

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: FEBRUARY 24, 2014 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Cann
_____	_____	Committeeman Carson
_____	_____	Committeeman Moynihan
_____	_____	Committeewoman Popko
_____	_____	Township Clerk Eckert
_____	_____	Attorney Kearns
_____	_____	Chief Financial Officer Kocian
_____	_____	Public Works Director Buhrer
_____	_____	Police Chief Nucera

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 6, 2014, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the REGISTER-NEWS, the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. Presentation by Volunteers of America regarding Proposed Affordable Housing.
6. Administrative Review
  - a. Review of agenda
  - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
- b. Questions or comments from the audience on consent agenda items.
- c. Motion, Second and Roll Call to adopt Resolutions #2014-049-7 through #2014-049-20.

7. Resolution #2014-049-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
8. Resolution #2014-049-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.
9. Resolution #2014-049-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
10. Resolution #2014-049-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
11. Resolution #2014-049-11 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION.
12. Resolution #2014-049-12 entitled RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT FEE TO LORRAINE DADDONA, 21 ELM AVENUE.
13. Resolution #2014-049-13 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.
14. Resolution #2014-049-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
15. Resolution #2014-049-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
16. Resolution #2014-049-16 entitled APPOINTING MEMBER TO THE BORDENTOWN SEWERAGE AUTHORITY.
17. Resolution #2014-049-17 entitled RESOLUTION TO ESTABLISH TERMS FOR THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEMBERS.
18. Resolution #2014-049-18 entitled AUTHORIZING 2014 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).
19. Resolution #2014-049-19 entitled AUTHORIZING ISSUANCE OF BINGO LICENSE #BL:398.
20. Resolution #2014-049-20 entitled APPROVING RAFFLE LICENSE #RL:399.
21. Consideration of Adoption of Ordinance #2014-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$2,088,181 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,516,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME.
22. Public Hearing on Ordinance #2014-7 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO CREATE SECTION 1200, ENTITLED RENEWABLE ENERGY, AND TO PROVIDE FOR STANDARDS REGARDING SUCH RENEWABLE ENERGY FACILITY USES AND INSTALLATIONS.

23. Consideration of Adoption of Ordinance #2014-7 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO CREATE SECTION 1200, ENTITLED RENEWABLE ENERGY, AND TO PROVIDE FOR STANDARDS REGARDING SUCH RENEWABLE ENERGY FACILITY USES AND INSTALLATIONS.
24. Consideration of Introduction of Ordinance #2014-8 entitled AN ORDINANCE CHANGING THE STREET NAME OF ADVANTAGE COURT TO ALTRAN COURT.
25. Township Committee discussion of Burlington County Health Department request for Aerial Larval/Adult Mosquito Control Activities.
26. Township Committee discussion regarding the Bordentown City Water Tower Lighting.
27. Township Committee discussion of Establishing Date for 4<sup>th</sup> of July Celebration and Fireworks.
28. Township Committee and Staff Reports.
29. Public Participation.

Questions, comments or statements from members of the public in attendance.

30. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
31. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing Professional Services Contract Matter (Barbara Woolley-Dillon v. Township of Bordentown); Professional Services Contract Matter (Bristol Incinerator); Solid Waste Collection Contract Matter; K. Johnson Redevelopment Project Contract Matter (PILOT Agreement); Public Works Expansion Contract Matter; Bordentown Waterfront Redevelopment Contract Matter; Public Works Department Personnel Matter; NJ Turnpike Authority v. Township of Bordentown Litigation.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

RESOLUTION #2014-049-7

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated February 24, 2014, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

02/24/14

RESOLUTION #2014-049-8

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of February 10, 2014, the Regular Meeting of February 10, 2014, and the Special Meeting of February 15, 2014, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as ( \_\_\_\_\_ submitted) ( \_\_\_\_\_ corrected); and

BE IT RESOLVED that the following reports for the month of January 2014 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Construction, Community Development and Finance; and

BE IT FURTHER RESOLVED that the following items of correspondence are to be received and/or acted upon:

- a. CFO, David Kocian, Certificate of Determination and Award of Issuer's Tax Appeal Refunding Notes, 2014 Series A, in the amount of \$883,300.
- b. CFO, David Kocian, Certificate of Determination and Award of Issuer's Bond Anticipation Notes, Series B, in the amount of \$3,195,000.
- c. Letter dated February 7, 2014, from the Burlington County Municipal Joint Insurance Fund, regarding 2013 Safety Incentive Program Awards.

02/24/14

## **RESOLUTION #2014-049-9**

### **AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #13-00025 was redeemed on February 7, 2014, in the amount of \$436.14.

WHEREAS, US BANK Cust for Pro Capital III, paid tax sale premium, in the amount of \$400.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$400.00 to US BANK Cust for Pro Capital III; for Lien 13-00025, Block 138.06 Lot 14, commonly known as 41 Tantum Court.

MAP  
02/24/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**RESOLUTION #2014-049-10**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #13-00015 was redeemed on February 7, 2014, in the amount of \$420.33.

WHEREAS, US BANK Cust for Pro Capital III, paid tax sale premium, in the amount of \$500.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$500.00 to US BANK Cust for Pro Capital III; for Lien 13-00015, Block 92.06 Lot 22.168 C.168, commonly known as 7 Fairfax Court.

