

AGENDA
LIBERTY TOWNSHIP MEETING

2 February 2023
7:00 PM

Municipal Building
349 Mountain Lake Road
Great Meadows, NJ 07838

Sunshine Notice
Flag Salute
Roll Call

Reports:

- Committeepersons
- Mayor
- Environmental Commission
- Recreation Commission – Team SNAP

Adoption of Agenda

Adoption of Minutes

- Meeting 5 January 2023
- Workshop 26 January 2023

Presentation

- Altice USA, Inc
- Aeisha N Hayward; and, Daniel J Gannon

Unfinished Business

- 2023 Appointments
- Environmental Commission, (vacated by Gonski), expiration of term 31 December 2024
- Environmental Commission, Alternate #1, expiration of term 31 December 2023
- Environmental Commission, Alternate #2, expiration of term December 2024
- LandUse Board, Class I Mayor’s Designee, expiration of term 31 December 2022
- LandUse Board, Alternate #2, expiration of term 31 December 2024
- LandUse Board, Alternate #3, expiration of term 31 December 2023
- LandUse Board, Alternate #4, expiration of term 31 December 2023
- Open Space Advisory Committee, expiration of term 31 December 2025
- Open Space Advisory Committee, expiration of term 31 December 2025
- Recreation Commission, (vacated by Nauta) expiration of term 31 December 2023
- Recreation Commission, Alternate #1, expiration of term 31 December 2023

- NJDEP Bureau of Safe Drinking Water Bureau Level 2 Assessment
- Municipal Land Use Law – Climate Change Resilience Strategy
- Dam Safety Inspection Report for Liberty Lake Dam
- Liberty Township Tax Title Liens
- Ordinance #2023.001 – Annual COLA
- Ordinance #2023.002 – Flood Control Regulations
- PL 2021 C.182 – Lead Paint Inspection

New Business

- Community Day 2023
- Introduction Ordinance #2023.003 – Warehouse Zoning
- Introduction Ordinance #2023.004 – Solar
- 2023 Warren County Mosquito Control Commission Agreement
- Disabled Veteran Tax Refund Ordinance Consideration

Resolutions

- ABC Mountain Lake Firehouse Event
- Appropriation Reserve Transfer
- Bills List

Public Comment

Adjournment

A regularly scheduled meeting of the Township of Liberty was held in the Municipal Building, 349 Mountain Lake Road, Great Meadows on 3 February 2022. The meeting was opened by Mayor John Inscho with Adequate Notice of Meeting and the Pledge of Allegiance at 7:03 p.m.

Present: Mayor John Inscho; Deputy Mayor Daniel Grover; Peter Karcher; David Rogers, and Wayne Spangenberg

Also, Present: Richard Wenner, Municipal Attorney; and, Diane M Pflugfelder, Municipal Clerk/Administrator

REPORTS

DAVID ROGERS – Mr. Rogers reported that he, Larry Supp, Bob Ballou and a NJDEP representative had meet and reviewed the declined NJDEP applications and discussed remediation for future applications.

RECREATION

Carrie Gajda, Recreation Assistant, presented a proposal for Team SNAP software. The Team SNAP software offers the capability to create schedules that sync directly to Google; creates a team chat to send last minute alerts to custom group messages; and offers electronic registrations and payments. Following discussion, a motion by Wayne Spangenberg authorizing Mayor Inscho to execute the Team SNAP agreement at the annual cost of \$959 following Attorney review carried.

A motion by Wayne Spangenberg to adopt the proposed 2023 Liberty Township Recreation Spring Soccer Registration flyer carried.

ENVIRONMENTAL COMMISSION

Carrie Gajda, Environmental Secretary, presented a completed Clean Watersheds Needs Survey Small Community, Nonpoint Source Information. A motion by Dan Grover authorizing Mayor Inscho to execute said Survey carried.

Annual Tree Giveaway – Following discussion, a motion by Pete Karcher authorizing the reservation of the John R Fisher Pavilion for the Environmental Commission Annual Tree Giveaway carried.

