

RESOLUTION SETTING A DATE CERTAIN FOR NEWTON TOWN TO REPETITION OR SHOW CAUSE WHY THE COUNCIL SHOULD NOT LIMIT OR TERMINATE THE BENEFITS OF THE COUNCIL'S JURISDICTION

COAH DOCKET #10-2220

WHEREAS, on May 9, 2000, Newton (Newton or Town) received second round substantive certification from the Council on Affordable Housing (COAH); and

WHEREAS, on January 17, 2007, Newton submitted a petition under the original third round rules; and

WHEREAS, on December 30, 2008, Newton submitted a new plan for third round substantive certification; and

WHEREAS, on January 6, 2010, a pre-mediation report requesting additional information within sixty days pursuant to N.J.A.C. 5:96-6.2(c) was issued to Newton; and

WHEREAS, on January 20, 2010, mediation took place between the Town and the three objectors to Newton's Housing Element and Fair Share Plan (HEFSP); and

WHEREAS, the three objectors are Kenneth and Alice Martin (Martin), Crossroads Companies, LLC (Crossroads) and Fair Share Housing Center (FSHC); and

WHEREAS, on February 16, 2010 Newton advised COAH that it would provide the additional information requested and re-petition and mediation scheduling was thereafter postponed; and

WHEREAS, Newton has never provided the additional information requested, nor re-petitioned; and

WHEREAS, Martin files its motion to compel the Town to re-petition by June 18, 2010; and

WHEREAS, Crossroads joins in Martin's motion and cross-motions to dismiss the Town from the COAH process if the re-petition is not submitted by June 18,2010 and seeks to require Newton to include the Martin and Crossroads sites in any late filed Re-Petition; and

WHEREAS, Newton in opposing the motion and cross motion states that the Town will re-petition by June 30, 2010, based on Town Planning Board and Town Counsel Meetings scheduled for June; and

WHEREAS, Newton opposes the additional relief sought by Crossroads in the cross motion, maintaining that the Town is entitled to a review of its efforts by the Council subsequent to the Re-Petition submission date in conformance with the due process language in the Council's general powers provisions under N.J.A.C. Subchapter 12; and

WHEREAS, no opposition was filed by the objector FSHC; and

WHEREAS, a task force reviewed this waiver request on May 26, 2010, and recommends that a July 15, 2010 deadline for Newton to Re-Petition be imposed and upon failure of the Town to file by said date that an Order to Show Cause shall immediately be issued by the Council directing the Town to appear before the Council and show cause why the Council should not limit or terminate the benefits of the Council's jurisdiction or take any other action it deems necessary.

NOW THEREFORE BE IT RESOLVED that the Council hereby imposes a deadline for Newton to file with COAH a re-petition no later than Thursday July 15, 2010; and

BE IT FURTHER RESOLVED that upon the failure of the Town to re-petition by July 15, 2010 an Order to Show Cause shall immediately be issued by the Council directing the Town to appear before the Council at the next public Council meeting to show cause why the Council should not limit or terminate the benefits of the Council's jurisdiction or take any other action it deems necessary.

I hereby certify that this Resolution was duly adopted by the Council on Affordable Housing at its meeting on June 9, 2010.

A handwritten signature in cursive script that reads "Renee Reiss". The signature is written in black ink and is positioned above the printed name and title.

Renee Reiss
Council Secretary