

RESOLUTION NO. 2015 -116

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY APPROVING AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT BETWEEN THE BOROUGH OF MOUNT ARLINGTON AND THE MUNICIPAL GROUP

WHEREAS, on July 7, 2015 the Borough of Mount Arlington adopted Resolution No.: 2015-94 and entered into a Municipal Shared Services Defense Agreement (“MSSDA”) 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”), a copy of each are incorporated herein as if set forth at length; and

WHEREAS, the MSSDA retained Dr. Robert Burchell, a distinguished professor at Rutgers University, to prepare a report regarding the fair share housing obligations of municipalities participating within the consortium; and

WHEREAS, circumstances have changes so that Rutgers University and Dr. Burchell are no longer viable as parties to prepare such a report; and

WHEREAS, the consortium has determined to engage other qualified consulting experts to perform the same function and Rutgers University has exercised its right to terminate the Research Agreement 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 for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification, a copy of which is incorporated herein as if set forth at length; and

WHEREAS, it will be necessary for municipalities who are participating in the MSSDA to approve the Amendment of the Agreement in that regard on an expedited basis; and

WHEREAS, the Mayor and Council of the Borough of Mount Arlington desire to authorize the Mayor and Borough Clerk to sign such an amendment to the Agreement once approved by the Borough Attorney, subject to later ratification by the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Borough of Mount Arlington to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Mount Arlington that the Mayor and Borough Clerk be and hereby are authorized and directed to execute the amendment to the MSSDA which substitutes another qualified consulting expert in place of Rutgers University and Dr. Robert Burchell, subject to the prior approval of the Borough Attorney and subject to later ratification by the Mayor and Council

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

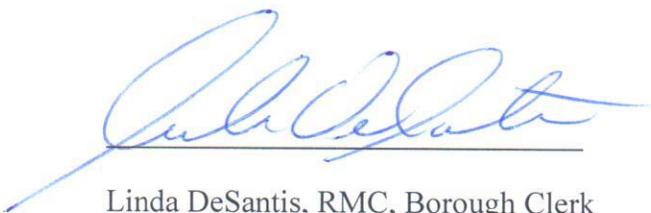
I HEREBY CERTIFY this to be a true and correct Resolution of the Borough Council of the Borough of Mount Arlington and adopted on October 6, 2015.

Approved:



Art Ondish, Mayor

Attest:



Linda DeSantis, RMC, Borough Clerk