

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 08-250**

**RESOLUTION AUTHORIZING AGREEMENT WITH THE FAIR SHARE HOUSING CENTER  
MODIFYING SCARCE RESOURCE RESTRAINTS IMPOSED BY THE  
NEW JERSEY COUNCIL ON AFFORDABLE HOUSING**

Mr. DuPont offered the following resolution and moved its adoption:

**WHEREAS**, the Borough of Red Bank received Second Round substantive certification from the Council on Affordable Housing (hereinafter, "COAH"), on March 5, 1997, based on a Fair Share Plan which delineated specific areas in the Borough in which redevelopment was already anticipated to occur and which required affordable housing to be provided as a component of that redevelopment; and

**WHEREAS**, on October 29, 2008, COAH adopted Resolution No. 08-2017 which imposed a Temporary Scarce Resource Restraint upon the Borough of Red Bank; and

**WHEREAS**, under the terms of that Resolution, in pertinent part, a temporary scarce resource restraint was imposed upon the Borough's approval of all development applications, except for applications related to single and two family homes; and

**WHEREAS**, the parties seek to modify these temporary restraints in order to minimize the burdens imposed upon all interested parties; and

**WHEREAS** the Borough of Red Bank has taken affirmative steps to develop low- and moderate-income housing, including working with Department of Community Affairs, the Red Bank Housing Authority, and the Red Bank Affordable Housing Corporation to develop the 100 percent affordable "Cedar Crossing" development; and

**WHEREAS**, the Borough desires to enter into an Agreement modifying these restraints to avoid costly litigation, and shall not be construed as an admission by the Borough of Red Bank as to any misconduct, liability, or violation of any regulation or promise whatsoever;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the Borough Attorney, or such other officials as may be required, are hereby authorized to execute the Agreement Modifying Scarce Resource Restraints, in the form annexed hereto.

Seconded by Mr. Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Cangemi	( x )	(   )	(   )	(   )
Mr. Giannell	( x )	(   )	(   )	(   )
Mr. DuPont	( x )	(   )	(   )	(   )
Ms. Horgan	( x )	(   )	(   )	(   )
Ms. Lee	( x )	(   )	(   )	(   )
Mr. Murphy	( x )	(   )	(   )	(   )

Dated: December 8, 2008