

R15-79

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE SUBMISSION OF A REQUEST FOR A DECLARATORY JUDGMENT TO THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION, CAMDEN COUNTY TO REQUEST PROTECTION FROM BUILDER'S REMEDY LAWSUITS WHILE BOROUGH WORKS TO COMPLY WITH RECENT SUPREME COURT DECISION ON COAH (I/M/O ADOPTION OF N.J.A.C. 5:96 AND 5:97 BY THE NEW JERSEY COUNCIL ON AFFORDABLE HOUSING, DOCKET NO. A-90/91/92/93/94), AND TO SIMULTANEOUSLY REQUEST THAT THE FIVE MONTH PLAN PREPARATION PERIOD BEGIN UPON THE COURT'S DETERMINATION OF MERCHANTVILLE'S PROSPECTIVE NEW CONSTRUCTION AFFORDABLE HOUSING OBLIGATION

WHEREAS, the Borough of Merchantville needs to authorize its attorney to submit a request for declaratory judgment to best protect the Borough from builders remedy lawsuits; and

WHEREAS, the Borough of Merchantville wishes to comply with the Supreme Court decision, decided on March 10, 2015 pertaining to affordable housing; and,

WHEREAS, the Borough of Merchantville would like at a minimum for the above referenced request to include any and all supporting documentation in the Declaratory Judgment request as they deem appropriate to meet each of the following objectives:

1. Evidence that the service list was served and/or noticed, as deemed appropriate by the Borough's legal counsel on a case by case basis.
2. A request that the five month period to complete and submit a new Fair Share Plan for review by the court begin after guidelines are provided by the Court.
3. Request for immunity from Builder's Remedy lawsuits.

NOW, THEREFORE, BE IT RESOLVED that the Borough of Merchantville does hereby authorize the Borough Attorney to submit above referenced legal and supporting documents; and, that this Resolution shall take effect immediately.

THE BOROUGH OF MERCHANTVILLE

BY: _____
EDWARD F. BRENNAN, MAYOR

ATTEST:

DENISE L. BROUSE, BOROUGH CLERK

I, **DENISE L. BROUSE**, Borough Clerk for the Borough of Merchantville, do hereby certify the foregoing to be a true and correct copy of the Resolution of the Borough of Merchantville, at a council meeting of said Borough of Merchantville on July 6, 2015, and that said Resolution was passed by a majority vote of the Borough Council of the Borough of Merchantville.

DENISE L. BROUSE, BOROUGH CLERK