

**RESOLUTION AUTHORIZING THE PARTICIPATION IN LITIGATION TO  
ADDRESS THE CONSTITUTIONALITY AND/OR VALIDITY OF NEW JERSEY'S  
AFFORDABLE HOUSING MANDATES**

WHEREAS, the Borough of Montvale (Bergen County) is coordinating litigation or potential litigation to review, challenge and/or declare unconstitutional certain mandates from the State of New Jersey concerning the obligations of municipalities relating to affordable housing; and

WHEREAS, affordable housing can be a benefit to every municipality within the State of New Jersey if such obligation is shared fairly and proportionately among all municipalities; and

WHEREAS, the Borough of Montvale is seeking additional municipalities to join in such litigation in order to promote the efficiency and effectiveness of same; and

WHEREAS, participation in such litigation would permit each municipality to benefit from any relief awarded by the Court; and

WHEREAS, the Borough of Montvale has provided a preliminary cost estimate for such litigation of Ten Thousand Dollars (\$10,000.00) for each year of 2024 and 2025 for an estimated commitment from each participating municipality of Twenty Thousand Dollars (\$20,000.00); and

WHEREAS, the public interest favors participation in such litigation;

NOW THEREFORE BE IT RESOLVED, by and Mayor and Council of the Borough of Wharton, County of Morris State of New Jersey, that Wharton Borough is hereby authorized to join as a party the above referenced litigation and is hereby authorized to contribute \$10,000.00 in 2024 and another \$10,000.00 in 2025; and

BE IT FURTHER RESOLVED, that the Mayor, Administrator, and Borough Clerk are authorized to execute such Agreements with Counsel to be selected by the Borough of Montvale so as to effectuate participation in such litigation, including but not limited to any Retainer Agreement, Confidentiality Agreement, or such other documents as may be necessary to effectuate participation in said litigation; and

BE IT FURTHER RESOLVED, that participation in such litigation shall not be deemed a rejection of any currently obligation while such litigation is pending.

Adopted: August 12, 2024

BOROUGH OF WHARTON

ATTEST:

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Cheryl Muzzillo,  
Deputy Borough Clerk

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WILLIAM J. CHEGWIDEN,  
MAYOR