

**RESOLUTION**  
of the  
**BOROUGH OF NEW PROVIDENCE**  
Resolution No. 2019-

Council Meeting Date:

Date Adopted:

**TITLE:** RESOLUTION OF THE BOROUGH OF NEW PROVIDENCE  
AUTHORIZING EXECUTION OF SETTLEMENT AGREEMENT IN THE  
AFFORDABLE HOUSING DECLARATORY JUDGMENT ACTION

Councilperson \_\_\_\_\_ submitted the following resolution, which was duly  
seconded by Councilperson \_\_\_\_\_.

**BE IT RESOLVED**, by the Mayor and Council of the Borough of New Providence,  
County of Union, State of New Jersey, as follows:

**WHEREAS**, the Borough of New Providence (hereinafter "Borough") filed a  
Complaint on or about July 7, 2015 seeking a declaration of its compliance with the Mount  
Laurel Doctrine and Fair Housing Act of 1987, N.J.S.A. 53:27D-301, et seq., in accordance  
with In re: N.J.A.C. 5:96 and 5:97, 221 N.J. 1, 30 (2015); and

**WHEREAS**, after extended negotiations with Fair Share Housing Corporation  
("FSHC"), with the participation of a Court-appointed special master, the Borough and  
FSHC had agreed to settle litigation in 2016, as set forth in Resolution 2016-349, which was  
approved by the Court by an Order entered January 30, 2017, subject to a final compliance  
hearing, and;

**WHEREAS**, prior to the final compliance hearing, various parties objected to the  
settlement and intervened in the proceedings, including Linde North American, Inc.  
("Linde"), and C.R. Bard, Inc., now known as Becton Dickinson and Company ("BD"); and

**WHEREAS**, with the participation of the Court-appointed Special Masters, the  
Borough, FSHC, Linde, and BD have agreed to settle the litigation and present the  
settlement for review and approval by the Superior Court having jurisdiction over this  
matter;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of New Providence that the Mayor and Borough Clerk are hereby authorized to execute the written Settlement Agreement with FSHC, Linde, and BD ("Primary Agreement), and the agreement with Linde ("Linde Agreement"), which is to be included as Ex B to the Primary Settlement Agreement, that are substantially in the form attached hereto as Exhibit A, subject any non-substantive revisions and corrections as may be necessary.

This Resolution shall take effect immediately.

DRAFT