ADOPTION OF MINUTES

A motion by Pete Karcher to adopt the meeting minutes of 5 January 2023 and workshop minutes of 26 January 2023 carried.

PRESENTATION

Aeisha N Hayward, Manager of Government Affairs and Daniel J Gannon, High Point Utilities, LLC came before the Governing Body representing ALTICE, USA. Altice USA acquired Service Electric and currently provides television, telephone and inter-net service to Liberty Township residents. They stated that Altice USA would be conducting a fiber upgrade within Liberty Township to increase the current service from 1 GB to 10 GB on existing cable lines.

UNFINISHED BUSINESS

2023 APPOINTMENTS

Mayor Inscho appointed Regan Bottomley to the Environmental Commission, (vacated by Gonski), expiration of term 31 Dec 2024

Mayor Inscho appointed John Ward to the Environmental Commission, Alternate #1 (vacated by Gajda), expiration of term 31 Dec 2023

A motion by Mayor Inscho appointed John Ward to the Recreation Commission, (vacated by Nauta), expiration of term 31 Dec 2023 carried

NJDEP BUREAU OF SAFE DRINKING WATER BUREAU LEVEL 2 ASSESSMENT

Mayor Inscho reported that he would speak/meet with Warren County Board of Health staff to review the documentation required and a request of a \$75 fee.

MUNICIPAL LAND USE LAW – CLIMATE CHANGE RESILIENCE STRATEGY

Dan Grover to review with Eric Snyder, Municipal Planner.

DAM SAFETY INSPECTION REPORT FOR LIBERTY LAKE DAM

Mayor Inscho reported that he had had conversation from Paul Ferriero, Municipal Engineer, regarding the delivery of a Dam Safety Report. No receipt of a report at this time.

Mayor Inscho stated the Paul Ferriero had advised the Mayor that approximately \$40,000 would need to be included within the 2023 municipal budget to cover NJDEP costs for the conversion from a Tier B to Tier A municipality in stormwater management. NJDEP is anticipated to have grant funds available to reimburse the \$40,000 expenses for this conversion.

LIBERTY TOWNSHIP TAX TITLE LIENS

Attorney Wenner reported that he is working Cindy Eckert, Tax Collector, on Liberty Township Tax Liens back to 2022. No action at this time.

ORDINANCE #2023.001 - PUBLIC HEARING - A motion by David Rogers to open public hearing carried. A motion by David Rogers to adopt the following Resolution carried.

RESOLUTION #2022.022
ADOPTION OF ORDINANCE # 2023.001

WHEREAS, said Ordinance entitled “Calendar Year 2023 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA40a: 4-45.14)” was passed on first reading on 5 January 2023; and

WHEREAS, the public hearing of said Ordinance has been held as advertised and is now closed,

BE IT RESOLVED By the Township Committee of the Township of Liberty, County of Warren and State of New Jersey that the Ordinance entitled “Calendar Year 2023 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a Cap Bank (NJSA40a: 4-45.14)” be passed on second reading and final adoption.

Vote: aye - Grover
aye - Rogers
aye - Karcher
aye - Spangenberg
aye - Inscho

John Inscho,
Mayor

ORDINANCE #2023.002 - PUBLIC HEARING - A motion by Wayne Spangenberg to open public hearing carried. A motion by Wayne Spangenberg to adopt the following Resolution carried.

RESOLUTION #2022.023
ADOPTION OF ORDINANCE # 2023.002

WHEREAS, said Ordinance entitled “An Ordinance by the Governing Body Amending the Township of Liberty Code of Ordinances to Repeal Chapter 61; To Adopt a New Chapter 61; To Adopt Flood Mazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date” was passed on first reading on 5 January 2023; and

WHEREAS, the public hearing of said Ordinance has been held as advertised and is now closed,

BE IT RESOLVED By the Township Committee of the Township of Liberty, County of Warren and State of New Jersey that the Ordinance entitled “An Ordinance by the Governing Body Amending the Township of Liberty Code of Ordinances to Repeal Chapter 61; To Adopt a New Chapter 61; To Adopt Flood Mazard Maps; to Designate a Floodplain Administrator; and Providing for Severability and an Effective Date” be passed on second reading and final adoption.

