

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

RESOLUTION No. 2019-179

A motion was made by Mayor McEvoy; seconded by Councilwoman McGrath that the following resolution be adopted:

**AUTHORIZING THE EXECUTION OF AN AMENDED SETTLEMENT
AGREEMENT WITH SPECTRUM 360 WITH REGARD TO DOCKET NO.
ESX-L-4773-15**

WHEREAS, the Township of Verona (the "Township") has historically participated in the administrative affordable housing compliance process overseen by the New Jersey Council on Affordable Housing ("COAH"), and has received substantive certification for the Prior Round (1987-1999); and

WHEREAS, since 1999, COAH has failed to adopt constitutionally compliant Third Round Rules that have withstood judicial scrutiny; and

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued a decision in the case entitled In re Adoption of N.J.A.C. 5:96 and 5:97 ex rel. New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), whereby the Court terminated COAH's jurisdiction to administer and approve municipalities' affordable housing plans, determined that trial courts would reassert primary jurisdiction over the same, and directed interested municipalities to petition the Court for immunity while constitutionally compliant housing plans were prepared; and

WHEREAS, in compliance with the New Jersey Supreme Court decision in In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 7, 2015, the Township filed an action with the Superior Court of New Jersey, entitled In the Matter of the Application of the Township of Verona, a municipal corporation of the State of New Jersey, Docket No. ESX-L-4773-15 (the "Township's DJ Action"), seeking a Judgment of Compliance and Repose approving its Fair Share Plan, in addition to related reliefs; and

WHEREAS, by Order dated May 12, 2017, SPECTRUM 360, LLC ("Spectrum" and, collectively with the Township, the "Parties"), a non-profit entity that operates schools and serves children, adolescents, young adults, and adults on the autism spectrum and with behavioral and related disabilities, was granted leave to intervene in the DJ Action as an interested party owning certain property located in the Township commonly known as One Sunset Avenue and otherwise designated as Block 13, Lot 4 on the Township's official Tax Map (the "Property"); and

WHEREAS, the Property consists of approximately eight (8) acres, with approximately 5.5 acres situated in the Township and the remaining approximate 2.5 acres located in the Township of Montclair; and

WHEREAS, Spectrum currently utilizes the Property as a campus for its Lower School and has a need to expand the Lower School to develop a career education/vocational wing for older students, but lacks adequate space on the Property for the planned expansion; and

WHEREAS, given Spectrum's inability to expand its existing Lower School on the Property, it desires to sell the Property for a developer who will develop the Property; and


WHEREAS, the Township and Spectrum wish to amend the Settlement Agreement, dated as of May 31, 2019, to memorialize general terms for the development of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey hereby authorizes the Township Manager and the Township Clerk to execute the First Amended and Restated Settlement Agreement with Spectrum 360 attached hereto as Exhibit A with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township's redevelopment counsel, planning consultant and other professionals.

ROLL CALL:

AYES: McGrath, Giblin, Ryan, Roman, McEvoy
NAYS:

THIS IS TO CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF A RESOLUTION ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF VERONA AT THE REGULAR MEETING HELD ON NOVEMBER 18, 2019.


JENNIFER KIERNAN
MUNICIPAL CLERK

