**OXFORD TOWNSHIP MEETING**

**July 21, 2021**

The meeting of the Township Committee of Oxford Township was held on July 21, 2021 in the Oxford Township Municipal Building, 11 Green Street, Oxford, NJ and by calling the toll-free number: **(877) 853-5247** and entering the Webinar ID: 859 3157 3323

Notice of time, date, location and agenda of this meeting, to the extent then known was provided at least forty-eight (48) hours prior to the commencement of this meeting in the following manner pursuant to the provisions of Chapter 231 of the law of 1975 “the Open Public Meetings Act”:

* Emailing to the Express Times / Warren County NJ Zoned Edition
* Posting on the Township web-site and Facebook page

In attendance was Gerald Norton and Robert Nyland, Township Committee, Matthew Hall, Township Administrator, Richard Wenner, Township Attorney, Michael Finelli, Township Engineer, and Susan Turner, Deputy Municipal Clerk.

Mayor Norton called the meeting to order at 7:00 PM

**Meeting Minutes:**

Bob Nyland moved to accept the July 7, 2021 Regular meeting minutes. Seconded by Mayor Norton. Ayes: 2, Nays: 0, Abstain: 0. Absent: 1. Motion passed.

**Public Comment on Agenda items:** - Residents of a property at the end of Green Street asked if Ordinance 2021-11 would affect their property. Rich Wenner and Michael Finelli reviewed the map attached to the ordinance and determined their property was not included in this ordinance. Another ordinance will be introduced at the next meeting to include the remaining areas of the Axford Avenue alley.

**Ordinances: 2nd Reading/Public Hearing**

Ordinance 2021-10 Cannabis regulations

**ORDINANCE 2021-10**

**AN ORDINANCE AMENDING CHAPTER 340 OF THE CODE OF THE TOWNSHIP OF OXFORD, COUNTY OF WARREN, STATE OF NEW JERSEY, TO REGULATE THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, OR MAINTENANCE OF FACILITIES, BUSINESSES, OR ANY OTHER ACTIVITIES INVOLVING THE PRODUCTION AND PROCESSING OF CANNABIS AND REPLACING AND REPEALING ORDINANCE 2021-07**

**WHEREAS,** in 2020 New Jersey voters approved Public Question NO. 1, amending the New Jersey Constitution and allowing for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age, and authorizing the State Commission created to oversee the State’s medical cannabis program to oversee the new personal use cannabis market, and subject cannabis products to State sales tax and, if authorized by the Legislature, a municipality to pass a local ordinance to charge a local tax on cannabis products; and

**WHEREAS,** subsequently the New Jersey Legislature enacted and the Governor signed into law Senate Bill 21 and Assembly Bill 21, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act’ (the “Act’) and codified as P.L. 2021, c.17, establishing a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, and which also legalized limited personal recreational cannabis use and possession; and

**WHEREAS,** the Act establishes six marketplace classes of licensed businesses, including:

• Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;

• Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

• Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;

• Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;

• Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and

• Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

**WHEREAS,** Section XX of P.L. 2021, c.17, provides every municipality with the option to authorize and regulate, in a manner consistent with the Act, the regulation of cannabis business, the number of licensed business, as well as their location, manner, and times of operation within its jurisdiction; and

**WHEREAS,** a municipality must within 180 days of the effective date of the Act, enact regulations through an ordinance regarding cannabis business within its jurisdiction; and

**WHEREAS,** failure to timely enact an ordinance prohibiting such operations would result in any class of cannabis business that is not prohibited from operating within the local jurisdiction as being permitted to operate therein for a period of five years as follows:

**•** the growing, cultivating, manufacturing, and selling and reselling of cannabis and cannabis items, and operations for transporting and delivery services by a cannabis cultivator, cannabis manufacturer, cannabis wholesaler, cannabis distributor, or cannabis delivery service would be permitted uses in all industrial zones of the municipality; and

**•** the selling of cannabis items to consumers from a retail store by a cannabis retailer would be a conditional use in all commercial zones or retail zones, subject to meeting the conditions set forth in any applicable zoning ordinance or receiving a variance from one or more of those conditions in accordance with the “Municipal Land Use Law,” P.L.1975, c.291 (C.40:55D-1 et seq.); and

**WHEREAS,** only at the end of any five-year period following a failure to enact a local ordinance, could any municipality revisit the issue of prohibition during a new 180 day-period, but any ordinance would be prospective only and not apply to any cannabis business already operating within the local jurisdiction subject to the ordinance; and