Vote: aye - Karcher
aye - Rogers
aye - Spangenberg
aye - Grover
aye - Inscho

John Inscho,
Mayor

PL 2021 C.182 – LEAD PAINT INSPECTION

Attorney Wenner reported that as per PL 2021 C. 182, the municipality shall charge the dwelling owner or landlord a fee sufficient to cover the cost of the inspection, including the cost of hiring the lead evaluation contractor

NEW BUSINESS

COMMUNITY DAY 2023

It was agreed that the 2023 Community Day date would be decided by the Recreation Commission.

ORDINANCE #2022.003 - A motion by Dan Grover to introduce Ordinance #2023.003 on First Reading carried. Public Hearing and consideration of adoption are scheduled for 2 March 2023.

AN ORDINANCE OF THE TOWNSHIP OF LIBERTY, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 105 OF THE CODE OF THE TOWNSHIP OF LIBERTY ENTITLED *ZONING* IN ORDER TO AMEND THE DEFINITION OF WAREHOUSE USE AND CLARIFY THE PROHIBITION OF FREESTANDING PRINCIPAL WAREHOUSE USES IN THE B-3, I-1 AND I-2 ZONES.

Statement of Legislative Intent

This Ordinance amendment is intended to regulate warehousing in the Township of Liberty, permitting warehouses as accessory storage uses only, in order to allow permitted uses to construct and operate storage uses as accessory uses to a permitted principal business use, thereby supporting businesses in

the Township while avoiding a degradation of the rural and agricultural character of Liberty Township.

BE IT ORDAINED by the Governing Body of the Township of Liberty, County of Warren, State of New Jersey that Chapter 105, *Zoning*, of the Code of the Township of Liberty is hereby amended as follows:

- Section 1. Section 105-4 Warehouse is hereby and shall be defined as follows: A building used for the storage of goods and materials accessory to a principal permitted use.
- Section 2. Section 105-73B is hereby and shall be deleted
- Section 3. All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to remedy the inconsistency.
- Section 5. In the event any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall only apply to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this Ordinance shall be deemed to be valid and effective.
- Section 6. This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

ORDINANCE #2022.004 - A motion by Dan Grover to introduce Ordinance #2023.004 on First Reading carried. Public Hearing and consideration of adoption are scheduled for 2 March 2023.

An Ordinance to Amend an Ordinance known as Chapter 105
of the Code of the Township of Liberty, County of Warren, New Jersey

Statement of Legislative Intent

The intent of this ordinance amendment is to regulate solar installations, both freestanding and building mounted, so as to ensure that realizing the important benefits of solar power does not result in a degradation of the rural and agricultural character of Liberty Township.

Section 1. Section 105-4, Definitions, is hereby and shall be amended to add the following:

Buffer - An area of land within a property or site, generally adjacent to and parallel with a property line to allow adequate screening of view, noise, or activity taking place within the property or site from adversely affecting an adjoining property or the public right-of- way.

Inverter – An electrical device that converts the energy created by a Photovoltaic panel or wind turbine to a voltage that can be tied into and utilized by the local electrical utility company.

Major solar installation - A freestanding solar energy system installation whose principal permitted use is to provide electricity to the local or regional electrical grid beyond the requirements of and otherwise permitted or proposed on-site principal or accessory use.

Minor solar installation - A solar energy system installation either roof and/or ground- mounted or a combination thereof, comprised of 1,000 or fewer square feet, designed to provide for some or all the electrical needs for an existing or proposed principal use on- site.

