

## **MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MARCH 25, 2026**

The meeting was called to order by Mayor Kula at approximately 7:05 P.M. with the opening statement that the meeting had been duly advertised and met all the requirements of the Sunshine Law. Also present were Deputy Mayor Alfano, Manager Carrine Piccolo-Kaufer, and Clerk Jane Bakalarczyk. Township Attorney Robert Rossmeyssl of Dorsey & Semrau, Councilman Miller, Councilman Cicerale and Councilman Kaminski were in attendance remotely.

### **SALUTE THE FLAG**

**CONSENT AGENDA: ALL MATTERS LISTED BELOW ARE CONSIDERED TO BE ROUTINE IN NATURE AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF ANY DISCUSSION IS DESIRED, THAT PARTICULAR ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND WILL BE CONSIDERED SEPARATELY.**

### **Monthly Reports:**

1. Municipal Clerk Report – February 2026
2. Tax Collector Report – February 2026
3. Construction Certificate Activity Report – February 2026
4. Construction Permit Activity Report – Hardyston – February 2026
5. Construction Permit Activity Report – Hamburg – February 2026
6. Construction Permit Activity Report – Franklin – February 2026
7. Construction Permit Activity Report – Newton – February 2026
8. Construction Permit Activity Report – Sussex – February 2026
9. Construction Permit Activity Report – Wantage – February 2026
10. Police Department Report – February 2026
11. Municipal Court Report – February 2026
12. Land Use Report – February 2026
13. Zoning Officer Report – February 2026
14. Sussex County Health Department Report – February 2026
15. Department of Public Works – January 2026
16. Department of Public Works – February 2026

### **Minutes:**

1. Regular Minutes of 2/25/26
2. Executive Minutes of 2/25/26
3. Workshop Minutes of 3/11/26
4. Executive Minutes of 3/11/26

### **Agreements/Applications/Licenses:**

1. Raffles – The Craig School
2. Trailer License Renewal – McDole, Elizabeth
3. Hardyston Township Fire Department – Junior Member Application – Kaydence Goellner
4. Hardyston Township Fire Department – New Member Application – Gustavo Ramirez

A motion was made by Cicerale to approve the consent agenda as presented, seconded by Alfano. All in favor. Motion carried.

### **MANAGER'S REPORT**

Township Manager reported and gave the Council updates on the following:

- 2026 Municipal Budget
- Congressional Discretionary Spending Application
- Affordable Housing Compliance Matters

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**ORDINANCES**

**1<sup>ST</sup> READING:**

**2026-08**

**CALENDAR YEAR 2026**

**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 to 2.0% 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 Township Council of the Township of Hardyston in the County of Sussex finds it advisable and necessary to increase its CY 2026 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 Council hereby determines that a 1.5% increase in the budget for said year, amounting to \$145,530.48 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS**, the Township Council 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 Township Council of the Township of Hardyston, in the County of Sussex, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2026 budget year, the final appropriations of the Township of Hardyston shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.50%, amounting to \$339,571.12, and that the CY 2026 municipal budget for the Township of Hardyston 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.

A motion was made by Miller to approve Ordinance 2026-08 on first reading, seconded by Kaminski. All in favor. Motion carried.

**2026-09**

**AN ORDINANCE OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY AMENDING CERTAIN PROVISIONS OF CHAPTER 88,  
FEES, OF THE REVISED GENERAL ORDINANCES TO UPDATE SUBSECTION 88-5,  
FIRE PREVENTION FEES IN ACCORDANCE WITH THE REQUIREMENTS OF THE  
NJ DIVISION OF FIRE SAFETY**

BE IT ORDAINED by the Municipal Council of the Township of Hardyston, County of Sussex, State of New Jersey as follows:

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SECTION 1. Chapter, 88 Fees, Section 88-5, Fire Prevention, of the aforesaid Revised General Ordinances is hereby amended and supplemented to read as follows:

**§ 88-5. Fire Prevention.**

- A. Non-Life-Hazard Use Registration Fees (§ 94-10B):
  - (1) All occupancies other than Life Hazard Uses 500 or less square feet: \$50.00
  - (2) All occupancies other than Life Hazard Uses between 501 and 9,999 square feet \$100.00
  - (3) All occupancies other than Life Hazard Uses 10,000 or more square feet: \$200.00.
- B. Fire suppression tank fees (§ 94-10C):
  - (1) Annual registration for quarterly inspections: \$40.
- C. Annual Type 1, Mobile or Temporary Food Preparation Activities:
  - (1) Annual Permit Fee (Per Town – Unlimited Events): \$300.
- D. Certificate of Smoke Alarm, Carbon Monoxide Alarm, and Secondary Source Identification Label (CSACMASPSIL):
  - (1) Requests received more than 10 days prior to closing/change of occupancy: \$100.00
  - (2) Requests received 4 to 10 business days prior to closing/change of occupancy: \$150.00
  - (3) Requests received fewer than 4 business days prior to closing/change of occupancy: \$200.00
  - (4) Any required re-inspections: \$50
- E. Fines and penalties:
  - (1) Penalty for non-registration of non-life-hazard use:
    - (a) Thirty days overdue: amount equal to unpaid fee.
    - (b) Sixty days overdue: \$250.

SECTION 2. All ordinances or parts of ordinances of the Township of Hardyston inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 4. This ordinance may be renumbered as necessary.

SECTION 5. This law shall take effect immediately following final passage, approval and publication as required by law.

A motion was made by Miller to approve Ordinance 2026-09 on first reading, seconded by Kaminski. All in favor. Motion carried.

