

Holland Township Environmental Commission Minutes

October 2, 2019 7 PM Meeting

Chairman Keady called the meeting to order. I call to order the September 4, 2019 Regular Meeting of the Holland Township Environmental Commission. Adequate notice of this meeting was given pursuant to the Open Public Meeting Act Law by the Environmental Commission Secretary by:

1. Posting such notice on the bulletin board at the Municipal Building.
2. Publishing the notice in the December 13, 2018 edition of the Hunterdon County Democrat
3. And faxing to the Express-Times for informational purposes only.

All stood for the pledge of allegiance. All were reminded to turn off their cell phones or put them in silent mode.

Members Present: Jerry Bowers, Henry Gore, David Harrison, Ted Harwick (arrived 7:45 pm), Mike Keady, Susan Meacham, Ray Note, and Township Committee Liaison: Robert Thurgarland and Secretary Maria Elena Jennette Kozak.

Absent: Dwight Pederson

Guest: Ron Farr

Let the record show we have a quorum.

Minutes: The approval of the September 4, 2019 minutes was tabled. .

PennEast Pipeline update: Susan Meacham and Mike Keady – Susan Meacham reported that the Circuit Court made a decision on Eminent Domain and that FERC cannot delegate the power to condemn State lands to another entity like PennEast under Article 11 of the U.S. Constitution. This case could go to the Supreme Court. The 4th Circuit Case in Virginia could cause PennEast to go to the Supreme Court. New Jersey, Delaware and Pennsylvania comprise the third circuit. The Delaware River Keepers are to give arguments on Friday but the courts said to wait and see how the 4th Circuit Court Case evolves. This is bigger than just PennEast and Congress could write a new law. Another goal is to reign in FERC. New Jersey has over 7000 comments. Secretary Kozak is going to box all the information received on PennEast's water permit filing with the NJ DEP and on display in the meeting room. It will still be available for viewing but needs to be boxed. .

Route 519 Widening Project –Detour is happening. Speed limit is being enforced. Be careful, be smart, be safe, and be respectful. The bridge on Route 173 in Bloomsbury is closed.

Community Day & Green Fair – September 7, 2019. Some exhibitors had issues with breakdown. We need to make things run smoother. Some exhibitors expressed that they might not entertain participating again. We need to work with the police for a better transition.

Some members of the public expressed negative comments on Facebook. Non-profit organizations did receive money from food truck sales. The Brownies tried with the Stormwater education games borrowed from ANJEC. The games were awesome. A Fishing Pole was broken from Mr. Pederson's stormwater education game we have been doing for years. Secretary Kozak will go thru the boxes of brochures and discard the less relevant ones.

Discussion of Ordinance on clean-up of abandoned solar facilities – The subcommittee consisting of Jerry Bowers, Mike Keady and Susan Meacham provided the Mayor and Township Committee with comments which were incorporated into the ordinance and introduced at the TC meeting of October 1, 2019. It reads as follows:

ORDINANCE 2019-19
AN ORDINANCE AMENDING CHAPTER 100, ARTICLE IV
OF THE CODE OF THE TOWNSHIP OF HOLLAND REGARDING THE PROVISION OF A
DECOMMISSIONING BOND FOR MAJOR SOLAR FACILITIES

WHEREAS, the Mayor and Committee of the Township of Holland have determined that certain amendments to the Code of the Township of Holland are required.

NOW, THEREFORE, BE IT ORDAINED that the Mayor and Committee of the Township of Holland have determined that certain amendments and additions to Section 100-21(M) regarding major solar energy facilities in the Limited Industrial Park District are required as follows:

SECTION 1. Section 100-20.1(J) of the Code of the Township of Holland regarding decommissioning of minor solar facilities is hereby amended to add subsection (4) as follows:

Ground mounted solar energy facilities (minor) that require site plan approval shall be subject to the decommissioning plan and bond requirements set forth in Section 100-21(M)(7).

SECTION 2. Section 100-21(M)(7) of the Code of the Township of Holland entitled, "Decommissioning and disassembly," is hereby amended to add subsection (c) as follows:

If said decommissioning has not been completed within the requisite 180 day period following issuance of the demolition permit, then the Township's Zoning Officer shall provide written notice by certified mail to the landowner requiring that decommissioning be completed within thirty (30) calendar days of the receipt of said notice.

If the decommissioning has not been completed within thirty (30) calendar days of the receipt of said notice, the Township may collect the bond or other surety and undertake the decommissioning. The Township may charge the landowner and/or facility owner and operator for all of the costs and expenses thereof, including reasonable attorney's fees. Nothing herein shall prevent the Township from taking appropriate legal action to compel the decommissioning. All costs incurred by the Township shall be billed to the landowner and if not paid within sixty (60) calendar days of billing, shall become a lien against the property.

