

RESOLUTION

WHEREAS, the Township of West Orange (the "Township") previously adopted Township Resolution 156-15 on June 9, 2015 which authorized the Township to execute a Municipal Shared Services Defense Agreement (the "MSSDA") for the various purposes set forth therein, including the retention of a common expert to draft an report for use in the Township's pending declaratory judgment action captioned In re Matter of the Application of the Township of West Orange, Docket No.: ESX-L-4697-15 which was filed pursuant to the New Jersey Supreme Court's decision 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); and

WHEREAS, pursuant to the MSSDA, Dr. Robert Burchell ("Dr. Burchell"), a distinguished professor at Rutgers University was retained pursuant to Research Study Agreement ("RSA") through Rutgers University to serve as the expert for all of the municipalities who were parties to the MSSDA; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the RSA; and

WHEREAS, Rutgers University has terminated the RSA as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals in furtherance of the collective need for each participating municipality to obtain an expert report and/or the services of an expert for use in the declaratory judgment actions; and

WHEREAS, an Amendment to the MSSDA to effectuate the modification is annexed hereto as Exhibit "A;" and

WHEREAS, the Township recognizes that the pending declaratory judgment action requires immediate action and may require further expedited actions as the Township Attorney may determine are necessary and appropriate to comply with the pending litigation; and

WHEREAS, the Township has determined that it is in the best interest to approve the Amendment to the MSSDA and/or to affirm and ratify the Amendment to the MSSDA, and to authorize the Township Attorney to take actions on behalf of the Township with regard to the issues raised and associated with the continued implementation of the MSSDA.

NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, that the Township Council of the Township of West Orange authorizes, approves, ratifies, and confirms the execution of the Amendment to the MSSDA, annexed hereto as Exhibit “**A**,” and

BE IT FURTHER RESOLVED Mayor shall be and hereby is authorized to execute the Amendment to the MSSDA, annexed hereto as Exhibit “**A**,” and the Municipal Clerk shall be and hereby is authorized to attest to the Mayor’s signature; and

BE IT FURTHER RESOLVED, that the original fully executed copy of the Amendment to the MSSDA shall be maintained by the Municipal Clerk; and

BE IT FURTHER RESOLVED that the Township hereby authorizes Jeffrey R. Surenian, Esq. to execute the expert consulting agreement with Econsult Solution, Inc.; and

BE IT FURTHER RESOLVED that the Township hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township with the written approval of the Township Attorney such other agreements as are advisable to effectuate the purposes of the MSSDA as amended; and

BE IT FURTHER RESOLVED that the Township further authorizes the Township Attorney to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the Township with regard to the issues raised and associated with the implementation of the MSSDA provided that the action will not require the Township to appropriate or commit any additional funding with regards to the MSSDA; and

BE IT FURTHER RESOLVED that any actions which will require any additional appropriation or commitment of additional funds will be subject to approval of the Township Council of the Township of West Orange;

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

Karen J. Carnevale, Municipal Clerk

Jerry Guarino, Council President

Adopted: September 29, 2015