

RESOLUTION

WHEREAS, on June 10, 2022, Kevin Malanga filed a new Complaint in Lieu of Prerogative Writ challenging Resolution No. 124-22 which is docketed as Docket No. ESX-L-3433-22 (“New Action”); and

WHEREAS, Resolution No. 124-22 provided for the sale of 46 w. Mt. Pleasant Avenue, Block 68, Lot 1 (portion) in the Township (the “Existing Library”); and

WHEREAS, the Superior Court of New Jersey conducted a Case Management Conference on July 11, 2022; and

WHEREAS, the Township moved to dismiss the new action pursuant to Rule 1:10-3 and other basis; and

WHEREAS, the parties have negotiated a settlement which would provide for the dismissal of the New Action; and

WHEREAS, on July 19, 2022, the Township Council approved an Amendment to Purchase and Sale Agreement between the Township, as Seller and West Orange Senior Housing, LLC concerning the Existing Library; and

WHEREAS, the proposed settlement provides that the Amendment shall remain in full force and effect; and

WHEREAS, under the proposed settlement, the Township will be able to continue the proposed project with development of 64 low and moderate income senior apartments; and

WHEREAS, the parties have entered into a proposed settlement agreement subject to approval by the Township Council;

NOW, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Mayor be and is hereby authorized to enter into the Mutual Release, Covenant Not to Sue and Dismissal of Litigation annexed hereto as Exhibit “**A**”; and it is further

RESOLVED that the Municipal Clerk shall attest to the Mayor’s signature in accordance with applicable law.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Susan McCartney
Council President

Adopted: August 9, 2022