SECTION 3. Section 100-21(M)(7)(a) of the Code of the Township of Holland entitled "Decommissioning and disassembly," is hereby amending with definitions as follows:

(a) All Applications for a Solar energy facility (major/commercial) shall be accompanied by a decommissioning plan to be implemented upon abandonment of the use.

[1] Abandonment is defined as the facility being out of service for a continuous twelve-month period.

[2] Decommissioning Process Description. The decommissioning and restoration process comprise removal of above-ground structures; grading, to the extent necessary; restoration of topsoil (if needed) and seeding. The process of removing structures involves evaluating and categorizing all components and materials into categories of recondition and reuse, salvage, recycling and disposal. The Project consists of numerous materials that can be recycled, including steel, aluminum, glass, copper and plastics. In the interest of increased efficiency and minimal

transportation impacts, components and material may be stored on-site until the bulk of similar components or materials are ready for transport. The components and material will be transported to the appropriate facilities for reconditioning, salvage, recycling, or disposal. Above-ground structures include the panels, racks, inverters, pads and any interconnection facilities located on the property. The above-ground structures and below-ground structures are collectively referred to herein as the "Project Components."

Temporary erosion and sedimentation control best management practices will be used during the decommissioning phase of the project. Control features will be regularly inspected during the decommissioning phase and removed at the end of the process.

[3] Project Component Removal: Control cabinets, electronic components, and internal cables will be removed. The panels, racks and inverters will be lowered to the ground where they may be transported whole for reconditioning and reuse or disassembled/cut into more easily transportable sections for salvageable, recyclable, or disposable components.

[4] PV Module Removal: Solar photovoltaic modules used in the project are manufactured within regulatory requirements for toxicity based on Toxicity Characteristic Leaching Procedure (TCLP). The solar panels are not considered hazardous waste. The panels used in the Project will contain silicon, glass, and aluminum which have value for recycling. Modules will be dismantled and packaged per manufacturer or approved recyclers specifications and shipped to an approved off-site recycler.

[5] Component Pad Removal: Pads will be excavated to a depth sufficient to remove all anchor bolts, rebar, conduits, cable, and concrete to a depth of 24 inches below grade. The remaining excavation will be filled with clear subgrade material of quality comparable to the immediate surrounding area. The sub-grade material will be compacted to a density similar to surrounding subgrade material. All unexcavated areas compacted by equipment used in decommissioning shall be de-compacted in a manner to adequately restore the topsoil and sub-grade material to the proper density consistent and compatible with the surrounding area.

[6] Electric Wire Removal: DC wiring can be removed manually from the panels to the inverter. Underground wire in the array will be pulled and removed from the ground. Overhead cabling for the interconnection will be removed from poles. All wire will be sent to an approved recycling facility.

[7] Racking and Fencing removal: All racking and fencing material will be broken down into manageable units and removed from the facility and sent to an approved recycler. All racking posts driven into the ground will be pulled and removed.

[8] Concrete Slab Removal: Concrete slabs used as equipment pads will be broken and removed to a depth of two feet below grade. Clean concrete will be crushed and disposed of off-site.

[9] Access Road: During decommissioning, the processed stone access roads will be stripped, exposing the geotextile beneath. The geotextile will then be removed and disposed revealing the original soil surface. The compacted soil beneath the road fill may require ripping with a subsoiler plow to loosen it before it can be returned to crop production.

(c) Site Restoration Process Description: Following decommissioning activities, the sub-grade material and topsoil from affected areas will be de-compacted and restored to a density and depth consistent with the surrounding areas. If the subsequent use for the project site will involve agriculture, a deep till of the project site will be undertaken. The affected areas will be inspected, thoroughly cleaned, and all construction-related debris removed. Disturbed areas will be reseeded to promote re-vegetation of the area, unless the area is to be immediately redeveloped. In all areas restoration shall include, as reasonably required, leveling, terracing, mulching, and other necessary steps to prevent soil erosion, to ensure establishment of suitable grasses and forbs, and to control noxious weeds and pests.

(d) Decommissioning Terms: The project shall be decommissioned within 180 days of the end of the project's operational life. Areas disturbed during the decommissioning phase will be seeded with a drought-tolerant grass seed mix appropriate for the area, unless such areas are being immediately redeveloped for other uses.

SECTION 4. Section 100-21(M)(7)(b) of the Code of the Township of Holland entitled, “Decommissioning and disassembly,” is hereby amended to add subsections [7] and [8] as follows:

[7] Provisions detailing the anticipated life of the project.

[8] The estimated cost of decommissioning in current dollars and an explanation of how the cost was determined, which shall be prepared by a professional engineer or contractor who has expertise in the removal of solar facilities. Salvage value shall not be considered when determining the estimated decommissioning cost.

