

TOWNSHIP OF FRANKLIN

R-94-16

**RESOLUTION REJECTING THE SETTLEMENT AGREEMENT PROPOSED IN
THE LITIGATION KNOWN AS GREENWAYS OF FRANKLIN, LLC v.
TOWNSHIP OF FRANKLIN, ET AL**

WHEREAS, a litigation was filed against the Township of Franklin seeking what is commonly known as a “builder’s remedy” by an entity known as Greenways of Franklin, LLC with its successor organization known as New Greenways, LLC in the Superior Court of New Jersey, Law Division, Gloucester County, captioned Greenways of Franklin, L.L.C. and New Greenways, L.L.C. v. Township of Franklin, Township of Franklin Planning Board and Stanker & Galetto, Inc., Docket No. GLO-L-0242-07; and

WHEREAS, a proposed Settlement Agreement came into being over a number of years with terms that had been modified due to Plaintiff’s change in a proposed site for the development of an affordable housing project in the Township of Franklin; and

WHEREAS, the change in location and proposal caused certain changes to be made to the proposed agreement, as well as the need to modify exhibits and attachments to the agreement, which to date, remain incomplete; and

WHEREAS, due to the circumstances set forth above, and based upon other factors which take into consideration the best interests of the Township of Franklin, and the health, safety and welfare of the residents and taxpayers of the Township of Franklin, the Township Committee has determined that the proposed agreement in its current state is not in the best interests of the Township of Franklin.

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey, that the Township Committee rejects the Settlement Agreement that has been proposed to resolve the litigation known as Greenways of Franklin, L.L.C., et al. v. Township of Franklin, et al.

BE IT FURTHER RESOLVED, that Special Counsel for the Township of Franklin, Stuart A. Platt, Esquire of the firm of Platt & Riso is hereby authorized by the Township Committee to engage in further negotiations with counsel for the Plaintiffs, consistent with Franklin Township’s goal of implementing an appropriate affordable housing plan which provides a reasonable opportunity for construction of affordable housing in the Township of Franklin.

ADOPTED at a regular meeting of the Township Committee of the Township of Franklin on April 12, 2016.

Attest:

Township of Franklin

Barbara Freijomil, Clerk

Sheryl Neely, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a regular meeting held on Tuesday, April 12, 2016

Barbara Freijomil, Municipal Clerk