MAP  
02/24/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**TOWNSHIP OF BORDENTOWN**

**RESOLUTION NO. 2014-049-11**

**REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION**

**WHEREAS**, there exists an unused balance in the following Planning or Zoning escrow account:

<u>Applicant/Developer</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
Fulton Bank of NJ (K. Johnson Site)	Sign Variance Request Block 57, Lot 6.02	979400	\$2,841.24

and,

**WHEREAS**, the Director of Community Development has certified that the project is complete and there are no unpaid invoices for professional services in connection with the project; and,

**WHEREAS**, the Director of Community Development recommends the balance of the funds should be returned to the applicant; in accordance with N.J.S.A. 40:55D-53.2.

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

1. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused balance of the escrow deposit, in the amount indicated above, plus applicable interest, if any, in accordance with N.J.S.A. 40:55D-53.1.
2. That the Township Committee directs the Chief Financial Officer to make payment to the aforesaid Applicant/Developer.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to the Applicant/Developer.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14



RESOLUTION #2014-049-12

RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT FEE TO LORRAINE DADDONA, 21 ELM AVENUE

WHEREAS, Lorraine Daddona submitted a construction permit for her property located at 21 Elm Avenue in the Township of Bordentown; and

WHEREAS, the Township's portion of the fee for said permit was a total of \$359.00; and

WHEREAS, Ms. Daddona has informed the Construction Official that the project has since been cancelled and is thereby requesting a refund for the construction permit by way of correspondence dated February 3, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize a refund in the amount of \$359.00 to be paid to Lorraine Daddona, 21 Elm Avenue, Bordentown, NJ 08505.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

RESOLUTION #2014-049-13

RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT

WHEREAS, pursuant to N.J.S.A. 40A:4-19, the local municipal temporary budget for the year 2014 was approved on the 4<sup>th</sup> day of January, 2014; and

WHEREAS, pursuant to N.J.S.A. 40A:4-19, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance are excluded from the 26.25% of the prior year budget cap; and

WHEREAS it is desired to amend said temporary budget in order to appropriate sufficient funds for the payment of the Township's capital improvement needs;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, that the following temporary appropriation be made:

Capital Improvement Fund	
Other Expense	\$76,000

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal temporary budget so amended.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

**RESOLUTION #2014-049-14**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #13-00010 was redeemed on February 20, 2014, in the amount of \$1,025.85.

WHEREAS, Garden State Investment, paid tax sale premium, in the amount of \$600.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$600.00 to Garden State Investment; for Lien 13-00010, Block 92.05 Lot 22.088 C.088, commonly known as 5 Kennebec Court.

MAP  
02/24/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

**RESOLUTION #2014-049-15**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #13-00003 was redeemed on February 20, 2014, in the amount of \$1,321.48.

WHEREAS, Garden State Investment, paid tax sale premium, in the amount of \$600.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$600.00 to Garden State Investment; for Lien 13-00003, Block 19.03 Lot 21, commonly known as 11 Arbor Court.

MAP  
02/24/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

RESOLUTION #2014-049-16

APPOINTING MEMBER TO THE BORDENTOWN SEWERAGE AUTHORITY

BE IT RESOLVED this 24<sup>th</sup> day of February, 2014, by the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey, that the following person be and the same is hereby appointed to serve as a member of the Bordentown Sewerage Authority for a five (5) year term effective retroactive to February 1, 2014;

Stephen Monson

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Administrative Manager of the Bordentown Sewerage Authority for filing with the Office of the Secretary of the State of New Jersey.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

RESOLUTION #2014-049-17

RESOLUTION TO ESTABLISH TERMS FOR THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEMBERS

WHEREAS, the Township Committee of the Township of Bordentown established an Economic Development Advisory Committee by Ordinance #2013-9 and appointed members to serve on this Committee; and

WHEREAS, it is necessary to establish terms for the membership as outlined within Ordinance #2013-9;

NOW, THEREFORE BE IT RESOLVED that the terms of the members of the Economic Development Advisory Committee shall be set as follows:

1 Year Term Expiring 12/31/14:	Chris Nunn
1 Year Term Expiring 12/31/14:	Scott Rauenbuhler
1 Year Term Expiring 12/31/14:	David Thompson
2 Year Term Expiring 12/31/15:	Michael Carney
2 Year Term Expiring 12/31/15:	Dawn D”Alicandro
2 Year Term Expiring 12/31/15:	Dimitri “Jimmy” Manetas
3 Year Term Expiring 12/31/16:	Shirley Littleford
3 Year Term Expiring 12/31/16:	Bill Ryan

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

RESOLUTION #2014-049-18

AUTHORIZING 2014 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59)

WHEREAS, various 2013 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2013 budget in the last two months of 2013; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, that the transfers in the amount \$1,350.00 be made between the 2013 Budget Appropriation Reserves as follows:

Appropriation Reserves Transfers 02.24.14		
	From	To
Municipal Clerk - O/E	1,350.00	
Police -O/E		100.00
Streets & Roads - O/E		1,000.00
Vehicle Maint - O/E		250.00
	<hr/>	<hr/>
	1,350.00	1,350.00

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

RESOLUTION #2014-049-19

AUTHORIZING ISSUANCE OF BINGO LICENSE #BL:398

WHEREAS, application has been filed by the Peter Muschal Elementary School PTA for the playing of a bingo game; and

WHEREAS, fees have been received in the amounts required by State Law covering the playing of bingo games; and

