

**TOWNSHIP OF BORDENTOWN  
TOWNSHIP COMMITTEE SPECIAL MEETING AGENDA**

DATE: AUGUST 17, 2020      TIME: 7:30 P.M.      VIRTUAL MEETING  
<https://us02web.zoom.us/j/87202736604?pwd=dFM2ZG00TWszMU10UitiYVFHQjVYdz09>  
Meeting ID: 872 0273 6604 | Passcode: 069479 | Or Dial +1 646 876 9923 US

1. Call to Order and Roll Call

PRESENT	ABSENT	
_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Holliday
_____	_____	Committeeman Fuzy
_____	_____	Committeeman Kostoplis
_____	_____	Committeeman Mason
_____	_____	Administrator Theokas
_____	_____	Clerk Carrington
_____	_____	Attorney Fahey
_____	_____	Chief Financial Officer Elsasser

2. Salute to the Flag

3. Open Public Meeting Announcement

This meeting is called pursuant to the provision of the Open Public Meeting Act. On July 28, 2020, a notice of this special meeting was sent to the *Burlington County Times* and *The Times*. Additionally, a notice was posted to the Township website and on the bulletin board in the Municipal Building's lobby. Furthermore, a copy of the notice was available to the public and is on file in the office of the Township Clerk.

Proper notice having been given, the Township Clerk is directed to include this statement in the minutes of the meeting. The proceedings of this meeting, which are open to the public, are being electronically recorded and will act as the minutes of the meeting in conjunction with the abbreviated written form of the minutes. Minutes are kept for all meetings, whether open or closed to the public.

4. Resolution #2020-198 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY ENDORSING AND SEEKING COURT APPROVAL OF AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY THE PLANNING BOARD

5. Public Participation

6. Comments from Administrator and Township Committee

7. Motion to Adjourn

RESOLUTION #2020-198

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN,  
COUNTY OF BURLINGTON, STATE OF NEW JERSEY ENDORSING AND SEEKING COURT  
APPROVAL OF AN AMENDED HOUSING ELEMENT AND FAIR SHARE PLAN ADOPTED BY  
THE PLANNING BOARD

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on July 2, 2015, the Township of Bordentown (hereinafter “Bordentown” or the “Township”) filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine;” and

WHEREAS, the Township simultaneously, and ultimately secured, a protective order providing Bordentown immunity from all exclusionary zoning lawsuits while it pursues approval of its Housing Element and Fair Share Plan, which is still in full force and effect; and

WHEREAS, the Court also appointed Mary Beth Lonergan, P.P., P.A., as the Special Court Master (hereinafter the “Court Master”), as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, with assistance from the Court Master, the Township and Fair Share Housing Center (hereinafter “FSHC”) engaged in good faith negotiations, which resulted in the entering into a Settlement Agreement between the Borough and FSHC on June 26, 2017 and an Amended Settlement Agreement on June 11, 2019; and

WHEREAS, a joint Fairness and Compliance hearing was held on October 16, 2019, at which the Amended FSHC Settlement Agreement was approved, and said approval was later memorialized by an Order entered by the Court on December 10, 2019; and

WHEREAS, as per the terms of the 2019 Amended FSHC Settlement Agreement and the Court’s December 10, 2019 Order, the Township’s special planner prepared an Amended Housing Element and Fair Share Plan, which is available at <https://drive.google.com/file/d/1b9qI4EGnRZE5iuKLyufT66P13z1JJOY5/view?usp=sharing> and referred to as Exhibit A; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Bordentown Township Planning Board held a public hearing on the Amended Housing Element and Fair Share Plan on August 17, 2020 and adopted the Amended Housing Element and Fair Share on that same day; and

WHEREAS, a true copy of the resolution of the Planning Board adopting the Amended Housing Element and Fair Share Plan is attached hereto as Exhibit B and referred to as Resolution No. P-2020-19; and

WHEREAS, the Township Committee wishes to endorse the Amended Housing Element and Fair Share Plan, and seeks approval of the Amended Housing Element and Fair Share Plan from the Court.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bordentown:

1. That it hereby endorses the Amended Housing Element and Fair Share Plan, which is attached hereto as Exhibit A, as adopted by the Bordentown Township Planning Board via the Planning Board Resolution No. P-2020-19 attached hereto as Exhibit B.
2. That it authorizes and directs its professionals to file with the Court
  - (i) the Amended Housing Element and Fair Share Plan,
  - (ii) the resolutions of the Planning Board adopting and the Township endorsing the Amended Housing Element and Fair Share Plan, and
  - (iii) any additional documents the professionals deem necessary or desirable.
3. That it authorizes its professionals to seek Court approval of the Amended Housing Element and Fair Share Plan at a properly notice Compliance Hearing.
4. That it reserves the right to amend the Housing Element and Fair Share Plan, should that be necessary.