

**STILLWATER TOWNSHIP COMMITTEE MEETING
MINUTES OF SEPTEMBER 2, 2014
REGULAR MEETING**

A REGULAR MEETING of the Stillwater Township Committee was called to order by Mayor Scott at 6:00 p.m. noting the meeting date, time and place were duly published in the New Jersey Herald and posted at the Town Hall and advised those present that this meeting was being held in compliance with provisions of P.L. 1975, Chapter 231, Sections 4 & 13.

Roll Call: PRESENT: Mayor Scott, Committeewoman Chammings, Committeeman Fisher, Municipal Clerk Lynda Knott, and Attorney Richard Stein ABSENT: Committeeman Gross, Committeewoman Straway,

Executive Session:

After the reading of the following Resolution to enter into Executive Session, a **motion** was made by **Mr. Fisher**, seconded by **Ms. Chammings** and carried by roll call vote to adopt the resolution permitting the Committee to go into Executive Session at 6:06 p.m.

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Stillwater, in the County of Sussex and State of New Jersey as follows:

1. The public shall be excluded from that portion of this meeting.
2. The general nature of the subject matter to be discussed is as follows: Personnel and Real Property.
3. As nearly as can now be ascertained, the matter or matters to be discussed at this time will be disclosed to the public when such matters are resolved.

There being no further business to attend to, a **motion** was made by **Mr. Fisher**, seconded by **Ms. Chammings** to conclude the Executive Session at 6:51 p.m., unanimously carried by roll call vote.

Regular Session:

Mayor Scott invited all present to join him in saluting the flag

Mr. Jeffrey LoCascio, President Paulinskill Lake Association. Mr. LoCascio came before the Township Committee to speak about the increase in graffiti in the area of Paulinskill Lake and provided multiple pictures of recent graffiti on road signs and buildings. Mr. LoCascio asked the Committee for suggestions on deterring potential artists and also for help in either cleaning or replacing street signs that were defaced. Mayor Scott suggested Mr. LoCascio contact the Sussex County Sherriff's office and also the State Police to discuss the graffiti. Ms. Chammings suggested the Sherriff's Department's Gang Task Force could also look at the graffiti and determine if it is amateur artists or potentially gang insignia. Mayor Scott asked the Clerk to contact Sherriff Strada and the Commander of the State Police in Augusta to ask for beefed up patrols and deterring the artists. Mayor Scott also asked that the DPW Supervisor take an inventory of stop and street signs and see if some of the defaced signs be replaced.

CONSENT AGENDA: All matters listed below are considered routine in nature and will be enacted by one motion. There will be no separate discussion of the items. If any discussion is desired, that particular item will be removed from the consent agenda and will be considered separately on the regular agenda.

RESOLUTIONS: 2014-089 Resolution Regarding Disabled Veteran
2014-090 Regarding Easement 902 Fredon Rd., Block 3305, Lot 6
2014-091 Authorizing Payment of Lien Redemption Block 3206 Lot 6

Ms. Chammings made a **motion** to approve the Consent Agenda, seconded by **Mr. Fisher**.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, and Mayor Scott, yes – the Consent Agenda was approved.

2014 Bill List Cycle # 13: \$780,898.23.00

RESOLUTION 2014-092 Authorizing Payment of Bills

Ms. Chammings asked that Purchase Order 3591 for medical reimbursement be pulled from the bills list.

Motion by **Mr. Fisher**, seconded by **Ms. Chammings** to approve the 2014 Bills List and Resolution 2014-092 Payment of Bills for Cycle #12 minus Purchase Order 3591.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, and Mayor Scott, yes – Resolution 2014-092 was adopted.

Motion by **Mr. Fisher**, seconded by **Ms. Chammings** to approve the payment of Purchase Order 3591.

Roll Call Vote: Ms. Chammings, abstained, Mr. Fisher, yes, and Mayor Scott, yes – Purchase Order 3591 was paid.

Amendments to the Agenda: None

Open Public Session: Mayor Scott invited members of the public to speak.

Mr. Ed Szabo, 978 Route 521, suggested the Paulinskill Lake Association contact Sgt. Bayless of the Gang Task Force because specific graffiti represents each gang and also to ask hunters to donate the use of their hunting cameras to catch the artists.