**ORDINANCES  
2<sup>ND</sup> READING:**

**2026-03**

**AN ORDINANCE TO AMEND THE ESTABLISHED MINIMUM AND MAXIMUM SALARIES FOR OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF HARDYSTON TO PROVIDE THE METHOD FOR THE PAYMENT OF ANNUAL SALARY INCREMENTS IN THE DISCRETION OF THE TOWNSHIP COUNCIL**

BE IT ORDAINED by the Township Council of the Township of Hardyston as follows:

Section 1. The minimum and maximum salary range for officers or employees of the Township of Hardyston who are employed on an annual salary basis shall be and is hereby fixed as follows:

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POSITION	MINIMUM SALARY	MAXIMUM SALARY
Township Council	\$4,000.00	\$7,500.00
Marriage/Civil Union Stipend	\$50.00	\$250.00
Township Manager	\$85,000.00	\$223,000.00
Deputy Manager	\$8,000.00	\$85,000.00
Municipal Clerk/Registrar/Search Officer	\$40,000.00	\$105,000.00
Deputy Registrar/Deputy Clerk	\$2,500.00	\$50,000.00
Director of Public Works	\$75,000.00	\$153,000.00
Laborer	\$41,000.00	\$90,000.00
Water/Sewer Operator	\$80,000.00	\$115,000.00
Foreman	\$85,000.00	\$100,000.00
Crew Chief	\$81,000.00	\$95,000.00
Custodian	\$7,000.00	\$42,000.00
Police Chief	\$165,000.00	\$239,000.00
Acting Police Chief	\$150,000.00	\$225,000.00
Police Captain	\$145,000.00	\$201,000.00
Police Lieutenant	\$140,000.00	\$183,000.00
Police Sergeant	\$132,000.00	\$166,000.00
Patrolman	\$39,700.00	\$151,000.00
Detective Stipend	\$1,000.00	\$3,000.00
Chief Financial Officer/Treasurer	\$25,000.00	\$80,000.00
Assistant to the Finance Officer	\$31,200.00	\$70,000.00
Tax Collector/Search Officer	\$45,000.00	\$100,000.00
Tax Assessor	\$25,000.00	\$75,000.00
Municipal Planner	\$50,000.00	\$115,000.00
Radio Dispatcher/Clerk	\$47,600.00	\$89,000.00
Land Use Administrator	\$35,000.00	\$95,000.00
Construction Code Official	\$55,000.00	\$165,000.00
Building Subcode Official	\$35,000.00	\$125,000.00
Confidential Assistant	\$45,000.00	\$85,000.00
Secretary/Administrative	\$15,000.00	\$75,000.00
Secretary/Clerical	\$12,000.00	\$65,000.00
Municipal Court Administrator	\$35,000.00	\$75,000.00
Municipal Court Magistrate	\$20,000.00	\$45,000.00
Zoning Officer	\$5,000.00	\$50,000.00
Recycling Coordinator	\$1.00	\$15,000.00
Fire Official	\$25,000.00	\$95,000.00

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Assistant Fire Official	\$15,000.00	\$50,000.00
Fire Prevention Inspector/Specialist	\$5,000.00	\$60,000.00
Emergency Management Coordinator	\$5,000.00	\$25,000.00

Section 2. The minimum and maximum rates of compensation for each employee or class of employees who are employed on an hourly basis shall be and are hereby fixed as follows:

POSITION	MINIMUM HOURLY	MAXIMUM HOURLY
Intern	\$20.00	\$25.00
Part-time Radio Dispatcher	\$22.00	\$42.00
Municipal Court Officer	\$20.00	\$35.00
Municipal Court Clerk	\$17.00	\$30.00
Temporary/Part-time Subcode Official	\$15.00	\$65.00
Temporary/Part-time Sub-Code Inspector	\$15.00	\$40.00
Temporary Fire Official	\$25.00	\$40.00
Seasonal/Temporary Confidential Assistant	\$23.00	\$35.00
Seasonal/Temporary Administrative Secretary	\$18.00	\$30.00
Seasonal/Temporary Clerical	\$16.00	\$20.00
Assistant to Recreation Director	\$15.00	\$20.00
Recreation Program Presenter	\$15.00	\$28.00
Recreation On-Call Staff	\$15.00	\$18.00
Seasonal Laborer/Drivers	\$16.00	\$30.00

Section 3. Any officer or employee of the Township of Hardyston who is at any time receiving less than the maximum compensation or salary as hereinabove provided may, as hereinafter provided, be given an additional annual increment of salary until the maximum salary has been reached.

Section 4. No officer or employee shall be entitled to receive an additional increment of salary until the same has been approved by resolution of the Township Council, and no officer or employee shall receive more than one (1) additional increment of salary in any one calendar year.

Section 5. Nothing herein contained shall be so construed as to make mandatory the payment of annual salary increments to any officer or employee of the Township of Hardyston. Salary or wage increases shall be contingent upon the availability of funds and shall be granted on a merit basis.

Section 6. The Township Council reserves the right to pay a salary to any new employee during his or her probationary period of ninety (90) days which may be less than the minimum rate of salary or compensation as herein above provided. However, upon the satisfactory completion of such probationary period said employee shall be paid not less than the minimum salary provided for the particular office or employment.

Section 7. The Township Council further reserves the right to pay a salary to any new employee at any figure between the minimum and maximum salary provided for such office or position and not necessarily the minimum salary.

Section 8. The adoption of this Ordinance shall not operate to either increase or decrease the present pay of any officer or employee of the Township of Hardyston, and the salaries or compensations provided by existing ordinances shall remain in full force and effect until such time as the Township Council may grant and approve such additional increments of salary as

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may be deemed advisable pursuant to the terms of this Ordinance. A resolution of the Township Council establishing specific salaries or wages may be made retroactive to January 1st of the year in which the resolution is adopted.

Section 9. Salaries shall be paid in the same manner and the same time as heretofore provided by ordinance.

Section 10. All ordinances or parts of ordinances which may be inconsistent with the terms of this ordinance are to the extent of such inconsistency hereby repealed.

A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. No public comment. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried. A motion was made by Miller to approve Ordinance 2026-03 on second reading, seconded by Alfano. All in favor. Motion carried.

**OLD BUSINESS:**

Township Manager reported and gave the Council updates on the following:

- A. 3490 Rt. 94 Redevelopment Site
- B. First Aid Squad Building
- C. Solar Project – Lasinski Road
- D. ADA Doors – Municipal Building
- E. Display of Hardystonite in Municipal Building
- F. 250<sup>th</sup> Celebration

**NEW BUSINESS:**

- A. Tax Collector Resolutions
  - 1. Resolution #33-26 – Overpayment Refund – 3601 Route 94 – Block 14, Lot 22.01- US Concrete, Inc.

**RESOLUTION #33-26**

**WHEREAS**, Block 14 Lot 22.01 also known as 3601 Route 94 owned by US Concrete Inc., and

**WHEREAS**, 3601 Route 94 was conveyed to the Township of Hardyston on June 30, 2025 and is now fully exempt beginning January 1, 2026, and

**WHEREAS** US Concrete Inc. paid 2025 taxes in excess of \$167.83, creating an overpayment.

**NOW THEREFORE BE IT RESOLVED**, that the Tax Collector be authorized to refund US Concrete Inc. in the amount of \$167.83.

