POHATCONG TOWNSHIP COUNCIL
REGULAR MEETING

Tuesday June 16, 2026

NOTICE

In accordance with NJSA 10:4, adequate notice of this meeting has been provided to the Star Ledger and the Express Times, as well as posted on the township's website and on the bulletin board in the municipal building; satisfying the requirements of the Open Public Meetings Act.

The meeting was called to order by Mayor Slack at 7:10 pm with the following members present: Councilman Babinsky, Councilman Luzzetti, and Councilman Stillo. Engineer Ingram, Attorney Benbrook, and Acting Clerk Moeller were also present. Councilman Melvin and Administrator Robb were absent.

The meeting opened with a moment of silence followed by the flag salute.

APPROVAL OF MINUTES

Councilman Stillo motioned to approve the May 19, 2026 Regular and Executive Session minutes. The motion was seconded by Mayor Slack and carried 3-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Stillo, Slack
Nays: None
Abstentions: None
Absent: Melvin

APPROVAL OF BILLS

Councilman Babinsky moved that the payment of all bills presented in proper form, signed by the Director of each department, approved by the majority of members, and listed on the bill list be approved. The motion was seconded by Councilman Luzzetti and carried 4-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Stillo, Slack
Nays: None
Absent: Melvin

PUBLIC COMMENT ON AGENDA ITEMS

Phon Malone:

Mr. Malone owns a company that is currently in contract to acquire a property located at 602 Liberty Boulevard. He advised his comment will be in regard to the resolution approving a Class V dispensary that is listed on the agenda. He stated that he is under contract to purchase the property, and has applied for a license for a dispensary with the town on April 16 and was denied; which his understanding is that was part of the process. He said that he was told to essentially not do anything because there was an applicant located at 998 New Brunswick Avenue that would be getting their resolution in May, and it would be a waste of their time. He requested to give his background information.

Attorney Benbrook inquired if he was referencing Block 78, Lot 3? That is the resolution on the agenda.

Mr. Malone wanted to speak about the resolution for that property, because that directly affects the property he is trying to buy. Once the resolution of support is issued, it essentially takes away the only remaining license that is in town. He is asking council to reconsider granting the resolution or perhaps if approved, to also consider his property.

Benbrook advised that the property on the agenda has gone through site plan approval with the Land Use Board, which is a requirement, and they have submitted a complete application. Two licenses are the limit at this time and there is nothing that can be done for his property. Applications were considered on a first come first serve basis.

Mayor Slack added that we originally allowed only one license, then saw there was more interest and allowed for two.

Benbrook inquired if Mr. Malone was speaking about the Mandry property and Mr. Mandry advised that is correct.

Attorney Benbrook noted that we had received a letter from Mr. Mandry stating to absolutely not go forward with the application that was submitted for his property. He continued, advising that this portion of the meeting is for short 3-minute commentary on agenda items. We are not going to relitigate our ordinance now. They are welcome to send a letter or something asking us to reconsider, but we're not going to have a conversation about their property for a resolution on a different property.

Mr. Mandry asked what policy or procedure does the council have in place to analyze competeing applications? Then stated that there isn't one. He thinks council needs to consider the fact that Mr. Malone has 8 licenses that are approved by the State of New Jersey, he is very fiscally fit for this situation, and he has a lot of experience.

Benbrook advised that our procedure was followed. And when the letter sent by Mr. Mandry, as the property owner, saying absolutely do not proceed, then the application was sent back and he lost his spot in line.

Mr. Mandry clarified that the letter was for another entity; the entity that is on the agenda for tonight. It is an entirely different situation.

More discussion ensued regarding the order of applications- the gentlemen were advised their time was up.

BUDGET HEARING

Mayor Slack announced we would be moving on to the hearing and adoption of the 2026 Budget as approved by Mayor and Council at the May 19, 2026 meeting.

Auditor Man Lee advised that the budget remains unchanged from the introduced budget, the proposed local tax levy is $5,725,586, and for the average assessed home that is about $13 a month.

Mayor Slack motioned to open the 2026 budget to public comment, seconded by Councilman Stillo. All present were favor.

Mayor Slack asked Ms. Lee at what home value is the average increase of $13 a month?

Ms. Lee replied a home value of just a little under $117,000. So, even for the homes valued around $300,000 you're looking at $26 a month.

There was no public comment.

