accordance with the following requirements:
 - Ambient sound level measurements shall be made with an octave band sound level meter during daylight hours for periods of at least one half hour and on three separate occasions, a minimum of four hours apart, representing morning, mid-day and evening, at least one of which shall be during a non-rush hour. The meter shall be set for slow response with a one second sampling interval; and

- The data reported for each occasion shall be the octave band values (31.5 Hz to 8,000 Hz) from the one second sample that represents the L90 or Lmin broadband value (“unweighted” or “flat” response, e.g., dBZ).
14. Disturbance of existing wooded or forested areas shall be minimized, and shall not exceed five percent (5%) of the total area of existing wooded or forested areas on the site.
15. All applications for a major solar facility shall be accompanied by a decommissioning plan to be implemented upon abandonment, or cessation of activity, or in conjunction with removal of solar energy systems. The decommissioning plan shall be submitted in accordance with the requirements of this section. The decommissioning plan shall also be documented on the site plans in note form. Prior to removal of solar energy systems a demolition permit for removal activities shall be obtained from the Mansfield Township construction official. Disconnection of solar energy systems shall be supervised by an electrician licensed in the State of New Jersey. The Zoning Official shall be responsible for compliance with the decommissioning plan.
- Solar and photovoltaic energy facilities and structures which have not been in active and continuous service for a period of 18 months shall be removed from the property to a place of safe and legal disposal in accordance with a Decommissioning Plan.
 - If the applicant ceases operation of the energy project for 18 months; or begins, but does not complete, construction of the project within 18 months of receipt of final site plan approval, the applicant shall restore the site according to a decommissioning plan prepared by the applicant and approved by the Board. The applicant shall submit a decommissioning plan that ensures that the site will be restored to a useful, non-hazardous condition without significant delay, including but not limited to the following:
 - Removal of aboveground and underground equipment, structures and foundations. The plan shall describe the means by which all equipment and components of the system(s) shall be disposed of in an environmentally responsible manner and in accordance with prevailing Federal, State and local regulations.
 - Restoration of the surface grade and soil after removal of aboveground structures and equipment.
 - Revegetation of restored soil areas with native seed mixes, plant species suitable to the area, which shall not include any invasive species. In farmland areas, the revegetation component of the decommissioning plan may include provisions to resume agricultural use of the site.
 - The plan must provide for the protection of public health and safety and for protection of the environment and natural resources during site restoration. The decommissioning of all solar energy generation facilities shall be done in accordance with a conservation plan designed to address the impacts of the decommissioning process.
 - The plan must include a timeline for completion of site restoration work.

- Upon cessation of activity for a cumulative period of 18 months of construction or installation activities of an approved major solar or photovoltaic energy system, the Township may notify the owner and/or the operator of the facility to complete construction and installation of the facility. If the owner and/or operator fail to complete construction and installation activities within 180 additional days, the Township may order the owner and/or operator of the facility to implement the decommissioning plan. Within 180 days of notice being served, the owner and/or or operator shall substantially complete all activities in the decommissioning plan.
- Upon cessation of activity of a fully constructed major solar or photovoltaic energy system for a cumulative period of one year, the Township may notify the owner and/or the operator of the facility to implement the decommissioning plan. The Township Zoning Official shall be responsible for enforcement.
- If the operator fails to fully implement the decommissioning plan subject to the procedures and timelines set forth in subsections (e) and (f) above, or is otherwise unable to restore the site as required within 180 days of the Township's service of notice in accordance with this section, the Township may, at its own expense, provide for the restoration of the site in accordance with the decommissioning plan and may in accordance with the law recover all expenses incurred for such activities from the defaulted operator and/or the property owner. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

SECTION IV – WIND, DEFINITIONS

CHAPTER 22 – Zoning, of the Ordinances of Mansfield Township, Section 22-2, Definitions is hereby amended and supplemented with the following new definitions:

WIND TOWER - means the monopole, freestanding, or guyed structure that supports a wind generator.

WIND GENERATOR - means blades and associated mechanical and electrical conversion components mounted on top of the tower.

MET TOWER – means a meteorological tower to measure wind speeds and determine whether a site qualifies for a wind turbine.

