

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

The meeting was called to order by Mayor Kula at approximately 7:00 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, Councilman Miller, Councilman Kaminski, Manager Carrine Piccolo-Kaufer, Clerk Jane Bakalarczyk and Township Attorney Fred Semrau of Dorsey & Semrau. Councilman Cicerale was in attendance via Microsoft Teams.

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

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

MANAGER'S REPORT

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

- Congressional Discretionary Spending Application
- Speed Limit – Silver Grove Road
- Landfill Permitting
- Playground & Fitness Court
- 250th Celebration Display Board
- Hardyston Pageant
- Immaculate Conception Cemetery Minor Subdivision (Block 62, Lot 19) – Application Fee Waiver Request
- Grant Writer

ORDINANCES

1ST READING:

2026-12

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AMENDING ORDINANCES 2022-12 AND 2025-10, AND AMENDING AND SUPPLEMENTING THE ZONING CODE OF THE TOWNSHIP OF HARDYSTON TO DESIGNATE DATA CENTERS AS A PROHIBITED USE IN ALL ZONES WITHIN THE TOWNSHIP

WHEREAS, pursuant to Ordinance 2022-12, the Township Council of the Township of Hardyston (the “Township”) on December 14, 2022 adopted the 2022 Hardyston Vacant Land

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

and Landfill Redevelopment Plan for property located at 3490 Route 94 (the “Redevelopment Plan”); and

WHEREAS, pursuant to Ordinance 2025-10, the Township Council on December 10, 2025 adopted an amendment to the Redevelopment Plan, dated September 15, 2025, establishing data centers as a permitted use for the property; and

WHEREAS, the Township Council has determined that data centers have the potential to create an intense and unique form of land use and development, which poses development challenges related to electricity consumption, noise, air quality, water use, and community character; and

WHEREAS, the Township Council is conscious of the community concern regarding the land use challenges posed by large-scale commercial data center operations; and

WHEREAS, Township Council has determined that in the interest of the health, safety, and welfare of the residents of the Township of Hardyston, it is appropriate at this time to amend the Township Code, as well as Ordinances 2022-12 and 2025-10, to include data centers as a non-permitted use within the geographic boundaries of the Township.

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

SECTION 1. Chapter 185 of the Municipal Code of the Township of Hardyston, ‘Zoning,’ is hereby amended and supplemented at Section 26, ‘Definitions,’ of Article V, ‘Prohibited Uses,’ to include the term ‘Data Center,’ which term shall be defined as follows:

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. Typical accessory components of a data center may include transformers, electrical substations, environmental controls, fire suppression, generators, redundant power supplies, and security facilities.

SECTION 2. Chapter 185 of the Municipal Code of the Township of Hardyston, ‘Zoning,’ is hereby amended and supplemented to create Section 28, of Article V, ‘Prohibited Uses’ which Section shall be titled titled ‘Data Centers Prohibited,’ and which Section shall read as follows:

§ 185-28 Data Centers Prohibited

Data Centers, as defined in § 185-26 of this Chapter, are hereby prohibited from operating anywhere in the Township of Hardyston.

SECTION 3. Ordinance 2022-12 of the Township of Hardyston, adopting the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan for property located at 3490 Route 94, and Ordinance 2025-10, adopting the September 15, 2025 amendment to the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan for property located at 3490 Route 94, are hereby amended to establish that the 2022 Hardyston Vacant Land and Landfill Redevelopment Plan shall be revised to clarify that Data Centers, as defined in Section 26, ‘Definitions,’ of Chapter 185, ‘Zoning,’ of the Township Municipal Code, shall be a prohibited use in the Redevelopment Area.

SECTION 4. Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 5. Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this Ordinance are to the extent of such inconsistency repealed.

SECTION 6. Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

SECTION 7. Availability. A copy of this Ordinance shall be available for public inspection at the offices of the Township

A motion was made by Miller to approve Ordinance 2026-12 on first reading, seconded by Kaminski. All in favor. Motion carried.