Councilman Stillo motioned to close public comment and adopt the 2026 Budget. The motion was seconded by Councilman Babinsky and carried 4-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Stillo, Slack
Nays: None
Abstentions: None
Absent: Melvin

Mayor Slack: Be it resolved by the councilmembers of the Township of Pohatcong, County of Warren, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the suns therein set forth as appropriations, and authorization in the amount of $5,735,586.00 for municipal purposes, and $168,497.13 for Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy.

RFP FOR MUNICIPAL COURT PROSECUTOR

Mayor Slack announced that we have received one RFP for municipal court prosecutor.

Attorney Benbrook advised that the one application we have received is from Stephanie P. Tettemer, Esq. Superficially, it appears to be complete. It is quite extensive, as he did a pretty comprehensive bid spec. He advised that he will take a more thorough look and will get back to everyone on the proposal. We have 60 days to make an award or reject.

ATTORNEY'S REPORT

Attorney Benbrook advised we will be needing a short executive session for contractual matters with respect to the former EAI project.

The Cubes

Will be breaking ground shortly. It will be 60% Lopatcong Township and 40% Pohatcong Township. Lopatcong has their own building department, and we utilize the state. We have worked out an arrangement with them on the UCC building permit inspections only. Our engineer will be doing all of our own site plan reviews pursuant to escrows that we have established. All the sitework will be in Wayne's control. For the inspections, we have worked out a shared service agreement with Lopatcong. Basically, they will do all the inspections, take all the fees, and they are going to take a 10% administrative fee off the top, and whatever is left we will split 60/40 just based on the percentage of the property that is in each respective municipality. He requested to add a motion to authorize the mayor to execute that shared service agreement.

ENGINEER'S REPORT

Guiderail Grants

Have been submitted to DOT, and we have items on the agenda to authorize the Morris County Co-op contractor to do that so we can finally move that forward. Advised need to make a correction to the titles of the resolution; the contractor at the top, should be M.L. Ruberton, which is actually listed in the body of the resolution but wasn't changed in the title.

Ohio Avenue & Pershing Avenue

Have both been submitted for reimbursement. Has been told that 75% reimbursement is already coming back for Ohio.

Local Freight Grant

Submitted for the Local Frieght Grant this year, and we were not awarded the grant. They accepted a surprisingly small number of applications. The work had been done, and he suggests submitting it year to year as it comes up.

NJDOT Local Aid

Application for Mount Joy Road has been submitted and should hear back on that in the late fall.

Tax Maps

Working with Jenn (Carabelli) on the tax map submissions. Submission is at the State and they are awaiting their comments.

Aqua

Aqua is coming in to do lead line as well as watermain replacements. The one just submitted is New Jersey, Pennsylvania, March, Ohio, and Middlesex. We have some very old water infrastructure, so on top of getting that repaired we're also going to get new clean paved roads.

Mayor Slack asked if they are going to be using a different contractor than they did before?

Engineer Ingram: They haven't specified a contractor yet, this is just the permitting phase. The contractor that they had problems with previously was for the lead line replacement. The lead line work is being done by a different contractor now.

Silver Hill Road

They have finished their portion, believe they are waiting on contractor bids at this point.

Alpha/Edge Road

Seems to be holding up pretty well, hasn't noticed any issues.

Sewer Inspections

Still waiting on the county to get a permit for the sewer inspections so we can do our repairs. It's going on 3 months now.

MS4

MS4 submission was done this year. Was in on time, no issues.

Highlands Grant

Have done everything we can at the moment. Just waiting on replies from them to be able to close it out.

Attorney Benbrook asked if we are still finishing up the Phase 2 Environmental for the old gas station in Finesville?

Wayne hasn't been updated on that and will check into it.

COUNCIL REPORTS

STEVE BABINSKY

Nothing to report.

NELSON LUZZETTI

Nothing to report. He unfortunately missed the meeting with the MWA. He going to reach out to Tyler (Greenfield) and Ben and catch up on that. As well as catch up on the Delaware Scenic River. Will have something for next meeting.

KEVIN MELVIN

Absent.

JOHN STILLO

The community fields have the snack stand done and the press box is being worked on. JCPL will be coming next week with all the electric. The the next phase will be the pavilion and the walking path and are currently on schedule to be ready this fall.

MAYOR SLACK

Mayor Slack advised there was a concern from a young lady on River Road inquiring about the lot next to hers.

