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February 11, 2019

Via Facsimile (973-857-8551)

Mayor and Township Council of the Township of Verona
c/o Jennifer Kiernan, Municipal Clerk
Verona Town Hall
600 Bloomfield Avenue
Verona, New Jersey 07044

**Re: In the Matter of the Township of Verona
Docket No.: ESX-L-4773-15**

Dear Mayor Ryan and Council Members:

This firm represents Defendant-Intervenor, Spectrum360, LLC (“Spectrum”), in the affordable housing declaratory judgment action filed by the Township of Verona (the “Township”). As you know, Spectrum¹ is a non-profit entity that operates two schools and serves children, young adults, and adults with behavioral and related disabilities, primarily autism. Spectrum’s lower school is located at One Sunset Avenue, Verona, New Jersey (the “Property”). The children served by Spectrum at its Verona facility are mostly extreme cases. Spectrum’s Verona property is tax exempt. Spectrum’s participation in the Township’s declaratory judgment action is unfortunately connected to an unsettling phenomenon; that is, the skyrocketing rates of children in New Jersey that are affected by autism² and the lack of much needed facilities to provide appropriate educational and vocational training. Indeed, Spectrum’s existing lower school in the Township can no longer adequately serve the needs of its student

¹ Until it underwent a name change effective July 1, 2016, Spectrum was known as The Children’s Institute.

² CHRISTENSEN DL, BAIO J, BRAUN KV, ET AL. *Prevalence and Characteristics of Autism Spectrum Disorder Among Children Aged 8 Years — Autism and Developmental Disabilities Monitoring Network, 11 Sites, United States, 2012*. MMWR Surveill Summ 2016;65(No. SS-3)(No. SS-3):1–23.

DOI: <http://dx.doi.org/10.15585/mmwr.ss6503a1> (This report, prepared by the Centers for Disease Control and Prevention, indicates that New Jersey, once again, leads the nation with the highest percentage of children affected by autism.)

population. As such, Spectrum must relocate to a new campus in order to better provide its students with the high-level of service and care for which it is renowned.

As you also know, Spectrum attempted to expand its Verona facility about a decade ago, but met fierce opposition from residents in the Afterglow section of town, resulting in a denial. In order for Spectrum to fulfill its mission of providing educational services to this most afflicted class of children, Spectrum must sell its Verona property and transition to a new campus.

Following its intervention in this matter, Spectrum engaged in several constructive and amicable negotiations with the Township. At said meetings, it was clear that Verona representatives were well aware of past opposition to Spectrum's plans by residents in the Afterglow section of town. However, Verona's representatives gave firm and repeated assurances that such opposition would not impact Verona's decision to include the Spectrum site in Verona's Housing Element and Fair Share Plan. After several iterations of a concept plan design working with Spectrum's consultant, there was agreement on a general concept plan. On October 1, 2018, the Township Council adopted Resolution 2018-136, which authorized the settlement and execution of a memorandum of understanding with Spectrum. This settlement called for a rezoning of Spectrum's property through the redevelopment process to permit a six-story building including parking, which would accommodate approximately 300 residential units with a twenty percent (20%) affordable set-aside (the "Project").

As we told representatives of Verona, Spectrum needed to identify a developer who could work with Verona to agree on a specific project that we all knew would be constructed on the site. As Verona is aware, Spectrum engaged a broker who marketed the property. As you know, over seventy (70) developers expressed interest in the property. Recently, Spectrum selected a developer who has recently met with Verona representatives to agree on a specific plan.

The Township's Planner prepared an area in need study which recommended that Spectrum's property be deemed a non-condemnation area in need of redevelopment as it met at least two of the relevant statutory criteria. On January 31, 2019, the Township's Planning Board conducted a public hearing on said study. We understand that, during the meeting, Township residents objected to the redevelopment designation of the site, although no contrary expert evidence was provided to the Planning Board. Unfortunately, and notwithstanding the professional recommendations of the Township's planner, the Planning Board ultimately voted against the area in need designation by 4 to 3.

We were shocked and dismayed to learn last Friday that the Township Council is now considering the adoption of a resolution to rescind the settlement it previously authorized with Spectrum. **Please be advised that the Township has, on several occasions in writing and verbally, assured the Court that it had reached settlement with Spectrum consistent with**

the terms above and, further, that Spectrum's property was an integral component of the Township's affordable housing plan. Indeed, when the owner of the Kruvant property filed a motion to revoke the Township's immunity from builder's remedy actions, the Township requested and received Spectrum's support in defending the Township from said motion. This support was premised on the Township's inclusion of Spectrum's property in its affordable housing plan and its good faith adherence to the settlement it previously authorized.

In light of the foregoing, we urge the Township Council to vote against the resolution rescinding the settlement with Spectrum. A vote in favor of the resolution rescinding settlement would be the epitome of bad faith and unfair dealing.

As noted earlier, Spectrum provides much needed education and vocational training to one of the most underserved populations in the State of New Jersey. The settlement permits Spectrum to continue providing the high level of care to its students and, further, also provides crucial housing opportunities for low-income households in the region. Please take notice that we will attend tonight's Council meeting to speak at the public portion of the meeting. Furthermore, in light of the importance of this matter, we request an opportunity to be heard in public session **prior to** the Township Council's vote on this resolution. Please enter this correspondence in the record and distribute it to all Council members in advance of the meeting.

Respectfully submitted,

/s/ John P. Inglesino

JOHN P. INGLESINO

JPI/dwo

cc: Brian J. Aloia, Esq. (via electronic mail)
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