

OXFORD TOWNSHIP MEETING
November 11, 2020

The meeting of the Township Committee of Oxford Township was held on October 28, 2020 in the Oxford Township Municipal Building, 11 Green Street, Oxford, NJ and by calling the toll-free number: **(877) 853-5247** and entering the Meeting ID: 827 3883 6169

Adequate Notice of this meeting was properly advertised in The Express Times/NJ Zone Edition, Express Times, the Township website (www.oxfordtwpnj.org) and Township Facebook page in compliance with the Open Public Meeting Act of 1975.

In attendance was Robert Nyland, Gerald Norton, Georgette Miller, Township Committee, Matthew Hall, Township Administrator, Rich Wenner, Township Attorney, Joe Vuich (via Zoom), representing Michael Finelli, Township Engineer, and Susan Turner, Deputy Municipal Clerk.

Mayor Nyland extended his sincere appreciation to all veterans and their families who have served and sacrificed for our country.

Meeting Minutes and Executive Session Minutes

Mayor Nyland moved to accept the Meeting minutes and Executive Session minutes from the October 28, 2020 Committee meeting. Seconded by Gerald Norton and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Ordinances-2nd Reading/Public Hearing:

ORDINANCE 2020-13

AN ORDINANCE OF THE TOWNSHIP OF OXFORD, COUNTY OF WARREN, STATE OF NEW JERSEY AMENDING CHAPTER 219, *NUISANCES*, SECTION 2, *NUISANCES PROHIBITED*, TO ADD A NEW SUBSECTION 219-2(A)(11) REGARDING NOISE

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF OXFORD, COUNTY OF WARREN AND STATE OF NEW JERSEY THAT CHAPTER 219, *NUISANCES*, SECTION 2, *NUISANCES PROHIBITED*, TO ADD A NEW SUBSECTION 219-2(A)(11) REGARDING NOISE AS FOLLOWS:

Section 1.

219-2(A)(11) Noise.

(a) The making, continuing or causing to be made or continued by any person of any loud, unnecessary or unusual noise or any noise which does or is likely to annoy, disturb or endanger the comfort, repose, health, peace or safety of others.

(b) Without intending to limit the generality of Subsection A(11)(a), the following acts are hereby declared to be examples of loud, disturbing and unnecessary noise in violation of this section:

(i)

Radios; televisions; phonographs. The playing, use or operation of any radio-receiving set, television, musical instrument, phonograph or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of neighboring inhabitants or with louder volume than is necessary for convenient hearing for persons who are in the room, vehicle or chamber in which the machine or device is operated and who are voluntary listeners. The operation of such a set, instrument, phonograph,

machine or device so that it is clearly audible at a distance of 100 feet from the building, structure or vehicle in which it is located shall be prima facie evidence of a violation of this section.

(ii)

Yelling; shouting. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of 11:00 p.m. and 7:00 a.m., or at any time or place, which annoys or disturbs the quiet, comfort or repose of persons in any office, dwelling, hotel, motel or other type of residence or of any persons in the vicinity.

(iii)

Animals; birds. The keeping of animals or birds which, by causing frequent or long-continued noise, disturbs the comfort or repose of any person in the vicinity, but nothing herein contained is intended to apply to a dog pound or licensed kennel.

(iv)

Horns. The sounding of a horn or warning device on an automobile, motorcycle, bus or other vehicle, except when required by law, or when necessary to give timely warning of the approach of the vehicle, or as a warning of impending danger to persons driving other vehicles or to persons on the street. No person shall sound a horn or warning device on an automobile, motorcycle, bus or other vehicle which emits an unreasonably loud or harsh sound, or for an unnecessary or unreasonably period of time.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

Meeting opened for public comment on Ordinance 2020-13. No public comments.

Mayor Nyland moved to accept Ordinance 2020-13. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Ordinances-1st Reading/Public Hearing:

ORDINANCE NO. 2020-14

ORDINANCE OF THE TOWNSHIP OF OXFORD, COUNTY OF WARREN, STATE OF NEW JERSEY, TO VACATE AN ALLEY RUNNING FROM 48 GREEN STREET TO 29 AXFORD AVE NOT NEEDED FOR A PUBLIC PURPOSE

WHEREAS there is a “paper street” which runs from 48 Green Street to 29 Axford Avenue within the Township which the Township has been requested to vacate by the property owners residing at the respective addresses above; and