Benbrook advised that after adopting the ordinance, he double checked with our ROSI list, which is our Open Space restricted properties, that we can't do anything with. The lot in question is a

FEMA property that is deed restricted. The resident was asking whether she could then lease the property, however we cannot lease property for private purposes.

Mayor Slack asked if we could put a dock in for public access, and Benbrook advised if we got approval we could.

RESOLUTIONS

RESOLUTION

APPROVING THE CANNABIS DISPENSARY LICENSE OF ASH & EMBER CANNABIS DISPENSARY, LLC. LOCATED AT 998 NEW BRUNSWICK AVENUE, BLOCK 78, LOT 3, AND SUPPORTING THE ISSUANCE OF A CLASS 5 CANNABIS RETAIL LICENSE

WHEREAS, ASH & EMBER CANNABIS DISPENSARY, LLC ("Applicant") has made application to the Township of Pohatcong for a license to permit the retail sale of cannabis at premises located at 998 New Brunswick Avenue, identified on the Pohatcong Township Tax Map as Block 78, Lot 3; and

WHEREAS, the Applicant has submitted a complete application consisting of the following:

1. Complete Cannabis Application;
2. Letter of Intent from Landlord for Lease of Premises;
3. Affidavit of Compliance;
4. Proof of Financial Capability;
5. Application Fee;
6. Proof of Zoning Compliance; and

WHEREAS, the Applicant seeks to operate a cannabis dispensary at 998 New Brunswick Avenue, and said property has received preliminary and final major site plan approval from the Pohatcong Township Land Use Board for the conduct of a retail cannabis business at the proposed licensed property, memorialized by a Resolution dated April 27, 2026, the terms of conditions of which are incorporated herein by reference; and

WHEREAS, based upon the information submitted by the Applicant, the Mayor and Township Council have determined that this application meets the requirements of the Township Code.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Pohatcong, in the County of Warren and State of New Jersey, that the Retail Cannabis License Application of Ash & Ember Cannabis Dispensary, LLC be and hereby is approved with an additional condition that the hours of operation shall be limited to 10:00 a.m. to 8:00 p.m. during all days of operation.

BE IT FURTHER RESOLVED that the Mayor and Township Council express their support for this issuance of a Class 5 retail cannabis license from the State of New Jersey pursuant to the rules and regulations of the NJ CREAMMA Act.

BE IT FURTHER RESOLVED this Resolution shall take effect immediately upon adoption.

RESOLUTION

APPROVING LIQUOR LICENSES FOR THE PERIOD OF JULY 1, 2026 TO JUNE 30, 2027

WHEREAS, the liquor licenses noted below require approval for the period July 1, 2026 to June 30, 2027,

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Pohatcong that the following liquor licenses be and hereby are approved for the period July 1, 2026 to June 30, 2027:

License No.	Licenses	Type of Licenses
2120-44-006-006	The Rockness Monster Corp.	Plenary Retail Distribution
2120-31-007-001	Huntington Volunteer Fire Department Association	Club
2120-33-008-009	Ruby Tuesday Operations, LLC	Plenary Retail Consumption
2120-33-004-004	CWCK, LLC	Plenary Retail Consumption
2120-33-002-008	Desi Tavern, LLC	Plenary Retail Consumption

RESOLUTION

APPROVING THE TRANSFER
OF TAX SALE PREMIUM TO THE MUNICIPALITY

WHEREAS, Culmac Investors, Inc. lienholder of Tax Sale Certificate No. 2019-027 for the premises known as Block 116, Lot 15.01 on the Township of Pohatcong Tax Map, which certificate was sold by the Township of Pohatcong on June 11, 2019; and

WHEREAS, at the time of the sale a premium of $15,000 was paid by the lienholder and deposited into the Trust Account of the Township of Pohatcong; and

WHEREAS, the lienholder was granted final judgment (docket no: F-13638-22) on January 31, 2025; and

WHEREAS, final judgment was recorded with the Warren County Clerk on March 16, 2026 (Bk: 3561 Pg 119) and the $15,000 premium is to be part of the funds of the municipality;

NOW, THERFORE, BE IT RESOLVED by the Mayor and Council of the Township of Pohatcong on the 16th day of June 2026 that the CFO and Tax Collector make the necessary adjustments and transfer the $15,000 from the Trust Account to the Current Account.

