

**POHATCONG TOWNSHIP COUNCIL
REGULAR MEETING**

Tuesday August 18, 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 7:05 pm with the following members present: Councilman Babinsky, Councilman Luzzetti, and Councilman Melvin. Engineer Ingram, Administrator Robb, and Acting Clerk Moeller were also present. Attorney Benbrook was absent.

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

APPROVAL OF MINUTES

Councilman Melvin motioned to approve the July 21, 2026 Regular and Executive Session minutes. The motion was seconded by Councilman Luzzetti and carried 3-0 with the following roll call vote:

Ayes: Luzzetti, Melvin, Slack

Nays: None

Abstentions: Babinsky

Absent: Stillo

APPROVAL OF BILLS

Councilman Melvin 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 Mayor Slack and carried 4-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Melvin, Slack

Nays: None

Absent: Stillo

PUBLIC COMMENT ON AGENDA ITEMS

None

SWEARING IN OF NEW POLICE OFFICERS

Mayor Slack administered the oath of office to Justin Kovacs and Patrick O'Connell. There was a round of applause from those in attendance.

**Councilman Stillo arrived at 7:12pm*

MAYOR'S APPOINTMENT – PENDING APPROVAL BY TOWNSHIP COUNCIL

John Gardner- Land Use Board- Alternate III

Mayor Slack requested comments on the appointment from the board.

Councilman Babinsky: Advised he had worked with John for a long time, and always thought he was very fair. When the big stuff came through, he always read everything, understood everything, and knew the right questions to ask. He thinks he's great, and he's a fair guy and has always been for the residents. Mr. Gardner is also on the county Land Use Board, and he feels that could be an asset for the board.

Councilman Luzzetti: His only knowledge of him is as a neighbor, and he had met him a couple times at some picnics. His knowledge and interactions with him are not of a capacity of someone who has worked with him in land use or planning board activities of any type. He would prefer to defer to those who have more appropriate knowledge of his potential capacity in Land Use Board operations.

Councilman Melvin: His big concern is the make-up of the board, and just changing the board to add a member. He was originally appointed to the board when John was the chair, and appreciates Councilman Babinsky's comments with regard to his knowledge of the Land Use Board. He is thinking in a wider context of the boards and township committees that we don't have adequate folks for. The Land Use Board has always been popular. Mr. Gardner has international business experience, and we haven't had any activity on the economic development board for some time. So, with regard to contributing to the township, he believes that Mr. Gardner taking on a chair in something like that would be a great addition to the town. If we want to make changes to the Land Use Board, that's going to happen in January anyway when reappointments come up, instead of creating this new alternate position. Having alternates voting could open us up to a liability. He does not want to introduce any opportunity for challenges or issues just because we're trying to make up a new board position for somebody.

Councilman Stillo: Advised he doesn't know much about the Land Use Board, so if it's an Alternate III, what's the pecking order of who can vote?

Mayor Slack advised it would be just seniority. He doesn't necessarily look at this as a voting kind of thing; he's looking at it as bringing someone to the board with a lot of Land Use Board knowledge. When it comes to participating in the meetings, there seems to only be a few on the board that ask questions. If we had somebody up there with a lot of land use knowledge, asking questions; not necessarily voting, but bringing up the conversations of things that need to be talked about; he feels that that is where John would come in.

Councilman Babinsky stated that he will contribute insightful things whether he votes or not.

Councilman Stillo advised that he does not know John, he is looking at the process of things.

Councilman Melvin agreed, stating that that is his objection; it's to the process. In January, the board gets reappointed and he feels that, at the mayor's discretion, he could look across the membership and replace somebody if he wants to. He does not like the idea of messing with the board's structure more than halfway through the year.

Mayor Slack requested to do a straw poll, and did not want to make a formal vote.

Stillo: Nay

He wants it to be the normal approach of things where at the end of the year they can reorganize. There is no absolute need at this time, and he does not want to set a future precedence for a situation like this with someone coming in midyear and creating a space for them.