A motion was made by Alfano to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- B. Resolution #34-26 – Resolution authorizing the assignment by Cablevision Lightpath, LLC to Lightpath Fiber Infrastructure, LLC of Cablevision Lightpath LLC’s rights and obligations under its public rights-of-ways agreement with the Township

**RESOLUTION #34-26**

**A RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND  
STATE OF NEW JERSEY, AUTHORIZING THE ASSIGNMENT BY CABLEVISION  
LIGHTPATH LLC TO LIGHTPATH FIBER INFRASTRUCTURE LLC OF  
CABLEVISION LIGHTPATH LLC’S RIGHTS AND OBLIGATIONS UNDER ITS  
PUBLIC RIGHTS-OF-WAYS AGREEMENT WITH THE TOWNSHIP**

**WHEREAS**, the Township of Hardyston (the “Township” or “Hardyston”) entered into an agreement (the “Agreement”) with Cablevision Lightpath LLC (“Cablevision Lightpath”) on

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February 27, 2019, whereby the Township granted Cablevision Lightpath non-exclusive use of the Township's public rights-of-way for the purpose of owning, constructing, installing, operating and maintaining a telecommunications system; and

**WHEREAS**, pursuant to the Agreement, Cablevision Lightpath is permitted to assign its rights and obligations under the Agreement, but only pursuant to the written consent of the Township, which consent shall not be unreasonably withheld; and

**WHEREAS**, Cablevision Lightpath has informed the Township that it wishes to assign its rights and obligations under the agreement to its affiliate and wholly-owned subsidiary, Lightpath Fiber Infrastructure LLC ("Lightpath Fiber"); and

**WHEREAS**, Cablevision Lightpath wishes simply to assign its rights and obligations under the Agreement to Lightpath Fiber, with all terms of the agreement otherwise remaining unchanged; and

**WHEREAS**, the interests of the Township's residents continue to be served by the Agreement, which promotes competition in the telecommunications market; and

**WHEREAS**, the Township has reviewed the terms of Cablevision Lightpath's requested assignment of its rights and obligations under the Agreement to Lightpath Fiber, and finds these terms to be acceptable.

**NOW, THEREFORE BE IT RESOLVED** by the Township Council of the Township of Hardyston, that the Township Manager and Clerk be authorized to grant consent on behalf of the Township to the assignment to Lightpath Fiber Infrastructure LLC by Cablevision Lightpath LLC of Cablevision Lightpath LLC's rights and obligations under its February 27, 2019 agreement with the Township.

**BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately.

A motion was made by Alfano to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- C. Resolution #35-26 – Hardyston Municipal Court – Cancel Outstanding Check Balances

**RESOLUTION #35-26**

**WHEREAS**, certain accounts within the Township of Hardyston Municipal Court, with outstanding check balances from checks not returned or unclaimed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective account balance or credited to surplus;

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Township of Hardyston, that the following outstanding check balances within the following checking account be canceled:

<u>Date:</u>	<u>Fund Name</u>	<u>Dates</u>	<u>Total</u>
02/18/26	General Account	June 25-Dec 25	\$118.50

A motion was made by Miller to approve the resolution as presented, seconded by Alfano. All in favor. Motion carried.

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D. Proclamation – Child Abuse Prevention Month

**PROCLAMATION**

**CHILD ABUSE PREVENTION MONTH**

**WHEREAS**, child abuse and neglect is a complex and ongoing problem in our society, affecting many children in Sussex County; and

**WHEREAS**, every child is entitled to be loved, cared for, nurtured, feel secure and be free from verbal, sexual, emotional and physical abuse, and neglect; and

**WHEREAS**, child abuse and neglect not only directly harm children, but also increase the likelihood of criminal behavior, substance abuse, health problems, and risky behavior;

**WHEREAS** the effects of child abuse are felt by communities as a whole, and need to be addressed by the entire community;

**WHEREAS**, effective child abuse prevention programs succeed because of partnerships among families, social service agencies, schools, religious and civic organizations, law enforcement agencies and the business community;

**NOW THEREFORE**, be it resolved that the Township Council of the Township of Hardyston, Sussex County does proclaim April as Child Abuse Prevention Month, and calls upon all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in our efforts to support families, thereby preventing child abuse and strengthening the communities in which we live.

A motion was made by Alfano to approve the proclamation as presented, seconded by Miller. All in favor. Motion carried.

E. 2026 Municipal Budget Introduction

Township Manager gave an overview of the 2026 Municipal Budget. A motion was made by Alfano to approve the 2026 Municipal Budget as introduced, seconded by Miller. All in favor. Motion carried. Public hearing and adoption of the budget is scheduled for April 22, 2026.

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F. Resolution #36-26 – 2026 Salary Resolution

**BE IT RESOLVED** by the Hardyston Township Council that the annual salaries and wages effective January 1, 2026 shall be paid as follows:

