

RESOLUTION #164-2021

**RESOLUTION APPROVING A REVISED THIRD AMENDMENT TO
THE AFFORDABLE HOUSING SETTLEMENT AGREEMENT
BETWEEN THE TOWNSHIP OF CLINTON AND FAIR SHARE
HOUSING CENTER, INC.**

WHEREAS, Clinton Township entered into a settlement agreement on December 13, 2017 and an amended settlement agreement on February 5, 2018 (collectively, the “settlement agreement”) with Fair Share Housing Center, Inc. (FSHC) to resolve the Township’ declaratory judgment action captioned *In re Clinton Township Compliance with Third Round Mount Laurel Affordable Housing Obligation*, Docket No. HNT-L-315-15, as to Clinton Township’s compliance with the Mount Laurel doctrine and the Fair Housing Act (“FHA”) in accordance with *Mount Laurel IV*; and

WHEREAS, pursuant to Resolution No. 92-2020 adopted on June 29, 2020, the Township approved a second amendment to the settlement agreement, as more fully described and memorialized in a letter from FSHC to Township Affordable Housing Counsel Jonathan Drill Esq. dated June 15, 2020 and signed on behalf of FSHC by Adam M. Gordon, Esq.; and

WHEREAS, on May 6, 2021, the Township and Fair Share Housing Center entered into a third amendment to the settlement agreement (the “Third Amendment”) in order to replace a 89-unit, municipally-sponsored project to be built on the “LeCompte” site (a ten-acre portion of property located on Valley Crest Road and Route 31 North and identified as Block 29, Lot 4 on the official tax maps of the Township) and replace it with the “Ingerman” municipally sponsored mixed-income development, the “Grayrock” inclusionary development, and three special-needs beds as more specifically described in the Third Amendment; and

WHEREAS, the Third Amendment also modified the prioritization of water and sewer capacity allocations among the various affordable housing projects by giving the Ingerman project first priority for public water and sewer service, giving the Grayrock development second priority, giving the 108 Alton Place development third priority, and giving the Headley development fourth priority; and

WHEREAS, the Township and Fair Share Housing Center now wish to revise the Third Amendment to (a) increase the number of affordable units to be produced by the Grayrock development from 6 units to 7 units; (b) reduce the number of special needs beds from three to two; and (c) further modify the prioritization of water and sewer capacity allocations for the various affordable housing projects by giving the Headley development third priority and the 108 Alton Place development fourth priority for sewer and water service;

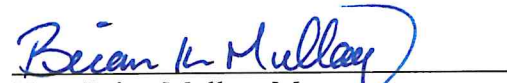
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Clinton in Hunterdon County, New Jersey as follows:

1. The findings set forth in the preamble to this resolution is hereby incorporated as if more fully set forth herein.

2. The Mayor and Township Clerk are hereby authorized and directed to enter into a revised third amendment to the settlement agreement with Fair Share Housing Center as set forth in a letter dated October 8, 2021 from Adam G. Gordon, Esq. to Jonathan E. Drill, Esq.
3. The Township's Affordable Housing Counsel is hereby authorized and directed to file all documents and take all actions necessary to obtain court approval of this revised third amendment to the settlement agreement.
4. The Mayor, Township Clerk, Township Attorney, and Township Affordable Housing Counsel are hereby authorized and directed to undertake any and all other acts and to sign or file any and all other documents as may be necessary to effectuate the terms hereof.
4. This resolution shall take effect immediately.

Attest:


Carla Conner, RMC, Clerk


Hon. Brian Mullay, Mayor

Adopted: October 13, 2021