Prime Farmland – Shall be as defined by the NRCS (Natural Resources Conservation Service), the USDA, and the Code of Federal Regulations 7CFR657. Prime farmland is defined as land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and that is available for these uses. It has the combination of soil properties, growing season, and moisture supply needed to produce sustained high yields of crops in an economic manner if it is treated and managed according to acceptable farming methods. In general, prime farmland has an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, an acceptable level of acidity or alkalinity, an acceptable content of salt or sodium, and few or no rocks. Its soils are permeable to water and air. Prime farmland is not excessively eroded or saturated with water for long periods of time, and it either does not flood frequently during the growing season or is protected from flooding..

Screen - A structure, berm or planting, consisting of fencing and/or evergreen trees or shrubs providing a continuous view obstruction within a site, property, or a portion thereof.

Photovoltaic Panel – A photovoltaic device used to convert sunlight into electricity, also referred to as a “solar panel” or “solar collector”. This is a component of a solar energy system.

Solar Energy System – A complete design or assembly consisting of solar energy collectors, solar energy inverters, an energy storage facility (where used), an electrical utility connection point, utility infrastructure (for major solar installations), and components for the distribution of transformed energy.

Wooded Site – A wooded site is any site or portion thereof with trees or shrubs defined as in any one-half acre plot that is 30% or more tree covered consistent with the definition of “Forest” as set forth in N.J.A.C. 7:38-3.9.

Section 2. Section 105-30

Regulations for renewable energy facilities is hereby and shall be added as follows:

A. Zoning

1. Major Solar Installations are permitted in Zones I-1 and I-2 only. Major Solar Installations are not permitted in any other zone.
2. Minor Solar Installations are permitted in all zones.

B. Solar energy systems

The following general requirements shall apply to all solar energy system installations.

1. Minor solar installations that were installed prior to the adoption of this ordinance are grandfathered as installed. At such time that those installations require upgrades, modifications, or retrofits including solar collector replacement, those installations shall be brought into complete conformance with the requirements of this ordinance.
2. Solar energy systems shall be ground mounted, mounted to principal and/or accessory structures and buildings, or a combination thereof.
3. Solar energy system components mounted to the roof of a principal and/or accessory building and/or structure shall not be permitted to be located within four feet of the edge of any roof. Roof mounted photovoltaic panels shall be mounted parallel to the roof of the supporting structure and shall not protrude above 12 inches from the roof.
4. All solar facilities shall meet the requirements of the current New Jersey Stormwater Management regulations, NJAC 7:8.
5. Where the subject site is currently or was previously an active agriculture site, site disturbance including but not limited to grading, soil removal, excavation, berm construction, soil compaction, and other site modifications, shall be submitted with the zoning or building permit application for approval. Site disturbance shall be minimized so that the subject site can return to active agricultural production after the useful life and removal of the solar energy system.
6. The solar energy system location shall not be installed on prime farmland.
7. Wooded sites may not be clear cut to construct solar energy systems.
8. Ground-mounted residential solar energy systems are permitted only as accessory uses to existing or proposed residences and shall be placed as far from public rights-of-way and viewsheds in the most visually remote areas as practical.
9. Any approval of a solar energy system does not create any actual or inferred solar energy system easement against adjacent property and/or structures. The owner and/or property owner of a solar energy system shall not infer or claim any rights to protective writs to any caused shadows or operating ineffectiveness against future development adjacent to or higher than the property location of the solar energy system. The approval of any solar energy system granted by the Township of Liberty under this article shall not create any future liability or infer any vested rights to the owner and/or property owner of the solar energy system on the part of the Township of Liberty or by any other officer or employee thereof for any future claims against said issuance of approval of the solar energy system that result from reliance on this article or any administrative decision lawfully made thereunder.
10. The use of lead-acid batteries shall not be permitted.
11. Other than during initial construction of the facility, solar panels shall not be stored in open areas or on the ground. All broken panels shall be removed from the site immediately upon replacement and disposed of in accordance with standard industry practice and any applicable law(s). Should storage of new replacement panels be required on site, such panels shall be stored within a permanent building or structure.
12. Solar energy systems fencing or vegetation for screening, shall be maintained and kept in functional condition. Damage to fencing or vegetation shall be immediately repaired or replaced.