WHEREAS, the proceeds are to be devoted to the PTA School Activities (assemblies, field day, special events, etc.);

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that License #BL:398 be issued to the Peter Muschal Elementary School PTA for the playing of a bingo games in accordance with the Legalized Games of Chance Control Commission regulations at the Bordentown Regional Middle School, 50 Dunns Mill Road, in the Township of Bordentown to be held on March 28, 2014, from 6 pm to 11 pm.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14



RESOLUTION #2014-049-20

APPROVING RAFFLE LICENSE #RL:399

WHEREAS, the Peter Muschal Elementary School PTA has filed an application with the Township of Bordentown to hold a raffle with prizes not to exceed \$400 and to be held in conjunction with Bingo License #BL:398 at the Bordentown Regional Middle School, 50 Dunns Mill Road, in the Township of Bordentown and no fee is required by the Township of Bordentown or the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:399 be issued to the Peter Muschal Elementary School PTA, with the stipulation that all funds be used for PTA school activities (assemblies, field day, special events).

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 24, 2014.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/24/14

ORDINANCE NO. 2014-6

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN,  
IN THE COUNTY OF BURLINGTON, NEW JERSEY,  
PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS  
AND RELATED EXPENSES IN AND FOR THE TOWNSHIP,  
APPROPRIATING \$2,088,181 THEREFOR, AND  
AUTHORIZING THE ISSUANCE OF \$1,516,000 IN GENERAL  
IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO  
FINANCE THE SAME.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Bordentown, in the County of Burlington, New Jersey (the "Township") as general improvements or purposes. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$2,088,181, including the aggregate sum of \$75,800 as the several down payments required by the Local Bond Law and including \$496,381 as the grant expected to be received from the Federal Emergency Management Agency. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$1,516,000, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the bonds or notes are to be issued are as follows:

I. Purpose. Various Road Improvements, including reconstruction and repaving of various Township roads, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$2,033,181
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,463,750
<u>Grants Appropriated</u>	\$496,381
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$73,050

II. Purpose. Acquisition of Public Works Equipment, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$55,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$52,250
<u>Period or Average Period of Usefulness:</u>	5 years
<u>Amount of Down Payment:</u>	\$2,750

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such

determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, is 9.83 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,516,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$208,818 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Township reasonably expects to commence with the acquisition of the improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse itself from proceeds of the obligations authorized by this bond ordinance for capital expenditures with respect to the improvement initially paid for from current or other available funds of the Township. This constitutes a declaration of "official intent" within the meaning of Treasury Regulations §1.150-2. The Township hereby certifies that this declaration is reasonable on the date hereof in that (i) it is consistent with the budgetary and financial circumstances of the Township, (ii) no funds (other than the proceeds of the obligations authorized by this bond ordinance) are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the

Township pursuant to its budget or financial policies with respect to the capital expenditures to be reimbursed, and (iii) the Township does not have a pattern of failing to reimburse itself for capital expenditures actually paid and for which an official intent was declared, other than due to unforeseeable extraordinary circumstances beyond the Township's control. Proceeds of the obligations authorized by this bond ordinance shall be allocated to expenditures not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date the improvement is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

Section 7. There is hereby appropriated to the purposes and improvements described in Section 3(a)(I) grant moneys in the amount of \$496,321 expected to be received from the Federal Emergency Management Agency. Any additional grant moneys received for the improvement or purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or purpose or to payment of the bonds or notes issued pursuant to this bond ordinance. The amount of bonds or notes authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the

tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE NO. 2014-7**

**An Ordinance of the Township of Bordentown Amending Chapter 25 of the Code of the Township of Bordentown to create Section 1200, entitled Renewable Energy, and to provide for standards regarding such renewable energy facility uses and installations.**

**WHEREAS**, Chapter 25 is the Land Development Code of the Township of Bordentown, and such code provides for various uses and standards of design and installation, and;

**WHEREAS**, the Township Committee has determined that Renewable Energy facilities are uses that require proper guidance and standards, and;

**WHEREAS**, the Township Committee has further determined that the Township Code shall be amended in order to provide standards for renewable energy facilities.

**NOW THEREFORE BE IT ORDAINED** by the Township Committee of the Township of Bordentown that:

**Section 1. Chapter 25** (Land Development) is hereby amended to include, **Section 1200** entitled “Renewable Energy Facilities” and Sections 25-1201 – 25-1210 are created as follows:

**Section 1200 Renewable Energy Facilities**

**§ 25-1201. Purpose**

- A. The purpose of this ordinance is to permit renewable energy facilities in appropriate locations in the Township in a way that is consistent with the Bordentown Township Master Plan and State legislation to facilitate development of alternative forms of energy production, and to minimize potential land use conflicts and potential impacts associated with such facilities on surrounding properties. This ordinance is intended to accomplish the foregoing while also:
- (1) Preserving areas with an established rural and/or historic character by avoiding siting such facilities on land within areas of rural and/or historic character, particularly on land which is exposed to public view and where, by reason of topography or other natural features, the facility cannot be effectively screened from view.
  - (2) Protecting the quality of life in residential districts by siting ground mounted facilities in locations that minimize the visibility of such facilities from adjacent residential areas.
  - (3) Providing standards for buffering and screening of renewable energy facilities to protect surrounding properties from glare and to mitigate the visual impact of ground mounted facilities.