Melvin: No

This should be done in the normal course of things. He also doesn't just want to create a position for somebody; he does not like the appearance of that. He reiterated that Mr. Gardner would be the perfect guy for the Economic Development Commission. If he has the time and energy to put into the township, let's take advantage of it. We can revisit the Land Use Board in January during the normal cycle.

Luzzetti: No

Advised he is in line with what Councilman Stillo said about the process. January is not very far away, and it brings a strong appearance creating a position for a particular person from a process point of view. There isn't anything stopping a person from participating to some significant degree, even without being on the board, as a member of the public between now and January. There's not a real big downside to not disrupting the normal process flow and deferring at least until January.

Babinsky: Advised he does not disagree with anybody here about putting it off until January.

Mayor Slack stated no action would be taken. The matter would be revisited at reorg in January.

ATTORNEY'S REPORT

BA Robb went over the report Attorney Benbrook had submitted to Council.

The Cubes

There is a resolution on for tonight. Basically, we are allowing The Cubes to extend their deadlines; Just the timeline, not the terms are changing.

Affordable Housing

The judgement came in and we have protection until 2035.

Silver Hill

The executed road dedication deed was received from the HOA, as well as the executed drainage easement. There need to be some revisions done in regard to name changes due to some owners that have passed.

ENGINEER'S REPORT

Guiderail Grant

Were sent to the contractor; awaiting a start date for that.

Pershing & Ohio Avenue

The projects are complete. We have gotten partial payments, and are just waiting on finals.

Tax Maps

Revisions are complete. Just waiting on the tax assessor to do her parts of it, then it will all go in as one package. Believes her timeline is this month.

Road Work

There are a lot of water lines going in all over the place: Zellars, Cedar, New Jersey, March, Pennsylvania, Ohio, Middlesex... We're getting a lot of main replacements, which ultimately will give us some fresh new pavement and repair a lot of the damage from the lead line projects. The brand-new mains should have a good life span.

Willows

Still moving along pretty quickly. There is some utility and grading work being done.

Sewer Study

After four months, we have finally received a county permit to open their manholes. So now we can finally begin the actual work, which should be occurring in the next few weeks.

COUNCIL REPORTS

KEVIN MELVIN

The Land Use Board met and went over the definitions that cover the warehouses; that was passed forward.

During the meeting, a member of the Land Use Board had approached him and said that he's had significant challenges with tractor trailer traffic coming down Winters Road and making a right onto Creek Road. He's had to replace his mailbox five times and wanted to know what could be done.

Mayor Slack asked what we would have to do to be able to make it 'no thru truck traffic'? Chief Barsony and BA Robb advised that the problem is that it is connected to a county road.

Engineer Ingram stated that we would have to do a study that shows that it meets one of the requirements for restricting it, and then we'd have to submit it to the county and the DOT. They

have a comment period, and if they don't comment on it then you can proceed, but if they have objections...

Mayor Slack asked if we'd have to pay for a study?

Wayne advised that the rationale or the reason dictates how hard it is to do. Looking at it briefly, you've got a straight road, you have a turning issue, you don't have any issues with hard turns, you don't have a gravel road, you don't have a narrow road... so you're going to try and pitch it he's guessing on a turning movement coming out. What the county's going to say, he can't say for certain, but his guess is that they're going to say; well, it's your responsibility to widen the turn, not change the way that the traffic operates.

Robb stated that he understands what he's saying about widening the turn, but the further concern is the turns after. If you make a right, then you have the restricted bridge there; and if you make a left that's a sharp turn going up the hill.

Wayne replied that you can submit turning templates to show how it doesn't work, and show justification, but it's hard to predict what the county will come back with. He believes that it will probably cost a few thousand dollars to do the study only because we'll need to submit something strong enough to hold up to the county review. He will look into it to see if there is a valid case for next month.

Robb asked if that is something council would be interested in doing if it was financially feasible? He will speak with Ann (Cucci) to see if the funds are there, and if not, they can postpone until January and add a line item into the budget for next year. Council was in agreement.

JOHN STILLO

Rec has not met yet. He is trying to get them to hold a meeting soon to get some things talked about.

September 20th will be the first game at the new field. Mayor Slack asked if we want to do a dedication? There was discussion on planning on doing something between the flag game at 10a and the varsity game at 12p.

