

RESOLUTION

WHEREAS, following the termination of mediation regarding Clinton Township, Hunterdon County, the Council on Affordable Housing (COAH) determined to transfer to the Office of Administrative Law (OAL) certain issues as to the suitability of property owned by Bi-County Development, Inc., and included in Clinton's first housing element/fair share plan; and

WHEREAS, following the filing of a motion by Stafford-Fischer, the Superior Court, Appellate Division issued an Order, dated May 24, 1989 holding that "Stafford-Fischer may participate as an objector in all proceedings for review of Clinton Township's first affordable housing plan;" and

WHEREAS, by motion dated June 19, 1989 Stafford-Fischer requested that COAH terminate the pending OAL proceedings and reinstate mediation; and

WHEREAS, following a discussion at its public meeting of July 17, 1989 COAH denied Stafford-Fischer's motion, as set forth in a letter dated August 24, 1989, and a Resolution dated August 28, 1989, copies of which are attached hereto and incorporated herein; and

WHEREAS, COAH's letter of August 24, 1989 provided Stafford-Fischer with a period of 14 days, from receipt of the letter, in which to raise any additional issues as to the suitability of the Bi-County site; and

WHEREAS, by motion dated September 11, 1989 Bi-County requested that COAH reconsider its decision permitting Stafford-Fischer to raise additional issues; and

WHEREAS, by motion dated September 13, 1989 Stafford-Fischer requested that COAH reconsider its decision denying the motion to reinstate mediation; and

WHEREAS, by separate letters dated September 19, 1989 Bi-County opposed Stafford-Fischer's motion, and also withdrew its own motion, on the ground that it was moot, in light of Stafford-Fischer's failure to raise any additional issues within the prescribed 14 day period; and

WHEREAS, Stafford-Fischer filed a letter reply to Bi-County's response to its motion dated October 4, 1989; and

WHEREAS at its public meeting of October 10, 1989 COAH held a discussion of the motions for reconsideration, and determined that, for the reasons set forth at length in its letter dated August 24, 1989 and Resolution dated August 28, 1989, mediation should not be reopened, and that Stafford-Fischer's motion for reconsideration should thus be denied; and

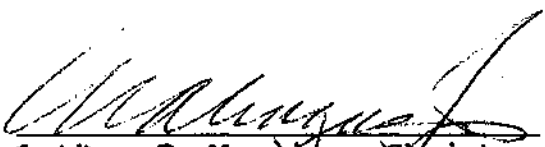
WHEREAS, COAH further determined that, in light of the length of the mediation and review process in this case, and in the interests of economy and an efficient OAL proceeding, it would also transfer to the OAL the issue of the suitability for Mt. Laurel development, under the Fair Housing Act and COAH regulations, of the Stafford-Fischer site; and

WHEREAS, COAH further indicated that the transfer of the issue of the Stafford-Fischer site does not affect COAH's initial decision of March 7, 1988, in which it held that Clinton may not unilaterally amend its first

) housing element/fair share plan to remove the Bi-County site, and that said plan may only be amended as per the mediation and review process, pursuant to COAH's regulations; and

WHEREAS, COAH further reaffirmed that, pursuant to its March 7, 1988 decision, the Bi-County site must be utilized by Clinton, unless it is determined to be unsuitable for Mt. Laurel development, as per the issues previously transferred to the OAL, and that the suitability for Mt. Laurel development of the Stafford-Fischer site shall only be an issue in the event the Bi-County site is found to be unsuitable;

NOW THEREFORE, BE IT RESOLVED that, for the reasons set forth at length above, and at COAH's public meeting of October 10, 1989, Stafford Fischer's motion for reconsideration is hereby denied. COAH will transfer to the OAL the additional issue of the suitability for Mt. Laurel development of the Stafford-Fischer site, on the terms set forth above.


~~Arthur J. Maurice, Chairman~~
~~Council on Affordable Housing~~
By: William A. Angus Jr.
Acting Chairman

DATED: December 11, 1989.