RESOLUTION

REDEMPTION OF TAX
CERTIFICATE #25000019

WHEREAS, the Tax Collector of the Township of Pohatcong advised Mayor and Council that the following property has been redeemed and the money due thereon paid to the Township of Pohatcong Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Pohatcong

this 16th day of June 2026 that refunds are made to the certificate holder as noted:

CERTIFICATE HOLDER	BLK/LOT	CERT#	AMOUNT
GTech Capital, LLC 474 Mary Allen Way Mountainside, NJ 07092	109/34	25000019	$13,607.80

RESOLUTION

PREMIUM RETURN
OF TAX CERTIFICATE #25000019

WHEREAS, the Tax Collector of the Township of Pohatcong has advised Mayor and Council that tax sale certificate #25000019 for Block 109, Lot 34 has been redeemed;

WHEREAS, a premium of $15,000 was paid at the tax sale and has been redeemed within five (5) years;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Pohatcong this 16th day of June 2026 that the premium of $15,000 be returned to the following lien holder:

GTech Capital, LLC

474 Mary Allen Way

Mountainside, NJ 07092

RESOLUTION

TO AWARD CONTRACTS TO M.L. RUBERTON CONSTRUCTION CO. INC.
FOR THE NJDOT 2026 STILL VALLEY GUIDERAIL IMPROVEMENTS PROJECT

WHEREAS, the Township of Pohatcong was awarded a grant from the New Jersey Department of Transportation (NJDOT) for the Still Valley guiderail improvement project; and

WHEREAS, the Township Council of the Township of Pohatcong has authorized the Township Engineer, Wayne Ingram, to proceed with the project; and

WHEREAS, the Township Council authorizes awarding contracts to the following contractors by way of participation with the Morris County Cooperative Pricing Council (MCCPC), subject to NJDOT grant approval and funding availability.

Contract No. 26: M.L. Ruberton Construction Co., Inc $ 68,034.00

BE IT RESOLVED, by the Township Council of the Township of Pohatcong, Warren County, New Jersey, authorizes the award of contracts to the specified contractors through participation with the MCCPC, subject to NJDOT grant approval and funding availability, and proceed in furtherance of a pre-construction meeting and commencement of the Project.

RESOLUTION

TO AWARD CONTRACTS TO ROAD M.L. RUBERTON CONSTRUCTION CO. INC. FOR THE NJDOT 2025 GUIDERAIL IMPROVEMENTS PROJECT

WHEREAS, the Township of Pohatcong was awarded a grant from the New Jersey Department of Transportation (NJDOT) for a guiderail improvement project; and

WHEREAS, the Township Council of the Township of Pohatcong has authorized the Township Engineer, Wayne Ingram, to proceed with the project; and

WHEREAS, the Township Council authorizes awarding contracts to the following contractors by way of participation with the Morris County Cooperative Pricing Council (MCCPC), subject to NJDOT grant approval and funding availability.

Contract No. 26: M.L. Ruberton Construction Co., Inc	$ 91,347.38

BE IT RESOLVED, by the Township Council of the Township of Pohatcong, Warren County, New Jersey, authorizes the award of contracts to the specified contractors through participation with the MCCPC, subject to NJDOT grant approval and funding availability, and proceed in furtherance of a pre-construction meeting and commencement of the Project.

Motion

Councilman Babinsky motioned to approve the foregoing resolutions, noting the change in title for the guiderail improvement resolutions to reflect the proper contractor as stated in the body of the resolutions. The motion was seconded by Councilman Luzzetti and carried 4-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Stillo, Slack
Nays: None
Absent: Melvin

ORDINANCE- FIRST READING

None

ORDINANCE- SECOND READING

ORDINANCE 26-06

Attorney Benbrook advised this ordinance was worked on by himself, Wayne, and our zoning officer at our zoning officer's suggestion. In the R-4 zone, the way it is set up, every time a resident wanted to do something, they would have to come in for a variance. When you see that many variances coming in, then obviously the ordinance isn't compatable with the existing development of the town. So, we basically reduced some of the setbacks, increased some of the impervious coverages, reasonably so, so that people can put in a deck or a shed or do something with their backyard so people do not have to constantly spend the money, time, and effort coming to the board for a variance.