Regarding rec, BA Robb noted there is still the issue of the batting cages at the softball field. Those were taken down when trees were taken down. The issue is that, when it was submitted through insurance, we only got a price for replacement and not for installation. So, we have a brand-new batting cage sitting there that just needs to be installed. We have two quotes, and they are around \$4300-4400. He requested authorization to pay out of open space so we can get this done; it's been ongoing for 2 years. Council was in agreement to put a motion on to award to the lowest bidder.

ADMINISTRATOR ROBB

Escrow

We purchased the new escrow model for Edmund. There's a resolution on the agenda authorizing him to open a new PNC bank account for this purpose. Escrow accounts will be moved from TD Bank over to PNC, so it will streamline everything for the town and all projects. Will need to add a resolution to authorize the closing of the TD Bank account when necessary.

Audit

The audit was completed and the corrective action plan is on the agenda for tonight. There were three recommendations. One we will never be able to fix; they recommend we have full-time employees for everything and we shouldn't have so many people doing multiple things, and that's not fiscally feasible. There was also one employee that was not enrolled in the pension system somehow and that has since been rectified. Then there was the reconciling of the cash books and Ann has taken care of that already.

NELSON LUZZETTI

Nothing to report.

STEVE BABINSKY

Nothing to report.

Councilman Melvin mentioned the court reports, and noted that our revenue is coming in third out of the three towns. Our caseload doesn't seem to be too far off, but the deposits are lower than the others.

Robb advised that we don't have a truck weigh station. Greenwich gets a ton of money from all the tickets that State Police write on the truck drivers at the weigh station. Those fines are a lot higher than the local moving violation tickets. The same with Lopatcong, because they specifically have an officer whose job is to write violations for tractor trailers violating the overweight road restrictions.

Chief Barsony noted that both Lopatcong and Greenwich have a Class II Special that only write tractor trailers.

Melvin stated that he would be interested in a business case of us doing something like that. Chief Barsony advised he would look into it. There was discussion about the potential for hiring a Class II officer part time for traffic enforcement for tractor trailers.

RESOLUTIONS

RESOLUTION

**AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT
WITH THE TOWNSHIP OF LOPATCONG FOR UNIFORM CONSTRUCTION
CODE (UCC) INSPECTION SERVICES FOR THE PHILLIPSBURG MALL
PROPERTY (BLOCK 102, LOTS 9 & 9.01 IN LOPATCONG / BLOCK 1, LOT
1.01 IN POHATCONG)**

WHEREAS, the Township of Pohatcong and the Township of Lopatcong are municipal corporations of the County of Warren, State of New Jersey; and

WHEREAS, there exists a parcel of real property commonly known as the Phillipsburg Mall Property, identified as Block 102, Lots 9 & 9.01 on the tax map of Lopatcong and Lot 1.01 in Block 1 on the tax map of Pohatcong (the "Subject Property"), which straddles the shared municipal boundary between both municipalities; and

WHEREAS, the New Jersey Uniform Construction Code Act, N.J.S.A. 52:27D-119 et seq., and regulations at N.J.A.C. 5:23, require construction permit inspections for all real property improvements within New Jersey; and

WHEREAS, the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq. (formerly N.J.S.A. 40:8A-1 et seq.), authorizes municipalities to enter into agreements for the shared provision of services; and

WHEREAS, both municipalities desire to designate the Township of Lopatcong (the "Inspecting Authority") as the sole municipal entity responsible for all UCC construction code inspections and administrative functions for the Subject Property to achieve administrative efficiency and clarity of jurisdiction; and

WHEREAS, pursuant to the terms of the Shared Services Agreement, Lopatcong shall collect permit fees, retain a ten percent (10%) administrative premium, and distribute the remaining revenues according to the agreed-upon land area split (54.75% to Lopatcong and 45.25% to Pohatcong) on a quarterly basis; and

WHEREAS, the Township of Pohatcong retains all zoning authority, land use authority, tax assessment authority, and all other municipal powers not expressly delegated in the Agreement; and

