

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2019-068

Council Meeting Date: 02-25-2019

Date Adopted: 02-25-2019

TITLE: RESOLUTION OF THE BOROUGH OF NEW PROVIDENCE
AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT IN THE
AFFORDABLE HOUSING DECLARATORY JUDGMENT ACTION

Councilperson Cumiskey submitted the following resolution, which was duly seconded by Councilperson Muñoz.

BE IT RESOLVED, by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey, as follows:

WHEREAS, the Borough of New Providence (hereinafter "Borough") filed a Complaint on or about July 7, 2015 seeking a declaration of its compliance with the Mount Laurel Doctrine and Fair Housing Act of 1987, N.J.S.A. 53:27D-301, et seq., in accordance with In re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015); and

WHEREAS, after extended negotiations with Fair Share Housing Corporation ("FSHC"), with the participation of a Court-appointed special master, the Borough and FSHC had agreed to settle litigation in 2016, as set forth in Resolution 2016-349, which was approved by the Court by an Order entered January 30, 2017, subject to a final compliance hearing, and;

WHEREAS, prior to the final compliance hearing, various parties objected to the settlement and intervened in the proceedings, including Linde North American, Inc. ("Linde"), and C.R. Bard, Inc., now known as Becton Dickinson and Company ("BD"); and

WHEREAS, with the participation of the Court-appointed Special Masters, the Borough, FSHC, Linde, and BD have agreed to settle the litigation and present the settlement for review and approval by the Superior Court having jurisdiction over this matter;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence that the Mayor and Borough Clerk are hereby authorized to execute the written Settlement Agreement with FSHC, Linde, and BD ("Primary Agreement), and the agreement with Linde ("Linde Agreement"), which is to be included as Ex B to the Primary Settlement Agreement, that are substantially in the form attached hereto as Exhibit A, subject any non-substantive revisions and corrections as may be necessary.

This Resolution shall take effect immediately.

APPROVED, this 25th day of February, 2019.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
CUMISKEY	X			
DESARNO	X			
GENNARO	X			
GEOFFROY	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 25th day of February, 2019.

Wendi B. Barry, Borough Clerk