13. All electrical and control equipment shall be labeled and secured to prevent unauthorized access in accordance with the National Electric Code (NEC) and state solar regulations.
14. The “total area” or “gross area” of a ground mounted solar system as referred to in this ordinance shall include the ground area occupied by the photovoltaic panels, ground mounted support equipment (inverters, utility transformers, etc.), and the required spacing between the photovoltaic panels for service and proper sun absorption of the photovoltaic panels.
15. The maximum permitted height of a ground mounted solar installation, including all components, shall be 8 feet.
16. Requirements of this ordinance shall remain in effect regardless of ownership of the property or solar energy system. Should the operation of the solar energy system be leased, or otherwise managed by a 3rd party, both the solar energy system owner, the property owner, and the management firm are responsible to maintain the solar energy system in accordance with this ordinance.

C. Minor Solar Energy System.

The following requirements shall apply to minor solar installations.

1. Minor solar energy system installation with a gross area of 1,000 square feet or less, including the aggregate of all installations, shall require a zoning permit subject to compliance with all other provisions of this ordinance.
2. Ground mounted solar system installations shall meet the side and rear yard setback standards for accessory structures for the zone in which the solar energy system is located.
3. Ground mounted solar system installations shall not be located between a building line and a public street (i.e., ground systems shall not be located in a front yard).
4. Ground mounted solar system installations shall meet the following screening requirements:
 - a. A solid buffer/screen of plantings and/or a fence shall be provided along property line(s) and/or yard setback shared with a residential zone district and rights-of- way. The buffer may extend into the required setback.
 - b. The minimum height of the screening shall be the height of the solar facility or five feet, whichever is greater.
 - c. Existing vegetation shall be retained to the extent practical and may be incorporated or used as screening as approved by the Land Use Board.

D. Major Solar Energy System

The following requirements shall apply to, and be bulk requirements for, major solar installations.

1. Major solar system installations up to a gross area of five (5) acres shall require minor site plan approval prior to obtaining a zoning permit.
2. Major solar system installation of a gross area more than five acres shall require preliminary and final major site plan approval prior to obtaining a zoning permit.
3. The maximum size of a major solar installation shall be no larger than 10 acres in total gross area.
4. The minimum parcel size for a major solar installation shall be five contiguous acres.
5. No more than 50% of the lot shall be covered by the solar energy system and its components.
6. One or more of the following shall be grown beneath the solar panel structures: meadow grasses or agricultural crops for grazing farm animals. There shall be no continuous impervious cover under the solar panel structures.
7. The following setbacks shall apply to ground-mounted systems:
 - a. Front yard: 200 feet.
 - b. Side yard: 100 feet.
 - c. Rear yard: 100 feet.
 - d. Inverter pads, switch gear, and related appurtenances shall be set back a minimum of 150 feet from a property line.
6. Decommissioning plan and estimate.

All applications shall be accompanied by a decommissioning plan. The decommissioning plan shall include the following:

- a. Upon zoning approval and before being granted a permit for construction, the applicant shall submit a performance bond. The performance bond shall be based on a decommissioning and