- (4) Providing for proper decommissioning of the renewable energy facility after its useful life.
- (5) Preventing heat islands or unnatural heat absorption, causing ecological damage and habitat loss.
- (6) Preserving and protecting existing forested areas which provide multiple direct environmental benefits, such as carbon sequestration, wildlife habitat and local cooling.
- (7) To ensure that only people who have training or understand relative hazards are allowed in certain areas of an electrical installation.
- (8) That all permits and applications for solar Photovoltaic installations must also be reviewed by the Fire Official of the Township of Bordentown to ensure that they comply with fire safety guidelines and all applicable fire codes.
- (9) That the enforcing agency (Construction Office) will coordinate directly with the Fire Officials office for comments and review. The applicant may request a joint meeting with both the Construction Official and the Fire Official.
- (10) That the law has not removed the necessity to prove that the solar facility will not frustrate the overall planning efforts of the Township or become a detriment to the well-being and safety of the community. In other words, inherently beneficial does not mean “permitted”. As in all good planning, balance is critical.
- (11) That one of the Townships first objectives is to encourage roof-mounted or other flat installations on existing impervious cover or already disturbed areas.
- (12) That all firefighter concerns be addressed including firefighter vulnerability to electrical and casualty hazards when mitigating a fire involving photovoltaic module systems.

#### **§ 25-1202. Definitions**

A. Definitions. As used in this section, the following definitions shall apply:

**ARRAY** means an interconnected system of photovoltaic modules that function as a single electricity-producing unit. The modules are assembled as a discrete structure, with common support or mounting.

**BIPV (Building-Integrated Photovoltaic)** a term for the design and integration of photovoltaic (PV) technology into the building envelope, typically replacing conventional building materials. This integration may be in vertical facades, replacing view glass, or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing materials; or other building envelope systems.

**CELL** The smallest semiconductor element within a PV module to perform the immediate conversion of light into electrical energy.

**ELECTRICAL GRID** is an integrated system of electricity distribution, usually covering a large area.

**INVERTER** is a device that converts direct current electricity to alternating current, either for stand-alone systems or to supply power to an electricity grid.

**JUNCTION BOX** A PV generator junction box is an enclosure on the module where PV strings are electrically connected and where protection devices can be located, if necessary.

**MAJOR GROUND MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE** means an energy generating facility that shall be deemed to be a principal use when any of the following conditions are met.

- (1) When the ground mounted facility exceeds a ratio of one to five (1:5) of the land area on which the facility is constructed to the area used for another purpose (including farming).
- (2) When the ground mounted facility comprises an area of 10 acres or greater.
- (3) When the ground mounted facility is the only use or structure on a lot.
- (4) When all of the energy produced by the facility is not used at the site of the facility or on an adjoining contiguous property in common ownership. For purposes of this section, net metering for purposes of smoothing out differences in day-to day production and demand on the site of the facility or on an adjoining contiguous property in common ownership does not constitute offsite use of energy, and facilities constructed with up to 110% of the projected demand of the site of the facility or an adjoining contiguous property in common ownership or combination thereof, does not constitute offsite use.

**MINOR GROUND MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE** means an energy facility which does not meet one or more of the conditions to be defined as a Major Solar or Photovoltaic Energy Facility or Structure.

**RACK MOUNTS** In a rack mount, the photovoltaic modules (solar panels) are supported by a metal framework and are set at a pre-determined angle. The rack mounted solar array is placed above the roof with the racks members bolted to the roofs structural members.

**RENEWABLE ENERGY FACILITY** means a facility that engages in the production of electric or heat energy from solar technologies, photovoltaic technologies, geothermal, water or wind energy.

**ROOF MOUNTED SOLAR OR PHOTOVOLTAIC ENERGY GENERATING FACILITY** is a solar or photovoltaic facility mounted to the roof of a building, carport or other structure which provides protection from weather or provides habitable or storage space. This shall not include facilities mounted above surface parking lots.

**SOLAR OR PHOTOVOLTAIC PARKING STRUCTURE** is a solar or photovoltaic facility mounted on a surface parking lot such that vehicles may park and/or drive beneath.

**SOLAR OR PHOTOVOLTAIC ENERGY FACILITY OR STRUCTURE** means a facility or structure for the purpose of supplying energy produced from solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

**SOLAR ENERGY SYSTEM** shall be a system that utilizes solar panels, as defined herein, to convert solar energy to electricity or heat in order to satisfy all or a portion of the energy requirements associated with a dwelling or nonresidential structure and/or to generate electricity for use in the regional high-voltage electrical grid. The conversion may be accomplished by solar radiation absorbed by a medium (such as solar panels, as defined

herein) and distributed to a point of use. The “system” shall include the solar panels and all associated equipment, including any base, foundation, structural support, wiring, piping, batteries or other components necessary to fully utilize the system. An auxiliary energy system may be employed to supplement the output provided by the solar energy system and to provide for the total energy demand should the solar energy system become inoperable.

**SOLAR PANELS** shall mean a structure containing one or more receptive cells, the purpose of which is to convert solar energy into usable electrical or heat energy by way of a solar system. This term includes all components necessary to generate, store, transport and/or transfer energy.

**TILT ANGLE** The angle at which a photovoltaic array is set to face the sun relative to a horizontal position. The tilt angle can be set or adjusted to maximize seasonal or annual energy collection.

**SOLAR PANEL AREA** shall mean the area contained within an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array.

### **§ 25-1203. General Provisions- Use Standards**

Unless otherwise specified, the following general requirements apply to all solar and photovoltaic facilities regardless of whether they are principal or accessory uses.