Title	2026
<b>Annual Salary</b>	
<b>Salaried:</b>	
Township Council	\$ 5,000.00
Township Manager	\$ 100,000.00
Municipal Clerk/Registrar/Search Officer	\$ 96,911.57
Deputy Registrar/Deputy Clerk	\$ 2,500.00
Chief of Police	\$ 215,726.40
Public Works Director	\$ 125,451.43
Chief Financial Officer	\$ 44,557.80
Zoning Officer	\$ 30,452.07
Tax Assessor	\$ 69,170.30
Tax Collector	\$ 85,232.71
Municipal Planner	\$ 90,000.00
Municipal Court Magistrate	\$ 39,163.18
Land Use Administrator	\$ 84,003.39
Construction Official	\$ 91,624.68
Fire Subcode Official	\$ 49,337.10
Building Subcode Official - Hired Prior to 6/1/2024	\$ 106,404.29
Building Subcode Official - Hired After 6/1/2024	\$ 97,602.80
Fire Prevention Inspector - Full-time	\$ 56,000.00
Fire Prevention Inspector - Hired After 1/1/2023	\$ 10,927.27
Secretary/Clerical - Utility Billing - Part-time	\$ 33,411.22
Secretary/Administration - Technical Assistant to Construction Official	\$ 58,189.94
Secretary/Administration - Construction	\$ 57,020.40
Confidential Assistant - Township Manager	\$ 62,823.95
Secretary/Administrator - Assistant to the Chief Financial Officer	\$ 59,602.21
Fire Official - Fire Safety	\$ 80,080.00
Electrical Subcode Official	\$ 45,457.44
Emergency Management Coordinator	\$ 11,416.88
Custodian	\$ 14,461.20
<b>Hourly:</b>	
Mayor/Deputy Mayor:	
Marriage/Civil Union Ceremony Stipend (per ceremony for residents)	\$ 50.00
(per ceremony for non-residents)	\$ 200.00
Housing Rehabilitation Program Inspector	\$300.00/unit
Temporary Municipal Court Magistrate (per session)	\$375.00/session
Deputy Court Clerk	
For first three hours of court session	\$ 100.00
For each hour of court session exceeding three hours	\$17/hour
Municipal Court Officer	\$ 25.00
Winter Seasonal Laborer/Driver - Part-time	\$ 20.00
Winter Seasonal Laborer/Driver with 5+ years experience - Part-time	\$ 25.00
Summer Seasonal Laborer with 5+ years experience - Part-time	\$ 20.00
Summer Seasonal Laborer - Part-time	\$ 16.00
Secretary/Clerical - Administration	\$ 18.00
Secretary/Clerical Temporary	\$ 18.00
Recreation On-Call Staff	\$ 15.92
Recreation Program Presenter Without Certification	\$ 15.92
Recreation Program Presenter With Certification	\$ 25.00
Assistant Fire Official/Fire Investigator - Part-time	\$ 32.00
Fire Prevention Inspector- Part-time (Hired After 1/1/26)	\$ 28.00
Plumbing Subcode Inspector - Part-Time	\$ 40.00
Building Inspector - Part Time	\$ 35.00

A motion was made by Miller to approve the resolution as presented, seconded by Alfano. All in favor. Motion carried.

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- G. Resolution #37-26 – Resolution authorizing the execution of the sixth addendum to the existing developer’s agreement with Aandrei J. Investors, LLC in relation to the Brecia Farms Subdivision

**RESOLUTION #37-26**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF THE SIXTH ADDENDUM TO THE EXISTING DEVELOPER’S AGREEMENT WITH AANDREI J. INVESTORS, LLC IN RELATION TO THE BRECIA FARMS SUBDIVISION**

**WHEREAS**, there is a Developer’s Agreement between David Hook with an address of 3 Brecia Court, Lafayette, New Jersey 07848 and the Township of Hardyston (“Township”), a municipal corporation of the State of New Jersey with offices located at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey 07419; and

**WHEREAS**, the Developer’s Agreement related to property designated as Block 68, Lot 16, known as “Brecia Farms Subdivision” and was executed by the Township and Developer on or about September 7, 2007; and

**WHEREAS**, the Developer’s Agreement was previously extended by Addendum for the period December 1, 2011 through November 30, 2014, by Second addendum for the period December 1, 2014 through November 30, 2017, by Third Addendum for the period December 1, 2017 through November 30, 2020, by Fourth Addendum for the period December 1, 2020 through December 31, 2022, and by Fifth Addendum for the period December 31, 2022 through December 31, 2024; and

**WHEREAS**, the Third Addendum modified the Developer’s Agreement parties to reflect a change of Developer from David Hook to Aandrei J. Investors, LLC.; and

**WHEREAS**, the Fourth Addendum was recorded in the Sussex County Clerk’s Office on December 20, 2021 at Book 3617 and page 110; and

**WHEREAS**, the Fifth Addendum was recorded in the Sussex County Clerk’s Office on October 27, 2023 at Book 10277 and Page 1810; and

**WHEREAS**, the Developer has requested a further extension of the Developer’s Agreement; and

**WHEREAS**, the conditions contained within the Sixth Addendum are as follows:

1. All outstanding real property taxes due at the time of the execution of this Sixth Addendum are up to date; Developer is responsible for maintaining all property taxes due and owing on the three (3) properties still owned by the Developer.
2. It is acknowledged that Developer has remitted \$10,000 to the Township in order to replenish the existing escrow account to cover professional services in connection with the engineering review, inspections and project-related oversight, and legal services directly in connection with the Developer’s Agreement, subsequent Addenda and compliance with same. Developer shall be required to replenish as necessary following provision of an accounting of dispersals from the Township.
3. Developer is responsible for performing all remedial improvements described in the Pellow Report and shall commence these improvements immediately upon execution of this Sixth Addendum.
4. No zoning permits shall be issued until a schedule for the improvements described in the Pellow Report has been provided and work has commenced. Commencement of work shall be defined as the mark out of the roads identifying the scope of work to be completed by the Developer. The issuance of permits shall not be restricted due to delays imposed by the scheduling availability of the Township Engineer. If mark-outs

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- are not completed within 7 days of the execution of the agreement, zoning permits may be issued subject to all other requirements of the Zoning Officer.
5. Issuance of certificates of occupancy for 1 Davon Lane and 8 Davon Lane shall be subject to completion of improvements as certified by the Township Engineer.
  6. The Township Engineer, or his designee, shall be present on site for identification of repairs necessary, removal of all damaged pipe, during installation of new pipe and for inspection prior to final closing in accordance with the Pellow Report and Developer shall cooperate with coordination of same.
  7. Developer shall not complete and close the work site without a final inspection being conducted by the Township Engineer, or his designee. It is understood that if this final inspection is not conducted, the Township shall not accept the improvements.
  8. Upon completion of the work required by the Pellow Report, the Township shall complete the remaining road improvements.
  9. To the extent not superseded by this Sixth Addendum, all the terms and provisions of the Developer's Agreement, the Addendum, the Second Addendum, the Third Addendum, the Fourth Addendum and Fifth Addendum thereof between the Township and Developer remain in full force and effect.
  10. Purchasers of individual lots shall not be governed by the terms of the Developer's Agreement or any subsequent addenda. Requirements for improvements, bonds, or other performance guarantees shall be applicable to such purchasers as required by the Township.
  11. The Developer's Agreement is hereby extended for the period of December 31, 2024 through March 31, 2027.
  12. Developer acknowledges that Irrevocable Standby Letter of Credit No. 630059643 has been called, that the Township has received the funds and may utilize them to finalize the necessary roadway at the appropriate time and as needed in connection with the project.
  13. Developer understands that if all of the funds received by the Township from calling Irrevocable Standby Letter of Credit No. 630059643 are not utilized, the Township may refund the unused funds to the Developer.
  14. Developer acknowledges and agrees that if all of the funds received by the Township from calling Irrevocable Standby Letter of Credit No. 630059643 are not sufficient to complete the required improvements, the Developer shall be responsible for such expenses as required and billed by the Township with an itemized accounting of the overages.
  15. Alternatively, the Township may consult with Developer following receipt of bids in an amount exceeding the amount of funds received by the Township from calling Irrevocable Standby Letter of Credit No. 630059643 and afford Developer the opportunity to commit to performing the required road improvements, for which the Township will remit payment from said called funds.
  16. The Developer acknowledges that the Township has not formally accepted the road and that the Township may utilize the funds received from calling Irrevocable Standby Letter of Credit No. 630059643 to complete the remaining public improvements including, but not limited to, construction of said roadway at the appropriate time depending on several factors, including but not limited to the completion of construction of the homes within the development.
  17. Developer acknowledges that the Township is not responsible for any damage caused to the roads during construction and waives the right to request repair of same from the Township. Any damage to roads caused by any party other than Developer shall be brought to the attention of the Township and the Township shall handle same.
  18. The Developer remains responsible for all off-site improvements contained within the original Developer's Agreement and all subsequent Addenda.
  19. Developer shall present to the Township proof of sufficient insurance coverage for all aspects of the project.
  20. The Developer shall cooperate with the Township in all procedures necessary to achieve the transfer, dedication and acceptance of the roads within the Brecia Farms Subdivision, including without limitation the provision of title work.
  21. All conditions of the Resolution adopted on June 28, 2023 by the Hardyston Township Council authorizing the execution of the Fifth Addendum and the conditions contained within this Sixth Addendum must have been fully complied with by the Developer prior to March 31, 2027.
  22. This Sixth Addendum shall be recorded with the Sussex County Clerk's Office and shall be binding on the Developer, its successors and/or assigns.

