

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

RESOLUTION No. 2021-046

A motion was made by Deputy Mayor Roman; seconded by Councilman Ryan that the following resolution be adopted:

**AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT
WITH FAIR SHARE HOUSING CENTER WITH REGARD
TO DOCKET NO. ESX-L-4773-15**

WHEREAS, the Township filed a Complaint for Declaratory Judgment on July 2, 2015, in the Superior Court of New Jersey in a Mount Laurel litigation that was consolidated into the matter which became known as "In All Declaratory Judgment Actions Filed by Various Municipalities, County of Essex, Pursuant to the Supreme Court's Decision in In Re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015)," Docket No. ESX-L-4773-15 (the "DJ Action"); and

WHEREAS, in the DJ Action, the Township sought a declaration from the Court that its Zoning Code and Housing Element are constitutionally compliant with the Court's Mount Laurel Doctrine and a judgment of compliance and a judgment of repose that would protect the Township from Builders' Remedy lawsuits; and

WHEREAS, Fair Share Housing Center (FSHC) is a Supreme Court-designated interested party in this matter in accordance with In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015)(Mount Laurel IV);

WHEREAS, through the declaratory judgment process, the Township and FSHC agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review, recognizing that the settlement of Mount Laurel litigation is favored because it avoids delays and the expense of trial and results more quickly in the construction of homes for lower-income households.

WHEREAS, the Township and FSHC desire to memorialize the terms and conditions of the settlement in the form of an agreement (the "Settlement Agreement").

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Verona, in the County of Essex, New Jersey as follows:

1. The preamble to this Resolution is hereby incorporated as if more fully set forth herein.
2. The Township Manager and the Township Clerk are hereby authorized to execute the Settlement Agreement, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Township Manager deems appropriate in consultation with the Township Attorney, the Township's affordable housing counsel, bond counsel, financial consultant and other professionals.
3. This resolution shall take effect immediately.

ROLL CALL:

AYES: McGrath, Roman, Ryan, Roman

NAYS:

ABSTAIN: McEvoy

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 MARCH 8, 2021.


JENNIFER KIERNAN
MUNICIPAL CLERK