WHEREAS the Municipal Engineer of the Township of Oxford has reviewed the proposed vacation and finds that same is consistent with the public interest, and that it is in the best interest of the municipality; and

WHEREAS, it appears that the interests of the public will be served by this vacation, since the vacation will lead to the improvement of the property in the surrounding areas without any detriment to the interests of the public.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Oxford, County of Warren and State of New Jersey, as follows:

Section 1:

The following described lands are hereby vacated and all the public rights, interests and title arising from the dedication or shown on any map filed or otherwise or any reference to same in any deed or instrument, recorded or otherwise, are hereby vacated, relinquished and extinguished. Those lands constituting of the following are hereby vacated and described as follows:

See Exhibit A, attached hereto.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

Meeting opened for public comment on Ordinance 2020-14. Crystal Thomas (via Zoom) asked what the ordinance means. Mayor Nyland explained it is a “Paper” alley. The towns will still claim right of way but would not maintain it.

Mayor Nyland moved to accept Ordinance 2020-14. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

ORDINANCE NO. 2020-15

ORDINANCE OF THE TOWNSHIP OF OXFORD, COUNTY OF WARREN, STATE OF NEW JERSEY, ESTABLISHING A FEE SCHEDULE FOR THE OXFORD FURNACE LAKE

WHEREAS, the Township is the owner of a body of water and attendant park land known as the Oxford Furnace Lake; and

WHEREAS, pursuant to Chapter 234-4 of the Code of Oxford, the Township shall “establish a procedure for reservation and use of all or a portion of the recreation area by organizations as set forth in § 234-3 of this chapter;” and

WHEREAS, Chapter 234-3 of the Code provides that “Oxford Township Committee, by resolution, may authorize any organizations operating solely for civic, religious, educational, charitable, fraternal, social or recreational purposes, and not for private gain, to use any Township public park or recreation area for a one-day picnic or similar group activity. Such resolution may include authorization for exclusive use of a picnic pavilion on the day set forth. Such resolution may include authorization for the serving of beer at no charge to members of the authorized group only. . .”; and

WHEREAS, the Township Committee desires to establish a fee schedule with ranges for each use, which shall be annually set by resolution, for organizations authorized to utilize the aforementioned public park and recreation area.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Oxford, County of Warren and State of New Jersey, as follows:

Section 1:

There is hereby adopted a fee schedule for those qualified organizations and persons which wish to utilize the Oxford Furnace Lake recreation area as set forth in the attached Exhibit A. Each year the Township Committee shall by resolution establish the actual fee to be charged that is within the range authorized.

Section 2:

Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Section 3:

Repealer. Any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as to their inconsistencies only.

Section 4:

Effective Date. This Ordinance shall take effect upon final passage and publication as provided by law.

The fee range to rent the beach at the lake or the pavilion for weddings will be set at \$175-\$250.

Mayor Nyland moved to accept Ordinance 2020-14. Seconded by Gerald Norton and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Resolutions:

RESOLUTION 2020-71

**RESOLUTION OF THE TOWNSHIP OF OXFORD
AUTHORIZING THE USE OF THE PUBLIC RIGHTS-OF-WAY BY
PLANET NETWORKS, INC.**

WHEREAS, Planet Networks Inc. ("Planet Networks") is a provider of telecommunications services that is authorized by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout New Jersey; and

WHEREAS, Planet Networks has petitioned the municipality for consent to use the public rights-of-way to place its telecommunication facilities aerially on existing and new utility poles and/or in underground conduit; and

WHEREAS, the Federal Communications Commission has held that that "an effective prohibition [under the Telecommunications Act of 1996] occurs where a state or local legal requirement materially inhibits a provider's ability to engage in any of a variety of activities related to its provision of a covered service ... not only by rendering a service provider unable to provide an existing service in a new geographic area or by restricting the entry of a new provider in providing service in a particular area, but also by materially inhibiting the introduction of new services or the improvement of existing services." Declaratory Ruling and Third Report and Order, WT

Docket No. 17-79; WC Docket No. 17-84, FCC-18-133A1, at para. 36, p. 15-16; and

WHEREAS, Planet Networks has or will enter into agreements with the utility companies for the use of their poles; and

WHEREAS, N.J.S.A. 48:3-19 provides that "[t]he consent of the municipality shall be obtained for the use by a person of the poles of 'another person unless each person has a lawful right to maintain poles in such street, highway or other public place;" and

WHEREAS, N.J.S.A. 27:16-6 provides, in part that "[t]he board of chosen freeholders shall not grant an easement, right of way, or use in, under or over, any portion of a county road in a municipality, unless the governing body of the municipality ... shall consent thereto;" and

WHEREAS, N.J.S.A. 46:17-8 provides that "[a]ny telegraph or telephone company organized under the laws of this or any other State, or of the United States may erect, construct and maintain the necessary poles, wires, conduits, and other fixtures for its lines, in, upon, along, over or under any public street, road or highway, upon first obtaining the consent in writing of the owner of the soil to the erection of such poles, and through, across or under any of the waters within this State and upon, through or over any other land, subject to the right of the owners thereof to full compensation for the same."