WHEREAS, the Mayor and Council of the Township of Pohatcong have reviewed the proposed Shared Services Agreement and determined that entering into said Agreement is in the best interest of the Township and its residents.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Pohatcong, County of Warren, State of New Jersey, as follows:

- 1. Authorization to Execute:** The Mayor and Municipal Clerk have been authorized and directed to execute the Shared Services Agreement for Inspection Services with the Township of Lopatcong, a copy of which is attached hereto and incorporated by reference.
- 2. Term:** The Agreement shall be effective for an initial term of five (5) years commencing July 21, 2026, and shall automatically renew for successive one (1) year terms as provided in the Agreement.
- 3. Statutory Filing:** In accordance with N.J.S.A. 40A:65-4(3)b, a copy of the fully executed Shared Services Agreement shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution.
- 4. Public Inspection:** A copy of the fully executed Shared Services Agreement shall be placed on file and made available for public inspection in the office of the Municipal Clerk.
- 5. Effective Date:** This Resolution shall take effect immediately upon adoption according to law.

**RESOLUTION
TO AUTHORIZE THE REFUND OF ESCROW BALANCE**

WHEREAS, the Township of Pohatcong collects escrow fees to reimburse municipal professionals for engineering services performed on behalf of applicants; and

WHEREAS, these collected fees are deposited and held in dedicated escrow accounts on behalf of the depositors; and

WHEREAS, the Township Engineer has determined that all professional services for the account listed below have been completed, and that the remaining balance should be refunded to the depositor.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Pohatcong, County of Warren, State of New Jersey, that the Chief Financial Officer is hereby authorized and directed to refund the remaining escrow balance and close the following accounts:

Account #	Name & Address	Amount
T-14-55-201-124	Silver Hill Road Ass. 37 Silver Hill Road Bloomsbury, NJ 08804	\$1135.48

**RESOLUTION
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2025 has been filed by a Registered Municipal Accountant with the Acting Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit containing the auditor's findings, comments, and recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit containing the auditor's findings, comments, and recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of N.J.S.A. 52:27BB-52, to wit:

N.J.S.A. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Township Council of the Township of Pohatcong, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION
CORRECTIVE ACTION PLAN FOR 2025 AUDIT REPORT
OF THE TOWNSHIP OF POHATCONG, WARREN COUNTY, NEW JERSEY**

WHEREAS, the 2025 Annual Audit Report was delivered on August 6, 2026 and regulations promulgated by the Local Fiscal Affairs Law, N.J.S.A. 40A:5 requires that the Chief Financial Officer prepare a Corrective Action Plan covering all findings and recommendations in the audit report; and

WHEREAS, N.J.S.A. 40A:5 further requires approval of the Corrective Action Plan within 60 days of audit receipt by the Township Council;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Pohatcong that the Corrective Action Plan for the 2025 Annual Audit Report prepared by the Township Chief Financial Officer and attached hereto as "Appendix A" be approved and that the Chief Financial Officer of the Township of Pohatcong, County of Warren, New Jersey is hereby directed to carry out the Corrective Action Plan for the 2025 Audit Report and the Municipal Clerk shall forward a copy of this resolution to the Department of Community Affairs

RESOLUTION
AUTHORIZING A PARTIAL POLICE ACADEMY TRAINING WAIVER APPLICATION
FOR A POLICE OFFICER CANDIDATE TRANSITIONING FROM
THE WARREN COUNTY CORRECTIONAL FACILITY

WHEREAS, the Township of Pohatcong Police Department seeks to hire a qualified law enforcement candidate transitioning from employment at the Warren County Jail/Warren County Department of Corrections; and

WHEREAS, the candidate has successfully completed a New Jersey Police Training Commission (PTC) approved Basic Course for County Correction Officers (or equivalent PTC-certified training program) during their tenure with Warren County; and

WHEREAS, under the rules and guidelines established by the New Jersey Police Training Commission (PTC) pursuant to N.J.S.A. 52:17B-66 et seq., eligible individuals possessing prior PTC certification may apply for a partial waiver of the Basic Course for Police Officers (BCPO) training requirement; and