- site restoration estimate prepared by the applicant, to be approved by the Township Engineer and the Township Attorney.
- b. Site restoration shall return the site of the solar installation to pre-construction condition. All site grades and vegetation shall be restored to pre-construction conditions.
 - c. Decommissioning and demolition includes the deactivation, disconnection, demolition, and removal of all structures constructed to support the solar installation including but not limited to wiring, cable, footings, foundations, and utility infrastructure unless otherwise noted herein.
 - d. Restore the surface grade and soil after removal of aboveground structures and equipment, including but not limited to removal of all components of the solar energy system within the top 30 inches of the soil profile.
 - e. Soil replacement shall meet the requirements of the NRCS, USDA, and 7CFR657. Replace soil to bring site back to pre-solar installation grades. Soil replacement within the top 12 inches of the soil profile shall be comprised of topsoil meeting the texture of loam as described in the USDA soil classification system, and the pH shall be in the range of 6.5-7. Tests shall be reviewed and approved by the Township.
 - f. All land shall be restored to original or better soil permeability where necessary to promote healthy plant growth prior to installation of topsoil and vegetation, subject to approval of the Township. Refer to the NRCS, USDA, and 7CFR657. Tests are to be reviewed and approved by the Township.
 - g. Restore soil areas with native grasses, agricultural crops or plant species suitable to the area and which do not include any invasive species.
 - h. Provide quantities, unit prices and overall cost estimates for decommissioning in current dollars as well as projections for 15 years and 20 years.
 - i. The approved zoning plan may require the restoration of agricultural crops or forest resource land.
 - j. The approved zoning plan may require the retention of access roads, fences, gates, buildings and buffer plantings at the discretion of the Township.
 - k. If the property owner fails to remove the facility and restore the property in accordance with the decommissioning plan, the Township may perform in place of the owner. All costs incurred by the Township in connection with same shall be a first- priority lien enforceable pursuant to municipal tax lien statutes.
7. All solar and photovoltaic facilities shall provide a Knox-Box®, or approved equal, to allow twenty-four-hour access to the facility for emergency service personnel.
 8. Prior to a solar energy system being energized, the owner shall offer safety training for emergency service personnel. This shall include instruction and documentation on fire fighting considerations, potential hazards from burning panels and any other special considerations associated with the facility.

E. Buffer and Screening Requirements

The following minimum buffering and screening requirements shall be met for both minor and major solar installations. The applicant shall demonstrate, to the satisfaction of the approving Board, that the proposed screening provides a year-round visual screen of the facility from neighboring residential properties.

1. The proposal for a major solar installation shall comply with the landscaping screen requirements as established by Chapter 105 of the Township Code with the following additions:
 - a. Perimeter security fencing shall be required. Fencing shall have a minimum height of six feet. Such fencing shall be provided inside of, and screened by, any required landscaping screens.
 - b. Where the proposed solar energy system is located on lands higher in elevation than surrounding properties, berms shall be used in conjunction with landscape screening to offer a more effective visual buffer. Berms shall not be constructed at slopes greater than three horizontal to one vertical (3:1).
 - c. Landscaping screens shall have a minimum width of 35 feet except when abutting a residential use, or, where found to be necessary by the Board, a fifty-foot width shall be required.
 - d. Existing hedgerows or vegetated windbreaks that provide screening of the proposed facility from neighboring properties shall be retained and augmented unless otherwise directed by the approving Board.
 - e. A two-year maintenance guarantee for all plantings in a form acceptable to the Township Attorney and in an amount acceptable to the Township Engineer and Planner, shall be posted with the Township.
 - f. In the event that the Township Zoning Officer determines that utilization of an outside expert (e.g., Board landscape architectural expert) is necessary to provide guidance relative to the

plantings (including planting design, materials, maintenance, etc.), all costs and expenses of such outside experts shall be reimbursed to the Township by the applicant or operator of the facility.