- A. Solar or photovoltaic energy systems are permitted as a principal use in the REO (research, engineering, office) District in accordance with 40:55D-66.11.
- B. Solar energy generating systems are permitted as an accessory use on the same lot as the principal use, whether roof-mounted or ground-mounted, in all residential and business zone districts (specifically, R-6, R-7, R-8, R-10, R-20, R-30, R-40, R-120, PO, CC, HC, GC-I & GC-II, PUD, PUD (A/T). The purpose of these accessory systems is to generate energy to satisfy all or a portion of the energy requirements associated with the onsite dwelling(s) or business (es), rather than for sale back into the electrical grid system. This provision shall not be interpreted to prohibit the net metering of excess power generated from time to time from a solar energy system that is designed to meet up to 110% the energy needs of the principal use on the same property. Major Ground Mounted Facilities shall not be accessory uses.
- C. Any solar or photovoltaic energy generating facility mounted to a structure above a surface parking area or a roof shall be deemed an accessory use.
- D. Solar or photovoltaic energy facilities are permitted on the roofs of buildings. Roof mounted systems shall meet Fire Department requirements and recommendations for safety during possible fire operations.
- E. The installation of solar or photovoltaic energy systems by any governmental agency on land owned or leased by said agency shall be permitted as either a conditional accessory use or conditional principal use in any zone district. The conditions for the use shall be compliance with the buffer, screening and setback requirements otherwise applicable to such facilities under Township Ordinances.

- F. Solar or photovoltaic energy systems installed on, within or above a storm water management facility, parking lot, sign structure or any other type of freestanding structure not specifically considered a roof by the Construction Official shall be considered a ground-mounted system. Ground mounted systems must be protected from unauthorized access by an approved fence or other acceptable devices as approved by the Fire Department and Construction Official.
- G. Solar or photovoltaic energy systems shall not be used for displaying any advertising. Reasonable identification of the manufacturer and/or operator of the system is permitted using text that does not exceed a height of two inches. Hazard and/or warning signs pertinent to the electrical nature of the equipment shall also be permitted.
- H. Installation of a solar or photovoltaic energy system on a nonconforming structure, or on a site containing a nonconforming structure or use, shall be considered an expansion of the nonconforming structure or use.
- I. No structure or other portion of any Major Ground Mounted Facility or Structure shall occupy any area designated and regulated by the New Jersey Department of Environmental Protection ("NJDEP") as a floodplain, flood hazard area, wetland, wetland transition area or riparian corridor unless approved in that location by the NJDEP.
- J. Notwithstanding the provisions set forth herein, the installation of any solar energy system shall require a Zoning Permit and all applicable regulatory and construction permits and its design shall conform to all applicable prevailing codes, standards and ordinances, including, but not limited to, the State Uniform Construction Code (UCC), the National Electrical Code (NEC) the Federal Aviation Administration (FAA), the International Fire Code (IFC) requirements and Section:15.08 of the Bordentown Township Ordinances.
- K. All access driveways shall meet current Land Use requirements and provide emergency access to the entire site.
- L. All installations shall be designed and constructed in accordance with Chapter 15.08, Fire Safety, of the Bordentown Township Codified Ordinances.

#### **§ 25-1204. Standards – Types of Solar Energy Systems Installation**

##### **A. Roof Mounted systems**

- (1) Roof-mounted systems which satisfy the provisions set forth herein shall require Construction and Zoning Permits, but may not require site plan approval. If, in the opinion of the Zoning Officer, the installation of the solar energy system does not satisfy the provisions of this section, the applicant shall be directed to file a site plan or variance application with the reviewing board having jurisdiction. Said application for development or appeal shall comply with the appropriate notice and hearing provisions otherwise required for the application or appeal pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.). When any type of renewable energy facility is proposed to be installed on a roof (roof-mounted), the applicant shall layout the panels and all accessory equipment in conformance with Specification and Requirements for Photovoltaic Systems prepared by the City of Anaheim, California, Fire Department, dated 2007, a copy of which is on file with the Bordentown Township Community Development Office.

- (2) When any type of renewable energy facility is proposed to be installed on an existing roof (roof-mounted), the applicant shall provide to the Construction Code Official, engineered drawings, detailed calculations and/or a structural analysis prepared by a New Jersey Licensed Professional Engineer or Architect verifying the structural integrity of the roof system and any other details or calculations as requested by the Construction Official.
- (3) Residential Properties in all Zone Districts and Commercial Properties in the Highway Commercial and General Commercial Zoning Districts.
  - a. The panels and all accessory equipment on principal or accessory buildings shall not project beyond the vertical plane of the roof edge. This requirement includes installations on flat roofs.
  - b. On all pitched roofs which face public rights of way, solar panels shall be co-planar with the roof surface and shall be mounted no more than 12 inches above the roof surface.
  - c. Solar energy facilities or structures may be attached to any accessory building that satisfies zoning location, setback and height requirements for the zone. However, in no event shall solar energy facilities or structures be attached to more than two accessory buildings on a single lot. Solar energy facilities or structures shall not be exempt from applicable height or setback requirements.
  - d. Solar energy facilities or structures may not be attached or mounted to fences, walls, sheds or the like.
  - e. Solar energy facilities or structures are prohibited on fee-simple townhouse lots in developments lacking a homeowner's association with a design-approval function.
  - f. Solar energy facilities or structures are permitted accessory uses and structures in condominium complexes, apartment complexes and on fee-simple townhouse lots in developments with a homeowner's association with a design-approval function, in accordance with all accessory use requirements and standards governing residential uses above. Such solar energy facilities or structures are permitted subject to written pre-approval of the homeowner's association, condominium association or apartment association and must be submitted with the necessary permits and applications for the Township.
- (4) Nonresidential Properties in all Commercial Districts.
  - a. Roof-mounted solar energy facilities or structures on principal or accessory buildings shall be mounted parallel to the roof angle and shall not exceed a height of 3 feet above the roofline to which it is mounted. However, a reviewing board may permit the system to be mounted at a greater height if the Applicant can demonstrate that no part of the system will be visible from any roadway on which the building has frontage. In no instance shall any part of the system extend beyond the vertical plane of the edge of the roof or exceed the applicable height requirement of the zone in which it is located, whether located on a principal or accessory structure. Commercial installations are classified as small commercial (100' by 200') or smaller; and large commercial which are greater in dimension than the small commercial dimensions.