WHEREAS, the Chief of Police of the Pohatcong Township Police Department has reviewed the candidate's credentials, training records, and service history, and has determined that requesting a partial training waiver through the PTC is appropriate, cost-effective, and beneficial to the operations of the Police Department; and

WHEREAS, securing a partial waiver will allow the candidate to complete necessary supplemental training modules and field training without requiring full repetition of previously completed academy coursework.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Pohatcong, County of Warren, State of New Jersey, as follows:

1. The Chief of Police is hereby authorized and directed to prepare, execute, and submit all required documentation and formal applications to the New Jersey Police Training Commission (PTC) requesting a partial waiver of the Basic Course for Police Officers (BCPO) training for the candidate.
2. Any offer of employment or appointment as a Police Officer in the Pohatcong Township Police Department remains conditional upon receiving PTC waiver approval, fulfilling all required supplemental academy modules and field training, and satisfying all standard background checks, medical screenings, and psychological evaluations.
3. The Mayor, Chief of Police, Municipal Clerk, and proper Township officials are hereby authorized to sign any additional documentation, administrative forms, or agreements necessary to carry out the intent of this Resolution.

This Resolution shall take effect immediately.

RESOLUTION
100% DISABLED VETERAN
BLOCK 60, LOT 3

WHEREAS, the Tax Assessor has advised the Tax Collector an exempt status has been granted to the property owner of Block 60, Lot 3, as of 7/20/2026;

WHEREAS, this exempt status has resulted in an overpayment of 2026 taxes of \$1,713.09;

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Pohatcong on this 18th day of August 2026 that the amount of \$1,713.09 be refunded to the property

owner and the Tax Collector and Chief Financial Officer are hereby authorized to make the necessary adjustments to reflect this.

**RESOLUTION
OVERPAYMENT OF TAXES
BLOCK 97, LOT 33 CTB APPEAL**

WHEREAS, the following property has an overpayment of property taxes for the tax year 2026;

WHEREAS, this overpayment occurred due to a successful tax appeal;

**BLOCK 97, LOT 33
\$238.53
PROPERTY LOCATION: 483 RIVER ROAD
PAYABLE TO: 166 BRAINARDS RD, LLC
166 BRAINARDS ROAD
PHILLIPSBURG, NJ 08865**

NOW THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Pohatcong on this 18th day of August 2026 that the Chief Financial Officer is hereby authorized to issue refund checks for the above properties and the Tax Collector shall note the records accordingly.

**RESOLUTION OF THE TOWNSHIP OF POHATCONG,
COUNTY OF WARREN, NEW JERSEY, AUTHORIZING AN
AMENDMENT TO THE REDEVELOPMENT AGREEMENT
BETWEEN THE TOWNSHIP AND THE CUBES AT US22 SUB 1
URBAN RENEWAL, LLC**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A 1, et seq., as amended and supplemented (the "Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, by Resolution, dated September 15, 2020, the Township Council (the "Council") of the Township of Pohatcong, County of Warren, New Jersey (the "Township"), authorized the Township's Land Use Board ("Board") to undertake a preliminary investigation of property identified as Block 1, Lot 1.01 on the Township Tax Map (the "Property"), to determine whether the Property qualified as "non condemnation redevelopment area" within the criteria set forth in the Redevelopment Law, specifically N.J.S.A. 40A:12A 5 and N.J.S.A. 40A:12A 6; and

WHEREAS, the Board considered the preliminary investigation report, prepared by Township Planner, James T. Kyle, P.P., titled "Preliminary Investigation for Block 1, Lot 1.01" and dated December, 2020, at the Board's duly-noticed public meeting held on January 12, 2021 and determined that the Property qualified as a "non condemnation redevelopment area" and recommended that the Property be designated as a "non condemnation redevelopment area" within the criteria set forth in N.J.S.A. 40A:12A 5 and

N.J.S.A. 40A:12A 6, and in accordance with that certain Remedial Investigation Report approved by the Board; and

WHEREAS, by resolution, dated February 16, 2021, the Council designated the Property as "a non condemnation area in need of redevelopment;" and

WHEREAS, pursuant to N.J.S.A. 40A:12A 6(b)(5)(c), the New Jersey Department of Community Affairs approved the designation by letter dated March 17, 2021; and