ORDINANCE 26-07

This is a vehicles and traffic amendment. There was a wrong name of one of the intersecting streets, so this was just a street name correction that the chief had brought to our attention.

Motion

Councilman Babinsky motioned to open both the foregoing ordinances to public comment. The motion was seconded by Councilman Stillo. All present were in favor.

No comment from the public.

Motion

Councilman Stillo motioned to close the public hearing and adopt both ordinance 26-06 and 26-07. The motion was seconded by Councilman Babinsky and carried 4-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Stillo, Slack
Nays: None
Absent: Melvin

26-06
ORDINANCE

TO AMEND CHAPTER 285 ENTITLED, "ZONING," TO RECODIFY DEFINITIONS, REVISE R-4 PERFORMANCE REGULATIONS AND AMEND NONCONFORMING USE REGULATIONS

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Pohatcong, in the County of Warren, and the State of New Jersey that Chapter 285 entitled, "Zoning," is hereby amended to recodify Definitions, Revise R-4 Performance Regulations and Amend Nonconforming Use Regulations as follows:

SECTION I.

Chapter 123 entitled, “Definitions,” is recodified as Article I of Chapter 285 entitled, “Zoning,” and existing Article I of Chapter 285 entitled, “General Provisions,” is deleted in its entirety.

SECTION II.

Section 285-24 entitled, “Nonconforming Uses, Structures and Lots,” is herein revised as follows:

i. 285-24 A entitled, “Continuance,” is revised in its entirety to read as follows:

A. Continuance.

Any lawful nonconforming use, building or structure may be continued, subject to the following regulations:

1. A nonconforming use shall not be expanded and a nonconforming building or structure shall not be enlarged in the absence of variance relief from the Land Use Board; provided, however, that the provisions of this subsection shall not apply to an existing residence in any non-residential zone within the Township which may be extended or enlarged, provided that the height, area and yard requirements of said zone are not violated.

2. A nonconforming use, building or structure changed to a conforming use may not thereafter be changed back to a nonconforming use in the absence of variance relief from the Land Use Board.

3. A nonconforming use, building or structure shall not be permitted to be changed to another nonconforming use in the absence of variance relief from the Land Use Board.

4. In the event that there is a complete cessation of operation of any nonconforming use, building or structure for a period of 24 consecutive calendar months, the same shall be presumed to be an abandonment of such nonconforming use, building or structure. Any subsequent exercise of such abandoned nonconforming use, building or structure shall be prohibited unless a certification of preexisting nonconforming use is obtained from the Land Use Board upon satisfactory proofs of an intent not to abandon.

5. A zoning permit for the expansion of a preexisting, nonconforming residential use, building or structure may issue provided the expansion complies with this chapter.

ii. 285-24 B is revised to read in its entirety as follows:

B. Nothing in this chapter shall prevent the restoration of a nonconforming building partially destroyed by fire, explosion, act of God or act of public enemy, provided that any building partially destroyed in the manner aforesaid may be reconstructed and thereafter used only in such a manner as to not further violate the reasons for nonconformity. Any building totally destroyed in the manner aforesaid may only be rebuilt as a conforming use, absent variance approval from the Land Use Board. A building shall be construed to be totally destroyed if there is no usable portion that remains which can be utilized for reconstruction including, but not limited to, foundation or structural wall. A zoning permit for

reconstruction may issue for either residential or commercial nonconforming buildings that satisfy these criteria.

iii. 285-24 C is deleted in its entirety.

iv. 285-24 D shall be recodified as 24 C.

v. 285-24 E shall be recodified as 24 D.

SECTION III.

Attachment 5 to chapter 285 entitled, "Township of Pohatcong R-4 Hi-Density Residential Performance Regulations," is herein modified as follows:

Single-family dwellings with public sewer and water. The rear yard setback is revised from 40 to 35 feet and the maximum impervious surface ratio increased from 25% to 40%.

The maximum height for all accessory uses shall be revised to 25 ft.

The front yard setback for all accessory uses shall be "same as principal structure."

The side yard setback for all accessory uses shall be revised to 5 ft.

The rear setback for all accessory uses shall be revised to 10 ft.

The maximum area for all accessory uses shall be established as "not to exceed maximum impervious surface ratio for principal use."

SECTION IV. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION V. Repealer. All ordinances or parts of ordinances or resolutions that are inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI. Codification. This Ordinance shall be a part of the Code of the Township of Pohatcong as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Pohatcong in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION VII. This ordinance shall take effect twenty (20) days upon passage and publication as required by law.