Kathy Fobes-Jacoby, 964 Mount Holly Road, stated that the 2014 Green Fest will be held on Sunday, September 7 from 1:00 p.m. to 4:00 p.m. rain or shine at the Fairview Lake YMCA Camp on Fairview Lake Road. Mrs. Fobes-Jacoby gave a brief outline on the events planned for that day.

Mr. Jim Pavone, Chief of Stillwater Volunteer Fire Department reported their tanker took first place in the Annual Labor Day Parade and the win boosted moral among members. Chief Pavone asked permission to take the tanker to Wildwood, New Jersey for the Volunteer Firemen's Convention from September 12th to 14th for judging in the parade.

Motion by **Mr. Scott**, seconded by **Mr. Fisher** to approve the Fire Department's request to enter the tanker in the Wildwood parade.

Seeing no one else wishing to speak Mayor Scott closed this portion of the meeting.

Roll Call Vote: Ms. Chammings, yes, Mr. Fisher, yes, and Mayor Scott, yes – the Fire Department’s request was approved.

Seeing no one else wishing to speak Mayor Scott closed this portion of the meeting.

COMMITTEE REPORTS:

Mr. Fisher: Reported that he would be continuing on the new shed at the Recycle Center this weekend and it is progressing nicely. The next Recreation Commission meeting is scheduled for September 15, 2014.

Ms. Chammings: Reported the Planning Board has approved the Solar Ordinance with conditions and has sent it back to the Township Committee for adoption. The DPW is busy repairing roads and has completed the oil and stone on Sprout Hill and Possum Hill Roads.

Mayor Scott: Reported there have been complaints from teams using Veterans Field because coaches have been parking on the fields. Mayor Scott noted the Recreation Commission chair will tell the teams to park in the lot only and use the driveway only when loading and unloading.

OLD BUSINESS:

ORDINANCE 2014-013 JERSEY TO AMEND AND SUPPLEMENT CHAPTER 240, THE LAND DEVELOPMENT CHAPTER SPECIFICALLY THE ZONING SECTION OF THE STILLWATER TOWNSHIP CODE ESTABLISHING REGULATIONS PERTAINING TO SOLAR ENERGY Public Hearing and Adoption

BE IT ORDAINED by the Township Committee of the Township of Stillwater that Chapter 240 of the Stillwater Township Code is hereby amended as follows:

SECTION 1. Chapter 240 is hereby amended to add the following sections:

240-118 A-1. Solar Energy – General Provisions

WHEREAS, the primary purpose of a solar energy system will be to provide power for the principal use of the property whereon said system is to be located and shall not be for the generation of power for commercial sale purposes. Notwithstanding the foregoing, this provision shall not be interpreted to prohibit the sale of excess power generated from time to time from a solar energy system designed to meet the energy needs of the principal use on the property. For the purposes of this chapter, the sale of

excess power shall be limited so that generally an energy system is not generating more energy for sale than what is otherwise necessary to power the principal use on the property.

240-118 A-2. Solar Energy – General Provisions

WHEREAS, Solar energy systems shall only be permitted as an accessory use on the same lot as the principal use. All applications shall demonstrate that the conditions at the proposed location will be suitable for the generation of electricity. All solar energy systems require approval from the Zoning Officer and Construction Official prior to installation. All applications for a solar energy system shall include appropriate information demonstrating compliance with this chapter, including a record of the electric usage for the principal use on the property for the previous year. In the event that the Zoning Officer or Construction Official does not agree that the provisions of this chapter will be satisfied, an Applicant may apply to the Planning Board for an interpretation or variance as necessary.

SECTION 2. DEFINITIONS

Solar Energy System – means solar panels, their mounting apparatus and all associated equipment that collect, store and distribute solar energy for heating, cooling or electricity generating.

Solar Panel – means a structure containing one or more photovoltaic or receptive cells, the purpose of which is to convert solar energy into useable electrical energy through the use of solar panels.

SECTION 3. SOLAR ENERGY SYSTEMS

240-118 A-3. Solar Energy – General Provisions

A. Rooftop Solar Energy Systems

1. Solar energy systems shall be permitted as a rooftop mounted installation in all zoning districts. The solar panels shall not exceed a height of 8 inches from the rooftop. The height of the solar panels shall not be included in any calculations for total building height.
2. Solar energy systems installed in a rooftop mounted configuration shall not be installed beyond the actual boundaries or edges of the roof.
3. A clearly marked manual shut-off switch for the electricity from the solar panels shall be installed in close proximity to the meter on the exterior of the principal structure.
4. An official National Electric Code (N.E.C.) placard, stating there are solar panels on the principal structure, shall be placed near the front entrance of the structure.
5. Rooftop solar systems shall not be subject to the cover percentage set forth in regulation 240-104:G-2 of the Township of Stillwater's Municipal Code.