b. Roof-mounted systems shall not be permitted to be installed on temporary buildings.

B. Ground-mounted systems.

- (1) Residential. A ground-mounted system installed on a single or two-family residential lot which satisfies the provisions set forth herein shall require Construction and Zoning Permits, but shall not require site plan approval. If, in the opinion of the Zoning Officer, the installation of the solar energy system does not satisfy the provisions of this section, the applicant shall be directed to file a variance application with the Zoning Board of Adjustment. Said application for development or appeal shall comply with the appropriate notice and hearing provisions otherwise required for the application or appeal pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).
- (2) Nonresidential. A ground-mounted system installed on a nonresidential or multi-family residential lot shall require a site plan application with the reviewing board having jurisdiction. Said application for development or appeal shall comply with the appropriate notice and hearing provisions otherwise required for the application or appeal pursuant to the Municipal Land Use Law, P.L. 1975, c. 291 (N.J.S.A. 40:55D-1 et seq.).
- (3) Lot Coverage. The total solar panel area, along with the impervious surface area of any appurtenant facilities, shall be used for the purpose of calculating lot coverage and the installation shall not result in a lot coverage percentage which exceeds the maximum percentage permitted by Code for the zone district in which the facility is located.

**§ 25-1205. Standards for Major Ground Mounted Solar or Photovoltaic Energy Facilities or Structures as a Principal Use**

- A. All Major Solar or Photovoltaic Energy Facility or Structure installations shall comply with the following area, yard and height requirements:
- (1) Minimum lot area: 10 acres.
  - (2) Minimum front, side and rear yards: 75 feet.
  - (3) Maximum height of any structure, including panels and inverters shall be 15 feet.
- B. No structure or other portion of the facility except for fencing, access roads and non-energy-generating equipment shall be situated less than 400 feet from any residence or less than 150 feet from any accessory structure, whether located on the same or adjacent property.
- (1) Major solar or photovoltaic energy facility applications shall submit a landscape plan conforming to the following requirements. A landscape buffer shall be installed around the facility to shield the facility and all related accessory structures and parking areas from public view and the view of any adjoining uses on a lot having a common lot line on which such facility or structure will be located. The vegetative buffer shall be not less than 50 feet in width and may not be located in the setback required pursuant to the applicable zone. The required buffer shall consist of at least three rows of trees which may include existing vegetation, new plantings, or a combination thereof providing year-round screening. The required buffer shall include native evergreens in the rear interior rows with a mix of deciduous and evergreen trees planted in the front exterior row. Deciduous trees shall be at least 2.5 inch caliper and 14 feet in height at the time of planting. Evergreen trees shall have a minimum height at planting of

six feet. Trees shall be planted 10 feet on center in staggered rows. Shrubs shall supplement the landscape buffer areas in order to conceal ground level visual penetration year round. Existing hedgerows or vegetated windbreaks that provide screening of the subject site from neighboring properties shall be retained and augmented as necessary. Substations and other associated transmission structures shall be screened with a double row of evergreen plantings with a minimum height of eight feet at planting. Buffers and screening that have been planted or natural buffers that have been utilized to form an effective screen must be retained in perpetuity. Any areas in which the effect of the buffer has been reduced, for any cause or reason, must be replanted and returned to an effective buffer as described in this section.

- (2) All Major facilities shall have a durable, all-weather access road extending from the site driveway or parking/loading area to the solar field so that direct access for emergency vehicles and maintenance is provided to at least one-half of the perimeter of the field, plus all electrical equipment, including transformers, inverters, power conditioners, etc. The access road shall not be constructed of asphalt or concrete pavement, or other impervious surface, except where the applicant can demonstrate the need for same in conjunction with other functions on the site. The access road may be constructed of proprietary “grass-paver” systems which will adequately support emergency vehicles.