SECTION 5. Section 100-21(M)(7)(b)(4) of the Code of the Township of Holland entitled, “Decommissioning and disassembly,” is hereby amended as follows (Additions indicated in boldface and italics **thus**; deletions indicated with strike-through ~~thus~~):

Provisions that , as a condition of *site plan approval and prior to the issuance of any building permits*, ~~obtaining the demolition permit~~, the land owner or operator of the facility shall obtain and submit to the Township a performance bond *or other agreed-upon secured funding in a form approved by the Township Attorney* to ensure *that the decommissioning plan provides financial assurance that there will be sufficient funds available for decommissioning and site restoration when the solar arrays have reached the end of their useful life* ~~removal of the facility in accordance with the decommissioning plan. within 180 days of the issuance of the demolition permit.~~ Such bond shall be in an amount, as determined in detail by the Township Engineer, which shall be adequate to cover the estimated cost of such removal. The form of such bond shall be approved by the Township Attorney. The bond shall not be subject to revocation or reduction prior to the completion of the work covered by the demolition permit *and decommissioning plan* and the full restoration of the site as required by the decommissioning plan.

The decommissioning bond shall be re-evaluated to reflect inflation every 5 years from the start of operations which shall be defined as the date of issuance of the Certificate of Occupancy for the generation of power. Such re-evaluation shall be submitted no fewer than 30 days prior to the end of the five year period by the owner/operator and/or landowner to the Township Attorney and Township Engineer for review and approval. If the anticipated cost of decommissioning increases by ten percent (10%) or more, the property owner or operator of the facility shall deposit additional funds into an escrow account or revise the bond or other surety to reflect the increased amount.

SECTION 6. All Ordinances or parts of Ordinances inconsistent herewith are repealed as to such inconsistencies.

SECTION 7. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. This Ordinance shall take effect upon final passage and publication according to law.

Second Reading and Final Adoption set for November 6, 2019 at 7:00 pm

I Catherine M. Miller, Municipal Clerk, hereby certify that the foregoing ordinance is a true and accurate copy of an ordinance adopted on first reading by the Township Committee of the Township of Holland at a regular and duly convened meeting held on October 1, 2019

In witness thereof, I have set my hand and affixed the seal of the Township of Holland this 2nd day of October 2019.

*Catherine M. Miller, RMC
Municipal Clerk, Holland Township*

On behalf of the Township Committee, Liaison Thurgarland thanked the subcommittee for their help with this project.

Musconetcong River Management Council – Dwight Pederson – nothing to report.

Holland Happenings Newsletter – All organizations have been asked to submit an article. The deadline was September 6th. The plan is for the newsletter to be distributed in late November. Chairman Keady submitted an article on behalf of the Environmental Commission. Pictures from Community Day were submitted by Chairman Keady on Monday, September 9, 2019 after Community Day on the 7th, as agreed.

GoHunterdon Awards Breakfast and Annual Meeting – Liaison Thurgarland, Secretary Kozak and Ted Harwick attended the meeting. Holland Township received their Sustainable Jersey award and the certificate is already hanging in the meeting room.

Sub-Committees:

Trails – Ted Harwick, Jerry Bowers and Ray Note. Nothing new to report.

Community Forestry Plan – Ray Note, David Harrison, Ted Harwick, Henry Gore (emeritus) and Secretary Kozak

Community Forestry Plan Grant - The Holland Township Community Forestry Plan 2014-2019 expires at the end of 2019 and the Green Communities Grant from the DEP to pay for revising the Plan has been awarded to Holland Township. The subcommittee discussed and made recommendations for Forester Ron Farr. Ron Farr is present tonight and wants to review the notes and the plan. A question came up about the Highlands Council projects with confirmation of Holland Township adopting the Highlands Land Use Ordinance in November of 2017. Planner Green and subcommittee are working on a Reexamination of the Municipal Master Plan thru a Highlands Council Grant. We need to give a more accurate portrayal of the role of the Environmental Commission and Ron Farr will work with Mike Keady and Jerry Bowers on some wording that is tied to the forestry plan. David Harrison can provide Ron Farr with the bio inventory. In order to revise the Financial Breakdown, Secretary Kozak will send Ron Farr the annual reports submitted so he can incorporate them into the plan. The CORE Trained people are: Henry Gore, David Harrison and Secretary Kozak. Discussion took place about exploring a future grant for Hazardous Tree Removal. JCP&L only maintains trees in their right of way. Ron Farr can do additional training in Holland for such topics as Immediate Threat or Hazardous Tree Identification. Invasive bugs such as the Emerald Ash Borer and Spotted Lantern Fly are making an impact in the destruction of our trees. More “bugs” have been identified and will pose threats to our trees. The EC members and the DPW could benefit from additional training as well as Public Education. Tree City will have to be a future conversation. There is an issue with the need for strict ordinances of which Ron Farr said there can be flexibility however, there is a \$2/capita requirement. Holland Township is waiting for The Highlands Council to develop a Community Forestry Plan which will have sample ordinances and will provide additional Grant Funding for municipalities to seek. We started celebrating Arbor Day about four years ago, however Secretary Kozak will send Ron Farr any