26-07
ORDINANCE

AMENDING CHAPTER 271
OF THE CODE OF THE TOWNSHIP OF POHATCONG ENTITLED,
"VEHICLES AND TRAFFIC"

BE IT ORDAINED by the Mayor and Council of the Township of Pohatcong, County of Warren, State of New Jersey, that Chapter 271 of the Code of the Township of Pohatcong entitled, "Vehicles and Traffic" is hereby amended as follows:

SECTION I.

Section 271-14., entitled "Parking prohibited at all times on certain streets." is hereby amended to revise the location of prohibited parking on Maple Avenue to read in its entirety as follows:

Name of Street	**Sides**	**Location**
Maple Avenue	East	From South Main Street/ US Hwy 122 to Chestnut Street

SECTION II. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason by any Court of competent jurisdiction, such provision(s) shall be deemed severable and the remaining portions of this Ordinance shall remain in full force and effect.

SECTION III. Codification. This Ordinance shall be a part of the Code of the Township of Pohatcong as though codified and fully set forth therein. The Township Clerk shall have this ordinance codified and incorporated in the official copies of the Code. The Township Clerk and the Township Attorney are authorized and directed to change any Chapter, Article and/or Section number of the Code of the Township of Pohatcong in the event that the codification of this Ordinance reveals that there is a conflict between the numbers and the existing Code, and in order to avoid confusion and possible accidental repealers of existing provisions not intended to be repealed.

SECTION IV. This ordinance shall take effect twenty (20) days upon passage and publication as required by law.

OLD BUSINESS

None

NEW BUSINESS

None

MOTIONS

Motion: (To approve the hire of Dominic Borelli and Alexander Smith for DPW Summer Help with start dates of June 22 and June 29 respectively)

Motion: (To approve the hire of Charles E. Carro as Municipal Court Judge with a tentative start date of June 18)

Motion: (To approve Social Affair Permit for the Huntington Volunteer Fire Company for the Duck Race to be held on July 18)

Motion: (To approve calendar raffle license for Huntington Volunteer Fire Company)

Motion: (To approve the use of the pavilion at Vangeli Park by Marissa Duckworth on July 12th 11a-4p and authorize clerk to execute Facility Use Agreement)

Motion: (To approve Dale R. Bickel's application for membership with the Huntington Volunteer Fire Company)

Motion

Councilman Stillo motioned to approve the foregoing motions. The motion was seconded by Councilman Babinsky and carried 4-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Stillo, Slack
Nays: None
Absent: Melvin

Motion: (To authorize the mayor and clerk to execute a shared service agreement with the Township of Lopatcong for inspection fees for the new warehouse construction at the old mall)

Motion

Mayor Slack motioned to approve the foregoing motion. The motion was seconded by Councilman Stillo and carried 3-0 with the following roll call vote:

Ayes: Luzzetti, Stillo, Slack
Nays: None
Abstentions: Babinsky
Absent: Melvin

PUBLIC COMMENT

Matthew Watts: Is Lopatcong using parts of Pohatcong's impermeable surface in the calculation for impermeable surface in order for the property behind it to be classed as a property in need of redevelopment?

Attorney Benbrook advised he does not know if they are including the property as part of the impervious coverage calculations. Lopatcong asked us to be a coapplicant and we ultimately withdrew from that because we didn't want any development because of a variety of environmental constraints on the Pohatcong portion. We were then reapproached by the developer and the Township of Lopatcong to be a co-applicant if development was restricted in Pohatcong; and that's what we did. That was the limit of our involvement. We haven't done any of the advertising or anything else in that regard. He does not know what's going to end up being built there or square footage, but nothing is being built on the Pohatcong block and lot. And that's all we can really say about it.

Mr. Watts: At the Highlands Council meeting, the way that Lopatcong was able to get approved was by using calculation of impermeable surface of the mall property.

Attorney Benbrook: Whatever Highlands decides to do; that's the Highlands Council jurisdiction. I'm not suggesting that they weren't able to utilize this property somehow for their presentation to the Highlands Council, and perhaps just deed restricting, they were able to use it as part of an impervious surface coverage calculation, that's perfectly possible and common. All we were concerned about was our side and our property. There were a lot of concerns about environmental constraints. We made the decision as a council at the time that with a deed preservation commitment we would be a coapplicant under that circumstance. Theres no lack of transparency on our part.

