

RESOLUTION 2021-141

COLTS NECK TOWNSHIP

AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH THE COMMANDER, NAVY REGION MID ATLANTIC, NAVAL WEAPONS STATION EARLE REGARDING WASTEWATER TREATMENT UTILITIES

WHEREAS, the New Jersey Supreme Court, through its rulings in In re Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Hous., 221 N.J. 1 (2015) (Mount Laurel IV); Hills Dev. Co. v. Twp. of Bernards 103 N.J. 1 (1986) (Mount Laurel III); S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II); S. Burlington Cty. NAACP v. Twp. of Mount Laurel, 67 N.J. 151,174 (1975) (Mount Laurel I) (the “Mount Laurel Decisions”), has determined that municipalities in New Jersey have a constitutional obligation to provide a realistic opportunity for a fair share of its region's present and prospective needs for housing for low and inoderate income families; and

WHEREAS, the New Jersey State Legislature, in response to the Mount Laurel Decisions, adopted the Fair Housing Act, N.J.S.A. 53:27D-301 et seq. to codify the obligation of municipalities to provide a realistic opportunity for housing for low and moderate income families; and

WHEREAS, the Township of Colts Neck (the “Township”) recognizes its obligation under the State Constitution, as further set forth in the Mount Laurel Decisions and the Fair Housing Act, to provide a realistic opportunity for housing for low and moderate income individuals and families; and

WHEREAS, on July 19, 2015, the Township filed a declaratory judgment action, in accordance with Mount Laurel IV, seeking a declaration of its compliance with the Mount Laurel Decisions and the Fair Housing Act (the “Action”); and

WHEREAS, the Fair Share Housing Center (FSHC) intervened in the Action and, with the assistance of a special master, reached a settlement with the Township (the “Fair Share Settlement”, annexed herein as Exhibit A) which sets forth the manner in which the Township will ensure the opportunity for housing for low and moderate income families; and

WHEREAS, in accordance with the Fair Share Settlement, Colts Neck will address an affordable housing obligation of approximately 300 units of deed-restricted affordable housing; and

WHEREAS, a Town Center, suitable for this level of development, has been proposed as part of the town’s master plan, but it lacks the required wastewater utilities to provide for the development; and

WHEREAS, Naval Weapons Station Earle (NWS Earle) currently owns and operates a sewage treatment plant (the “Plant”) which is operating at less than a third of the Plant’s daily capacity; and

WHEREAS, the low potable water use requires high levels of flushing to maintain water quality, and half of metered water flowing through the Plant is wasted; and

WHEREAS, the Plant capacity of 374,000 gallons per day (gpd) is three or four times average daily use and the discharge permit is over twice the current capacity.

WHEREAS, the Township anticipates that the Plant currently has more than enough capacity to meet the needs of both NWS Earle and the Township in order to develop the Town Center; and

WHEREAS, in order to facilitate the higher density development pursuant to the Township’s affordable housing plan, the Township desires to enter into a Memorandum of Understanding (MOU) with Commander, Navy Region Mid-Atlantic and Naval Weapons Station Earle to work in good faith regarding the Township’s request to connect to the Plant; and

WHEREAS, the MOU does not obligate the Township to pay any funds at this time; and

WHEREAS, the MOU shall be effective for one (1) year from the date of execution.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF COLTS NECK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, they being the governing body thereof, as follows:

1. The Mayor and/or his designee are hereby authorized to execute the Memorandum of Understanding between the Township, Commander, Navy Region Mid-Atlantic and Navy Weapon Station Earle regarding the provision of Wastewater Treatment Utilities, in substantially the form attached.
2. The Mayor, Township Attorney, and Municipal Clerk, along with any agents or consultants so authorized, are hereby directed to take action necessary to effectuate the purpose of this resolution.
3. A copy of this Resolution and the MOU, once executed, shall be placed on file with the office of the Municipal Clerk.
4. This Resolution shall take effect immediately.

I, Trina Lindsey, do hereby certify the foregoing to be a true and accurate copy of a Resolution passed by the Township Committee of Colts Neck Township during a regular meeting held on the 11th day of August.



Trina Lindsey, Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Viola		X			
Deputy Mayor Bartolomeo	M	X			
Fitzpatrick		X			
Torchia Buss		X			
Rizzuto	S	X			
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					