



THE MAYOR AND BOROUGH COUNCIL  
of the  
BOROUGH OF GLEN RIDGE  
County of Essex  
State of New Jersey

Monday, April 27, 2020

**RESOLUTION NO. 79-20**

Offered by Councilor **MORROW**  
Seconded by Councilor

**WHEREAS**, on July 27, 2015, Glen Ridge Developers, LLC (together with its successors, collectively the “**Builder**”) commenced a builder’s remedy lawsuit (the “**Builder’s Remedy Litigation**”) against Glen Ridge Borough and the Glen Ridge Planning Board (collectively, “**Glen Ridge**”) in the Superior Court of New Jersey, Law Division, Essex County, under Docket No. ESX-L-5308-15, involving the approximately 2.1 acres now designated and consolidated as Glen Ridge Tax Block 72, Lot 3 (the “**Baldwin Street Property**”); and

**WHEREAS**, pursuant to the terms set forth in a certain settlement agreement dated September 24, 2018 (the “**Settlement Agreement**”), Glen Ridge and the Builder settled the Builder’s Remedy Litigation by, among other things, allowing the Builder the right to construct 110 residential rental units (the “**Inclusionary Development**”) on the Baldwin Street Property, including a set-aside of approximately fifteen percent (15%) of the units (that is, 17 rental units) affordable to the region’s very low, low and moderate income households; and

**WHEREAS**, disputes arose between Glen Ridge and the Builder as to the rights and obligations of both Glen Ridge Borough and the Builder under Section 4.4(b) of the Settlement Agreement and such disputes were resolved as set forth in Resolution 64-20 adopted March 23, 2020; and

**WHEREAS**, in furtherance of Resolution 64-20, the Builder has executed an amendment (dated as of April 28, 2020) to the Settlement Agreement (the “**Settlement Agreement Amendment**”) and now seeks its execution by Glen Ridge; and

**WHEREAS**, the Settlement Agreement Amendment sets forth terms consistent with Resolution 64-20 as well as (1) a provision by which Glen Ridge will seek the purchase of an undivided 145 million gallons of water per year from North Jersey District Water Supply Commission (“**NJDWSC**”), of which an undivided 126 million gallons of water is allocable to Glen Ridge (without regard to the undivided separate needs of the Inclusionary Development) and an undivided 19 million gallons of water is allocable to the Inclusionary Development and (2) a provision which reaffirms Glen Ridge’s obligation to purchase such additional undivided million gallons of water per year from NJDWSC in an amount required by the New Jersey Department of Environmental Protection if such additional amount is necessary to supply potable water to the Inclusionary Development; and

**WHEREAS**, the Settlement Agreement Amendment (including the above provisions) and its execution by Glen Ridge have been recommended by Glen Ridge’s counsel; and

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Glen Ridge, County of Essex, State of New Jersey, that:

1. Resolution 64-20 is reaffirmed and, to the extent necessary, is amended so as to be consistent with the foregoing; and
2. Glen Ridge is authorized to execute the Settlement Agreement Amendment.

**ATTEST:**

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Tara Ventola, Deputy Clerk

I, Tara Ventola, hereby certify that the foregoing Resolution is a true, complete and accurate copy of a Resolution adopted by the Borough Council of the Borough of Glen Ridge at a meeting held on April 27, 2020.