support for the celebration. We started with the Tree Give Away as part of efforts to recover from Hurricane Sandy. Secretary Kozak will check with Holland School to see if they participate in the seedling distribution for third graders. She will report her findings to Ron Farr. Secretary Kozak to touch base with Director of Public Works, Corey Colaluce regarding the equipment and to report the findings to Ron Farr. We also need to find out how many trees the DPW removes yearly. David Harrison will review CSIP 5 and see if revisions are needed. Tree Recycling and our wood chip program were explained as residents dropping off their brush and anyone being allowed to take the chips. Pictures give a sense of our Community and Mike Keady will provide Ron Farr with additional pictures. We want to leave the stream corridor in the plan as the EC expects to look into that project in the future. Secretary Kozak will work with Clerk Miller to have authorization for the Mayor to sign the Community Forestry Plan 2020-2024 put on the TC agenda of October 15th. Ron Farr will revise the plan and Secretary Kozak will distribute to the EC members for comments. Comments received will be submitted back to Ron Farr for revision to the plan which will be redistributed. Once acceptable, the plan will be submitted to the Mayor and Township Committee. Secretary Kozak will send David Harrison the tree inventory spreadsheets for him to create a list of the trees in Holland for the plan.

Tree Inventory Update – The subcommittee is still working on this project with Arborist Farr. The data collection being entered into the system is still being refined by Dwight Pederson who has tweaked the system for us to enter the data being collected into an Excel spreadsheet that could then be input into iTree. The data entry can be done when we are on hold with continuing to gather field data. The schedule has been to continue the tree inventory on Wednesdays, as permitted. All are welcome to help participate in the tree inventory. Please provide your vehicle information so we can supply the information to the police as requested. Also the Spotted Lantern Fly (SLF), is in Holland Township. People are encouraged to use the HOTLINE. Arborist Farr reached out to the USDA and we now have a contact that is helping us. The USDA will treat your property if you sign an authorization document. Ron Farr reported that nearly 2300 trees have been inventoried. Ash Trees along Bellis near the Bowers property are not healthy. They look like they will fall on his driveway. They have visible holes from the Emerald Ash Borer. Spotted Lantern Flies have been spotted, reported and people are authorizing releases for the USDA to treat their property if applicable. We thank Ron Farr for his help with securing a contact at the USDA who is willing to work with our residents. At a recent Township Committee Meeting authorization was given for the Mayor to sign the USDA authorization document for treatment on Township Lands. The tree inventory is being done on the Level 1 high priority roads with the rest of Bellis, Ellis, Dennis and Rummel being the remaining high priority roads.

Ron Farr thanked everyone for their help and will work on the plan. He left the meeting at 8pm.

Girl Scout Silver Award - - Elizabeth Tamarro. Nothing new to report.

Highlands Conformance – Jerry Bowers, Mike Keady and Dwight Pederson.

Highlands Council Environmental and Economic Sustainability Grant Awards Program update:

No news to update other than Secretary Kozak is still working with Maser and the Highlands Council.

The Retention/Detention basin inventory is still an important project but the priority projects are the Wastewater Management Plan, The Water Use and Conservation Plan, The Master Plan Reexamination and the Affordable Housing/Fair Share Housing Plan. Subcommittees of the Planning Board for the Reexamination Plan and Affordable Housing/Fair Share Housing have been created to work with Planner Green. Plans will be available for review once created. The process for public comment will be thru the Planning Board.

Stormwater Education – Mike Keady, Jerry Bowers, Susan Meacham and Maria Elena Jennette Kozak as Secretary – Nothing new to report

Community Education and Outreach – Jerry Bowers, Dwight Pederson, and Susan Meacham – Nothing new to report. A suggestion did come up to see if we could use Facebook or Survey Monkey to see if the public is interested in participating in a tree class next year. Secretary Kozak also needs to send the Stormwater Education webinar information out to everyone to see if the board can participate. If you do, please let Secretary Kozak know so she can keep track for the annual report.

The EC webpage is: <http://www.hollandtownshipnj.gov/14-ec/46-environmental-commission.html>. Please send any additions or corrections to Secretary Kozak for posting

Inventory on Fauna and Flora subcommittee - David Harrison, Dwight Pederson, Ray Note and Henry Gore (emeritus) – Nothing new to discuss.

Public Comment: No one is present in the public.

At 8:55 pm Ted Hawick made a motion to adjourn.

Respectfully Submitted

Maria Elena Jennette Kozak

Maria Elena Jennette Kozak

Environmental Commission Secretary