TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 18-227

AUTHORIZING EXECUTION OF A FINAL SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER FOR THE SETTLEMENT OF THE DECLARATORY JUDGMENT ACTION TO ESTABLISH THE TOWNSHIP'S THIRD ROUND AFFORDABLE HOUSING OBLIGATION

WHEREAS, the Township Committee of the Township of Upper Deerfield has authorized the filing of litigation in the nature of a declaratory judgment seeking to have its third round obligation for providing a realistic opportunity for affordable housing established, and

WHEREAS, the said litigation was filed in the Superior Court of New Jersey and is known as In the Matter of the Application of the Township of Upper Deerfield for a Judgment of Compliance, under docket number CUM-L-17-17, and

WHEREAS the Township has been actively engaged in settlement discussions with the Fair Share Housing Center ("FSHC") which is the primary entity involved in such matters seeking to provide affordable housing within the state, and

WHEREAS settlement discussions, with the help of the Court's Special Master, have reached a stage where the Township and FSHC have reached agreement on the number of affordable units for the third round obligation and the proposed method that the Township intends to use to satisfy that obligation, including potential rezoning of certain areas within the Township in order to provide a realistic opportunity to provide such housing, and

WHEREAS the number of needed affordable housing units tentatively agreed upon is 280 affordable units exclusive of any existing credits, and the properties involved in potential rezoning in order to provide such units are identified as portions of the following lots: Block 1901, lots 15, 15.03 and 16; Block 1808, lots 2, 3, 4, 16, 17 & 19; and Block 1208, lot 1.02, and

WHEREAS the Township and FSHC, in order to proceed further to finalize a settlement, and present same to the Court for approval at a "Fairness Hearing" on December 18, 2018, require that the Township adopt a resolution authorizing execution of the final settlement agreement which has been negotiated that reflects the above terms, and

WHEREAS, the Township Committee has reviewed the proposed final settlement agreement, has obtained advice from counsel regarding its contents and effect and determined that the aforementioned proposed settlement agreement is fair and reasonable under the circumstances and is in the best interests of the Township.

NOW THEREFORE BE IT RESOLVED as follows:

1. The terms of the aforementioned proposed final settlement agreement negotiated by and between counsel for the Township and the Fair Share Housing Center with respect to the

affordable housing litigation are acceptable to the Township and approved based on the number of units agreed upon (280 units exclusive of credits to be applied) and the proposed properties to be rezoned as stated above, and

2. The Mayor is hereby authorized to execute the detailed formal settlement agreement with FSHC based on the above referenced terms and present the executed agreement to the Superior Court for a fairness hearing which is scheduled to be conducted on December 18, 2018.

Moved By: Bruce T. Peterson

Seconded By: John T. O'Neill, Sr.

VOTING	In Favor	Against	Abstain	Absent
James P. Crilley	X			
John L. Daddario	X			
John T. O'Neill, Sr	X			
Bruce T. Peterson	X			
Scott Smith	X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held November 1, 2018.

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Roy J. Spoltore, Township Clerk