

**AGENDA
WOOLWICH TOWNSHIP COMMITTEE
APRIL 26, 2021**

Call to order:

The April 26, 2021 special meeting of the Woolwich Township Committee is being called to order. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act.

Roll Call:

Flag Salute:

R-2021-99 Resolution for Closed Session Woolwich Adult/FSHC Litigation

Meeting reconvenes

Resolutions:

R-2021-100 Resolution of the Township Committee of the Township of Woolwich Authorizing the Execution of Settlement Agreements With the Wolfson Group, Fair Share Housing Center, and Fair Share Housing Development, Inc.

R-2021-101 Resolution of the Township of Woolwich Authorizing the Execution of a Water/Sewer Infrastructure Lease/Purchase Agreement Between the Township of Woolwich and Aqua New Jersey, Inc.

Privilege of the Floor: The public is reminded to please stand and state their name and address for the record prior to addressing the Committee.

Adjournment:

**RESOLUTION AUTHORIZING A CLOSED SESSION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF WOOLWICH;
LITIGATION/WOOLWICH ADULT
R-2021-99**

WHEREAS, the Township Committee of the Township of Woolwich is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act of the State of New Jersey generally requires that all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides that a public body may exclude the public from a portion of a meeting at which the public body discusses items enumerated in the Open Public Meetings Act at N.J.S.A. 10:4-12b, which items are recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Woolwich Township Committee to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12b;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich that:

1. The Woolwich Township Committee shall hold a closed meeting from which the public shall be excluded on **April 26, 2021**
2. The general nature of the subject to be discussed at said closed meeting shall be;

Litigation-Woolwich Adult

The minutes of said closed meeting shall be available for disclosure to the public consistent with N.J.S.A. 10:4-13, when the items which are the subject of the closed session discussion are resolved and a reason for confidentiality no longer exists.

Adopted on the 26th day of April, 2021

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Clerk

Vernon Marino, Mayor

**RESOLUTION OF THE GOVERNING BODY OF THE TOWNSHIP OF WOOLWICH
AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENTS WITH THE
WOLFSON GROUP, FAIR SHARE HOUSING CENTER, AND FAIR SHARE HOUSING
DEVELOPMENT, INC.**

R-2021-100

WHEREAS, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015)(Mount Laurel IV), the Township filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Round 3 Housing Element and Fair Share Plan (hereinafter “Fair Share Plan”) 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 sought and secured immunity from all exclusionary zoning lawsuits as it pursued approval of its Fair Share Plan; and

WHEREAS, the Honorable Anne McDonnell, P.J.Ch. (ret.) appointed Frank Banisch, P.P., A.I.C.P. as her “Special Master,” as is customary in Mount Laurel matters adjudicated in the courts; and

WHEREAS, the Judge McDonnell also directed the Township to engage in mediation with intervenors Woolwich Commons, LLC, Main Street at Woolwich, LLC, Woolwich Crossings, LLC, and Woolwich Residential, LLC, referred to hereinafter as the “Wolfson Group;” and

WHEREAS, the Township separately engaged in negotiations with Fair Share Housing Center (“FSHC”) and, on December 27, 2018, executed a Settlement Agreement (“FSHC 2018 Agreement”) which was thereafter approved by Judge McDonnell pursuant to a duly-noticed Mount Laurel “Fairness Hearing”; and

WHEREAS, despite numerous mediation sessions, the Township and the Wolfson Group were unable reach an amicable accord on general terms of settlement, and therefore terminated mediation; and

WHEREAS, subsequently, the Honorable Robert P. Becker, Jr., P.J.Ch. directed the Township and the Wolfson Group to recommence mediation, and appointed the Honorable Mark A. Troncone, J.S.C. (Superior Court, Law Div., Ocean County) as mediator; and

WHEREAS, on August 27, 2020, the Township’s mediation team and the Wolfson Group agreed to general settlement terms; and

WHEREAS, on that same date, Judge Troncone, the Township, and the Wolfson Group placed said general settlement terms on the record, which were subject to finalizing a formal Settlement Agreement and execution of same upon formal authorization by the Township’s governing body; and

WHEREAS, subsequently, the Township, the Wolfson Group, FSHC, and Fair Share Housing Development, Inc. (“FSHD”) (“the Parties”) collaborated and, on April 22, 2021, reached common ground in form and substance of a settlement agreement (“Wolfson Group Settlement Agreement”); and

WHEREAS, the Township and FSHC also reached common ground on the necessary amendments to the FSHC 2018 Agreement (“FSHC 2021 Agreement”);

WHEREAS, the Wolfson Group Settlement Agreement is attached hereto as Exhibit A; and

WHEREAS, the FSHC 2021 Agreement is attached hereto as Exhibit B; and

WHEREAS, pursuant to Mount Laurel settlement procedures, the Parties also agreed to present the two executed Settlement Agreements to the court for approval via duly-noticed Mount Laurel “Fairness Hearing;” and

WHEREAS, in light of the above, and on the recommendation of the legal and planning professionals, the Woolwich Township Committee finds that it serves the best interests of the Township to execute the Wolfson Group Settlement Agreement and the FSHC 2021 Agreement and to take various other actions delineated below which will ultimately result in approval of the Township’s Round 3 Housing Element and Fair Share Plan and preservation of the Township’s immunity from all Mount Laurel lawsuits until July of 2025 pursuant to relevant laws and principles.

