**OXFORD TOWNSHIP MEETING**

**May 5, 2021**

The meeting of the Township Committee of Oxford Township was held on May 5, 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:.895 6280 0822

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, Georgette Miller, and Robert Nyland, Township Committee, Matthew Hall, Township Administrator, Rich Wenner, Township Attorney, Natasha Turchan, Township CFO (via Zoom), and Susan Turner, Deputy Municipal Clerk.

Mayor Norton called the meeting to order at 7:01 PM

**Meeting Minutes:**

Bob Nyland moved to accept the April 21, 2021 regular meeting minutes and Executive Session minutes. Seconded by Georgette Miller. Ayes: 3, Nays: 0, Abstain: 0. Absent: 0. Motion passed.

**Public Comment on Agenda items:** - No comments

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

* **Ordinance 2021-06 – COLA**

ORDINANCE 2021-06

CALENDAR YEAR 2021

MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 1.0% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Township of Oxford, in the County of Warren finds it advisable and necessary to increase its CY 2021 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township of Oxford hereby determines that a 2.5 % increase in the budget for said year, amounting to $ 29,346.65 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township of Oxford hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Township of Oxford, in the County of Warren, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2021 budget year, the final appropriations of the Township of Oxford shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to $ 41,185.31, and that the CY 2021 municipal budget for the Township of Oxford be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Bob Nyland moved to accept Ordinance 2021-06. 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 2021-07 – Cannabis Regulations

ORDINANCE 2021-07

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, 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 at this particular point in time.

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 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.

2.

3. 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:

A. 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.

B. Permitted principal uses subject to the requirements of site plan review:

(1) Any business requiring a Class 1, 2, 3 or 4 cannabis license, as defined in “the Act”.

C. Permitted accessory uses.

(1) Off-street parking in accordance with Article VII.

(2) Signs in accordance with Article VIII.

(3) Facilities and services which are essential to the operation of a permitted cannabis use.

D. Special provisions and requirements applicable to the CBO Cannabis Business Overlay Zone.

(1) 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.

(2) 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.

(3) The Land Use Board may, in conjunction with the applicant, impose reasonable hours of operation upon such uses.

(4) All state regulations shall be complied with.

E. Area, lot and bulk regulations applicable to permitted principal uses in the CBO Cannabis Business Overlay Zone shall be as follows:

(1) Minimum lot area – 5 acres

(2) Minimum lot width – 300 feet

(3) Maximum lot coverage – 35%

(4) Maximum building height – 50’ and 2 ½ stories

(5) Minimum front yard – 70’

(6) Minimum side yard (one) – 40’

(7) Minimum side yard (both) – 80’

(8) Minimum rear yard – 60’

(9) Minimum accessory building side yard – 40’

(10) Minimum accessory building rear yard – 60’

(11) All parking and loading areas shall meet the required setbacks for permitted principal uses as defined in this section.

4. The Zoning Map of the Township of Oxford is hereby amended to include the Cannabis Business Overlay Zone, as attached to this ordinance.

3. 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.

Bob Nyland moved to accept Ordinance 2021-07. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0. Absent: 0

**Resolutions:**

* **Resolution 2021-32 –** Budget Public Hearing

Natasha Turchan, Township CFO, presented an overview of the budget and stated the committee’s request to use cell tower lease funds to eliminate the tax increase and provide for a basketball court have been included in a amendment sent to the state. After the state approval, the budget amendment will be introduced and the final budget adopted.

Resolution 2021-32



Bob Nyland moved to adjourn Resolution 2021-32 and adoption of the budget to the next scheduled meeting. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0. Absent: 0

* **Resolution 2021-35** – MCCCP Membership Renewal

RESOLUTION 2021-35

A RESOLUTION OF THE TOWNSHIP OF OXFORD, WARREN COUNTY, NEW JERSEY

AUTHORIZING EXECUTION OF AN AGREEMENT WITH THE MORRIS COUNTY COOPERATIVE PRICING COUNCIL TO RENEW MEMBERSHIP THEREIN FOR THE PERIOD OF OCTOBER 1, 2021 THROUGH SEPTEMBER 30, 2026.

