

RESOLUTION 2017 - 379

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVING THE SUPPLEMENTAL AGREEMENT TO THE APRIL 20, 2017 SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER, 1111 WEST BAY AND NAUTILUS, LLC AND COMPASS POINT THEREBY RESOLVING LITIGATION VENUED IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, OCEAN COUNTY, DOCKET NO. OCN-L-1865-15

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”) on behalf of the Township residents and taxpayers, has been involved in extensive and ongoing litigation venued in the Superior Court of New Jersey, Law Division, Ocean County, Docket No. OCN-L-1865-15 (hereinafter referred to as the “litigation”); and

WHEREAS, the litigation is as a result of a recent decision of the New Jersey Supreme Court entitled, “In re N.J.A.C. 5:96 and 5:97, cited at 221 N.J. 1 (2015)” (hereinafter referred to as “Mount Laurel IV”); and

WHEREAS, extensive negotiations have been undertaken by and between representatives of the Township, Fair Share Housing Center (hereinafter referred to as “F.S.H.C.”), 1111 West Bay and Nautilus, LLC (hereinafter referred to as “1111 West Bay”), and Compass Point (hereinafter referred to as “Compass Point”), to provide low and moderate income housing for residents of New Jersey in order to insure that each municipality meets the Constitutional mandate required by Mount Laurel I through Mount Laurel IV, and the New Jersey Fair Housing Act of 1985 (hereinafter referred to as the “Act”); and

WHEREAS, F.S.H.C., 1111 West Bay and Compass Point have been recognized as interested parties in the aforementioned litigation; and

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WHEREAS, the Township instituted suit in order to protect itself from builders remedies on or about June 30, 2015, thereby seeking a declaration of its compliance with the Mount Laurel Doctrine and the Act; and

WHEREAS, F.S.H.C., 1111 West Bay, Compass Point and the Township have participated in consolidated proceedings in which fair share obligations in Ocean County municipalities were to be calculated; and

WHEREAS, prior to that proceeding reaching a conclusion, through extensive negotiations between the Township, F.S.H.C., 1111 West Bay and Compass Point, the parties have agreed to settle the litigation and to present that settlement to the trial court with jurisdiction over this matter to review and approve it; and

WHEREAS, a copy of the Settlement Agreement and the Supplemental Settlement Agreement is on file at the office of the Township Clerk and can be reviewed during normal business hours; and

WHEREAS, the Township finds, based upon recommendations of its Professional Staff, that the Settlement Agreement is in the long term best interests of the Township, its citizens and rate payers inasmuch as it will resolve pending and expensive litigation while allowing the Township to meet its Constitutional obligations to provide, through zoning and other means, adequate and proper housing for low and moderate income persons.

NOW, THEREFORE, BE IT RESOLVED, this 14th day of November, 2017 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts the recommendations of its professional staff and approves the Settlement Agreement and the Amendment thereto as entered into by and between the Township, F.S.H.C., 1111 West Bay and Compass Point. A copy of the

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Agreement is on file at the office of the Township Clerk and can be reviewed by the public during normal business hours.

2. The Township authorizes and directs the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intent of this Resolution.

3. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Albert Bille, Mayor;
- (b) Martin Lisella Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) Philip Caton, P.P./AICP;
- (e) Adam Gordon, Esquire, for Fair Share Housing Center
- (f) John Paul Doyle, Esquire for Compass Point;
- (g) Frank J. Petrino, Esquire for 1111 West Bay; and
- (h) John J. Hess, P.E., P.P.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a regular meeting held on November 14, 2017, a quorum being present and voting in the majority.

MICHELE RIVERS, RMC, Township Clerk

Prepared by:

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