

RESOLUTION NO. 212-2020

RESOLUTION OF THE BOROUGH OF MADISON APPROVING A SETTLEMENT AGREEMENT WITH THE FAIR SHARE HOUSING CENTER

WHEREAS, on July 8, 2015, the Borough filed an action (the “Court Action”) in Morris County Superior Court (Docket #MRS-L-1694-15) pursuant to the “Mount Laurel I” V Supreme Court Decision reported at 221.NJ.1, (2015), seeking, among other things, a judicial declaration that its proposed Housing Element and Fair Share Plan (hereinafter "Fair Share Plan") satisfies its "fair share" of the regional need for low and moderate income housing pursuant to the Mount Laurel doctrine; and

WHEREAS, the Borough simultaneously sought and ultimately secured an Order protecting Madison from all exclusionary zoning lawsuits while it pursued approval of its Fair Share Plan; and

WHEREAS, in June, 2019 the Borough entered into a Memorandum of Understanding with the Fair Share Housing Center (“FSHC”) which set forth a conceptual framework to resolve the Court Action pending resolution of certain final issues; and

WHEREAS, Madison and FSHC, with the participation of the Court appointed Special Master, Joseph Burgis, have engaged in final negotiations and have reached an agreement on all terms and conditions, as delineated in the attached Settlement Agreement; and

WHEREAS, upon approval by the Court of the attached Settlement Agreement, and subject to a subsequent compliance hearing that would, among other things, result in approval of the Borough’s Fair Share Plan, the Borough shall be deemed to be meeting its affordable housing fair share obligation through June 30, 2025.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Madison that:

1. The Mayor is authorized to execute the Settlement Agreement substantially in the form attached hereto with such minor modifications that he may deem appropriate after consultation with Borough attorneys and planning consultants.
2. The Mayor and Borough Administrator are hereby authorized to take any and all other action needed to effectuate the purposes of this Resolution.

ADOPTED AND APPROVED
August 10, 2020

ROBERT H. CONLEY, Mayor

ATTEST:

ELIZABETH OSBORNE, Borough Clerk