WHEREAS, the Morris County Cooperative Pricing Council (“MCCPC”) was created in 1974 to conduct a voluntary cooperative pricing system with municipalities, boards of education and other public bodies located in the County of Morris and adjoining counties; and

WHEREAS, the purpose of the MCCPC is to provide substantial savings on various goods and services to its members through the cooperative public bidding process; and

WHEREAS, Oxford Township desires to enter into an Agreement with the MCCPC, which is administered by Randolph Township as Lead Agency, to renew its membership in the MCCPC for the period of October 1, 2021 through September 30, 2026.

BE IT RESOLVED, by the Township of Oxford, County of Warren, State of New Jersey as follows:

1. The Township Committee of the Township of Oxford hereby authorizes the execution of an Agreement with the Morris County Cooperative Pricing Council by the Township of Randolph as Lead Agency dated October 1, 2021, pursuant to N.J.S.A. 40A:11-11(5). Said Agreement is for renewal of membership in the MCCPC for a five (5) year period from October 1, 2021 through September 30, 2026.

2. The Oxford Township clerk is hereby directed to submit a copy of this adopted Resolution, along with an executed Agreement, to Randolph Township as Lead Agency of the MCCPC.

3. This Resolution shall take effect immediately upon final passage according to law.

4. All appropriate Oxford Township officials are authorized and directed to perform all required acts to affect the purpose of this Resolution.

Bob Nyland moved to accept Resolution 2021-35. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

* **Resolution 2021-36** – Public Defender Dedication by Rider

RESOLUTION 2021-36

Resolution Dedication by Rider Oxford Township of Warren County

Public Defender P.L. 1977 c 256

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenue is not subject to reasonably accurate estimates in advance; and

WHEREAS, NJSA 40A:5-29 provides for receipt of insert source of funds by the municipality to provide for the operating costs to administer this act; and

WHEREAS, N.J.S.A. 40A:5-29 provides the dedicated revenues anticipated from the Public Defender are hereby anticipated as revenue and are hereby appropriated for the purpose to which said revenue is dedicated by statute or other legal requirement:

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Oxford, County of Warren, New Jersey as follows:

1. The Governing Body does hereby request permission of the Director of the Division of Local Government Services to pay expenditures of the Public Defender

2. The Clerk of the Township of Oxford, County of Warren is hereby directed to forward two certified copies of this Resolution to the Director of the Division of Local Government Services.

Bob Nyland moved to accept Resolution 2021-36. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0

* **Resolution 2021-37 Realistic Redevelopment Opportunity Block 45 Lot 1**

**RESOLUTION 2021-37**

**RESOLUTION OF THE TOWNSHIP OF OXFORD REAFFIRMING THE REALISTIC REDEVELOPMENT OPPORTUNITY OF BLOCK 45 LOT 1 FOR PURPOSES OF RENEWING THE HAZARDOUS DISCHARGE SITE REMEDIATION LOAN AND GRANT PROGRAM**

**WHEREAS,** the Township is the owner of certain real property identified as Block 45, Lot 1 on the tax maps of the Township (“Property”); and

**WHEREAS**, the Property is environmentally constrained and has been the subject of ongoing remediation efforts by the Township; and

**WHEREAS**, the Township has, as part of its development efforts, designated the Property as An Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law and the Oxford Central Business District Redevelopment Plan and ongoing studies related to the Oxford Town Center; and

**WHEREAS**, the Township has previously applied for funding assistance through the Hazardous Discharge Remediation Loan and Grant Program (“Program”) to assist in its efforts to remediate and ultimately develop the site; and

**WHEREAS,** the Program requires that a realistic development opportunity exists for the development of the Property within three years after the remediation of the Property; and

**WHEREAS**, the remediation of the Property is still ongoing and the Program has requested the Township reaffirm that a realistic development opportunity in order to maintain the relationship between the Township and the Program; and

**WHEREAS,** the Township Committee believes that a realistic development opportunity still exists for the Property to be developed within three years of the date of final remediation of the Property; and

**WHEREAS,** those reasons were originally set forth in Resolution 2014-42 and the Committee adopts those reasons in said Resolution as if fully set forth herein.

**NOW THEREFORE BE IT RESOLVED** the Township Committee reaffirms its commitment to the redevelopment of Block 45, Lot 1 with three years following the remediation of the Property as evidenced by the Property’s inclusion as An Area in Need of Redevelopment pursuant to the Local Redevelopment and Housing Law and the Oxford Central Business District Redevelopment Plan and ongoing studies related to the Oxford Town Center.