Lynn Szczeck- 164 Route 519: Advised that she is a little bit shocked to hear that Pohatcong is saying that we don't have anything to do with it and it's all Lopatcong; but yet Pohatcong is going to suffer the traffic, the water issues that are bound to occur, the wildlife problem which we all know exists and will only get worse, and all of the issues that are attached to these types of developments and warehouses. She is very disappointed in the council in that they did not push harder to respect the Highlands pact that was supposed to protect our natural life and natural world from this exact type of development which is definitely not in our best interest. The traffic in the area has exponentially increased especially on 519. There's very little that we can apparently

do to monitor the speed limit and the air pollution. She had gone to a meeting about one of the warehouses over by Bloomsbury and they were talking about having 1200 trucks a day…

Mayor Slack advised that that property is not in the Highlands Preservation area, it is in the Highlands Development area, so that's actually targeted for development.

Attorney Benbrook advised that the process that they are all here asking about, the map adjustment process, is solely within the jurisdiction of the Highlands Council. They're the ones that developed the Highlands Regional Master Plan. Ultimately, at the end of the day, whether we were a part of that map adjustment or not, something was going to happen back there. All the public hearings for any development there will be at Lopatcong, and that's where anyone can have their say.

Mayor Slack noted that he had reached out to two county commissioners and asked them both if the county would have any interest in trying to preserve it as a preserved farm, and they said that they would, if they had a willing participant. You need a participant on the other end that's willing to do it. And obviously, it comes down to dollars and cents. Without a willing participant, i.e. the land owner, it's tough.

Sarah Hare- Hope Township: Has anyone or the commissioners tried to speak with the owner? There may be other sources of funds out there.

Mayor Slack advised that it's still owned by a private entity, but with the money that's involved, he doesn't think the county can come close to what the offer is. Green Acres or Open Space is another whole avenue; they could turn it into a giant park. But that would be on the county and Lopatcong to want to consider it. You have to look at it from Lopatcong's side too, they're going to get a huge rateable. We try to make our budgets as tight as we can.

Attorney Benbrook noted that the county commissioners have public meetings that are held on a regular basis. Constituents probably have more of an impact conveying their concerns than the mayor or council speaking with them. The highlands map change did not approve any specific project. That still has to be fully engineered and fully presented to Lopatcong Townships planning board.

Ms. Hare: Have we had conversations about a data center ordinance?

Mayor Slack: We have. We are trying to figure out a way to put in on the books as a prohibited use. We're working on it right now.

Martin Altemose- Mellick's Woods Road: Advised that he is back again to bring up Airbnbs. From Friday to Sunday night, music is blasting all weekend long. Two weeks ago, there were about 15 cars on Mellick's Woods Road, which is pretty much a one lane road. Trash gets left on the road, and he can hear music and loud screaming inside his house while trying to enjoy his peace and quiet. There's no control over the Airbnbs, and he's sure they are exceeding the occupancy limit. Their advertisement on Airbnb states that they sleep 8. The driveway is a u-shaped driveway and it fits 6 cars. Most of these cars are from New York, Connecticut, Massachusetts… no where near here. He had somebody a few weeks ago do a shady k-turn in his driveway, backed into the field across the road and ran over the crops, then proceeded to drive through his front yard and destroyed 2 of his American flags that are displayed on his property for his brothers and sisters that he lost serving this country.

Attorney Benbrook advised that this is a problem that is becoming more of a problem state wide. A few years ago, we put a very basic ordinance in place. He just recently drafted a much stronger ordinance for another municipality that is similar to Pohatcong. There are a lot of people coming out from the city. But we can put restrictions on the number of people and things like that.

Mr. Altemose stated that he had stayed in an Airbnb in New Orleans and had to give copies of the IDs of every single person that was staying in that house. The owner of that property submits all that to the City of New Orleans.

Attorney Benbrook advised that he thinks there are some things that we can do to address some of the issues being talking about. Especially the amount of people. He is going to circulate to council, to consider before the next meeting, a tighter draft of the ordinance.

Mr. Altemose also mentioned that JCPL contractors have set up shop at a house down the road from him.

Engineer Ingram advised that they have a permit to run their lines up and down the roads, but they don't have a right necessarily to stage themselves as a commercial operation on property that's not zoned for it.