2026-13

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES AND ADOPTING AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH PILLAR CARE PROPERTIES HARDYSTON URBAN RENEWAL, LLC, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, Pillar Care Properties Hardyston Urban Renewal, LLC (“Pillar”) has been qualified by the State of New Jersey to do business as an urban renewal entity (“URE”) under the provisions of the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as amended and supplemented (the “LTTE Law”); and

WHEREAS, Pillar seeks to effectuate the redevelopment, operation, and maintenance of the Project known as 132 Wheatsworth Road, Hardyston, New Jersey, 07419, Block 63 And Lot 26.01 on the Township Tax Map (the “Project”); and

WHEREAS, in order to improve the feasibility of the renovation, operation, and maintenance of the Project, Pillar made application to the Township requesting a long term tax exemption and financial agreement with respect to the Project; and

WHEREAS, there was also submitted as part of the application a form of a financial agreement, pursuant to which Pillar agrees to pay, in lieu of tax payments, an Annual Service Charge in lieu of taxes on the Project based on the gross revenues of the Project, with minimum Annual Service Charges pursuant to N.J.S.A. 40A:20-12 (“PILOT Agreement”); and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances and will be in conformance with the Township’s Master Plan; and

WHEREAS, the Township Council has reviewed the terms of the PILOT Agreement, and wishes to approve Pillar’s application on such terms; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the LTTE Law; and

WHEREAS, the Township hereby finds that the relevant benefits of the Project to the including the creation of affordable housing will outweigh the costs, if any, associated with the tax exemption, which relevant benefits are further described in the PILOT Agreement; and

WHEREAS, the Township hereby determines that the assistance provided to the Project pursuant to the PILOT Agreement will be a significant inducement for Pillar to proceed with the Project and contribute to the feasibility of the Project.

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

SECTION 1.

A. General

The aforementioned recitals are incorporated herein as though fully set forth at length.

B. Approval of Exemption from Taxation

An exemption from taxation as set forth in the Agreement for Payment in Lieu of Taxes (attached hereto as “Exhibit A”) is hereby approved and granted to Pillar Care Properties

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

Hardyston Urban Renewal, LLC (“Pillar”) with respect to the Project known as 132 Wheatsworth Road, Hardyston, New Jersey, 07419, Block 63 And Lot 26.01 on the Township Tax Map (the “Project”), in accordance with the terms set forth in the Agreement for Payment in Lieu of Taxes (“PILOT Agreement”); provided that in no event shall the term of the PILOT Agreement exceed the earlier of thirty-five (35) years from the date of execution thereof or (ii) to the extent permitted by the LTTE Law, thirty (30) years from Pillar’s receipt of a Certificate of Occupancy (as defined in the PILOT Agreement) for the Project and only so long as Pillar remains subject to and in compliance with the PILOT Agreement and the LTTE Law and any other agreement related to the Project or the Premises; and provided, further, that in no event shall the resulting property tax obligation in each year the property tax exemption is in effect, when combined with the Annual Service Charge as defined in the PILOT Agreement, be less than the amount of the Land Taxes (as defined in the PILOT Agreement) prior to redevelopment.

C. Execution of PILOT Agreement Authorized

(i) The Mayor, in consultation with legal counsel to the Township, is hereby authorized and directed to execute the PILOT Agreement, substantially in the form as it has been presented to the Mayor and Council, subject to additions, deletions, modifications, or revisions deemed necessary and appropriate in consultation with counsel, and any other agreements necessary to effectuate the PILOT Agreement.

(ii) The Township Clerk is hereby authorized and directed, upon the execution of the PILOT Agreement in accordance with the terms of Section C(i) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the seal of the Township upon such document.

(iii) Within thirty (30) days of its execution, the Township Clerk shall file certified copies of this ordinance and the executed PILOT Agreement with the Tax Assessor of the Township and shall forward a certified copy of this Ordinance and the executed PILOT Agreement to the Director of the Division of Local Government Services within the New Jersey Department of Community Affairs in accordance with Section 12 of the LTTE Law.

(iv) The executed copy of the PILOT Agreement shall be filed with the Office of the Township Clerk.

D. Entity Obligations

(i) The Project shall conform with all Federal and State laws and ordinances and regulations of the Township relating to its construction and use.

(ii) Pillar shall, in the operation of the Project, require compliance with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.

(iii) Pillar shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the PILOT Agreement.