**§ 25-1206. Standards for Ground Mounted Minor Solar or Photovoltaic Energy Facilities or Structures as an Accessory Use**

A. All minor ground-mounted solar or photovoltaic energy installations shall be considered accessory uses and shall comply with the following standards:

- (1) The purpose of a Minor Solar or Photovoltaic Energy Facility or Structure shall be to provide power for the principal use on the property. The Facility shall be sized to accommodate no more than 110 % of the average annual electric use for the property, or in the case of new construction, 110 % of the projected annual electrical use of the property.
- (2) Maximum height of any structure, including panels and inverters shall be 15 feet.
- (3) Minor ground mounted solar or photovoltaic energy facilities or structures shall only be located in the rear yard.
- (4) All non-residential minor ground mounted solar or photovoltaic energy facilities or structures shall be screened from view on all sides by a twenty-foot wide planted buffer which completely screens the view of the facility and any associated glare from adjacent streets (measured from a height of four feet at the centerline of the street) and adjacent property lines (measured from a height of five feet at the property line). The buffer shall also consist of a mix of deciduous and evergreen trees and shrubs.
- (5) All other bulk standards shall be as otherwise required for accessory structures in the applicable Zone District of the subject property.

B. Facilities mounted above parking lots shall be considered accessory uses and shall meet the following requirements:

- (1) Facilities mounted above parking lots shall be designed to provide adequate space for access by emergency vehicles whenever necessary.

- (2) The maximum permitted height shall be 20 feet.
- (3) Facilities shall only be located within the rear yard.
- (4) The minimum side and rear yard setback for any such facility shall be 50 feet if adjacent to a non-residential use or district and 100 feet if adjacent to a residential use or district.
- (4) The facility shall be screened from view on all sides by a twenty-foot wide planted buffer which completely screens the view of the facility and any associated glare from adjacent streets (measured from a height of four feet at the centerline of the street) and adjacent property lines (measured from a height of five feet at the property line). The buffer shall also consist of a mix of deciduous and evergreen trees and shrubs.
- (5) Existing vegetation shall be retained and utilized to the extent practical.
- (6) The facility shall be designed in such a manner that neither water nor snow accumulate and have concentrated flow off the structure. Storm water management concerns must be addressed by the applicant.

**§ 25-1207. Standards Applicable to All Ground Mounted Major and Minor Solar or Photovoltaic Energy Facilities or Structures**

- A. All structures or other portions of the facility shall be adequately screened from public view and historic sites. Ground mounted facilities shall be located to minimize views of the facilities from public roadways and from existing residences not located on site and from neighboring undeveloped residentially-zoned property by utilizing existing visual barriers including, but not limited to, buildings, trees, hedgerows and natural topography to the maximum extent possible, in addition to visual screening described elsewhere in this section.
- B. All onsite utility lines associated with the renewable energy system shall be underground.
- C. Soil erosion control, soil stabilization. All ground areas occupied by the 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 crops or pasture for farm animals, or native or non-invasive shade-tolerant vegetation for the purpose of soil stabilization. Plants such as clovers, vetches and other low-growing blooming plants supportive of pollinators shall be included in any ground cover seeding mix. The vegetative cover must be established prior to the setting or construction of a solar array. Stone ground cover is prohibited. Ground cover shall be maintained primarily by using mechanical means; however, herbicides may be used on a spot basis for targeted weeds. Broadcast application of herbicides for routine maintenance of ground cover is prohibited.
- D. Sound levels from the energy system shall comply with the New Jersey State Noise Control Regulations (N.J.A.C. 7:24).
- E. The use of concrete, asphalt or other impervious surface is prohibited on the site of such facilities, except in the following locations:
  - (1) The mounting of inverters, transformers, power conditioning units, control boxes, pumps and other such facility components.



- (2) The mounting of solar photovoltaic panels, films and arrays when used as ballast.
- (3) Driveway aprons.
- F. All electrical and control equipment shall be labeled and secured to prevent unauthorized access.
- G. The only signs permitted on a solar or photovoltaic facility or any associated building or structure are those depicting the manufacturers or installer's identification, appropriate warning signs, or owner identification.
- H. The system shall be constructed in such a manner that exposed hardware, supporting structures, frames and piping are finished with non-reflective surfaces.
- I. In the event that the system is secured with fencing, emergency personnel shall be provided with the necessary keys, codes, etc, to gain access for emergency operations.

**§ 25-1208. Application Requirements.**

- A. Permits. A zoning permit and construction permit shall be required for the installation of a renewable energy system.
- B. Except for roof-mounted solar applications, a non-residential facility will require a Major Site Plan approval. The application, plans, and supporting documents shall include the following, in addition to the items listed Section 800 of Land Development Ordinance:
  - (1) The location, dimensions, and types of existing major and accessory structures on the property.
  - (2) The location of the all components of the renewable energy system, including substations, inverters, transfer switching and transformers.
  - (3) The location of proposed and existing overhead and underground utility and transmission lines.
  - (4) Energy system specifications, including manufacturer and model and any other specifications required by the Construction Office.
  - (5) Schematic plans for the interconnection to the electrical distribution or transmission system of the intended energy user.
  - (6) Description of any necessary upgrades or modifications to the existing off-site electrical system infrastructure. For projects over 2 MW, the information shall also include the location and elevations of all transmission lines, support structures and attachments to any substation(s).
  - (7) Photographic simulation of the view of the proposed facility from ground level from all public roads abutting the property and from adjacent residential uses. A graphical cross-section shall also be required showing the line of sight to the facility in relation to adjoining properties including residences or other buildings where a view of the facility is possible.
  - (8) A grading and drainage plan under the seal of a Licensed Professional Engineer and shall provide the details necessary to adequately demonstrate to the reviewing agency Engineer that storm water management is in compliance with Township Ordinance standards.

