



**2016
BOROUGH OF DUMONT
RESOLUTION**

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

Resolution No. 119
Date: April 21, 2016
Page: 1 of 2
Subject: Amended Housing Element
and Fair Share Plan
Purpose: Ratify & Implement (if
endorsed by the Court)
Dollar Amount: _____
Prepared By: Gregg Raster, Esq.

Offered by: Morrell
Seconded by: Zamechansky

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 OF THE DUMONT BOROUGH COUNCIL TO RATIFY AND
IMPLEMENT AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN IF
APPROVED AND ENDORSED BY THE COURT**

WHEREAS, the Borough of Dumont and the Dumont Planning Board n/k/a the Dumont Joint Land Use Board, are engaged in certain litigation entitled Landmark Dumont, LLC v. Borough of Dumont, et als., docket number BER-L-1297-14, seeking builder's remedy and Mount Laurel related relief; and

WHEREAS, the Borough is also engaged in a simultaneous, consolidated Declaratory Judgment action, bearing docket number BER-L-6065-15, seeking a Judgment of Compliance

with constitutional and statutory affordable housing mandates; and

WHEREAS, a settlement agreement was adopted and authorized for execution by the Borough Council on March 8, 2016, and has been executed by the Borough and the Plaintiff, Landmark Dumont, LLC; and


WHEREAS, a motion for a fairness hearing has been made to the court, returnable on May 12, 2016, seeking approval of the settlement and for a partial judgment of compliance and unlimited, temporary immunity from further suit pending final 3rd round compliance, which includes approval of an amended Housing Element and Fair Share Plan (HEFSP) consistent with the settlement agreement; and

WHEREAS, a revised, draft HEFSP has been prepared by Maser Consulting, the Borough's and Board's professional planner for consideration by the Court and presented to the Governing Body and Board for explanation and comment, and upon proper public notice, a hearing was held; and

WHEREAS, the Court requires, in order to consider the settlement agreement and HEFSP that the Borough and Board accept and agree to adopt, ratify and implement the HEFSP and Master Plan amendment.

NOW THEREFORE BE IT RESOLVED that the Governing Body of the Borough of Dumont, Bergen County, State of New Jersey, hereby accepts the Housing Element and Fair Share Plan as presented, or as legally required to be amended for compliance, and agrees to endorse and implement same if and when approved by the Court and adopted by the Borough of Dumont Planning Board/Joint Land Use Board; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be served upon all parties to the Litigation, including the Service List on the Declaratory Judgment action referenced above and upon the Municipal Clerks of each municipality bordering the Borough of Dumont upon adoption and execution hereof.


James J. Kelly, Mayor