

**Borough of Madison
Special Joint Meeting of the Mayor and Council
And the Planning Board
May 26, 2021
7:30 p.m.**

Via teleconference
Hartley Dodge Memorial, Kings Road in the Borough of Madison

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Statement in Compliance with the Open Public Meetings Act**
- 4. Roll Call – Mayor and Council
Planning Board**
- 5. Agenda Review**
- 6. Item of Business**
 - (a) Housing Element and Fair Share Plan Amendment/Public Hearing
 - a. Planning Board - Adopt a resolution approving an Amended 2021 Third Round Housing Element & Fair Share Plan to become part of the Master Plan
 - b. Borough Council - Adopt a resolution endorsing Planning Board Housing Element & Fair Share Plan
- 7. Invitation for Public Comment**
- 8. Adjourn**

Zoom Meeting information:

Join from a PC, Mac, iPad, iPhone or Android device:

Please click this URL to join. <https://us02web.zoom.us/j/89788361576>

Or One tap mobile:

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Or join by phone:

Dial(for higher quality, dial a number based on your current location):

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BOROUGH OF MADISON

MORRIS COUNTY, NEW JERSEY

RESOLUTION 159-2021

A RESOLUTION OF THE BOROUGH OF MADISON, IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, ENDORSING THE 2021 HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE BOROUGH PLANNING BOARD ON JANUARY 19, 2021 AND AMENDED AND READOPTED BY THE PLANNING BOARD ON MAY 26, 2021.

WHEREAS, the New Jersey Supreme Court issued a decision on March 10, 2015 in the case captioned In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. (2015), which transferred primary jurisdiction over affordable housing matters from the Council on Affordable Housing (“COAH”) to the trial courts; and

WHEREAS, on July 8, 2015, the Borough of Madison (“Borough”) filed a Complaint for Declaratory Judgment in the New Jersey Superior Court, Law Division, captioned In the Matter of the Application of the Borough of Madison, Docket No. MRS-L-1694-15 seeking Declaratory Judgment and Substantive Certification for its fair share housing obligation;

WHEREAS, the Borough simultaneously sought and secured a protective order providing the Borough with immunity from builder’s remedy lawsuits, which immunity continues today;

WHEREAS, the Planning Board of the Borough of Madison (“Planning Board”) conducted a properly noticed public hearing and adopted an updated Housing Element and Fair Share Plan (“HEFSP”) on January, 19 2021;

WHEREAS, the Planning Board conducted a properly noticed public hearing and adopted an amended Housing Element and Fair Share Plan on May 26th, 2021;

WHEREAS, the amendments to the HEFSP were minor, related to the reallocation of 8 credits without any changes to RDP or the proposed strategies for addressing the Borough’s need;

WHEREAS, the Borough engaged in good-faith negotiations with Fair Share Housing Center (“FSHC”), which resulted in a Settlement Agreement dated August 10, 2020 to resolve the Borough’s affordable housing litigation;

WHEREAS, the Settlement Agreement was authorized by Resolution No. 212-2020 and adopted by the Borough Council on August 10, 2020;

WHEREAS, a Fairness and Preliminary Compliance hearing was held in the New Jersey Superior Court, Law Division, via Zoom on 10/16/2020 and continued on 4/22/2021;

WHEREAS, a final Fairness and Compliance hearing is scheduled for May 27, 2021;

WHEREAS, as per the terms of the Settlement Agreement, on May 26, 2021 the Planning Board held a duly noticed public hearing on the revised HEFSP dated May 26, 2021; and,

WHEREAS, the Mayor and Borough Council wish to endorse the updated HEFSP and seek approval of the HEFSP from the Court.

THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Madison, in the County of Morris and State of New Jersey, as follows:

1. The HEFSP attached hereto as Exhibit A, as adopted by the Planning Board in a joint session with the Borough Council on May 26, 2021, which Resolution is attached hereto as Exhibit B, is hereby endorsed.
2. The Borough professionals are hereby authorized and directed to file with the Court the HEFSP, the resolutions of the Planning Board and Mayor and Borough Council adopting and endorsing, respectively, the HEFSP, and any additional documents the professionals deem necessary or desirable to address any outstanding items identified by FSHC or the court's Special Master.
3. The Borough professionals are hereby authorized and directed to seek Court approval of the HEFSP at a Final Compliance Hearing.
4. The Borough reserves the right to amend the HEFSP, should that be necessary.

This Resolution shall take effect immediately.

ADOPTED AND APPROVED
May 26, 2021

ROBERT H. CONLEY, Mayor

Attest:

ELIZABETH OSBORNE, Borough Clerk