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal agency; and

WHEREAS, it is in the best interests of the municipality and its citizens to grant consent to Planet Networks.

NOW THEREFORE BE IT RESOLVED THAT:

1) That the governing body does hereby grant permission and authority to Planet Networks, Inc. to install fiber optic cables and related facilities on existing utility poles within the public right-of-way and to install new utility poles, upon the following terms and conditions:

- a) Planet Networks shall adhere to all applicable federal, State, and local laws in connection with its use of the public right-of-way.
- b) Planet Networks shall obtain any applicable permits in connection with the installation of its facilities;
- c) Planet Networks shall indemnify, defend and hold harmless the municipality, its officials, agents, and employees, from and against any claim of liability, damages or loss resulting in bodily injury or property damage arising out of Planet Network's use of the public right-of-way, except to the extent such loss, injury or property damage resulting from the acts or omissions of the municipality.
- d) Planet Networks shall procure and maintain, at its cost and expense, commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence and shall include the municipality as an additional insured on said insurance policy.

- e) Planet Networks shall be responsible for the repair of any damage to pavement or any structure arising from its construction, installation or maintenance of its facilities.
- f) Notwithstanding any provision contained herein, neither the municipality nor Planet Networks shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this consent.
- g) That the Mayor of Oxford Township is hereby authorized to execute and the Clerk to attest to any other documents necessary to effectuate the terms of this resolution.

STATEMENT: This resolution authorizes and consents to Planet Networks, Inc.’s installation of fiber optic cables and related facilities on new and existing utility poles and conduits within the public rights-of-way.

Mayor Nyland moved to adopt Resolutions 2020-71. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0. Absent: 0

RESOLUTION 2020-76

WHEREAS, N.J.S.A. 40A:4-58 provides that Budget transfers may be made during the last two months of the fiscal year; and

WHEREAS, there has been determined a need for such transfers;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Oxford, County of Warren, State of New Jersey that the following transfers be made:

Description	TO	FROM
COVID 9	298.47	
PUBLIC DEFENDER - OTHER EXPENSES	500.00	
Planning Board - Other Expenses	1,000.00	
Finance - Other Expenses	2,000.00	
Tax Collector - Salaries and Wages	4,000.00	
Audit Services	5,400.00	
Animal Control - Other Expenses	12,000.00	
Administrative & Executive - OE	20,000.00	
Streets and Roads - Other Expenses		2,198.47
Vehicle Maintenance - Other Expenses		3,000.00
Engineering Services - Other Expenses		5,000.00

SNOW REMOVAL TRUST FUND	5,000.00
Employee Group Health Insurance	10,000.00
Recreation - Salaries and Wages	10,000.00
Landfill/Solid Waste Disposal Costs	10,000.00
	\$45,198.47
	\$45,198.47

Gerald Norton moved to adopt Resolution 2020-71. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0

New Business:

Solar Stone – Solar Stone sent a letter terminating their lease on Block 2 Lots 18 & 19. Mayor Nyland moved to accept the termination letter from Solar Stone. Seconded by Gerald Norton and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Gerald Norton moved to reauthorize the solar bid of the property Block 2 Lots 18 & 19. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Spring Meadows – Lou Accetturo, DPW Supervisor, had the storm drains “scoped”. Two sections were filled with debris and had damage. Gerald Norton moved to authorize the DPW to hire a company to clean out these sections of the storm drains so damages could be assessed and repaired. Seconded by Mayor Nyland and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Township Committee Reports and Correspondence:

Mayor Nyland stated that an Eagle Scout built a wood storage unit at Furnace Lake for Boy Scout camp outs.

