

RESOLUTION NO. _____

RESOLUTION ADOPTING SPENDING PLAN

WHEREAS, on March 10, 2015, the New Jersey Supreme Court issued its decision in 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. 1 (2015). In that decision, the New Jersey Supreme Court transferred primary jurisdiction over affordable housing matters from the New Jersey Council on Affordable Housing (“COAH”) to the New Jersey Superior Court and established a transitional process for municipalities, like the Borough of Alpine (“Borough”), to file declaratory judgment actions seeking to declare their Housing Element and Fair Share Plans (“HEFSPs”) as being constitutionally compliant and seeking similar protections to what they would have received if they had continued to proceed before COAH; and

WHEREAS, on July 8 2015, the Borough filed a declaratory judgment action seeking to declare its HEFSP as being constitutionally compliant and seeking protection and repose against exclusionary zoning litigation in the matter captioned In the Matter of the Application of the Borough of Alpine, Superior Court of New Jersey, Bergen County, Law Division, Docket Number BER-L-6286-15; and

WHEREAS, the Borough negotiated and executed a Settlement Agreement with the Fair Share Housing Center ("FSHC") which included agreement on the extent of the Borough's affordable housing fair share obligation for the period from 1999 to 2025 and the methods the Borough intends to use to satisfy the obligation; and

WHEREAS, the New Jersey Superior Court entered an Order on March 12, 2024 that approved the Settlement Agreement with FSHC and granted the Borough a Preliminary Judgment of Compliance and Repose subject to the satisfaction of certain Compliance Conditions and Requirements including the adoption of a Spending Plan; and

WHEREAS, the Borough has prepared a Spending Plan, dated July __, 2024, that is consistent with the applicable statutes and regulations, the Preliminary Judgment of Compliance and Repose and the Settlement Agreement between the Borough and FSHC.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Alpine, County of Bergen, State of New Jersey as follows:

1. The Borough of Alpine (“Borough”) does hereby adopt the July __, 2024 Spending Plan attached hereto.

2. This Resolution shall take effect immediately.

ATTEST:

Stephanie Wehmann, RMC, CMR
Borough Clerk

Paul H. Tomasko, Mayor

I, Stephanie Wehmann, Clerk of the Borough of Alpine, County of Bergen, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Governing Body at the _____, 2024 Meeting.

Stephanie Wehmann, RMC, CMR
Borough Clerk, Borough of Alpine