**WHEREAS,** the governing body of the Township of Oxford recognizes the potential adverse impacts on the health, safety, and welfare of its residents and business from secondary effects associated with commercial cannabis activity, which include: offensive odors, trespassing, theft, violent encounters between growers and persons attempting to steal plants, fire hazards, increased crime in and about the dispensary, robberies of customers, negative impacts on nearby businesses, nuisance problems, and increased DUI incidents; and

**WHEREAS,** there is a need to adopt health, safety, and welfare regulations to avoid adverse impacts on the community which may arise from commercial cannabis activity; and,

**WHEREAS,** the Township of Oxford does not currently have any provisions regulating the licensing, production, processing, delivery, or retail sale of cannabis.

**WHEREAS,** it is the intent of the Mayor and Committee of the Township of Oxford to permit all Classes of licensed businesses within the Township of Oxford in certain locations with the exception of a Class 5 Cannabis Retailer license and Class 6 Cannabis Delivery license at this particular point in time.

**WHEREAS**, the Township Committee previously fully and finally adopted Ordinance 2021-07 entitled:

**AN ORDINANCE AMENDING CHAPTER 340 OF THE CODE OF THE TOWNSHIP OF OXFORD, COUNTY OF WARREN, STATE OF NEW JERSEY, TO REGULATE THE ESTABLISHMENT, LOCATION, OPERATION, LICENSING, OR MAINTENANCE OF FACILITIES, BUSINESSES, OR ANY OTHER ACTIVITIES INVOLVING THE PRODUCTION AND PROCESSING OF CANNABIS**

**WHEREAS**, said ordinance should have been referred to the Planning Board for review in accordance with the requirements of the Municipal Land Use Law N.J.S.A. 40:55D-26.

**WHEREAS**, said ordinance was not so referred to the Planning Board for review before being fully and finally adopted by the Planning Board and therefore the Township Committee desires to repeal and replace Ordinance 2021-07 as same was not properly adopted and in its place and stead adopt the instant ordinance.

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Committee of the Township of Oxford, County of Warren, State of New Jersey, that Chapter 340, entitled “**Oxford Township Zoning Ordinance of 1978**” shall be amended as follows:

1. **Article IV, “Zone Regulations” shall be amended to include new section 340-18.2 as follows:**

**§340-18.2 Class 5 and 6 Cannabis Businesses Prohibited**

**Class 5 cannabis retail uses and establishment of business uses specific to operation of cannabis delivery services by Class 6 licensees, as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” and codified as P.L. 2021, c.17, shall be prohibited within the Township of Oxford. This provision shall not limit or otherwise prohibit the delivery of cannabis items and related supplies within the Township of Oxford by a delivery service.**

1. **Article IV, “Zone Regulations” shall be amended to include new section 340-18.3 as follows:**

**§340-18.2 CBO Cannabis Business Overlay Zone**

**The following regulations shall apply in the CBO Cannabis Business Overlay Zone:**

1. **Purpose and Intent – It is the intent of the CBO Cannabis Business Overlay Zone to permit certain Classes of licensed cannabis businesses only within those overlay areas identified on the Zoning Map, dated May 2021. The overlay requirements are intended to provide the option for certain Classes of licensed cannabis businesses, as defined in the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act’) and codified as P.L. 2021, c.17.**
2. **Permitted principal uses subject to the requirements of site plan review:**
3. **Any business requiring a Class 1, 2, 3 or 4 cannabis license, as defined in “the Act”.**
4. **Permitted accessory uses.**
5. **Off-street parking in accordance with Article VII.**
6. **Signs in accordance with Article VIII.**
7. **Facilities and services which are essential to the operation of a permitted cannabis use.**
8. **Special provisions and requirements applicable to the CBO Cannabis Business Overlay Zone.**
9. **All cannabis licensed businesses shall be designed and operated to minimize noise and odors and to maximize security and sanitation. The Land Use Board may require additional screening, landscaping, and similar precautions to prevent cannabis licensed businesses from having a substantial adverse effect on surrounding areas.**
10. **All required site plans for cannabis licensed businesses shall indicate specific measures to reduce the impact of such uses on other surrounding uses with respect to lights, traffic control and aesthetics.**
11. **The Land Use Board may, in conjunction with the applicant, impose reasonable hours of operation upon such uses.**
12. **All state regulations shall be complied with.**
13. **Area, lot and bulk regulations applicable to permitted principal uses in the CBO Cannabis Business Overlay Zone shall be as follows:**
14. **Minimum lot area – 5 acres**
15. **Minimum lot width – 300 feet**
16. **Maximum lot coverage – 35%**
17. **Maximum building height – 50’ and 2 ½ stories**
18. **Minimum front yard – 70’**
19. **Minimum side yard (one) – 40’**
20. **Minimum side yard (both) – 80’**
21. **Minimum rear yard – 60’**
22. **Minimum accessory building side yard – 40’**
23. **Minimum accessory building rear yard – 60’**
24. **All parking and loading areas shall meet the required setbacks for permitted principal uses as defined in this section.**
25. **The Zoning Map of the Township of Oxford is hereby amended to include the Cannabis Business Overlay Zone, as attached to this ordinance.**
26. **BE IT FURTHER ORDAINED that Ordinance 2021-07 is hereby repealed and replaced in its entirety.**