Mayor Nyland asked Mr. Wenner about the possibility of condemning the building at 45 Bush Street. Joe Vuich of Finelli Engineering (via Zoom) stated the property had been looked at. There are code violations and it is potentially an unsafe structure. Mr. Wenner outlined the legal process and how the State and the County Health Department can inspect the property and determine if it is an unsafe structure, unfit for human occupation and/or a public health nuisance. Mayor Nyland moved to authorize Mr. Wenner to contact the State and the County Health Department to begin the inspection process. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Best Practices Inventory Submission – The Committee and Administrator reviewed the submission form, with attention paid to areas where improvements can be made next year.

Solid Waste Fee Analysis– After discussion the Committee determined the following changes be made to the Solid Waste ordinance:

The annual fee will increase by \$25.00

Waste receptacles placed curbside will be limited to two (2) thirty-two (32) gallon containers, with the exception of the pickup following Christmas during which there will be no limit on the number of containers.

Additional garbage bags up to fifteen (15) gallons may be put out with the weekly pickup with a purchased \$2.00 “garbage” sticker attached to each bag.

Bulk items will be limited to two (2) items on the last pickup of each month. A \$10.00 “bulk” sticker must be purchased from the Clerk’s office and affixed to each item.
One town-wide Bulk Clean Up event will be held annually.

Matthew Hall and Rich Wenner will revise the existing ordinance for the next meeting.

In addition, notices of the changes will be widely dispersed in January and single stream recycling will be strongly recommended.

Meeting Date Change – The December 9, 2020 meeting will be cancelled and meetings will be scheduled for December 2, 2020 and December 16, 2020.

Municipal Parking Lot – Several Commercial vehicles and cars are parking in the municipal lot overnight and long term. Options discussed included requiring a paid monthly or annual parking permit, allowing only residential parking or banning all overnight parking. Commercial overnight parking could be allowed short term on a case by case basis. Matt Hall will provide the committee with the Washington Borough Parking Ordinance for their review.

School Board Meeting – Gerald Norton stated the School Board meeting agenda again had discussion of regionalization on it.

Christmas Tree Lighting – The Tree Lighting event will be held December 5th.

Motion To Pay Bills:

Mayor Nyland moved to pay all bills presented and approved by the Committee. Seconded by Gerald Norton and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Township Engineer:

Joe Vuich, representing Finelli Engineering, (via Zoom) stated that following up from the last meeting, there were 4 properties reviewed for property maintenance violations. 45 Bush Street was discussed previously, and violations notices for 2 other properties are being prepared and will be mailed out tomorrow. He asked if there was anything specific regarding the property on Route 31 because the property is in decent care at this time.

The HDSRF application for the OxTech Industry/ OxWall property is ready from the LSRP and was sent out today with the associated proposal that matches the grant value the township is seeking for the LSRP services. It is anticipated it will be submitted by the LSRP in the coming days. The DEP will take 2 to 3 months for review and approval of supplemental funding.

Attorney’s Report:

Rich Wenner stated he is meeting with the Cambridge West redeveloper’s attorney Monday and will update the committee via email.
He will also send updates via email regarding the ongoing litigation regarding the clerk.

Public Comment:

Bonnie Riley (via Zoom) asked if only the specific section of alley between Green Street and Axford Avenue is being vacated in Ordinance 2020-14, and why not the entire alley. Joe Vuich answered that the request was only for that area at the end of the alley and there is no use for that section. Mr. Vuich offered to meet with residents of the block to discuss use of the alley and the practicality of vacating the entire alley.

Bob Magnuson, Superintendent of Schools (via Zoom) – He and the Business Administrator have met with Solar Stone and Jeff Birch. They will be sharing a letter in support of the project at the December 10 School Board meeting.

Most of the new air conditioning units are installed and being used. They are much more efficient than the old units.

End of Public Comment.

Executive Session: No Executive Session

Comments:

Matthew Hall submitted the CARES Act Application for \$25,000. Oxford's suballocation is \$20,000. He requested the additional \$5,000 because if all of the funds are not dispersed additional funds may be given to towns that requested more.

Mayor Nyland moved to adjourn the meeting at 8:08 PM. Seconded by Gerald Norton and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Public Comment:

Matthew Hall stated a Zoom attendee requested to speak as the motion to adjourn was being called. He advised the caller the meeting had adjourned but would take the question. The caller asked if there were any changes to the Noise Ordinance. Mayor Nyland stated no. The caller asked if the Ordinance regarding not feeding feral cats had passed through the State yet. Mayor Nyland stated it should be recorded at the Municipal courthouse by now and would be enforceable. Matthew Hall will talk with the Animal Control Officer and contact the caller.

Susan Turner, Deputy Clerk