2. All landscaping, as installed, shall conform to and be in accordance with the approved zoning permit. Prior to the issuance of a permanent certificate of occupancy, certificate of completion, or compliance (whichever is applicable) and prior to the release of any performance guarantee other than the decommissioning performance bond, the landscaping shall be installed.
3. All screening shall be effective as of the date of installation. If the applicant applies for a certificate of occupancy during a season not appropriate for planting, the applicant may obtain a temporary certificate of occupancy without installation of the approved landscaping. The applicant will be eligible to receive a final certificate of occupancy after the installation of the landscaping during the next planting season.
4. The applicant shall have a continuing obligation to maintain all landscaping for its intended purpose (i.e., for or for aesthetics or both, which shall include but not be limited to repairing and/or replanting to the satisfaction of the Township Planner all landscaping that becomes damaged and/or dies. (This continuing maintenance obligation is in addition to, and notwithstanding, the fact that a maintenance guarantee may or may not be required in any particular application.)
5. All screening shall be effective as of the date of installation. If the applicant applies for a certificate of occupancy during a season not appropriate for planting, the applicant may obtain a temporary certificate of occupancy without installation of the approved landscaping. The applicant must post a performance guarantee in a form acceptable to the Township Attorney and in an amount acceptable to the Township Engineer guaranteeing the installation of the landscaping during the next planting season and further guaranteeing the subsequent posting of a two-year maintenance bond.
6. Solar facilities on preserved or farm qualified properties:
 - a. On non-preserved, agriculturally assessed farms, ground-mounted facilities shall be permitted on a farm management unit at a ratio of one acre devoted to the solar energy system to five acres devoted to agriculture (approximately 17%) up to a maximum of 10 acres coverage. This area shall be calculated including required roadways and buffers. In no case shall a solar energy system be rated to generate more than two megawatts of electricity.
 - b. Ground-mounted farm-scale facilities which are to be located as accessory uses on an agriculturally assessed farms or preserved farms shall be placed as far from public rights-of-way and viewsheds in the most visually remote areas as practical.
 - c. All farm-scale solar energy facilities shall comply with the State Agricultural Development Committee (SADC) agricultural management practice for solar energy generation. The SADC has established an agricultural management practice (AMP), or standards, which commercial farms must meet to be eligible for right-to-farm protection for the on-farm generation of solar energy.
 - d. The energy system location shall not be installed on prime agricultural soils.

F. Additional Site Plan Requirements

In addition to those items required for an application to be deemed complete, a major and minor site plan application shall also provide the following:

1. Location of proposed and existing underground or overhead utility or transmission lines.
2. Location of any proposed or existing substation, inverter or transformer.
3. Description of any necessary upgrades or modifications to existing substations or the necessity for a new substation.
4. Description of how the energy generated by the solar energy system will be connected to the electrical distribution or transmission system or the electrical system of the intended energy user.

For major solar installation the following shall be provided in addition to the above requirements:

1. Plans, details and specifications, as may be necessary, to adequately depict all improvements and upgrades associated with interconnection into the existing off-site electrical infrastructure.
2. Documentation detailing the available capacity of the existing electric infrastructure in the region and the amount of that capacity to be allocated for the proposed solar energy system.
3. An interconnection agreement with PJM and all other applicable regulatory agencies.
4. Location of existing hedgerows and vegetated windbreaks. Trees within this area that have a

caliper of six inches diameter breast height (dbh) or greater shall also be identified by species and overall condition. These shall be retained or replaced on a three for one basis.

G. Abandonment.

1. A solar energy system that is out of service for a continuous twelve-month period will be deemed to have been abandoned.
2. The Township may issue a notice of abandonment to the owner of a solar energy system that is deemed to have been abandoned.
3. The owner shall have the right to respond to the notice of abandonment within 30 days from notice-receipt date.
4. If the owner provides information that demonstrates the solar energy system has not been abandoned to the reasonable satisfaction of the Township, the Township shall withdraw the notice of abandonment and notify the owner that the notice has been withdrawn.
5. If the designated Township Official determines that the solar energy system has been abandoned, the owner of the solar energy system shall remove the solar energy system and properly dispose of the components at the owner's sole expense within six months after the owner receives the notice of abandonment and in accordance with the approved decommissioning plan.
6. In the event that the owner fails to remove the solar energy system, the Township and/or its employees and/or contractors have the right, but not the obligation, call the performance bond to effectuate the decommissioning of the solar energy system and enter the property to remove the solar energy system. If, for whatever reason, the Township is required to expend its own monies to effectuate the decommissioning of the solar energy system, all costs and expenses 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 and expenses of said removal, and, in the event that the Township incurs any additional costs and expenses 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's fees.