B. Ground-mounted Solar Panel Systems

1. Solar energy systems shall be permitted as a ground-mounted installation in all zoning districts.
2. Ground-mounted solar energy systems shall not be permitted in the front yard.
3. Ground-mounted solar energy systems shall be set back in conformance with the required setbacks for accessory structures in each zone.
4. Ground-mounted solar energy systems shall be located so that concentrated solar energy radiation or glare shall not be directed onto nearby properties or roadways.

5. Ground-mounted solar energy systems shall not exceed a height of 15 feet.
 6. Ground-mounted solar energy systems shall not be permitted on any lot that is 0.5 acres or less.
 7. Ground-mounted solar energy systems shall not add, contribute to or be calculated to cause an increase in impervious coverage for purposes of conforming designing standards.
 8. A clearly marked shut-off switch for the electricity from the solar energy systems shall be installed in close proximity to the meter on the exterior of the principal structure.
 9. Ground-mounted solar energy systems shall be screened and or landscaped to shield the system when viewed from the street and/or adjacent properties.
 - a. The recommended distance and planting material is identified in Figure A attached.
 - b. Where natural evergreen or dense deciduous screening is already in existence, no additional screening shall be required between the property line(s) and the ground arrays.
 - c. Screening is not required between the ground-mounted solar energy systems and the principal structure located on the same lot as the ground-mounted solar energy systems if it is completely shielded from the front, rear and side property lines.
- C. The provisions in this chapter do not apply to the installation of decorative solar energy pathway lights that do not provide power for another use or structure.

- D. For ground-mounted solar energy systems, all solar energy systems shall meet all National Electric Code (N.E.C.) requirements.

SECTION 4. REQUIREMENTS FOR ALL SOLAR ENERGY SYSTEMS

240-118 A-4. Solar Energy – General Provisions

- A. Solar energy systems shall not be used for displaying or advertising except for the labeling information noted in Section F below.
- B. The design of solar energy systems shall, to the extent reasonably possible, use materials, colors, textures, screening and landscaping that will blend the facility into the natural setting and existing environment.
- C. The solar energy system shall be located so that tree removal is consistent with the regulations set forth in Chapter 382 in the Township of Stillwater's Municipal Code.
- D. For ground-mounted solar energy systems, all electric lines and utility wires shall be installed underground.
- E. The installation of a solar energy system shall conform to the requirements of the electric utility company for interconnection as the case may dictate.
- F. A minimum of one sign shall be posted near ground level on the interconnection cabinet warning of high voltage. In addition, the following information shall be posted on a label or labels installed at the site:
1. The maximum power output of the system.
 2. Nominal voltage and maximum current.
 3. Manufacturer's or installer's name, address and telephone number, and the serial number and model number of the equipment.

4. Emergency and normal shutdown procedures.
- G. Solar energy systems that connect to the electric utility shall comply with the New Jersey net metering and interconnection standards for Class1 Renewable Energy Systems at N.J.A.C. 14:4-9. Solar energy systems shall not be installed to generate more electricity than needed for the principal use on the property.
- H. A solar energy system that is out of service for a continuous twelve-month period shall be deemed to have been abandoned.
1. The Zoning Officer may issue a notice of abandonment to the owner. The notice shall be sent via regular mail and certified mail, return receipt requested, to the owner of record.
 2. Any abandoned solar energy system shall be removed at the owner's sole expense within six (6) months of the date on the notice of abandonment from the Zoning Officer. Prior to removal, the owner shall obtain a demolition permit from the Construction Official. Upon removal, the site shall be cleaned, restored and landscaped to blend with the existing surrounding vegetation at the time of the removal.
 3. The Zoning Officer may issue a summons to the owner for failure to remove the abandoned system as requested in the notice of abandonment.
 4. When the owner of the solar energy system had been notified to remove same and has not removed the system within six (6) months after receiving the notice, the Township may pursue legal action to have the system removed at the owner's expense.
 5. Solar panels removed from the site shall be deposited at a recognized solar panel

recycling center. Panels that are not recycled must be disposed of in accordance with the New Jersey Department of Environmental Protection or U.S. Environmental Protection Agency requirements.