Bob Nyland moved to accept Resolution 2021-36. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0

**New Business:**

Cell Tower Capital Plan – Natasha Turchan explained the breakdown of how revenue will be allocated in the next four years, including a basketball court and paying old notes due in 2022.

Fence Height Discussion – Ordinance 98-3 allows for a 6-foot front yard fence and 8-foot front yard fence along Route 31. After discussion the Committee stated they would like the ordinance changed to allow for a front yard fence height maximum of 4 feet with at least 50% visibility and maximum height of 6 feet with at least 50% visibility along Route 31.

New Employees – Lake Director Eddy Patient submitted a list of applicants to hire for Oxford Lake. DPW Supervisor Lou Accetturo submitted an applicant to hire at the DPW part time retroactive to April 26, 2021. Bob Nyland moved to hire all applicants for Oxford Lake following the Lake’s salary schedule and to hire Brian Mecca as a part time DPW employee at $12 per hour retroactive to April 26, 2021. Seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

**Old Business**:

Website upgrade – Matt Hall spoke with the IT personnel who is reviewing templates and will be in touch on Friday. Once a template is chosen the transfer of the website content will go quickly.

**Township Committee Reports and Correspondence**

* Bob Nyland stated the Muskie Fishing Tournament was held May 1st at Oxford Lake. It went well and they would like to hold at least one more this summer.

The parking lot and landscaping are done at the lake and look nice.

The dock and fishing pier will need some maintenance done.

Trees and bushes that attract birds were donated and planted near the dam. Bob hopes to create a bird friendly area that families and bird watchers can enjoy.

* A small fire was started by fireworks at the lake and was quickly extinguished. Mayor Norton stated that the Forest Service who responded would like to do a controlled burn in the area to reduce underbrush. Mayor Norton will ask the Fire Department Chief to contact the Forest Service.
* Georgette Miller has spoken with people who want to volunteer to help with a dog park. She will set up a meeting with them, herself and Bob Nyland.
* Georgette stated the Event Coordinator wants to do a Bourbon and Cigars night at the Lake in July. Approval to serve alcohol would be needed. She also wants to do a car show at the Lake in the fall.
* Mayor Norton receive a letter from a resident requesting to purchase the alley behind her property, as a neighbor had done. This will be discussed further at the next meeting. It was suggested a letter be sent to area residents advising that some of the alley will be or currently is private property.
* Mayor Norton attended the School Board Budget meeting and will be attending another one tomorrow night.

**Township Administrator:**

Matt Hall stated that in addition to the website upgrade the IT personnel will be handling the phone system upgrade.

He has been trying to schedule the program start up with Civic Live but hasn’t received a response. Mayor Norton will also reach out to Civic Live.

Prior ACRF reports were not filed, which is not uncommon. Matt will get the forms, recreate the reports using information from the original application and file them.

The contract for the Cell Tower lease was sent to DCA. Matt will contact Crown Castle for required information/paperwork.

**Township Engineer Report:**

Mayor Norton read information submitted by Mike Finelli – The camera work and clean out were done at Spring Meadows and it is ready to go out to bid.

Grant Applications for paving in 2022 have come out. Mike would like the Committee to send him a list of streets to include on the application.

**Township Attorney’s Report:**

Rich Wenner stated he has two items for Executive Session. The 45 Bush Street foreclosure is proceeding.

**Motion To Pay Bills:**

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

**Reports:** No additional reports.

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**Public Comment**:

Bob Magnuson, Superintendent of Schools (via Zoom), requested a copy of Ordinance 2021-07.

**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 Cambridge West redevelopment and ordinances.

Mayor Norton moved to enter Executive Session at 7:56 PM, seconded by Georgette Miller and passed unanimously on roll call vote. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0.

Bob Nyland moved to close Executive Session and reconvene public session at 8:27 PM. Seconded by Georgette Miller. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0. Motion passed.

No action was taken during Executive Session

Bob Nyland moved to adjourn the meeting at 8:28 PM. Seconded by Georgette Miller. Ayes: 3, Nays: 0, Abstain: 0, Absent: 0. Motion passed.

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