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April 13, 2020

VIA ECOURTS

Honorable Thomas J. Walsh

Union County Courthouse
2 Broad Street
Elizabeth, NJ 07207

**RE: In the Matter of the Application of the Township of Cranford,
County of Union; Docket No.: UNN-L-3976-18**

Dear Judge Walsh:

This firm represents the Township of Cranford in the above-referenced matter. The Township is in receipt of notice from the Court that the May 19-20, 2020 Fairness Hearing will be conducted electronically. I have spoken with Fair Share Housing Center (“FSHC”), the other party to the Settlement being evaluated, and both the Township and FSHC would like to proceed on those dates via video conferencing software to the extent an in-person Fairness Hearing is not plausible by that time. I have also reached out to the objector in this matter, Hartz Mountain and Hartz Mountain has advised that it will not consent to any form of electronic hearing.

It is important to note that the Fairness Hearing in this matter was initially scheduled for February 19, 2020. On January 31, 2020, Hartz filed a motion to have the hearing adjourned, largely due to the fact that it felt prejudiced by the bifurcated nature of the fairness and compliance hearing -- and argued that in the absence of a record on certain compliance issues, the fairness hearing would be an “excise in futility”. Hartz Letter Brief, dated January 31, 2020 at Page 5.

At oral argument on that motion, the Parties agreed to adjourn the hearing an attempt to resolve the litigation. The Court reserved on whether or not the matter would be bifurcated between fairness and compliance. Though it was not the preference of the Township, all parties and the Master seemingly agreed that an alternative would be to have both the fairness and compliance hearing consolidated into one hearing -- so long as that provided sufficient time for the Township to adopt its Housing Element and Fair Share Plan and all implementing documents, which in this case would likely include a declaration of takings of the Hartz property.

In light of the foregoing, FSHC and the Township respectfully request that the Court schedule a telephonic Case Management Conference prior to the hearing to discuss logistics and that the Court conduct a video Fairness Hearing on May 19, 2020 and on May 20, 2020, if multiple days are required. In the alternative, the Township and FSHC would respectfully request that the Court conduct a joint Fairness and Compliance Hearing in or around October 2020.

I thank Your Honor for your time and attention in this matter.

Respectfully Submitted,

Michael J. Edwards

Michael J. Edwards

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