- I. A zoning permit and building permit shall be required for the installation of a solar energy system. Documents required for a zoning permit shall include the following:
 1. Property Survey.
 2. Location, dimensions (including height) of existing major structures on the property.
 3. Location, dimensions and type of proposed solar energy system, including all structures accessory to the system. The setback distance of the solar energy system improvements from all property lines shall be shown.
 4. Manufacturer's energy system specifications, including make and model.
 5. Proof of notification to the electric company for interconnection purposes.
 6. Certification from a professional engineer, licensed New Jersey electrician and/or the installation company that the proposed installation is in compliance with manufacturer's guidelines.
 7. Other documents and plans containing enough information concerning installation of the solar energy system for the Zoning Officer to make a formal decision concerning conformance with the ordinance standards. The amount and accuracy of information provided shall be in the judgment of the Zoning Officer.
 8. Statement from applicant that installation will comply with all environmental guidelines.

9. Application shall include a current photograph of the site where the proposed system is to be installed.
- J. If the location of the solar energy improvements does not meet the setback requirements of the zoning section, the Applicant shall submit an Application for Site Plan and Variances to the Township Planning Board.

SECTION 6. VIOLATIONS

240-118 A-6. Solar Energy – General Provisions

- A. It is unlawful for any person to construct, install or operate a 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 installed prior to the adoption of the Ordinance are exempt.
- B. Penalties. The Penalties for the violation of this Ordinance are contained in Section 240-132 of the Stillwater Township Code.

SECTION 7

240-118 A-7. Solar Energy – General Provisions

Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION 8

240-118 A-8. Solar Energy – General Provisions

All Ordinances or parts of Ordinances or Resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency

SECTION 9

240-118 A-9. Solar Energy – General Provisions

This Ordinance shall take effect after publication and passage according to law.

The Township Clerk is directed to give notice at least ten (10) days prior to the hearing on the adoption of this Ordinance to the County Planning Board and to all others entitled pursuant to the provisions of N.J.S.A. 40:55D-15. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and file a copy of this Ordinance, as finally adopted, with the Sussex County Planning Board, as required by N.J.S.A. 40:55D-16.

Mayor Scott opened the meeting to the public to speak about this ordinance. Seeing no one wishing to speak Mayor Scott closed this portion of the meeting.

Upon Motion by Ms. Chamblings, seconded by Mr. Fisher and Roll Call Vote: Ms. Chamblings, yes, Mr. Fisher, yes and Mayor Scott, yes – Ordinance 2014-013 was adopted.

NEW BUSINESS

DISCUSSION ITEMS

The Township received a request from the Nature Conservancy to adopt a resolution in support of their acquisition of Block 2701 Lot 3 (93 acres owned by the Brashers). Mr. Scott Sherwood, a Stillwater resident who works for the Nature Conservancy stated the property would be preserved and improved with plantings to help stabilize soil. Mr. Sherwood was unable to answer some technical questions asked by the Township Committee so the discussion was tabled until more information is received.

The Joint Christian Community Outreach Committee of Stillwater is asking the Township Committee for approval to have their 5K Run/Walk in conjunction with the Stillwater Historical Society's Fall Harvest Festival. The event has now been successfully run through Stillwater Township in the prior year and the Township Committee directed the Clerk to give the Township Committee's approval for the event in 2014.

Mr. Fisher noted the architect will be revamping the Town Hall Phase II proposal for the next meeting.

OPEN PUBLIC SESSION Mayor Scott opened the meeting to the public to speak on any matter.

Mr. Ed Szabo, 978 Route 521, reported that the Stillwater Tax Payers Association will be celebrating its 55th Anniversary on Saturday, September 27, 2014 and will hold its celebratory meeting at the Boat

House on Swartswood Lake with Congressman Scott Garrett as keynote speaker. Tickets are on sale now.

Seeing no one else wishing to speak Mayor Scott closed this portion of the meeting.

Attorney Report: Attorney Stein reported he had questions regarding the contract for aggregate energy purchase was researching and will report his findings to the Township Committee. Mr. Stein

There being no further business a Motion was made by Mr. Fisher to attend to adjourn the meeting, seconded by **Mrs. Straway**. In a voice vote at 8:25 p.m., all were in favor.

Respectfully submitted,

Lynda Knott, Municipal Clerk