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**WHEREAS**, the Township Manager has reviewed and approved the Developer's request for an additional extension subject to the conditions outlined in the Sixth Addendum which have been reviewed by the Township Manager and Township Attorney.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex and State of New Jersey, that the Township Council hereby authorizes the execution of a Sixth Addendum to the Developer's Agreement between the Township of Hardyston and Aandrei J. Investors, LLC, dated September 7, 2007, for the Brecia Farms Subdivision, Block 68, Lot 16, for the period of December 31, 2024 to March 31, 2027.

This Resolution shall take effect immediately upon adoption.

A motion was made by Alfano to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

H. Resolution #38-26 – Self-examination of Budget Resolution

**RESOLUTION #38-26  
SELF-EXAMINATION OF BUDGET RESOLUTION**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

**WHEREAS** N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 THRU 7.5 the Township of Hardyston has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Township of Hardyston meets the necessary conditions to participate in the program for the 2026 budget year, so now therefore

**BE IT RESOLVED**, by the Township Council of the Township of Hardyston that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification. The governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated.
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced, publicly advertised, and in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

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6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE Director of the Division of Local Government Services.

A motion was made by Alfano to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- I. Resolution #39-26 – Resolution adopting and/or reaffirming the Township’s Rehabilitation Program Manual, Affordability Assistance Program Policies and Procedures Manual, and Affordable Housing Administrative Agent Policies and Procedures Manual

**RESOLUTION #39-26**

**RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWNSHIP  
OF HARDYSTON IN THE COUNTY OF SUSSEX, STATE OF NEW  
JERSEY, ADOPTING AND/OR REAFFIRMING THE TOWNSHIP’S  
REHABILITATION PROGRAM MANUAL, AFFORDABILITY  
ASSISTANCE PROGRAM POLICIES AND PROCEDURES MANUAL,  
AND AFFORDABLE HOUSING ADMINISTRATIVE AGENT POLICIES  
AND PROCEDURES MANUAL**

**WHEREAS**, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) through the adoption of P.L. 2024, c.2 (“FHA-2”); and

**WHEREAS**, amongst other things, P.L. 2024, c.2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (“Program”) and established new procedures and deadlines for municipalities to come into compliance with the FHA-2 and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which began on July 1, 2025 and ends on June 30, 2035; and

**WHEREAS**, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to come into compliance with the FHA-2 in order to maintain immunity from exclusionary zoning and builder’s remedy litigation through the Program process set forth in P.L. 2024, c.2; and

**WHEREAS**, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of Hardyston timely filed a declaratory judgment action with the Program on January 24, 2025, which is entitled In re Township of Hardyston, Docket No.: SSX-L-54-25 (Township’s “2025 Action”); and

**WHEREAS**, on May 5, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township’s 2025 Action fixing the Township’s Fourth Round pre-credited/unadjusted Present Need Obligation at “22” and gross Prospective Need Obligation at “647” and directed the Township to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

**WHEREAS**, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the above-referenced Order issued by Judge Allen, the Township Municipal Planner prepared the Township’s 2025 Housing Element and Fair Share Plan, dated June 11, 2025 (“2025 HEFSP”); and

**WHEREAS**, on timely prior notice to the public, on June 24, 2025 the Township of Hardyston Joint Land Use Board adopted the Township’s 2025 HEFSP following a public hearing thereon, and on June 25, 2025 the Mayor and Township Council adopted a resolution endorsing the 2025 HEFSP; and

**WHEREAS**, following same the Township timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements of the FHA-2; and

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**WHEREAS**, thereafter Fair Share Housing Center (FSHC) filed a challenge to the Township's HEFSP; and

**WHEREAS**, the Township subsequently participated in good faith in the Program process established under FHA-2 to address various challenges to the Township's 2025 HEFSP, including settlement hearings and Session hearings before Program Judge the Hon. Stephan J. Hansbury, JSC (Ret.) on October 1, 2025, November 6, 2025, and December 8, 2025; and

**WHEREAS**, as a result of the Program process, the Township was able to resolve the challenged issues with FSHC and reached a Negotiated Mediation Agreement with FSHC, which was approved by the Mayor and Township Council by Resolution #106-25 and fully executed by both parties on December 19, 2025 ("Settlement"); and

**WHEREAS**, following review of the Settlement, Program Judge Hansbury issued a Program Decision Recommendation on January 12, 2026, wherein Judge Hansbury found the terms of the Settlement to be fair, reasonable and adequately protect the interest of low and moderate-income residents, constitutional compliant, and provide a fair and reasonable opportunity for the Township to meet its obligations under the FHA-2 and *Mount Laurel* doctrine; and