**6. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.**

**If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.**

**This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.**

Public Comments – Dana McGuire requested details of Ordinance 2021-10. Mayor Norton explained that 4 out of 6 marketplace classes were approved by the Committee. The retail sale and home delivery of cannabis products were not approved.

Mayor Norton moved to accept Ordinance 2021-10. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1.

Ordinance 2021-11 – Vacate Axford Avenue Alley

**ORDINANCE NO. 2021-11**

**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.

No Public Comments - Mayor Norton moved to accept Ordinance 2021-11. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1.

**Resolutions: 2nd Reading/Public Hearing**

Resolution 2021-38 – Budget Amendment

No Public Comments – Natasha Turchan, Township CFO (via Zoom) stated the Committee would vote to approve the final adoption of the budget after this public hearing on the Amendment. Bob Nyland moved to accept Resolution 2021-38. Seconded by Mayor Norton and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1.

**Budget Adoption -** Mayor Norton moved to adopt the budget. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1.

**Resolutions:**

Resolution 2021-48 – Liquor License Occhipinti

Resolution 2021-49 – Liquor License Patel - Mayor Norton moved to accept Resolution 2021-48 and Resolution 2021-49. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1

**New Business:**

* Habitability Hearing – Block 34, Lot 37; 6 Hill Street, Oxford – Richard Wenner swore in Michael Finelli, Mohan Bista, property owner, and Joseph Charles, neighbor and contractor. Michael stated he inspected the property and outside of the building. He could not enter the building due to the Warren County Health Department notices. Part of the yard is overgrown, the exterior is in good shape, and he did not see evidence of animals entering the building. The general repair of the building was okay.

Rich swore in Matthew Hall who had been inside the building in late 2020. Matt stated at that time there was no functioning heating system, the electricity was on but there were exposed wires, the bathroom had no fixtures, he did not know if the water was turned on, there was one appliance in the kitchen and water damage in various areas. He also stated the structure was posted as uninhabitable by the state, there was evidence animals had been in the home at one time, one window on each floor was broken, and the chimney was in poor condition and partially detached from the structure.

Mr. Joseph Charles spoke for the owner at his request and stated the property has been cleaned up, the roof was worked on last year, there are no broken windows and no animals in the building. The owner wants to renovate the building and had discussed the project with Mr. Charles but had not moved forward. They plan to do a walk through of the building to assess bringing it up to code. Mr. Charles will contact the state about entering the building while it is posted as an unsafe structure. The committee will allow 35 days for Mr. Bista and Mr. Charles to submit a proposal for the work needed to bring the building up to code and will determine a time line of required work/repairs based on that proposal.

Bob Nyland moved to carry the habitability hearing on Block 34, Lot 37, 6 Hill Street, Oxford to September 1, 2021 with a proposal to be presented at that time. Seconded by Mayor Norton and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1

* Code enforcement inspection/habitability – Mayor Norton stated the structure at 84 Mine Hill Road has a very large hole in the roof and no work has been done on the building. Michael Finelli will schedule an inspection.

**Old Business**:

Copier Lease – Susan Turner distributed 3 quotes. Jersey Mail Systems was chosen for its lease included per copy costs, excess copy costs and customer service. Susan will contact them for a lease agreement.

Website upgrade - Matt Hall has been in touch with ARAE Network. The user interface on the Township’s side has to be set up.

