

AGENDA
MILLBURN TOWNSHIP COMMITTEE
JULY 30, 2021 – SPECIAL EMERGENCY MEETING 10:00 AM

MAYOR - Open Meeting Statement
ROLL CALL

RESOLUTION: 21-216 - Authorize Emergency Meeting

PUBLIC COMMENT

RESOLUTIONS:

- | | |
|--------|--|
| 21-217 | Approve Closed Session: Pending Litigation – Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties and Annie Sez Property |
| 21-218 | Authorize Execution of a Settlement Agreement with Fair Share Housing Center and Other Designated Interested Parties and in Addition to Authorize Execution of a Consent Order |

ADJOURNMENT

**TOWNSHIP OF MILLBURN
RESOLUTION 21-216
AUTHORIZE EMERGENCY MEETING**



WHEREAS, an Millburn Township Committee Emergency meeting has been called for the purpose of conducting a closed session meeting to discuss: Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties and Annie Sez Property. Open session and formal action may be taken thereafter to consider the approval of a Settlement Agreement concerning In the matter of the Township of Millburn, county of Essex, docket no. ESX-L-2778-18"

WHEREAS, the normal requirements of the law regarding 48 hours' notice have not been met due to lack of time and subject matter, however notices of this Emergency Meeting were sent to the official newspapers of the township, the Item of Millburn Short Hills and the Star Ledger; and which notice provided that at 10:00 a.m. on July 30, 2021, that the Millburn Township Committee will hold the Special Emergency Meeting in order to hold a closed session at the Municipal Building in the meeting room, located at 375 Millburn Avenue, Millburn; and

WHEREAS, this emergency meeting is called in order to prevent substantial harm to public interest likely to result from a delay in holding the closed session meeting and thereafter an open session to possibly consideration of a settlement agreement; and

WHEREAS, the need for such adequate notice could not reasonably have been foreseen at a time when adequate notice could have been provided.

NOW THEREFORE BE IT RESOLVED by the Millburn Township Committee of the Township of Millburn, County of Essex, authorizes the Emergency Meeting on July 30, 2021 at 10:00AM by 3/4th's of the members of the Township Committee

Adopted by Township Committee on July 30, 2021

I, Christine A. Gatti, Township Clerk of the Township of Millburn, County of Essex, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on July 30, 2021.

Christine A. Gatti, RMC
Township Clerk

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		MIGGINS				
		THALL-EGLOW				
		WASSERMAN				
		VINAYAK				
		PRUPIS				

**TOWNSHIP OF MILLBURN
RESOLUTION 21-217
RESOLUTION TO CLOSE SESSION**



WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

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

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Millburn in the County of Essex, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;

The general nature of the subject matter to be discussed is as follows:

a.) Pending Litigation – Attorney Client Privileged briefing on pending Litigation/ Court Ordered Mediation involving the Declaratory Judgment Action, Fair Share Housing Center, Woodmont Properties and Annie Sez Property

2. The minutes of the discussions shall be made public as soon as the matters under discussion are no longer of a confidential or sensitive nature.

Adopted by Township Committee on July 30, 2021

I, Christine A. Gatti, Township Clerk of the Township of Millburn, County of Essex, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on July 30, 2021.

Christine A. Gatti, RMC
Township Clerk

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		MIGGINS				
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		WASSERMAN				
		VINAYAK				
		PRUPIS				

**TOWNSHIP OF MILLBURN
RESOLUTION 21-218**

DRAFT

**AUTHORIZE EXECUTION OF A SETTLEMENT AGREEMENT WITH FAIR SHARE HOUSING CENTER AND OTHER DESIGNATED INTERESTED PARTIES AND IN ADDITION TO
AUTHORIZE THE EXECUTION OF A CONSENT ORDER**

WHEREAS the Township of Millburn ("Township") commenced litigation on April 19, 2018 captioned "In the Matter of the Township of Millburn, County of Essex, Docket No. ESX – L – 2778 – 18", in order to obtain a declaration of its compliance with its constitutional obligation to provide a reasonable opportunity for the development of affordable housing; and

WHEREAS the Township has participated in numerous confidential Mediation proceedings as directed by the Superior Court of New Jersey and presided over by Frank Banisch, PP, the Special Master appointed by Judge Robert H. Gardner; and

WHEREAS the Township and the Fair Share Housing Center ("FSHC") have engaged in good faith negotiations and discussions in order to reach a settlement to present to the Court; and

WHEREAS the Township Committee has met this day to review and discuss the proposed settlement agreement most recently provided by FSHC on July 28, 2021 following numerous negotiations and has been briefed by Elizabeth McManus, PP and Edward Buzak, Esq., Special Affordable Housing Counsel on the terms and conditions of the Settlement Agreement which is in near final form; and

WHEREAS the Township Committee supports and agrees with the principal provisions of the same subject to the need for the parties to conclude certain clarifying language and further subject to the approval of the Agreement by all of the interested parties; and

WHEREAS the Township Committee is informed that counsel for the two developer interested parties will be submitting additional provisions particular to their projects for inclusion in the Settlement Agreement;

NOW THEREFORE BE IT RESOLVED on this 30th day of July 2021 as follows:

1. The Deputy Mayor is authorized and directed to execute the final form of Settlement Agreement.
2. In the event that the parties elect to submit a Consent Order to the Court in the form annexed hereto, Edward Buzak, Esq. is authorized to execute the said Consent Order on behalf of the Township.
3. This Resolution shall take effect immediately and shall be provided today to Judge Gardner and to Counsel for the interested parties.

Adopted by Township Committee on July 30, 2021

Resolution 21-218

I, Christine A. Gatti, Township Clerk of the Township of Millburn, County of Essex, State of New Jersey, hereby certify this to be a true copy of a resolution adopted by the Township Committee on July 30, 2021.

Christine A. Gatti, RMC
Township Clerk

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		MIGGINS				
		THALL-EGLOW				
		WASSERMAN				
		VINAYAK				
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