E. Action Regarding PILOT Agreement

The Mayor, the Township Manager, the Township Clerk, and any other Township official, officer or professional, including but not limited to, Township legal counsel, and the auditor to the Township, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

SECTION 2. Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

SECTION 3. Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this Ordinance are to the extent of such inconsistency repealed.

SECTION 4. Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 5. Availability. A copy of this Ordinance shall be available for public inspection at the offices of the Township.

A motion was made by Miller to approve Ordinance 2026-13 on first reading, seconded by Kaminski. All in favor. Motion carried

ORDINANCES

2nd READING:

2026-10

AN ORDINANCE APPROPRIATING THE TOTAL SUM OF \$267,500 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR TO FUND VARIOUS CAPITAL IMPROVEMENTS OR PURPOSES BY THE TOWNSHIP OF HARDYSTON, IN THE COUNTY OF SUSSEX, NEW JERSEY

BE IT ORDAINED AND ENACTED by the Mayor and Council of the Township of Hardyston, County of Sussex, New Jersey, as follows:

Section 1: The sum of Two Hundred Sixty-Seven Thousand Five Hundred Dollars (\$267,500) to be utilized out of the General Capital Improvement Fund, is hereby appropriated for the following purposes:

For Various Capital Improvements or Purposes for the Township of Hardyston.

Section 2: In connection with the amount authorized in Section 1 hereof, the Township makes the following determination:

(a) The purpose described in Section 1 and Section 2 hereof is not a Current Expense and is an improvement, which the Township of Hardyston may lawfully make as general improvement.

(b) The period of usefulness of the purpose described in section 1 hereof is not in the limitations of the said Local Bond Law and according to the aggregate reasonable life thereof is five (5) years.

Section 3: All ordinances or parts of ordinances, which are inconsistent with the terms of this ordinance, be and the same is hereby-repealed on to the extent of their inconsistency:

Section 4: This ordinance becomes effective immediately upon final passage, approval, and publication as provided by law.

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 2026-10 on second reading, seconded by Alfano. All in favor. Motion carried.

2026-11

An Ordinance of the Township of Hardyston, County of Sussex and State of New Jersey Adopting the 2nd Amendment to the Redevelopment Plan Identified as the Route 94 Redevelopment Plan for Block 16 Lot 8.01 & Block 14 Lot 24.01 in order to expand the permitted used for the Village Center North

WHEREAS, the Mayor and Council of the Township of Hardyston, by Ordinance #2024-09 adopted on August 28, 2024, adopted the Route 94 Redevelopment Plan for Block 16 Lot 8.01 & Block 14 Lot 24.01;

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

WHEREAS, said Redevelopment Plan complied with the requirements of all applicable State and Federal statutes and regulations promulgated thereunder;

WHEREAS, the Mayor and Council of the Township of Hardyston, by Ordinance #2026-07 adopted on March 11, 2026 amended certain portions of the Redevelopment Plan in order to address the requirements for affordable housing;

WHEREAS, it has become necessary to amend the redevelopment plan further;

WHEREAS, the Joint Land Use Board of the Township of Hardyston has submitted to the Mayor and Township Council its recommendations regarding the amendments to the Redevelopment Plan for the Area and the Mayor and Township Council duly considered the Joint Land Use Board's recommendations concerning same;

WHEREAS, the Township Council of the Township of Hardyston, as the Redevelopment Entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., has reviewed and considered the recommended amendments to the Redevelopment Plan from the Joint Land Use Board;

WHEREAS, the Township Council of the Township of Hardyston, as the Redevelopment Entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., has reviewed the certain proposed amendments to the Redevelopment Plan, approved by the Hardyston Township Joint Land Use Board, and wish to adopt these amendments as referenced in Exhibit "A" to this Ordinance, attached hereto and made a part hereof this Ordinance; and

WHEREAS, the Township Council of the Township of Hardyston has determined that approving the proposed amendments to the Redevelopment Plan will be in the best interest of the residents of the Township of Hardyston; and

NOW THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Hardyston, County of Sussex and State of New Jersey that:

Section 1. That the proposed amendments to the Redevelopment Plan, as referenced in Exhibit "A" to this Ordinance, attached hereto and made a part hereof this Ordinance, hereby are adopted as the 2nd amendment to Ordinance #2024-09; and