WHEREAS, The Cubes at US22 Sub 1 LLC, a Delaware limited liability company was previously conditionally-designated as redeveloper of the Property, which designation was to become "unconditional" upon execution and delivery of a redevelopment agreement with the Township; and

WHEREAS, The Cubes at US22 Sub 1 LLC was subsequently converted into an urban renewal entity and was, thereafter, considered the "redeveloper" under the Redevelopment Law (hereafter, the "Redeveloper"); and

WHEREAS, the Board reviewed and approved the redevelopment plan, titled "Redevelopment Plan for the Phillipsburg Mall Redevelopment Area," dated August 15, 2022, for the Redevelopment Area (the "Redevelopment Plan") at its August 29, 2022 meeting;

WHEREAS, the Council adopted Ordinance No. 22 13, dated September 20, 2022, adopting the Redevelopment Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A 8(e) and (f), the Township is authorized to enter into contracts or agreements for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, in furtherance thereof, the Township and the Redeveloper entered into that certain Redevelopment Agreement on October 15, 2024 (the "Redevelopment Agreement"), pursuant to which the Redeveloper, among other things, agreed to develop and construct an approximately 833,500 square foot warehouse distribution and fulfillment center, along with related improvements (the "Project"), a 376,850 square foot portion of such Project which will be located on the Property and a 456,650 square foot portion of which will be located on Block 102, Lot 9.01 and 9.03, in the Township of Lopatcong; and

WHEREAS, as part of the terms and conditions of the Redevelopment Agreement (Section 2.02 specifically), the Redeveloper agreed to complete the development and construction of the Project in accordance with a "Project Schedule" included as Exhibit "B" to the Redevelopment Agreement; and

WHEREAS, Section 4.01(d) of the Redevelopment Agreement provides, among other things, that such "Project Schedule" may be reasonably revised upon mutual written agreement of the Township and the Redeveloper; and

WHEREAS, certain unforeseen delays and unfavorable economic conditions made conformity with the originally contemplated "Project Schedule" unavoidably not viable; and

WHEREAS, the Township and the Redeveloper have been in regular contact with regard to such delays and the status of economic conditions necessary for the development and construction of the Project to proceed in earnest; and

WHEREAS, as a result thereof, the Township and the Redeveloper have mutually agreed to amend the Redevelopment Agreement to include a revised Exhibit "B" inclusive of an updated "Project Schedule" to provide as follows relative to development and construction timing: By October 1, 2026 – Submission of Building Permits; By April 1, 2027 – Commencement of Construction; By April 30, 2028 – Completion of Construction;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF POHATCONG, COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Council does hereby authorize the execution and delivery of an amendment to the Redevelopment Agreement in the form attached to this resolution as Exhibit "A" (the "Amendment").
3. The Council does hereby authorize the Mayor and/or Administrator and the Township Clerk or Acting Township Clerk to execute said Amendment on behalf of the Township, subject to the approval of the City Administrator, Township Solicitor, and Township Redevelopment Counsel.
4. The Township Clerk or Acting Township Clerk shall provide a certified copy of this Resolution to all parties of interest.

RESOLUTION

AUTHORIZING THE OPENING OF A NEW BANK ACCOUNT WITH PNC BANK FOR TRANSACTIONS NECESSARY FOR EDMUNDS SYSTEM OPERATIONS AND ESCROW ACCOUNT MANAGEMENT

WHEREAS, the Township of Pohatcong requires dedicated bank accounts to support financial management activities associated with the Edmunds software system and the administration of developer and municipal escrow funds;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Pohatcong, County of Warren, State of New Jersey, that Township Administrator Scott Robb, with the approval of the Chief Financial Officer (CFO), is hereby authorized to open the necessary new bank account with PNC Bank.