Mr. Altemose stated that at the end of his road there are 3 bucket trucks jammed in the little driveway and then 3-4 cars parked in the yard; and they're all from out of state. They were parking the trailers out on the road.

His other concern is with the Rec Association. Are there term limits for the members?

Councilman Stillo advised that is all in their bylaws. He thinks it's every year they have nominations and votes. Everyone in the audience votes and that's how they do it. The terms for them are January 1 to December 31, so they should be having elections in November or December. He has inquired about them having monthly meetings, and they've been very sporadic on that.

Mr. Altemose stated that the reason he brings that up is because he has coached the girls' softball program for the last 6-7 years. There was a new director put in place and she made a decision to move the team into a Pennsylvania league. They didn't get to vote on that as residents. Which is something he thought should have been brought to the table and should have been an option for residents. It's affecting 60 families across all levels. This was a decision made by 3 people that affected 60 families.

Councilman Stillo advised that he was at that meeting. The directors choose what leagues they're going into and that's all through the director. He thinks that might be in their bylaws, so until that is changed, you're at the mercy of what the director is proposing. He believes that the board chooses the directors and then those directors are in charge.

Mr. Altemose stated that a lot of families were concerned at that meeting, and there was a lot of grey area in the changes that were being made and misleading information. He wanted to keep his girls local so they went to the next town over, which is Alpha. He ended up taking 29 girls to Alpha in order to play locally. That's half the team that left to another township to pay registration fees to their rec program so they could play locally.

Lastly, he brought up the batting cage, and would like to have something addressed with that. It's been two years now that that's been down.

Councilman Stillo advised that we finally got the quote from Marino's, and we're going to get that constructed.

Tricia Boudreau-Stanley Street: Wanted to know what is going to happen to the wildlife if something is built on the farmland? Right now, she has baby fawns in her yard and foxes run all over the neighborhood because they have nowhere else to go.

Mayor Slack responded that again, it goes back to the gentleman that owns that farmland and the fact that he wants to sell it. He wishes that we could preserve all the farmland. Our acreage is going to be preserved. And yes, the animals do lose out.

Ms. Boudreau brought up suspicious activity taking place on Lock Street, by the industrial park. She was advised that area is in Lopatcong, and her concerns should be directed there about that.

*There was general discussion from the public and council about Highlands Council meetings.

Attorney Benbrook stated that we have ensured that our side was preserved. He advised the public that they are welcome to go to the Highlands Council meetings, but his understanding is that they have already had the hearing and it has been approved. The public may have more influence by 'Raising Cain' than we do as a mayor and council at county or highlands meetings.

Greg Valvik- 3640 Dartmouth Drive Bethlehem PA:

Mr. Valvik stated that the purpose of the Highlands Act was to conserve farmland so that people wouldn't have to continually show up and say to stop developming farmland. He provided a brief history of the Highlands Act. He was asking for favor in that the Pohatcong property not be included in Lopatcong's application.

Engineer Ingram explained that there's rules that allow you to look at the impervious surface in a certain area that you designate, and based on calculations that you provide on areas that are over a certain percentage impervious that you can then develop other adjacent property. This all remains a rule of the Highlands, and has nothing to do with Pohatcong Township. That's a calculation they provide with their application; it doesn't need a town's permission for them to draw those boundaries. He's done the same application for clients before – he doesn't need the town's permission to create his 70% boundary- he can put that boundary whereever he wants. It's not a township jurisdiction; that's how they come up with 'what IS a developed area'.

Attorney Benbrook stated that our concern was preserving our 24 acres which we viewed as critical.

*There was discussion of the makeup of the Highlands Council and vacancies.

EXECUTIVE SESSION/ADJOURNMENT

RESOLUTION
AUTHORIZING 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 matter to be discussed is:
a.) Contractual

It is anticipated at this time that the above stated subject matter will be made public at the conclusion of the litigation. No action to be taken.

Motion

Councilman Babinsky moved to adjourn the meeting and adjourn to Executive Session at 8:51 pm with no action to be taken. Seconded by Mayor Slack- all were in favor.

Motion

Councilman Stillo made the motion to adjourn Executive Session at 9:07 pm. Seconded by Councilman Babinsky the motion carried- all were in favor.

Noelle Moeller
Acting Township Clerk