Section 2. It is hereby found and determined that the Amended Redevelopment Plan conforms to the Master Plan of the Township of Hardyston;

Section 3. It is hereby found and determined that the Amended Redevelopment Plan gives due consideration of the provision of appropriate allowable uses of the areas as is desirable for mixed use residential development, with special consideration for the health, safety and welfare of the residents of the area and the Township of Hardyston;

Section 4. It is hereby found and determined that the amendments to the Redevelopment Plan will afford maximum opportunity, consistent with the sound needs of the locality as a whole, for the redevelopment of the area;

Section 5. In order to facilitate the implementation of the Redevelopment Plan and the amendments thereto, it is hereby found and determined that this action must be taken by this Township Council to amend this Section of the Redevelopment Plan in order to facilitate the rehabilitation and redevelopment of the property;

Section 6. Development activity pursuant to the Redevelopment Plan and its amendments shall only be related to the area and any analysis of surrounding area contained in the Redevelopment Plan and its amendments shall not be construed to mean that the Township of Hardyston intends to develop such surrounding areas.

Section 7. The Redevelopment Plan for the area and its amendments, having been duly reviewed and considered, is hereby approved, and the Township Clerk is hereby directed to file a copy of the Redevelopment Plan with the minutes of this meeting.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

Section 8. All Ordinances contrary to the provisions of this section of the Ordinance are hereby repealed to the extent that they are inconsistent herewith.

Section 9. This Ordinance shall take effect upon final passage and publication in accordance with law.

**Amendment #2 to Route 94 Redevelopment Plan
for Block 16 Lot 8.01 & Block 14 Lot 24.01
Hardyston Township
Sussex County, New Jersey**

**Prepared by
Carrine Piccolo-Kaufer, P.P.
Township Planner
NJ PP LICENSE #33LI00613500**

(Addition of text in bold; deletion noted in strikethrough)

Section 1. Amend Section 185-20, Permitted Uses to read as follows:

§ 185-120 Permitted uses.

A. The following uses shall be permitted in the Mixed-Used Village Center zone located in Village Center South and **Village Center North**:

- (1) Retail sales and services (exclusive of auto-related uses);
- (2) Restaurants and eating establishments (including curbside pickup and outdoor dining);
- (3) Banks and financial institutions;
- (4) Theatres;
- (5) Health clubs, spas, saunas, wellness centers;
- (6) Urgent-care centers and surgical centers (nonretail uses);
- (7) Offices;
- (8) Indoor recreational uses and clubhouses (exclusive of adult entertainment uses);
- (9) Pubs, taverns, bars, brew pubs, breweries, distilleries, wineries including retail sales and tasting;
- (10) Art schools and cooking schools;
- (11) Hotels;
- (12) Resort recreation activities both indoor and outdoor including, but not limited to axe throwing, zip lines, indoor and outdoor pools and water parks, pickle ball, paddle tennis and tennis, mini-golf, and arcades; and
- (13) Recording studios.
- (14) Long-term resident care
- (15) Resort Oriented Housing to include; single-family detached dwellings, single-family detached dwellings with zero-lot-lines, single-family attached (duplex) dwellings with zero-lot-lines, townhouse dwelling units, multilevel housing units, multistory, common entrance condominium buildings, and age-restricted housing;
- (16) Multi-family; including multi-story, common-entrance apartment buildings
- (17) Short-term rentals ~~in the Mixed-Use Village Center South Zone.~~
- (18) Public and quasi- public uses such as museums or civic space;
- (19) Hotel condominiums only if operated in connection with a full-service hotel developed in the village center;
- (20) Low and moderate affordable housing, affordable units may be located on the ground level provided they do not front on Main Street;
- (21) Meeting rooms and conference facilities;
- (22) Golf villa units;
- (23) Mixed-use with nonresidential uses on the ground level and residential uses above.

~~B. The following uses shall be permitted in the Village Center North:~~

- ~~(1) Resort Oriented Housing to include; single-family detached dwellings, single-family detached dwellings with zero-lot-lines, single-family attached (duplex) dwellings with zero-lot-lines, townhouse dwelling units, multilevel housing units, multistory, common entrance condominium buildings, and age-restricted housing;~~
- ~~(2) Multi-family; including multi-story, common-entrance apartment buildings.~~

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

Section 2. Amend Section 185-21, Additional standards and accessory uses to read as follows:
§ 185-121 Additional standards and accessory uses.