Notwithstanding that the surface of a solar panel shall not be considered to be impervious for the purpose of calculating storm water runoff, the reviewing board engineer, as applicable, shall require the submission of storm water calculations and/or improvements to determine if the installation of the ground-mounted system and associated site improvements will create an impact to the onsite or offsite drainage or increase storm water runoff from the pre-development condition. Prior to the release of any performance guarantee or the issuance of a certificate of occupancy and/or placing the facility online, an as-built grading and drainage plan, prepared by a Licensed Professional Land Surveyor, shall be submitted to the Township Engineer for review and approval in order to demonstrate compliance with the approved Plan.

- (9) A maintenance plan and land surface management plan shall be submitted that sets forth provisions for the continuing maintenance of the entire site including all solar panels and associated equipment, required plantings, area not devoted to solar production, including a schedule of specific maintenance activities to be conducted. On site, but outside of the solar facility, shall be maintained to a level that will discourage successional growth or the establishment of invasive species. Planting of warm-weather native grasses which allow for mid to late summer mowing, providing beneficial critical habitat to native bird species and other wildlife is encouraged. The use of herbicides, pesticides and chemical cleaners or solvents shall not be permitted as an acceptable maintenance practice.
- (10) A construction staging and sequencing plan shall be provided which details all pertinent information related to construction activities including, but not limited to:
  - i. Days and hours of construction activities.
  - ii. Location of parking and loading areas.
  - iii. Location of truck washing areas.
  - iv. Location of construction trailers and associated facilities.
  - v. Location of topsoil stockpile areas.
  - vi. Designated truck routes to and from the site.
  - vii. Temporary lighting along with specifications and wattages of light standards.
  - viii. Site security and accessibility for emergency apparatus.
  - ix. Storm water management plan during construction phases.
- (11) The applicant shall provide initial and periodic familiarization to local first responders on safe entry, shut-down and operations within the solar array site.
- (12) Upon request, the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- (13) The owner or operator of a major ground mounted solar installation shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Official and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access roads serving the site.

#### **§ 25-1209. Decommissioning Plan**

- A. All applications for a major solar facility as a principal use shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of solar energy systems. Before beginning any decommissioning activities, the applicant must submit a

performance bond in a form and amount satisfactory to the Township Attorney, which shall be based upon an estimate approved by the Board Engineer, assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan. Prior to removal of solar energy systems, a permit for removal activities shall be obtained from the Bordentown Township Construction Official. The Decommissioning Plan shall include the following provisions:

- (1) Restoration of the surface grade and soil after removal of aboveground structures and equipment.
- (2) Restoration of soil areas with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.
- (3) Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Township.
- (4) Restoration of the site for agricultural crops or forest resource land, as applicable.
- (5) The parcel must be restored in accordance with NJAC 7:50-6.24 unless it will be put into active agricultural use or approved for other development in accordance with Township Ordinances.
- (6) The disposal of all solid and hazardous waste shall be in accordance with all local, state, and federal waste disposal regulations.
- (7) Owners of major ground mounted solar photovoltaic facilities shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Township must remove the installation and remediate the landscape, in the amount and form deemed to be reasonable by the Township Engineer. Such surety will not be required for Municipal or State owned facilities. The owner of the facility shall submit a fully inclusive estimate of the cost associated with removal, prepared by a Professional Engineer.

#### **§ 25-1210. Abandonment**

- A. A solar energy facility that is out of service for a continuous twelve-month period will be deemed to be abandoned. The Zoning Officer shall issue a notice of abandonment to the owner of a solar energy facility that is deemed to be abandoned.
- B. The property owner shall have 30 days to respond to the Notice of Abandonment from the receipt date of the notice.
- C. If the property owner provides information that demonstrates the solar energy facility has not been abandoned, the Zoning Officer shall withdraw the notice of abandonment and notify the property owner that the notice has been withdrawn.
- D. If the Zoning Officer determines the solar energy facility has been abandoned, the property owner shall remove the facility in its entirety at the owner's sole expense within six months after the owner receives the Notice of Abandonment.
- E. If the property owner fails to remove the facility in the time allowed, the Township may, at its sole discretion, compel the Owner to perform the removal, take action to capture the proceeds of the surety guarantee, or enter the property to remove the solar energy facility and all costs of such

removal shall be reimbursed to the Township by the owner. In the event the owner fails to reimburse the Township, the Township may place a lien on the property in the amount of the costs of said removal and, in the event that the township incurs any additional costs in enforcing the lien and/or collecting the money owed, the owner shall be obligated to reimburse the Township for the additional costs and expenses, including reasonable attorney fees.

**Section 2.** If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

**Section 3.** All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 4.** This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE #2014-8**

**AN ORDINANCE CHANGING THE STREET NAME OF  
ADVANTAGE COURT TO ALTRAN COURT**

BE IT ORDAINED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, as follows:

Section 1. The name of the street known as Advantage Court is hereby changed to Altran Court. The property located at 320 Rising Sun Road A/K/A Advantage Court to be affected by the ordinance is Block 137.02, Lot 6.

Section 2. Upon final adoption, the Township Clerk shall provide a certified copy of this ordinance with the County of Burlington Board of Taxation, Burlington County Central Communication, the New Jersey Department of Transportation, the Postmaster of the Trenton Post Office, the Tax Collector and Tax Assessor of the Township of Bordentown, and to the owners of properties located on Advantage Court for their information and attention.

Section 3. If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 4. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect May 1, 2014.