

**RESOLUTION NO. 2016 – 102**

**RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CONTRIBUTION OF AN ADDITIONAL \$2,000 FOR THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT**

**WHEREAS**, the Township Committee of the Township of Little Egg Harbor entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

**WHEREAS**, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained however Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the Township executed an Amendment to the MSSDA (“Amendment”) and the parties to the MSSDA retained Econsult, Inc. to replace Dr. Burchell as expert in the case; and

**WHEREAS**, due to complexity of this case and the variety of parties opposing the municipalities, Econsult has prepared at least seven reports and is in the process of preparing a response to the new round of reports filed by the New Jersey Builders Association and Fair Share Housing Center; and

**WHEREAS**, the municipal consortium was also faced with OPRA demands for the Burchell draft report as well as a Court Order mandating the release of the port and the consortium was required to prepare and fund a legal defense of its position; and

**WHEREAS**, the consortium is comprised of 284 municipalities, each of which contributed an initial \$2,000, however due to the number of reports and challenges, the balance of funds is dwindling therefore the consortium requires an additional \$2,000 deposit from each member municipality; and

**WHEREAS**, it is anticipated that if each municipality contributes an additional \$2,000, there will be sufficient monies to fund the remaining expert costs and fees through the trial in this matter; and

**WHEREAS**, the governing body wishes to authorize an additional \$2,000 contribution to the municipal consortium under the MSSDA.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Little Egg Harbor as follows:

1. The amount of \$2,000 is hereby authorized to be expended for the costs of expert reports, testimony and costs as authorized under the Municipal Shared Services Defense Agreement.
2. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer and is appended hereto.
3. This Resolution shall take effect immediately.

Motion to Approve: Kehm      Second: Stevens      Roll Call:

Gormley	<u>yes</u>
Kehm	<u>yes</u>
Kobryn	<u>yes</u>
Schlick	<u>yes</u>
Stevens	<u>yes</u>

**CERTIFICATION**

I, **DIANA K. MCCRACKEN, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **14<sup>th</sup> day of April, 2016**.

*Diana K. McCracken, RMC*  
**DIANA K. MCCRACKEN**, Township Clerk  
 Little Egg Harbor Township