

**RESOLUTION OF THE TOWNSHIP OF JACKSON
JACKSON, NEW JERSEY**

RESOLUTION NUMBER: 368R-17

DATE OF ADOPTION: _____

TITLE: AUTHORIZING RATIFYING INTERIM SETTLEMENT AND STAND STILL AGREEMENTS IN CONNECTION WITH PENDING LITIGATION AND PROVIDING MUNICIPAL CONSENT FOR RESIDENTS SEEKING UTILITY COMPANY PERMISSION FOR SPACE ON UTILITY POLES

Council Member _____ presents the following resolution.

Seconded by _____.

WHEREAS, cases entitled Agudath Israel of America and WR Property, LLC v. Township of Jackson 3:17-cv-03226-MAS-DEA and Oros Bais Yaakov High School v. Jackson Township and Jackson Township Zoning Board of Adjustment OCN-L-PW-2981-14 have filed a lawsuit against the Township of Jackson alleging that certain Township ordinances violate the Religious Land Use and Institutionalized Persons Act, a federal law that prohibits the use of zoning laws that substantially burden the exercise of religious assemblies; and

WHEREAS, during a mediation session advised by the Court in the Agudath Israel case, an interim settlement agreement was negotiated which would temporarily suspend the litigation currently pending before the U.S. District Court to permit the Township to consult with the plaintiffs and any applicable experts to consider amendment to zoning to provide for the reasonable development of schools and boarding schools in the Township; and

WHEREAS, the Township Council believes that the Settlement Agreement represents the best opportunity for the Township to resolve the claims against it and the Zoning Board of Adjustment and prevent the further expenditure of exorbitant amounts of legal fees; and

WHEREAS, the Township Council hereby authorizes the execution of a Standstill Agreement with Special Counsel appointed in this, Marshall, Dennehey, Warner, Coleman & Goggin, to cease all discovery and motion practice during the initial 90- day period contemplated in the Agreement; and

DATED: _____
ANN MARIE EDEN, R.M.C.
TOWNSHIP CLERK

RECORD OF VOTE				COUNCIL VICE PRES.	COUNCIL PRESIDENT
TOWNSHIP COUNCIL	Barry Calogero	Scott Martin	Robert Nixon	Ann Updegrave	Kenneth Bressi
YES					
NO					
ABSTAIN					
ABSENT					

I, Ann Marie Eden, Municipal Clerk of the Township of Jackson in the County of Ocean, hereby certify that the above is a true copy of a Resolution adopted by the Township Council on the _____ day of _____ 2017.

WHEREAS, the Township Council hereby authorizes the execution of the Settlement Memorandum, attached hereto; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Council of the Township of Jackson, County of Ocean, State of New Jersey, as follows:

1. That the Township Council hereby ratifies execution of the Settlement Memorandum, attached hereto and dated November 28, 2017.
2. That the Township Council further authorizes the execution of a litigation Standstill Agreement, in a form acceptable to the Township Attorney, by Marshall, Dennehey, Warner, Coleman & Goggin as assigned counsel for the Township.
3. That permission and authority are hereby granted for the placement of eruvim/lechis on poles erected by utilities that have the lawful right to maintain the poles within the public right-of-way in the Township of Jackson provided the utility company consents to such placement and there is compliance with all applicable Federal, State and Local laws regarding safety requirements related to the use of the public right-of-way.
4. That the Township Clerk provide a certified copy of this resolution to the Township Attorney and assigned counsel, Marshall, Dennehey, Warner, Coleman & Goggin for distribution to plaintiffs' counsel, the Zoning Board Attorney and the mediator.