**WHEREAS**, on February 26, 2026 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Township's 2025 Action which incorporated and affirmed Judge Hansbury's Program Decision Recommendation, and directed the Township to adopt all amendments to the Township's 2025 HEFSP and all implementing ordinances and resolutions and file same in the Township's 2025 Action on or before March 16, 2026 as a condition of securing a Certification of Compliance and Repose; and

**WHEREAS**, pursuant to the FHA-2, the issuance of a Certification of Compliance and Repose from the County Mount Laurel Judge entitles a compliant municipality to continued immunity from exclusionary zoning and builder's remedy litigation for the remaining 10-year Fourth Round; and

**WHEREAS**, in accordance with the Court's Order, the Township of Hardyston Joint Land Use Board adopted the required amendments to the Township's Fourth Round Housing Element and Fair Share Plan on March 9, 2026 (hereinafter the "Amended Fourth Round HEFSP" or "Amended HEFSP"), and sets forth the Township's plans and compliance mechanisms to meet its pre-credited/unadjusted Present Need Obligation of "22" and gross Prospective Need Obligation of "647"; and

**WHEREAS**, on December 15, 2025 the New Jersey Housing and Mortgage Finance Agency adopted amendments to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. ("UHAC") and the New Jersey Division of Local Planning Services (DLPS) adopted the Fair Housing Act Rules at N.J.A.C. 5:99-1 et seq.; and

**WHEREAS**, in furtherance of the Court's Order the Township has since adopted updated affordable housing ordinances, an amended Fourth Round Spending Plan and a Fourth Round Affirmative Marketing Plan/Program, which are designed to implement and fulfill the constitutional, statutory and regulatory requirements of the Mount Laurel doctrine, the FHA, FHA-2, the UHAC, the Fair Housing Act Rules, New Jersey Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and the Township's Amended Fourth Round HEFSP (hereinafter collectively the "Affordable Housing Laws"); and

**WHEREAS**, in order to meet the Township's Fourth Round Present Need, the Township desires to implement a Rehabilitation Program and will contract with a qualified program administrator; and

**WHEREAS**, the Mayor and Township Council further desire to adopt and approve the Township's proposed "Home Improvement Program, Policies and Procedures Manual", and update same, as necessary, to meet with the recent changes to the Affordable Housing Laws; and

**WHEREAS**, pursuant to the Township's Amended HEFSP and Affordable Housing Spending Plan and the Township's affordable housing ordinances, the Township has established an updated Affordability Assistance Program; and

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**WHEREAS**, the Mayor and Township Council desire to adopt and approve the Township's updated Affordability Assistance Program, as set forth in the Township's Amended HEFSP and Amended Affordable Housing Spending Plan; and

**WHEREAS**, the Mayor and Township now desire to reaffirm and continue with the Township's Rehabilitation Program, Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manuals, and authorize the Township's professionals to make any amendments to same, so that such programs are administered in compliance with the Township's Amended HEFSP and recent changes in the Affordable Housing Laws referenced hereinabove.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

1. The Township Council does hereby approve and adopt the Township's Rehabilitation Program.
2. The Township Council does hereby reaffirm and adopt the Affordability Assistance Program Policies and Procedures Manual and Affordable Housing Administrative Agent Policies and Procedures Manual ("Fourth Round Program Documents"), and approves all updates and amendments to same that are necessary in order to bring the Township's Fourth Round Programs into in compliance with the recent changes to the Affordable Housing Laws and the Township's Amended HEFSP adopted by the Township Planning Board on February 9, 2026.
3. The Township's Municipal Attorney, Township Special Affordable Housing Counsel and Township Planner are hereby directed to prepare any updates to the Township's Fourth Round Program Documents and file same and this Resolution with the Court in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2.
4. The Township Municipal Attorney, Township Special Affordable Housing Counsel and Township Planner and all other appropriate Township officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township secures a Certification of Compliance and Repose and maintains its immunity from exclusionary zoning and builder's remedy.
5. A certified copy of this Resolution and the Township's Fourth Round Program Documents shall remain on file with the Township Municipal Clerk's Office for the purpose of public inspection and shall be uploaded to the Township's website by the Township's Municipal Clerk in accordance with the requirements of the FHA-2 and Directive #14-24.
6. The Township further reserves the right to amend the Township's Fourth Round Program Documents, should such further amendments be required or necessary.
7. Notice of this action shall be published electronically and in the official newspapers for the Township of Hardyston in accordance with law.
8. This Resolution shall take effect immediately.

A motion was made by Miller to approve the resolution as presented, seconded by Alfano. All in favor. Motion carried.

- J. Resolution #40-26 – Resolution adopting the Township's amended Fourth Round Spending Plan

**RESOLUTION #40-26**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, ADOPTING  
THE TOWNSHIP'S AMENDED FOURTH ROUND SPENDING PLAN**

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**WHEREAS**, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (“FHA”) through the adoption of P.L. 2024, c.2 (“FHA-2”), which governs how municipalities must comply with their affordable housing obligations for the Fourth Round (2025-2035); and

**WHEREAS**, amongst other things, P.L. 2024, c.2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (“Program”) and established new procedures and deadlines for municipalities to come into compliance with the FHA-2 and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which began on July 1, 2025 and ends on June 30, 2035; and

**WHEREAS**, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to come into compliance with the FHA-2 in order to maintain immunity from exclusionary zoning and builder’s remedy litigation through the Program process set forth in P.L. 2024, c.2; and

**WHEREAS**, in compliance with P.L. 2024, c.2 and Directive #14-24, the Township of Hardyston (“Township”) timely filed a declaratory judgment action with the Program on January 21, 2025, which is entitled In re Township of Hardyston, Docket No.: SSX-L-00054-25 (Township’s “2025 Action”); and

**WHEREAS**, the Township has at all times participated in good faith in the Program process; and

**WHEREAS**, the Township has an approved Development Fee Ordinance which sets forth standards for the collection, maintenance, and expenditure of development fees; and

**WHEREAS**, the Development Fee Ordinance established an Affordable Housing Trust Fund that includes development fees, payments from developers in lieu of constructing affordable units on-site, barrier free escrow funds, rental income, repayments for affordable housing program loans, recapture funds, proceeds from the sale of affordable units, and/or funds collected in connection with the Township’s affordable housing program; and

**WHEREAS**, the Township’s current Affordable Housing Trust Fund Spending Plan was approved by the Court in 2016 as part of the Township’s Third Round Affordable Housing declaratory judgment action entitled: In the Matter of the Application of the Township of Hardyston, under Docket No.: SSX-L-431-15 (the “2015 Action”); and

