



**2016
BOROUGH OF DUMONT
RESOLUTION**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA		✓		
DI PAOLO	✓			
HAYES	✓			
MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY				✓
MAYOR KELLY				
TOTALS	4	1		1

Resolution No. 248 (Revised)
Date: November 22, 2016
Page: 1 of 3
Subject: Affordable Housing
Purpose: Settlement of Litigation
Dollar Amount: _____
Prepared By: Gregg Paster, Esq.

Offered by: Morrell
Seconded by: Riquelme

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by: Susan Connelly

**Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey**

**RESOLUTION AUTHORIZING SETTLEMENT OF LITIGATION ENTITLED IN THE
MATTER OF DECLARATORY JUDGMENT ACTION BY THE BOROUGH OF
DUMONT, DOCKET N O. BER-L-6065-15**

WHEREAS, on June 30, 2015, a lawsuit was filed entitled In the Matter Of The Application of the Borough of Dumont, bearing Docket number BER-L-6065-15 (hereinafter the 'Litigation'); and

WHEREAS, the Litigation seeks, among other things, declaration of compliance with the Fair Housing Act (FHA or the 'Act') and Council on Affordable Housing (COAH) requirements

as articulated and required by the New Jersey Supreme Court in Mount Laurel IV, 221 NJ 1 (2015), as well as a judgment of compliance and/or repose for Third Round obligations imposed under the Act, a declaration that the Borough of Dumont's zoning ordinances are constitutional, and for related relief; and

WHEREAS, the Court conducted a mediation through Special Master Francis A. Banisch, PP, between the Borough of Dumont (hereinafter 'Borough' or 'Dumont') and the Intervenor, Fair Share Housing Center (hereinafter 'FSHC') and said mediation resulted in a lengthy and detailed negotiation over the issues related to the Litigation and have agreed that the certainty and predictability of an amicable resolution is preferable to the cost and risk of continued litigation; and

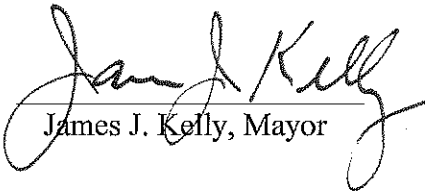
WHEREAS, the Borough had previously been found compliant with its First and Second Round Affordable Housing Obligations by Order of the Honorable William C. Meehan, J.S.C, entered on June 18, 2016 and amended from time to time; and

WHEREAS, the Mayor and Council now seek to enter into a settlement agreement to conclude the Litigation and to seek a Judgment of Compliance with its Third Round Mount Laurel Affordable Housing obligations and repose and further immunity from additional builder's remedy suits pending implementation of Third Round obligations and plans, subject to ratification and execution by FSHC and court approval and compliance with the settlement agreement; and

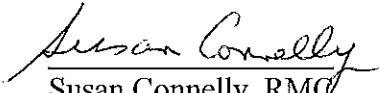
WHEREAS, neither party admits any wrongdoing or liability in connection with the Litigation but seeks to resolve same on terms and conditions mutually acceptable to the parties.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Dumont, that it endorses and approves in principle the settlement of the above captioned Litigation, specifically as it relates to 3rd Round obligation and unmet need figures, more particularly described in the draft Settlement Agreement annexed hereto and incorporated herein by reference, subject to further negotiation and concurrence of all parties to the litigation, and final ratification of the Council, and upon satisfaction of all conditions and contingencies set forth herein, to apply to the Superior Court of New Jersey, Law Division-Bergen County for a fairness hearing in the usual course of business to enter an Order approving the Settlement; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be served upon the Service List in the litigation and any other interested parties upon execution and certification hereof.


James J. Kelly, Mayor

Attest:


Susan Connelly, RMC
Municipal Clerk



2016 BOROUGH OF DUMONT RESOLUTION

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
CORREA	✓			
DI PAOLO	✓			
HAYES	✓			
MORRELL	✓			
RIQUELME	✓			
ZAMECHANSKY				✓
MAYOR KELLY				
TOTALS	5			1

Resolution No. _____

Date: November 22, 2016

Page: 1 of 2

Subject: Closed Session

Purpose: Authorization to Enter

Dollar Amount: _____

Prepared By: Susan Connelly, RMC

Offered by: Riquelme
Seconded by: Di Paolo

Certified as a true copy of a Resolution adopted by the Borough of Dumont on above date at a Regular Meeting by: Susan Connelly

Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

CLOSED SESSION

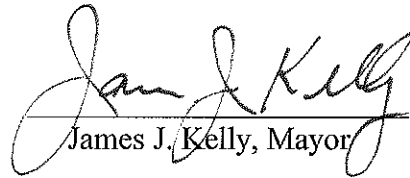
WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:
Matters involving the purchase, lease or acquisition of real property with public funds

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes can be made public.

BE IT RESOLVED, that the public be excluded from this meeting.



James J. Kelly, Mayor