

June 12, 2024

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

RESOLUTION 2024-134

**RESOLUTION AUTHORIZING WITHDRAWAL OF PENDING LITIGATION
BEFORE THE SUPERIOR COURT OF NEW JERSEY, MONMOUTH COUNTY
ENTITLED IN THE MATTER OF THE BOROUGH OF BRADLEY BEACH, ET AL.,
DOCKET NO. MON-L-1100-21**

Councilman Gubitosi offered the following Resolution and moved its adoption:

WHEREAS, the Borough of Bradley Beach, County of Monmouth, State of New Jersey (the “Borough”) filed a litigation entitled *In the Matter of the Borough of Bradley Beach, et al. – Docket No. MON-L-1100-21* (the “Action”), seeking a Judgement of Compliance and Repose in connection with the Borough’s constitutional obligation to provide reasonable opportunities for the development of affordable housing within the Borough; and

WHEREAS, the Borough has been diligently pursuing the Action with the court-appointed special master, as well as negotiating with Fair Share Housing Corporation in order to obtain a Judgement of Compliance and Repose in the Action; and

WHEREAS, given the adoption of new affordable housing legislation by the Legislature and certain circumstances affecting the Borough’s position in the Action, the Governing Body finds that it is in the best interests of the Borough to voluntarily dismiss the Action at this time;

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Bradley Beach, County of Monmouth, State of New Jersey that the Governing Body authorizes the voluntary dismissal and withdrawal of the matter entitled *In the Matter of the Borough of Bradley Beach, et al. – Docket No. MON-L-1100-21*, and hereby the Borough’s Affordable Housing Attorney to effectuate same; and

BE IT RESOLVED that a certified copy of this resolution be forwarded to the Borough Administrator, Borough Attorney, and Borough Affordable Housing Attorney.

Seconded by Councilperson DeNoble and adopted upon the following vote:

	AYES	NAYS	ABSTAIN	ABSENT
Ms. DeNoble	X			
Mr. Gubitosi	X			
Ms. Mahoney				X
Mr. Weber	X			
Mayor Fox		X		

CERTIFICATION

I, Erica Kostyz, Municipal Clerk, Borough of Bradley Beach, Monmouth County, New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the June 12, 2024 Council Business Meeting.

Erica Kostyz

Erica Kostyz, RMC, CMR
Municipal Clerk