

**RESOLUTION NO.: 2016 - 71**

**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 THE MUNICIPAL GROUP AGREEMENT WITH ECONSULT SOLUTIONS, INC.**

**WHEREAS**, the Borough of Mount Arlington 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 to prepare an expert report (the “Burchell Report”); and

**WHEREAS**, the Borough of Mount Arlington contributed \$2,000 to become a member of a consortium of municipalities (hereinafter “Municipal Group”) so that the Municipal Group could enter into an agreement with Rutgers University (hereinafter “Research Agreement”) for the purpose of having Dr. Burchell prepare a fair share report (hereinafter “Burchell Report”); and

**WHEREAS**, Dr. Burchell became ill and was unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

**WHEREAS**, as a result, Rutgers University exercised its right to terminate the Research Agreement as permitted under its terms; and

**WHEREAS**, the MSSDA required a modification to allow the Municipal Group to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

**WHEREAS**, an Amendment to the MSSDA (“Amendment”) was prepared to effectuate the modification, and said Amendment was entered into by the Borough of Mount Arlington; and

**WHEREAS**, the Amendment authorized the execution of an agreement with Econsult Solutions, Inc. (“ESI”) to replace Dr. Burchell and Rutgers, and to prepared its own revised report; and

**WHEREAS**, ESI prepared a revised report entitled “New Jersey Affordable Housing Need and Obligations”, dated December 30, 2015 (the “Solutions Report”), for the Municipal Group; and

**WHEREAS**, the MSSDA as amended, entitled Members of the Municipal Group to retain ESI to testify about the Solutions Report and for related issues; and

**WHEREAS**, any Member of the Municipal Group could retain ESI (i) individually, (ii) as part of a local consortium consisting of other municipalities under the vicinage of any particular

judge presiding over Mount Laurel matters or (iii) both individually and as part of a local consortium; and

**WHEREAS**, an Agreement was prepared so that municipalities in the Municipal Group in the same vicinage could form a mini-consortium (the "Local Municipal Group") to retain ESI collectively to testify about their common interests in the Revised Report (the "Local Municipal Group Agreement"), which is attached hereto Exhibit A and incorporated herein as if set forth at length; and

**WHEREAS**, the Local Municipal Group Agreement contemplates the appointment of a contact person for the Local Municipal Group (the "Administrator"); and

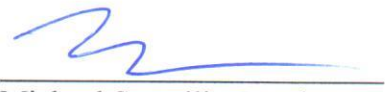
**WHEREAS**, the Borough of Mount Arlington Planner has recommended; and the Mayor and Council has determined that it is the most cost effective option and in the best interests of the citizens of the Borough of Mount Arlington to become a part of the Local Municipal Group and to authorize the Administrator of the Local Municipal Group to enter into the Local Municipal Group Agreement.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Mount Arlington, as follows:

1. the Borough of Mount Arlington hereby joins the Local Municipal Group.
2. the Borough of Mount Arlington hereby agrees to the terms and conditions of the Local Municipal Group Agreement, which is attached hereto as Exhibit A, including all of the rates and direct costs of retaining ESI described therein.
3. the Borough of Mount Arlington hereby authorizes the Administrator of the Local Municipal Group, once appointed, to execute the Local Municipal Group Agreement on behalf of the Borough of Mount Arlington.
4. 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 April 12, 2016.

Approved:

  
Michael Stanzilis, Interim Mayor

Attest:

  
Linda DeSantis, RMC, Borough Clerk