

**BOROUGH OF PENNINGTON
RESOLUTION 2023-6.20**

**RESOLUTION AUTHORIZING THE FILING OF AN APPEAL OF THE TRIAL COURT
DECISION IN HOPEWELL BOROUGH, PENNINGTON BOROUGH,
ET AL VS HOPEWELL TOWNSHIP, US HOME AT HOPEWELL PARC URBAN RENEWAL
LLC, ET AL. CONTESTING APPROVAL OF 30-YEAR TAX EXEMPTION FOR THE
DEVELOPMENT.**

WHEREAS, Hopewell Borough and Pennington Borough have together filed an action in lieu of prerogative writs, captioned Hopewell Borough and Pennington Borough, et al v. Hopewell Township, US Home at Hopewell Parc Urban Renewal LLC., et al, Superior Court of New Jersey, Law Division – Mercer County, Docket No. L-497-22;

WHEREAS, this action challenges Hopewell Township Ordinance 22-1766 awarding a 30-year tax exemption for a US Home development consisting of 1,077 housing units with a 20% set-aside for affordable housing;

WHEREAS, the Boroughs maintain among other things that notwithstanding the inclusion of affordable housing, which is indeed a benefit of the project, the tax exemption does not meet the criteria for exemption and is not required for the success of the project, while nonetheless creating a windfall for the Township and shifting an estimated \$25 million in school taxes to the two Boroughs over the next 30 years;

WHEREAS, the Boroughs are represented by co-counsel, Joseph C. Tauriello, Esquire and Walter R. Bliss, Jr., Esquire;

WHEREAS, the matter was the subject of multiple briefs and oral argument before the trial court and on May 1, 2023, the Hon. Robert Lougy, A.J.S.C. entered an Order Dismissing Complaint With Prejudice and an accompanying opinion;

WHEREAS, the two Boroughs wish to authorize Mr. Tauriello and Mr. Bliss to file an appeal of the the trial court decision in the Superior Court Appellate Division, an appeal the Boroughs are entitled to file as of right;

WHEREAS, the estimated cost of the appeal is \$12,500, to be shared 50/50 by the two municipalities;

WHEREAS, the Chief Financial Officer of Pennington has certified that the funds for this Borough's share of the cost is available for this purpose;

NOW, THEREFORE, BE IT RESOLVED, by Borough Council of the Borough of Pennington, that legal counsel Tauriello and Bliss are hereby authorized to file in the Appellate Division of Superior Court an appeal of the trial court decision of May 1, 2023 in the above-referenced matter, with the proviso that no fee or expense incurred shall exceed the Borough share of \$6,250 without prior written approval of this Borough Council.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Marciante				
Chandler					Stern				
Gnatt					Valenza				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on June 5, 2023.

Elizabeth Sterling, Borough Clerk