SMALL WIND ENERGY SYSTEM- means an energy conversion system, consisting of a wind turbine, a tower, and associated control or conversion electronics, that is used to generate electricity and has a nameplate capacity of 100 kilowatts or less which converts wind energy by means of a rotor into electrical power for the primary purpose of meeting all or a part of a dwelling's energy requirements and has a rated capacity consistent with applicable provisions of the State Uniform Construction Code promulgated pursuant to the "State Uniform Construction Code Act," P.L.1975, c.217 (C.52:27D-119).

As used in these regulations, the primary application of a wind energy system is the conversion of wind by a machine with turbine apparatus (includes base, rotor blades, nacelle, tower, inverter, batteries or

other component used in the system) capable of producing electricity by converting the kinetic energy of wind into electrical energy. The term does not include electrical distribution or transmission lines, or electrical substations.

SYSTEM HEIGHT - means the height above grade of the tower plus the wind generator.

SECTION V – WIND, ZONING

Chapter 22 of the Ordinances of Mansfield Township, Conditional uses in Section 22-7, the **A**, **R-1**, and **R-2** Districts; Section 22-8, the **R-3** District; Section 22-9, the **B-1** District and Section 22-10, the **B-2** District is hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

- Conditional Uses - Small wind energy system.

Chapter 22 of the Ordinances of Mansfield Township, Permitted Uses, and Conditional uses in Section 22-11, the **PO** District; Section 22-12, the **I** District are hereby amended and supplemented, by adding the following new subsections in the above Districts, as follows:

- Permitted Uses – Small wind energy systems on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person or entity.
- Conditional Uses – A small wind energy system on a parcel or parcels of land comprising less than 20 acres.

SECTION VI – WIND, CONDITIONAL USE STANDARDS

Chapter 22 of the Ordinances of Mansfield Township, Section 22-13, Conditional Uses, is hereby amended and supplemented, by adding the following new subsection as follows:

Small Wind Energy Systems

All small wind energy systems, facilities or structure installations shall comply with all applicable state and federal laws and regulations and shall also comply with the following standards:

- A small wind energy system shall be set back from the nearest property boundary a distance at least equal to 150 percent of the system height. The minimum lot size for free standing wind energy systems shall be 10 acres; there is no minimum lot size for roof mounted systems.
- The tower shall be designed and installed so as to not provide step bolts or a ladder readily accessible to the public for a minimum height of 8 feet above the ground.
- A small wind energy system including tower shall comply with all applicable construction and electrical codes, and the National Electrical Code.
- Small wind energy systems that connect to the electric utility shall comply with New Jersey's Net Metering and Interconnection Standards for Class I Renewable Energy Systems.

- MET towers shall be permitted under the same standards, permit requirements, restoration requirements, and permit procedures as a wind energy system.
- The noise level of any small wind energy system shall not exceed 55 decibels as measured at the closest property line. These levels may be exceeded during short term events such as severe windstorms.
- The wind generator and the tower shall remain painted in the color that was originally applied by the manufacturer, unless a different color is approved by the board.
- Maximum Height:
 - Roof top wind turbines shall not exceed a height of 10 feet from the peak of the roof.
 - System height of free standing wind turbines shall be as high as necessary to capture the wind energy resource, but shall not exceed 140 feet.
- Any disturbance of wooded or forested areas shall be minimized and shall not exceed one-quarter acre.
- Permit requirements for a small wind energy system:
 - Site Plan approval from the Land Use Board shall be required for the installation of a wind energy system.
 - Documents: The site plan application shall be accompanied by a plot plan which includes the following:
 - Property lines and physical dimensions of the property based on a property survey prepared by a licensed land surveyor.
 - Location, dimensions, and types of existing structures on the property.
 - Location of the proposed wind energy system tower.
 - The right-of-way of any public road that is contiguous with the property.
 - Any overhead utility lines.
 - Wind energy system specifications, including manufacturer and model, rotor diameter, tower height, tower type (freestanding or guyed).
 - Stamped, engineered tower and tower foundation drawings signed and sealed by an engineer licensed in the State of New Jersey.
 - Noise levels of the proposed wind energy system at all property lines.
 - Proposed screening of the wind energy system from adjoining properties.

