

FILED

February 9, 2026

ORDER PREPARED BY THE COURT

SOMERSET COUNTY SUPERIOR COURT  
WILLIAM G. MENNEN, J.S.C.

IN THE MATTER OF THE  
DECLARATORY JUDGMENT  
ACTION OF THE TOWNSHIP OF  
CLINTON, HUNTERDON COUNTY  
PURSUANT TO P.L. 2024, CHAPTER  
2 (N.J.S.A. 52:27D-304.1, et seq.),

Petitioner.

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
HUNTERDON COUNTY

Docket No.: HNT-L-49-25

CIVIL ACTION  
(Mount Laurel)

**AMENDED ORDER APPOINTING A  
SPECIAL ADJUDICATOR AND  
PROVIDING FOR THE PAYMENT OF  
THE SPECIAL ADJUDICATOR FEES**

**\*\* THIS AMENDED ORDER IS ISSUED FOR THE SOLE PURPOSE OF CHANGING  
THE SPECIAL ADJUDICATOR \*\***

**THIS MATTER**, having come before the Court on referral from and recommendation issued by the Affordable Housing Dispute Resolution Program (“Program”), pursuant to the Complaint for Declaratory Judgment filed on January 29, 2025 (“DJ Complaint”) by the Petitioner, **TOWNSHIP OF CLINTON** (“Petitioner” or “Municipality” or “Township”), pursuant to N.J.S.A. 52:27D-304.2, -304.3, and -304.1(f)(1)(c) of the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301, *et seq.* (collectively, the “FHA”), and in accordance with Section II.A of Administrative Directive #14-24 (“Directive #14-24”) of the “Program”, seeking a certification of compliance with the FHA; and

**WHEREAS**, on February 9, 2026, the Court entered an **AMENDED** Decision and Order finding the Town’s Housing Element and Fair Share Plan (“HEFSP”) not presently compliant but further ordering that settlement negotiations continue under the jurisdiction of the Court; and

**WHEREAS**, in its February 9, 2026 **AMENDED** Order, the Court appointed Francis J.

Banisch, III, PP, AICP, as the Special Adjudicator (“Special Adjudicator”) in this matter to assist the parties in further negotiations and further ordered that any fees incurred by the Special Adjudicator shall be divided equally between the Municipality and all remaining Challengers (as same are defined in said February 9, 2026 Amended Order), except that Fair Share Housing Center (“FSHC”) shall not be required to pay a share of such fees; and

**WHEREAS**, the Court now wishes to confirm and clarify the appointment of the Special Adjudicator and specify the fees, duties, and responsibilities of said appointment.

**NOW THEREFORE, IT IS** on this 9<sup>th</sup> day of February 2026, **ORDERED** as follows:

1. the Court hereby appoints **Francis J. Banisch, III PP, AICP** of the firm of Banisch Associates, Inc., 111 Main Street, Flemington, New Jersey 08922, Tel. (908) 782-0835, frankbanisch@banisch.com, to serve as the Court-Appointed Special Adjudicator at the hourly rate of \$350.00.

2. As per the Court’s February 9, 2026 Amended Order in this matter, any fees incurred by the Special Adjudicator shall be divided equally between the Municipality and all remaining Challengers, except that FSHC shall not be required to pay a share of such fees. The Municipality shall be responsible for 50% of said fees and the remaining (non-FSHC) Challengers shall be collectively responsible for the remaining 50% on a pro-rata basis. Each Challenger other than FSHC shall place an initial sum of \$2,000 in an escrow account to be established for this purpose by the Municipality. The Special Adjudicator shall submit bills on a monthly basis to the Municipality. The Special Adjudicator’s bills shall be paid within thirty days of receipt. The Municipality shall be charged with billing and collecting any monies due from the Challengers. If any Challenger fails to pay his, her or its share, the Municipality may enforce this Order on Motion

to the Court pursuant to R. 1:10-3. As part of any Motion, the Court shall have discretion to award counsel fees, if appropriate.

3. Should any party contest any of the Special Adjudicator's charges, it shall notify the Special Adjudicator, in writing, and attempt to resolve the dispute. If the disagreement cannot be resolved amicably, the matter may be brought before the Court for resolution.

4. The Municipality may use funds from its affordable housing trust fund for its portion of the cost of the Special Adjudicator.

5. In order to advise the Court with regard to matters involving the Township's planning and compliance with the Mt. Laurel doctrine, and its formulation and adoption of its Fourth Round HE/FSP within the limited time period established by this Court's February 9, 2026 Amended Order, the Special Adjudicator shall be charged with the responsibility to review the Municipality's submissions and any objections or comments provided by any Challengers and interested parties, if any, and provide the Municipality the opportunity to address any concerns that the Special Adjudicator may have with any of its submissions. The Special Adjudicator shall conduct mediation sessions with the parties as he/she deems appropriate in his/her discretion. The purpose of said mediation is, on the Court's behalf, to assist the parties in the Township's formulation and adoption of its Fourth Round HEFSP within the limited time period established by this Court's February 4, 2026 Amended Order.

6. The Special Adjudicator may communicate directly with the Court as either he/she or the Court deems appropriate. At a minimum, the Court expects periodic updates at case management conferences to be scheduled as this matter proceeds. Nothing herein, however, shall preclude the Court from requesting more frequent updates.

7. The Special Adjudicator shall, to the extent practicable and in his/her professional judgment, include all parties in substantive discussions regarding the plan elements and the Special Adjudicator's recommendations.

8. As a general matter, the Special Adjudicator is authorized to address all relevant issues, to take any reasonable and appropriate measures to assist the parties and the Court in resolving issues pertaining to the Townships constitutional compliance with its Mt. Laurel obligations for the Fourth Round housing cycle, to meet with any and all parties involved in this matter jointly and/or *ex parte*, and carry out the functions of the Special Adjudicator in the capacities defined herein, and such others that the Court may deem appropriate

9. The Municipality and Challengers are expected to engage fully and vigorously with the Special Adjudicator in furtherance of the goal of resolving issues pertaining to the Municipality's constitutional compliance with its Mt. Laurel obligations and the timely formulation and adoption of its Fourth Round HEFSP. Failure to so engage shall be reported to the Court by the Special Adjudicator and thereafter addressed at a Case Management Conference before the Court.

10. The Special Adjudicator shall ultimately issue a written report with respect to the status and progress of the Township's formulation of its fourth Round HEFSP by June 15, 2026 so as to permit the Court to schedule, as necessary, a HEFSP Confirmation Hearing (or, if and as may later be determined necessary by this Court, a Fairness and/or Compliance Hearing) to consider approval of the Municipality's Amended HEFSP and the issuance of an unconditional Certification of Compliance and Repose as contemplated by Paragraph 6 of the Court's February 9, 2026 Amended Order.

11. A copy of this Order shall be deemed served on the Petitioner, Petitioner's counsel, and counsel for all Challengers upon its posting by the Court to the eCourts case jacket for this matter pursuant to R. 1:5-1(a) and R. 1:32-2A.

SO ORDERED:



**HON. WILLIAM G. MENNEN, J.S.C.**  
*Designated Mt. Laurel Judge – Vicinage XIII*