**WHEREAS**, on December 15, 2025 the New Jersey Housing and Mortgage Finance Agency adopted amendments to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. (“UHAC”) and the DLPS adopted the Fair Housing Act Rules at N.J.A.C. 5:99-1 et seq., which set forth certain requirements governing municipal affordable housing spending plans; and

**WHEREAS**, on February 26, 2026 the Honorable Janine M. Allen, J.S.C. issued an Order in the Township’s 2025 Action approving the Township’s Housing Element and Fair Share Plan, subject to certain amendments, and which directs the Township to adopt all amendments and all implementing ordinances and resolutions and file same in the Township’s 2025 Action on or before March 16, 2026 in order to secure a Certification of Compliance and Repose; and

**WHEREAS**, pursuant to the FHA-2, the issuance of a Certification of Compliance and Repose from the County Mount Laurel Judge entitles a compliant municipality to continued immunity from exclusionary zoning and builder’s remedy litigation for the remaining 10-year Fourth Round; and

**WHEREAS**, the Township has adopted a Fourth Round Housing Element and Fair Share Plan in accordance with the FHA-2, which was recently amended through the adoption of the “Amended Fourth Round Housing Element and Fair Share Plan” by the Township Joint Land Use Board on March 9, 2026 (“Amended Fourth Round HEFSP” or “Amended HEFSP”); and

**WHEREAS**, as a result of the adoption of the DLPS’s Fair Housing Act Rules and the amendments to the UHAC and the Township’s Amended HEFSP, the Township Planner has since prepared an updated Fourth Round Spending Plan to be approved by the Township Council; and

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**WHEREAS**, in order to protect the interests of the Township and maintain compliance with P.L. 2024, c.2, the Township Council must adopt all updated affordable housing implementing ordinances and resolutions by March 16, 2026; and

**WHEREAS**, the Township Council has since reviewed the proposed updated Fourth Round Spending Plan prepared by the Township Planner and now desires to approve and adopt same.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

1. The Township of Hardyston does hereby approve the proposed updates and amendments to the Township's Fourth Round Spending Plan and does hereby adopt same as the Township's Fourth Round Spending Plan.
2. The Township's Municipal Attorney is hereby directed to file the Township's updated Fourth Round Spending Plan, as amended, and this Resolution in the Township's 2025 Action.
3. The Township Municipal Attorney, Township Planner, and all other appropriate Township officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township secures a Certification of Compliance and Repose and maintains its immunity from exclusionary zoning and builder's remedy.
4. A certified copy of this Resolution and the Township's Fourth Round Spending Plan shall remain on file with the Township Municipal Clerk's Office for the purpose of public inspection and shall be uploaded to the Township's website by the Township's Municipal Clerk in accordance with the requirements of the FHA-2 and Directive #14-24.
5. The Township further reserves the right to amend the Township's Fourth Round Spending Plan should such further amendments be required or necessary.
6. Notice of this action shall be published electronically and in the official newspapers for the Township Hardyston in accordance with law.
7. This Resolution shall take effect immediately.

A motion was made by Alfano to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- K. Resolution #41-26 – Resolution adopting the Township's Fourth Round Affordable Housing Affirmative Marketing Plan

**RESOLUTION #41-26**

**RESOLUTION OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX,  
STATE OF NEW JERSEY ADOPTING THE TOWNSHIP'S FOURTH ROUND  
AFFORDABLE HOUSING AFFIRMATIVE MARKETING PLAN**

**WHEREAS**, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. ("FHA") through the adoption of P.L. 2024, c.2 ("FHA-2"); and

**WHEREAS**, amongst other things, P.L. 2024, c.2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program ("Program") and established new procedures and deadlines for municipalities to come into compliance with the FHA-2 and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which began on July 1, 2025 and ends on June 30, 2035; and

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**WHEREAS**, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to come into compliance with the FHA-2 in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c.2; and

**WHEREAS**, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Township of Hardyston ("Township") timely filed a declaratory judgment action with the Program on January 24, 2025, which is entitled: In re Township of Hardyston, Docket No.: SSX-L-54-25 (Township's "2025 Action"); and

**WHEREAS**, the Township has at all times participated in good faith in the Program process; and

**WHEREAS**, on December 15, 2025 the New Jersey Housing and Mortgage Finance Agency adopted amendments to the Uniform Housing Affordability Controls at N.J.A.C. 5:80-26.1 et seq. ("UHAC") and the New Jersey Division of Local Planning Services (DLPS) adopted Fair Housing Act Rules at N.J.A.C. 5:99-1 et seq.; and

**WHEREAS**, the FHA-2 requires that the Township adopt all amendments to the Township's Housing Element and Fair Share Plan and all implementing affordable ordinances and resolutions and file same in the Township's 2025 Action on or before March 16, 2026 in order to secure a Certification of Compliance and Repose; and

**WHEREAS**, pursuant to the FHA-2, the issuance of a Certification of Compliance and Repose from the County Mount Laurel Judge entitles a compliant municipality to continued immunity from exclusionary zoning and builder's remedy litigation for the remaining 10-year Fourth Round; and

**WHEREAS**, on timely prior notice to the public, on March 9, 2026, the Township of Hardyston Joint Land Use Board adopted the Township's 2026 Amended Housing Element and Fair Share Plan ("Amended Fourth Round HEFSP" or "Amended HEFSP") following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq.; and

**WHEREAS**, the Township of Hardyston has since adopted updated affordable housing ordinances, an amended Fourth Round Spending Plan and a Fourth Round Affirmative Marketing Plan/Program, which are designed to implement and fulfill the constitutional, statutory and regulatory requirements of the Mount Laurel doctrine, the FHA, FHA-2, the UHAC, the Fair Housing Act Regulations, New Jersey Supreme Court upheld COAH regulations at N.J.A.C. 5:93 and 5:97, and the Township's Amended Fourth Round HEFSP (hereinafter collectively the "Affordable Housing Laws"); and

**WHEREAS**, in accordance with the above-referenced Affordable Housing Laws, including the FHA-2, the UHAC and the Fair Housing Act Regulations, the Township's professionals have prepared an updated affordable housing affirmative marketing plan to ensure that all affordable housing units existing or created within the Township are affirmatively marketed to very low-, low- and moderate-income households, particularly those living and/or working within Housing Region 1, the Housing Region encompassing the Township of Hardyston; and