NOW, THEREFORE, BE IT RESOLVED on this 26th day of April, 2021, by the Committee of the Township of Woolwich, County of Gloucester, State of New Jersey, as follows:

1. The Township Committee hereby authorizes and directs the Mayor to execute the Wolfson Group Settlement Agreement in the form attached as Exhibit A and to provide a fully-executed copy of same to the Township’s Special Mount Laurel Counsel as soon as practicable thereafter.

2. The Township Committee further authorizes and directs the Mayor to execute the FSHC 2021 Agreement in the form attached as Exhibit B and to provide a copy of same to the Township’s Special Mount Laurel Counsel as soon as practicable thereafter.

3. The Township Council hereby directs its Special Mount Laurel Counsel to file the aforementioned fully-executed Settlement Agreements with the Court and take all actions reasonable and necessary to secure an Order approving the Settlement Agreements and thereafter

to secure judicial approval of the Township's Fair Share Plan, as may be amended by the Woolwich Land Use Board pursuant to the Agreements and subject to the public hearing process set forth in the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq. and pursuant to all relevant Mount Laurel principles and procedures.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a special meeting held on the 26th day of April, 2021, a quorum being present and voting in the majority.

Jane DiBella, Township Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH AUTHORIZING THE
EXECUTION OF A WATER/SEWER INFRASTRUCTURE LEASE AND PURCHASE
AGREEMENT BETWEEN THE TOWNSHIP OF WOOLWICH AND AQUA NEW
JERSEY, INC.
R-2021-101**

WHEREAS, the Township is interested in facilitating the development of land along a portion of the US Route 322 Corridor within the Township, as more particularly described in the plans on file with the Township Engineer (the “Redevelopment Area”);

WHEREAS, on July 17, 2017, the Kings Landing Redevelopment Plan was adopted by the Township pursuant to Ordinance No. 2017-12 (the “Kings Landing Redevelopment Plan”);

WHEREAS, the Kings Landing Redevelopment Plan contemplates, among other things, significant commercial and residential development within the Redevelopment Area, which will require the provision of water and sewer infrastructure;

WHEREAS, public water or sewer infrastructure is currently under construction to serve the Redevelopment Area;

WHEREAS, the Township desires to cause an extension of Aqua New Jersey’s sewer mains as described below, and as shown on the design drawings attached hereto as Exhibit A (the “Township Sewer Main Extension”), which will connect to the Gloucester County Utilities Authority’s (“GCUA”) sewer conveyance and treatment works;

WHEREAS, pursuant to the Redevelopment Agreement, dated October 2017, as amended by the First Amendment to Redevelopment Agreement, dated November 19, 2018, and as shall be further amended by the Second Amendment to Redevelopment Agreement, to be dated on or about

May 1, 2021, by and between the Township and Precision Land Development, LLC, having its principal office at 202 Reeves Road, P.O. Box 68, Bridgeton, New Jersey 08302 (the “Infrastructure Redeveloper”), the Infrastructure Redeveloper shall be responsible for the engineering, permitting and construction of the Township Sewer Main Extension;

WHEREAS, in 1999, the Woolwich Water Company and Woolwich Sewer Company were purchased and merged into Aqua New Jersey’s predecessor company, and accordingly, Aqua New Jersey is the franchise holder for the provision of water and sewer services to portions of the Township, including the Redevelopment Area;

WHEREAS, Aqua New Jersey supports the design and construction of the Township Sewer Main Extension made as described above and under the terms and conditions hereinafter set forth;

WHEREAS, Aqua New Jersey will cause an extension of its water mains (the “Aqua Water Main Extension”) in order to provide concurrent water service to the Redevelopment Area;

WHEREAS, it is therefore necessary for the Township of Woolwich and Aqua New Jersey, Inc. to enter into a Water/Sewer Infrastructure Lease and Purchase Agreement (the “Aqua Agreement”) relative to, among other things, the management and operation of said system, the terms of which are set forth in said Aqua Agreement, attached and incorporated into this resolution by reference; and

WHEREAS, this resolution is intended to authorize, approve, ratify and confirm the understanding of the Township of Woolwich and Aqua New Jersey, Inc. as it relates to the Woolwich Township water and sewer conveyance system(s) within the “Redevelopment Area by and through the execution and delivery of the Aqua Agreement;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich as follows:

1. That the Township Committee of the Township of Woolwich hereby authorizes, approves, ratifies and confirms the entering into of the “Water/Sewer Infrastructure Lease and Purchase Agreement”, a copy of which is attached hereto and incorporated into the body of this Resolution by reference.
2. That the Woolwich Township Mayor be and is hereby authorized and directed to execute the Aqua Agreement on the behalf of the Township of Woolwich.
3. That this Resolution hereby approves, ratifies and confirms the understandings of the Township of Woolwich and Aqua New Jersey, Inc. as it relates to the Woolwich Township water and sewer conveyance system(s) within the “Redevelopment Area.

Adopted this 26th day of April, 2021

TOWNSHIP OF WOOLWICH

ATTEST: _____
Jane DiBella, Clerk

Vernon Marino, Mayor

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 26th day of April, 2021.

Jane DiBella, Clerk