45 Bush Street – Bob Nyland was contacted by the property owner who spoke of his plans to renovate the building. Bob asked Rich Wenner to contact the property owner and explain the uninhabitable status, the demolition order, and all violations and fines currently imposed on the property. Bob also asked Deputy Police Chief Jones (audience) to enforce no parking regulations on the road.

**Township Committee Reports and Correspondence**

* Bob Nyland stated DPW has received the tractor with the side mower and roads are being cleared.
* Bob stated this is his last meeting. He thanked everyone for their support over the years.
* Mayor Norton stated the DPW Supervisor has requested authorization to hire a part time employee.

Mayor Norton moved to authorize Lou Accetturo, DPW Supervisor, to hire a part time employee. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1.

**Township Administrator:**

Matt Hall stated he will get a firm date from ARAE Network regarding the website upgrade.

The generator for the Municipal Building was ordered and should be delivered within the next 2 to 3 weeks. Matt said he will work with OEM Dave Burge to set up the Municipal Building as an emergency center.

An environmental company will be brought in to assess downstairs after the clean up is completed.

**Township Engineer Report**: Michael Finelli stated the Mine Hill Road grant plans were sent to the DOT. He hopes to have their okay by the next meeting.

The 2022 DOT Grants were submitted.

The Spring Meadows bid was awarded at the July 7 meeting. The paperwork has been sent to the contractor. Once it is returned the project will be scheduled.

Mike distributed a list of current Notices of Violation served. Mayor Norton asked if an ordinance about grass clippings in the road was ever passed. Rich Wenner will look into it. If it was not passed, he will draft an ordinance.

Mike received an email from Clint Oman, Bureau Chief of Safety in Trenton, that the biannual inspection of Oxford Furnace Dam was due last year. Mayor Norton moved to authorize Finelli Engineering to process, complete and submit the biannual regular inspection report of Oxford Furnace Dam. Seconded by Bob Nyland and passed unanimously on roll call vote. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1.

Mike thanked Bob Nyland for his time serving the community.

**Township Attorney’s Report:** RichWenner stated he is waiting for Bob Powell, Nassau Capital review of Cambridge West, which he should have next week. Rich has two items for Executive Session

**Motion to Pay Bills:**

Bob Nyland moved to pay all bills presented to and approved by the Committee. Seconded by Mayor Norton. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1. Motion passed.

**Reports:** No additional reports.

**Public Comment**: Mr. Ort stated a house on Axford Avenue is in severe disrepair. There is no mailbox so he does not know the number. It was determined to be 234 Axford Avenue, Block 34, Lot 31. Matt Hall will arrange to have the County, Mike Finelli and others visit the site together.

A resident asked about an ordinance related to feeding feral cats. His neighbor leaves food and water out on the front porch which has resulted in attracting many cats, rodents, and other animals who then come on to his property. He spoke with the Animal Control Officer The ordinance does not allow him to cite the homeowner because it is on their porch. Rich Wenner stated it could be “creating a nuisance” because it is attracting rodents. He will review it. Matt Hall will discuss the situation with the Animal Control Officer.

Deputy Police Chief Jones stated as follow up to the last meeting: Mine Hill Road will be kept under watch for speeding. The Belvidere Avenue property has received 13 summonses for vehicles on the property. The homeowner has a court date next week. Mayor Norton stated he confirmed the Township can use Rich Wenner to prosecute the case. Mike Finelli stated he strongly expressed the Township’s frustration over the delays at the last hearing.

**Meeting Recap:**

**Executive Session**:

**EXECUTIVE SESSION**

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

**WHEREAS,** this public body is of the opinion that such circumstances presently exist. The public shall be excluded from the discussion of any action upon the hereinafter-specific subject matter.

The general nature of the subject matters to be discussed are contractual/ cell tower lease and possible property acquisition.

Mayor Norton moved to enter Executive Session at 8:21 PM. Seconded by Bob Nyland. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1. Motion passed.

Bob Nyland moved to close Executive Session and reconvene public session at 8:38 PM. Seconded by Mayor Norton. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1. Motion passed.

No action was taken during Executive Session

Mayor Norton thanked Bob Nyland for his many years of service and the many ways he has helped Oxford Township. Mayor Norton is honored to have met him and had the pleasure of becoming his friend.

Bob Nyland moved to adjourn the meeting at 8:39 PM. Seconded by Mayor Norton. Ayes: 2, Nays: 0, Abstain: 0, Absent: 1. Motion passed.

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