**WHEREAS**, the Affirmative Marketing Plan includes a "veteran's preference," to allow for low-to moderate-income veterans to be given a preference for up to 50 percent of rental units in relevant projects, as provided for at N.J.S.A. 52:27D-311j of the FHA-2 and the UHAC; and

**WHEREAS**, the Township Council desires to adopt and approve the Township's updated Affirmative Marketing Program.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

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1. The Township Council of the Township of Hardyston does hereby approve and adopt the updated Affordable Housing Affirmative Marketing Program/Plan.
2. The Township's Land Use Board Attorney and Township Planner are hereby directed to prepare and finalize the Fourth Round Affordable Housing Affirmative Marketing Plan and file same and this Resolution with the Court in the Township's 2025 Action in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2.
3. The Township Land Use Board Attorney, Township Planner and all other appropriate Township officials, employees and other professionals of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Resolution such that the Township secures a Certification of Compliance and Repose and maintains its immunity from exclusionary zoning and builder's remedy.
4. A certified copy of this Resolution and the Township's Fourth Round Affirmative Marketing Plan shall remain on file with the Township Municipal Clerk's Office for the purpose of public inspection, and shall be uploaded to the Township's website in accordance with the requirements of the FHA-2 and Directive #14-24.
5. The Township further reserves the right to amend the Township's Affirmative Marketing Plan should such further amendments be required or necessary.
6. Notice of this action shall be published electronically and in the official newspapers for the Township of Hardyston in accordance with law.
7. This Resolution shall take effect immediately.

A motion was made by Alfano to approve the resolution as presented, seconded by Miller. All in favor. Motion carried.

- L. Resolution #42-26 – Resolution authorizing the award of a professional services contract without competitive bidding to Civil Solutions for 2026 tax map maintenance and geographic information system support

**RESOLUTION #42-26**

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF  
HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY  
AUTHORIZING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT  
WITHOUT COMPETITIVE BIDDING TO CIVIL SOLUTIONS FOR 2026 TAX MAP  
MAINTENANCE AND GEOGRAPHIC INFORMATION SYSTEM SUPPORT**

**WHEREAS**, the Township of Hardyston has a need for 2026 Tax Map Maintenance and Geographic Information System ('GIS') support; and

**WHEREAS**, for this purpose the Township wishes to retain the services of Donald A. Smith III, of Civil Solutions, as Geospatial Services Associate; and

**WHEREAS**, funds are available for this purpose; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) requires that the resolution authorizing the award of contracts for "professional services" without competitive bidding and the contract itself must be made available for public inspection.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

1. The Township of Hardyston hereby awards and authorizes the Township Manager to execute an agreement with Donald A. Smith III, of Civil Solutions, located at 215 Bellevue Ave., P.O. Box 579, Hammonton, NJ 08037, to provide professional services as Geospatial Services Associate pursuant to the below pricing schedule:

**CIVIL SOLUTIONS PRICING SCHEDULE**

- |  |         |
|--|---------|
| 1. Hosting the Web GIS data and Viewer (myIDV) for 1 year: | \$1,200 |
| 2. Tax Map Maintenance, Collaboration Center & Map Viewer: | \$6,000 |

2. This contract is awarded without competitive bidding as a professional service in accordance with the provisions of the Local Public Contracts Law because said services are performed by a person authorized by law to practice a recognized profession.

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3. The total fee authorized for this contract shall not exceed \$7,200 without the prior written approval of the Township Council.
4. Notice of this action shall be posted on the Township's official website as required by law.
5. A copy of this resolution shall be provided to Donald A. Smith III of Civil Solutions, at 215 Bellevue Ave., P.O. Box 579, Hammonton, NJ 08037, for his information and guidance.
6. A copy of this Resolution shall be available for public inspection in the office of the Clerk of the Township of Hardyston.

This Resolution shall take effect immediately upon adoption.

A motion was made by Miller to approve the resolution as presented, seconded by Alfano. All in favor. Motion carried.

**M. Correspondence**

1. Hardyston Township Land Use Board
2. Franklin Borough
3. Franklin Borough
4. Franklin Borough
5. Jefferson Township
6. Lafayette Township
7. Lafayette Township
8. Lafayette Township
9. West Milford Township
10. Franklin Borough
11. Franklin Borough
12. Hampton Township
13. Lafayette Township
14. Vernon Township
15. Sparta Township
16. County of Sussex
17. County of Sussex
18. State of NJ
19. State of NJ
20. State of NJ
21. State of NJ
22. NJ Land Consultants, LLC

A motion was made by Alfano to approve the correspondence as presented, seconded by Kaminski. All in favor. Motion carried.

**COUNCIL COMMENTS:** Councilman Kaminski commended everyone for their efforts in finding ways to cut the budget. Deputy Mayor Alfano inquired as to the status of the septic emergency at the Veterans Home. Deputy Mayor Alfano also made a motion to amend Ordinance 2026-07, seconded by Cicerale. All in favor. Motion carried. Township Attorney stated he will work on making the changes. Deputy Mayor Alfano also stated that he would like the Council to discuss revisions to the short-term rental ordinance at the next workshop meeting.

**BILLS TO BE PAID:** A motion was made by Alfano to approve the bill list of 3/11/26 in the amount of \$468,549.98 which includes payroll for pay-period ending 2/28/26, and the bill list of 3/25/26 in the amount of \$3,518,826.69 which includes payroll for pay-period ending 3/15/26 as presented, seconded by Miller. All in favor. Motion carried.

**PUBLIC PORTION:** A motion was made and seconded to open the meeting to the public. All in favor. Motion carried. Resident Dana Kalczuk asked for an update on providing recreation sports groups and coaches that use Wheatsworth Park fields with a list of rules or a code of conduct that would be required to be followed. Mayor Kula told Ms. Kalczuk that this is being worked on with the Recreation Committee. Resident Michele Van Allen asked about the budget cuts and short-term rentals. Resident Brian Tobachnick commented on power outages, revision of ordinances, and the possibility of getting a turn signal installed at the intersection of Rt. 94 and Beaver Run Road. Resident Jaime Milette asked for an update regarding the fire siren and street sweeping. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

**MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON  
MARCH 25, 2026**

**ADJOURNMENT:** A motion was made by Alfano to adjourn at approximately 8:28 p.m., seconded by Cicerale. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC  
Municipal Clerk