A. The following accessory uses shall be permitted in the Mixed-Use Village Center zone located in Village Center South **and Village Center North**:

- (1) Parking;
- (2) Signage;
- (3) Outdoor dining;
- (4) Public spaces/plazas/open space;
- (5) Merry-go-rounds;
- (6) Miniature trains;
- (7) Glockenspiels;
- (8) Amphitheaters;
- (9) Holiday markets, festivals and events;
- (10) Farmers markets and petting zoos;
- (11) Outdoor recreation classes, i.e., Goat Yoga;
- (12) Hiking paths, activity trails; Bandstands, gazebos, outdoor pavilions; and
- (13) Other accessory uses and structures customary and incidental to the principal permitted uses.

~~B. The following accessory uses shall be permitted in Village Center North:~~

- ~~(1) Parking;~~
- ~~(2) Signage;~~
- ~~(3) Public spaces/plazas/open space;~~
- ~~(4) Hiking paths, activity trails, bandstands, gazebos, outdoor pavilions; and~~
- ~~(5) Other accessory uses and structures customary and incidental to the principal permitted uses.~~

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 Alfano to approve Ordinance 2026-11 on second reading, seconded by Miller. 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. 250th Celebration
- G. Power Outage – Crystal Springs

NEW BUSINESS:

A. Tax Collector Resolutions

1. Resolution #46-26 – Estimated Tax Bills

RESOLUTION #46 -26

WHEREAS, N.J.S.A 54:4-66.2 allows for a governing body of a municipality operating on the calendar fiscal year to use an estimated 3rd quarter tax bill if it is determined that the tax collector will be unable to complete the mailing or delivery of tax bills by June 14 provided that the estimated and reconciled tax bills shall be mailed by June 30 and September 30 respectively, and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

WHEREAS, it is anticipated that the Township Tax Collector will not be in receipt of a certified tax rate in enough time to be able to complete the mailing and delivery of real property tax bills by June 14, 2026 as is required by law; and

WHEREAS, the Tax Collector and the Chief Financial Officer have requested that the Council provide them with the latitude to submit estimated 3rd quarter real property tax bills in the event that they do not timely receive a certified tax rate, which would allow the Tax Collector to complete the mailing and delivery of real property tax bills by June 30, 2026; and

WHEREAS, the Chief Financial Officer, in consultation with the Tax Collector has computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3 and they have both signed a certification showing the tax levy for the previous year, and the range of permitted estimated tax levies; and

WHEREAS, in accordance with Chapter 72, P.L. 1994, the Tax Collector requests the Council approve the estimated tax levy of \$36,402,872.23 at a tax rate of 1.8998; and

WHEREAS, the above levy and rate have been calculated on a worksheet that is attached hereto and made a part hereof by reference; and

WHEREAS, the above levy amount falls between the mandated estimated range required by N.J.S.A. 54:4-66.3(a)(1) and approval will enable the Township to meet its financial obligations; maintain the tax collection rate; provide uniformity for tax payments; and save the unnecessary cost of interest expenses on borrowing.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Township of Hardyston, as follows:

1. The Tax Collector of the Township of Hardyston is hereby authorized and directed to prepare and issue estimated tax bills for the Township of Hardyston for the third installment of 2026.
2. The entire estimated tax levy for 2026 is hereby set \$36,402,872.23. The estimated tax rate for 2026 is hereby set at \$ 1.8998.
3. In accordance with applicable law, the third quarter installment of 2026 taxes (whether estimated or not) shall not be subject to interest until the later of August 10th or the twenty-fifth calendar day after the date the estimated bills were mailed.