- A description of any lighting and its impact on neighboring residences and properties.
- A Wildlife Habitat Assessment Report shall be prepared, either as part of an Environmental Impact Statement or as a separate report that specifically addresses the wildlife habitat affected by the installation of a wind energy system. This report shall address the impacts to existing bird and bat populations by the wind energy system. Additionally, the report shall address the environmental resources of the New Jersey Department of Environmental Protection's Landscape Project and impacts to habitats ranked 3, 4, or 5 that indicate the presence of threatened or endangered species, including consideration for reducing or mitigating the effect of the wind energy system on the wildlife resources of the Township. This report shall document that the wind energy system will not endanger/kill the varied Threatened and Endangered species, bats and migratory birds of the Township.
- A small wind energy system that is out-of-service for a continuous 12 month period shall be deemed to have been presumptively abandoned. The Zoning Officer may issue a Notice of Abandonment to the owner of a wind energy system that is deemed to have been abandoned. The owner shall have the right to respond to the Notice of Abandonment within 30 days from Notice receipt date. The Zoning Officer shall withdraw the Notice of Abandonment and notify the owner that the Notice has been withdrawn if the owner provides information that demonstrates the wind energy system has not been abandoned. In the event that the Zoning Officer, after investigation, determines that a wind energy system has been abandoned, the Zoning Officer may issue a Notice of Abandonment during the presumptive 12 month period and the owner shall have the right to respond to the Notice of Abandonment.

If the wind energy system is determined to be abandoned, the owner of a wind energy system shall remove the tower and wind generator at the owner's sole expense within 3 months of receipt of Notice of Abandonment. If the owner fails to remove the tower and wind generator, the Zoning Officer may, at the option of the Township Committee, have the tower and wind generator removed at the owner's expense. The costs incurred by the municipality shall be assessed against the property, shall become a lien and tax upon the said property, shall be added to and be a part of the taxes to be levied and assessed thereon, and enforced and collected with interest by the same officers and in the same manner as other taxes.

SECTION VII –VIOLATIONS

It is unlawful for any person to construct, install, or operate a wind energy system or solar energy system that is not in compliance with this Ordinance or with any condition contained in a building permit issued pursuant to this Ordinance. Solar energy systems and wind energy systems approved and/or installed prior to the adoption of this Ordinance are exempt.

SECTION VIII – SEVERABILITY

The provisions of this Ordinance are severable, and the invalidity of any section, subdivision, paragraph, or other part of this Ordinance shall not affect the validity or effectiveness of the remainder of the Ordinance.

SECTION IX

All other provisions of Chapter 22 – Zoning, of the Ordinances of Mansfield Township not modified herein shall remain unchanged and in full force and effect.

SECTION X

This ordinance may be renumbered for codification purposes.

SECTION XI

This Ordinance shall take effect immediately upon final passage, publication according to law, and filing with the Warren County Planning Board.

Mr. Watters made a motion to approve the introduction of Ordinance 2011-17 and requested that the public hearing be held on September 14, 2011 at 8:00 pm and be advertised, which was seconded by Mr. Clancy.

Ayes: Ms. Nerbak, Mr. Watters, Mr. Clancy, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

COMMITTEE PERSON COMMENTS

Ms. Hrebenak stated that as far as performance reviews, everyone's job descriptions and goals and objectives have been received. The liaisons will review and add any more bullets if needed.

Ms. Hrebenak also asked that everyone sign the audit resolutions.

Mr. Watters asked if the Solar and Wind Ordinance on the dias was the same that they received in their packets.

Ms. Hrebenak stated that the ordinances in the binders are the originals and the one on the dias was the one with the changes.

Mr. Watters stated that he saw that we were 3rd in the county for recycling.

Mr. Clancy stated that the oil and chip that is on Snyder Road is terrible and there is stuff all up and down his truck.

Mr. Tomaszewski stated that the job should not have done with rain in the forecast and stated they went back out laid stone on it.

Ms. Hrebenak stated that she spoke with a gentleman who lives on Cherry Tree Bend Road and wants to know what we are going to do about the tar and chip all over his truck.

Mayor Tomaszewski stated that the contractor should be held liable for it. He asked to keep a list of names and complaints for people who had a problem.

Ms. Nerbak made a motion to purchase the field marking paint from Ricardi brothers for \$2,500.00, which was seconded by Mr. Clancy.

Ayes: Mr. Watters, Mr. Clancy, Ms. Nerbak, Mayor Tomaszewski

Nayes:

Absent: Mr. Smith

Abstain:

Mr. Watters made a motion to adjourn at 8:30 pm, which was carried by all.