WARREN COUNTY MOSQUITO COMMISSION AGREEMENT

A motion by Dan Grover authorizing Mayor Inscho to execute the 2023 Warren County Mosquito Commission Agreement carried.

DISABLED VETERAN TAX REFUND ORDINANCE

A request was received from Penny Holenstein, Tax Assessor for the Governing Body to consider the adoption of an Ordinance regarding disabled Veteran tax refunds.

RESOLUTIONS

A motion by Wayne Spangenberg to adopt the following Resolution carried.

RESOLUTION #2023.024
 APPLICATION FOR SPECIAL PERMIT FOR SOCIAL AFFAIR
 MOUNTAIN LAKE FIRE COMPANY

WHEREAS, “Applications for Special Permit for Social Affair” has been filed by the Mountain Lake Fire Company, 99 Tamarack Road, Belvidere, New Jersey 07823 for said the following social affair;

Ladies Dinner Dance
 10 March 2023, 1:00 pm to 11 March 2023, 1:00 am
 Rain date: 11 March 2023, 1:00 pm to 12 March 2023, 1:00 am

WHEREAS, the submitted application form is complete in all respects, and the State fee has been paid.

BE IT RESOLVED, that the Liberty Township Committee does hereby approve the following social affair for the Mountain Lake Fire Company located at 99 Tamarack Road, Belvidere, New Jersey;

Ladies Dinner Dance
 10 March 2023, 1:00 pm to 11 March 2023, 1:00 am
 Rain date: 11 March 2023, 1:00 pm to 12 March 2023, 1:00 am

to be held in the area delineated on the application form.

Vote: aye - Karcher
 aye - Rogers
 aye - Spangenberg

 John Inscho,
 Mayor

aye - Grover
abstain - Inscho

A motion by Pete Karcher to adopt the following Resolution carried.

RESOLUTION #2023.025
APPROPRIATION RESERVE TRANSFER

WHEREAS, there appears to be insufficient funds in a budget appropriations reserve to meet the demand thereon for the balance of the 2021 budget year; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the closed 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 Liberty, Warren County, New Jersey, (2/3 of the majority of the full membership concurring herein) that the transfer in the amount of \$269.00 be made between the 2021 Budget Appropriation Reserves as follows:

	FROM	TO
Public Buildings & Grounds O/E	\$3,227.84	
Land Use O/E		\$2,198.00
Utilities O/E		\$1,029.84

Vote: aye - Spangenberg
aye - Karcher
aye - Grover
aye - Rogers
aye - Inscho

John Inscho,
Mayor

A motion by Pete Karcher to adopt the following Resolution carried.

Resolution #2023.026
Payment of Bills

RESOLVED, That the Township Committee of the Township of Liberty, does hereby authorize the Finance Department to pay all vouchers when properly endorsed and approved by at least 3/5 majority of the Township Committee in the amount of \$1,029,271.70.

Vote: aye - Rogers
aye - Grover
aye - Spangenberg
aye - Karcher
aye - Inscho

John Inscho,
Mayor

PUBLIC COMMENT was opened at 7:38 pm.

Amy Peters – Ms. Peters questioned if the owners of municipal tax lien properties have been notified? Attorney Wenner stated that the municipality would be going out to auction to sell the liens. She also reported that she would be contacting the Warren County Board of Health due to the animal infestation at the vacant residence at Block 61, Lot 64.02 (Urban Suburban). Ms. Peters reminded the Governing Body that the foundation of the vacant residence within Jenny Jump State Park is continuing to deteriorate.

Lisa Thomas – Ms. Thomas inquired into the specifics of lead paint testing payments by home owner or municipality.

ADJOURNMENT

There being no further business, a motion by Mayor Inscho to adjourn the meeting carried.
Meeting adjourned at 7:43 p.m.

Diane M Pflugfelder RMC/MMC
Municipal Clerk/Administrator
Minutes Approved 2 March 2022