**RESOLUTION
TO AUTHORIZE THE CLOSING OF TD BANK ACCOUNTS UPON TRANSITION TO
PNC BANK**

WHEREAS, the Township of Pohatcong is transitioning its escrow banking accounts from TD Bank to PNC Bank; and

WHEREAS, Administrator Robb requires authorization to close the TD Bank escrow account upon complete transfer of all active balances;

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Pohatcong, County of Warren, State of New Jersey as follows:

1. Township Administrator Robb is hereby authorized to execute all necessary documents and perform all acts required to close the Township TD Bank escrow account once funds are fully transitioned to PNC Bank.
2. This Resolution takes effect immediately upon adoption.

Motion

Councilman Melvin motioned to approve the foregoing resolutions. The motion was seconded by Councilman Stillo and carried 5-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Melvin, Stillo, Slack

Nays: None

Absent: None

ORDINANCE- FIRST READING

None

ORDINANCE- SECOND READING

ORDINANCE 26-08

AN ORDINANCE AMENDING CHAPTER 123 OF THE CODE OF THE TOWNSHIP OF POHATCONG ENTITLED, “DEFINITIONS” AND CHAPTER 285 ENTITLED, “ZONING” TO ESTABLISH DEFINITIONS OF DATA CENTER AND WAREHOUSE AND INCORPORATE ALL DEFINITIONS INTO CHAPTER 285

ORDINANCE 26-09

TO AMEND CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF POHATCONG ENTITLED, “CANNABIS”

Motion

Councilman Melvin motioned to open the foregoing ordinances to public hearing. The motion was seconded by Councilman Stillo. All were in favor.

Motion

Councilman Melvin motioned to close and adopt the foregoing ordinances. The motion was seconded by Councilman Babinsky and carried 5-0 with the following roll call vote:

Ayes: Babinsky, Luzzetti, Melvin, Stillo, Slack

Nays: None

Absent: None

**26-08
ORDINANCE**

AN ORDINANCE AMENDING CHAPTER 123 OF THE CODE OF THE TOWNSHIP OF POHATCONG ENTITLED, “DEFINITIONS” AND CHAPTER 285 ENTITLED, “ZONING” TO ESTABLISH DEFINITIONS OF DATA CENTER AND WAREHOUSE AND INCORPORATE ALL DEFINITIONS INTO CHAPTER 285

WHEREAS, Warehouses are a permitted use in the current I-Industrial Zoning District of the Township of Pohatcong; and

WHEREAS, there is no definition of Data Center in the definitional section of the Code codified in Chapter 123 of the Township of Pohatcong Code; and

WHEREAS, it is necessary to further define what is meant by Warehouse as currently permitted; and

WHEREAS, there is a concern with the potential that data centers could be construed to fall within the Warehouse permitted use, absent appropriate limitation by definition; and

WHEREAS, data centers, by nature, present an intense and unique form of use of land use and development, posing significant challenges related to electricity consumption, noise, air quality, water use, community character and long-term planning objectives; and

WHEREAS, the Mayor and Council of the Township of Pohatcong have determined that it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of its residents and the public at large to specifically exclude data centers from the Warehouse category of permitted uses, such as to make data centers non-permitted uses throughout the Township.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Town Council of the Township of Pohatcong, in the County of Warren, State of New Jersey as follows:

SECTION I.

A. Chapter 123 entitled, “Definitions” be and hereby is amended to add the following new definition:

DATA CENTER - shall mean and include any facility used primarily for the storage, management, and processing of digital or electronic data, which houses computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems, systems for monitoring and managing infrastructure performance, Internet-related equipment and services, data communications connections, environmental controls, fire protection systems, and security systems and services.

B. Chapter 123 entitled, “Definitions” be and hereby is amended to revise the existing definition of Warehouse to read as follows:

WAREHOUSE – shall mean a building used for the temporary storage of goods, materials, or merchandise for later or subsequent distribution or delivery elsewhere for purposes of processing or sale. A data center as defined in this chapter shall not be considered a Warehouse.

C. Chapter 123 entitled, “Definitions” be and hereby is amended to revise the existing definition of Site Plan, Minor, to add a new (4) to read as follows:

(4) Class 1 Cannabis Cultivation Facilities.

D. Chapter 285 entitled, “Zoning” be and hereby is amended to revise §285-3 entitled, “Interpretation,” to add a new paragraph C. as follows:

C. All terms set forth in this chapter shall have the same meaning as defined in Chapter 123, “Definitions.”

SECTION II.