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

- B. Resolution #47-26 – Resolution accepting a Letter of Credit in the amount of \$65,880.00 and a cash bond in the amount of \$7,320.00 from Balmoral Development, LLC for Balmoral Estates Phase III

RESOLUTION #47-26

RESOLUTION ACCEPTING A LETTER OF CREDIT IN THE AMOUNT OF \$65,880.00 AND A CASH BOND IN THE AMOUNT OF \$7,320.00 FROM BALMORAL DEVELOPMENT, LLC FOR BALMORAL ESTATES PHASE III

WHEREAS, the Hardyston Township Land Use Board granted approval to Balmoral Development, LLC for Balmoral Estates, Phase III; and

WHEREAS, as a condition of said approval of Balmoral Estates, Phase III, Balmoral Development, LLC was required to post a performance guarantee with the Township of Hardyston for the said site in the amount of \$73,200.00 and;

WHEREAS, Balmoral Development, LLC has submitted to the Municipal Clerk an Irrevocable Letter of Credit in the amount of \$65,880.00, and a cash bond in the amount of \$7,320.00; and

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

WHEREAS, the letter of credit has been reviewed and approved as to form by the Township Attorney and Township Engineer.

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Hardyston that it hereby accepts the above stated bonds from Balmoral Development, LLC for Balmoral Estates, Phase III as performance securities required by the Hardyston Township Land Use Board.

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

C. Resolution #48-26 – Resolution Appointing Electrical Sub-Code Official

RESOLUTION #48-26

**RESOLUTION APPOINTING
ELECTRICAL SUB-CODE OFFICIAL**

WHEREAS, the Township’s current Electrical Sub-Code Official, Andrew Simonis has resigned from his position effective May 20, 2026 creating the need to fill the vacant position;
and

WHEREAS, Patrick Murphy is an experienced subcode official/inspector with twenty-plus years of experience in code enforcement as an electrical sub-code official/inspector, fire sub-code official/inspector, building inspector, and mechanical inspector; and

WHEREAS, he is licensed and eligible for appointment as an electrical sub-code official to the satisfaction of the Hardyston Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston that Patrick Murphy be appointed to the permanent position of Electrical Sub-Code Official for the term June 1, 2026 through June 30, 2030.

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

D. Resolution #49-26 – Resolution Appointing Plumbing Sub-Code Official

RESOLUTION #49-26

RESOLUTION APPOINTING A PLUMBING SUB-CODE OFFICIAL

WHEREAS, David Hammerle was appointed to the position of Plumbing Sub-Code Official for the Township of Hardyston effective July 1, 2022; and

WHEREAS, he continues to be licensed and eligible for appointment as a sub-code official and has performed his duties to the satisfaction of the Hardyston Township Council.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Hardyston that David Hammerle be re-appointed to the position of Plumbing Sub-Code Official for the term July 1, 2026 through June 30, 2030.

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

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

- E. Resolution #50-26 – Resolution Adopting Code of Conduct For Use Of Athletic Fields By Youth Sports Programs

RESOLUTION #50-26

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, AND STATE OF NEW JERSEY, ADOPTING A CODE OF CONDUCT FOR USE OF THE TOWNSHIP ATHLETIC FIELDS BY YOUTH SPORTS PROGRAMS

WHEREAS, the Township of Hardyston has long hosted youth sports events, games, and programming at the Township’s athletic fields (“Youth Sports Events” or the “Events”); and

WHEREAS, as host of these Youth Sports Events, the Township wishes to ensure that the participants and attendees of the Events adhere to certain principals and standards of good sportsmanship; and

WHEREAS, the Mayor and Township Council of the Township of Hardyston have determined that it is in the best interest of the health, safety, and welfare of all participants and attendees of these Youth Sports Events that the Township create a code of conduct (the “Code of Conduct”) to be promulgated by the youth sports leagues and organizations holding such Events, and to be honored by all users of the Township’s athletic fields -- parents/guardians, coaches, officials, spectators, and others-- in connection with such Events; and

WHEREAS, the Mayor and Township Council have consulted the Director of the Township’s Recreation Department concerning the contents and purpose of this Code of Conduct; and

WHEREAS, the Mayor and Township Council are satisfied that that the version of the Code of Conduct attached hereto will further their objective of promoting the principals and standards of good sportsmanship in connection with Youth Sports Events.

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 attached ‘Code of Conduct for Use of Athletic Fields by Youth Sports Programs’ is hereby adopted.

This Resolution shall take effect immediately upon adoption.

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

- F. Board Appointment

A motion was made by Alfano to appoint Tracy Bauer to the Recreation Committee with a term expiring 12/31/26, seconded by Kaminski. All in favor. Motion carried.