The Township Clerk is directed to give notice at least ten (10) days prior to a hearing on the adoption of this Ordinance to the Warren County Planning Board and to all other persons or entities entitled thereto pursuant to N.J.S.A. 40:55D-15, including to the Clerk of adjoining municipalities.

SECTION III.

After introduction, the Township Clerk is hereby directed to submit a copy of the within Ordinance to the Planning Board of the Township of Pohatcong for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Planning Board is directed to make and transmit to the Township Council, within thirty-five (35) days after referral, a report including identification of any provisions in the proposed Ordinance which are inconsistent with the Master Plan and

recommendations concerning any inconsistencies and any other matter as the Board deems appropriate. Upon the adoption of this Ordinance, after public hearing, the Township Clerk is further directed to publish notice of the passage and to file a copy of this Ordinance, as finally adopted, with the Warren County Planning Board, as required by N.J.S.A. 40:55D-16.

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. Specifically, by way of example, but not by way of limitation, §285-8(A)(4) is repealed to the extent said Section is inconsistent with this Ordinance.

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. **NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Pohatcong in the County of Warren and State of New Jersey, held on July 21, 2026, and was approved for final adoption after public hearing thereon at a regular meeting of said Township Council on August 18, 2026.

**26-09
ORDINANCE**

**TO AMEND CHAPTER 102 OF THE CODE OF THE TOWNSHIP OF
POHATCONG ENTITLED, “CANNABIS”**

BE IT ORDAINED by the Township Council of the Township of Pohatcong, County of Warren, State of New Jersey, that Chapter 102 of the Code of the Township of Pohatcong entitled, “Cannabis,” is hereby amended and revised as follows:

SECTION I.

A. §102-9 entitled, “Classes prohibited,” is hereby amended to delete the reference to Class 1 Cannabis Cultivation License from the classes of cannabis license for which no permit shall issue.

B. §102-12 entitled, “Maximum number of permits,” is hereby amended to add a new paragraph C. as follows:

C. Class 1 Cannabis cultivation permits shall be limited to farms of 25 acres or more.

C. §102-14 entitled, “Permit process,” is hereby amended to revise paragraph A. entitled, “Application,” to read as follows:

A. Application. Persons wishing to obtain a Class 1 Cultivation permit or Class 5 Retail permit shall file a permit application with the Clerk on a standardized form established by the Clerk and available in the Clerk's office. An application shall not be considered by the Township Council until all required documents and application fees have been submitted. All applications shall be accompanied by the following:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.
- (5) No change.
- (6) No change.
- (7) An applicant shall have obtained site plan approval from the Pohatcong Township Land

Use Board.

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. 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. Specifically, by way of example, but not by way of limitation, §285-8(A)(4) is repealed to the extent said Section is inconsistent with this Ordinance.

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

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced at a meeting of the Township Council of the Township of Pohatcong in the County of Warren and State of New Jersey, held on July 21, 2026, and was approved for final adoption after public hearing thereon at a regular meeting of said Township Council on August 18, 2026.

OLD BUSINESS

None

NEW BUSINESS

None

MOTIONS

Motion: (To approve sanitary sewer allocation application for NZFR LLC., 1527/1527A South Main Street)

Motion: (To authorize Chief Barsony to hire Justin T. Kovacs and Patrick O'Connell with a start date of September 8, 2026)

Motion: (To authorize Trinity Robb to begin Planning/Zoning Board Secretary certification classes)

Motion: (To authorize Administrator Robb to award the batting cage installation contract to the lowest quote)

Motion

Councilman Melvin motioned to approve the foregoing motions. The motion was seconded by Councilman Stillo. All were in favor.

PUBLIC COMMENT

Melvin wanted to mention he thought that National Night Out was a great success and offered kudos to the Chief and all who put it together.

EXECUTIVE SESSION

None

ADJOURNMENT

Motion

Councilman Melvin motioned to adjourn the meeting at 8:06 pm. Seconded by Councilman Stillo, the motion carried- all were in favor.

Noelle Moeller
Acting Township Clerk