- G. Immaculate Conception Cemetery Minor Subdivision (Block 62, Lot 19) – Fee Waiver Request

The Council received a letter submitted by Cynthia Collins, the attorney representing Immaculate Conception Parish, requesting a waiver of land use application fees associated with a minor subdivision application submitted for Immaculate Conception Cemetery, Block 62, Lot 19. A motion was made by Cicerale to grant 100% waiver of the application fees conditioned upon all required escrow accounts being properly funded and maintained to ensure payment of all applicable professional review fees, seconded by Miller. All in favor. Motion carried.

- H. Correspondence

1. Vernon Township
2. Vernon Township
3. Vernon Township
4. Vernon Township
5. Hampton Township
6. Montague Township
7. Sparta Township
8. Fredon Township

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

9. Wantage Township
10. Sandyston Township
11. Sandyston Township
12. Sandyston Township
13. County of Sussex
14. Sussex County Planning Board
15. State of NJ
16. State of NJ
17. State of NJ
18. Van Cleef Engineering

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

COUNCIL COMMENTS: Deputy Mayor Alfano thanked the Hardyston Township Fire Department and the Hardyston Township Police Department for their assistance and for keeping everyone safe during the recent power outage in Crystal Springs.

Councilman Cicerale inquired as to the status of a fee schedule for use of the sports fields by the various sports groups. He also suggested displaying pictures of the Hardystonite on a display board in the Municipal Building lobby while the display case is being constructed.

BILLS TO BE PAID: A motion was made by Kaminski to approve the bill list of 5/13/26 in the amount of \$2,296,959.22 which includes payroll for pay-period ending 4/30/26, and the bill list of 5/27/26 in the amount of \$717,150.20 which includes payroll for pay-period ending 5/15/26 and 5/30/26 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. A Hamburg Borough resident expressed his opposition to having data centers in Hardyston Township. Resident Aaron Simmons thanked the Council for correcting the speed limit sign on Silver Grove Road. Resident Laurel Schnurr asked where the ordinance prohibiting data centers would be posted. Robert Boyle of Planet Networks asked for clarification on the definition of data centers. A motion was made and seconded to close the meeting to the public. All in favor. Motion carried.

EXECUTIVE SESSION:

BE IT RESOLVED by the Township Council of the Township of Hardyston on the 27th day of May, 2026, that:

1. Prior to the conclusion of this **Regular Meeting**, the Township Council shall meet in Executive Session, from which the public shall be excluded, to discuss matters as permitted pursuant to N.J.S.A. 10:4-12, sub-section (s):
 - () b. (1) Confidential or excluded matters, by express provision of Federal law or State statute or rule of court.
 - () b. (2) A matter in which the release of information would impair a right to receive funds from the Government of the United States.
 - () b. (3) Material the disclosure of which constitutes an unwarranted invasion of individual privacy.
 - () b. (4) A collective bargaining agreement including negotiations.
 - () b. (5) Purchase, lease or acquisition of real property, setting of banking rates or investment of public funds, where it could adversely affect the public interest if disclosed.
 - () b. (6) Tactics and techniques utilized in protecting the safety and property of the public, if disclosure could impair such protection. Investigation of violations of the law.
 - (X) b. (7) Pending or anticipated litigation or contract negotiations other than in subsection b. (4) herein or matters falling within the attorney-client privilege.
- 2.

MINUTES OF THE HARDYSTON TOWNSHIP COUNCIL MEETING HELD ON MAY 27, 2026

() b. (8) Personnel matters.

() b. (9) Deliberations after a public hearing that may result in penalties.

3. The time when the matter(s) discussed pursuant to Paragraph 1 hereof can be disclosed to the public is as soon as practicable after final resolution of the aforesaid matter(s).

Motion to adopt: Kaminski
Seconded by: Alfano

MOTION	YES	NO	ABSTAIN	ABSENT
Kula	x			
Miller	x			
Kaminski	x			
Cicerale	x			
Alfano	x			

A motion was made by Kaminski to come out of Executive Session, seconded by Alfano. All in favor. Motion carried.

ADJOURNMENT: A motion was made by Miller to adjourn at approximately 9:11 p.m., seconded by Alfano. All in favor. Motion carried.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk