

RESOLUTION NO. 2016-78

**A RESOLUTION AUTHORIZING THE
EXECUTION OF A SHARED SERVICES DEFENSE
AGREEMENT BETWEEN THE TOWNSHIP OF ABERDEEN
AND THE MONMOUTH COUNTY LOCAL MUNICIPAL GROUP**

WHEREAS, the Township of Aberdeen (the "Township"), along with approximately 278 municipalities within the State of New Jersey, previously entered into a Municipal Shared Services Defense Agreement (as amended, the "MSSDA") in order to, among other things, retain Econsult Solutions, Inc. ("ESI") as an expert witness regarding the issues of the methodology and calculation of the state, regional, and municipal fair share housing need and allocation (collectively referred to herein as "Housing Obligations"); and

WHEREAS, ESI has prepared and issued a number of affirmative reports regarding the Housing Obligations along with a number of rebuttal reports in response to the reports of other experts (collectively, and including any future reports issued by ESI on behalf of the Municipal Group regarding the Housing Obligations, the "ESI Reports"); and

WHEREAS, the contract between the Municipal Group and ESI only covered EST's issuance of the ESI Reports and does not cover EST's testimony at deposition or trial; and

WHEREAS, the MSSDA envisioned that members of the Municipal Group would be able to retain ESI to testify about the ESI Reports and for related issues; and

WHEREAS, all of the Members of the MCLMG have filed declaratory judgment actions as directed by the New Jersey Supreme Court in the case entitled In re Adoption of N.J.S.A. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Mt. Laurel IV") seeking an adjudication as to state and regional need and municipal fair share obligation as well as each Member's compliance with such constitutional obligation; and

WHEREAS, the courts in Monmouth County have consolidated these declaratory judgment actions (the "Litigation") for the purposes of case management and have indicated that a consolidated trial will be held in the Litigation on the issues of the methodology and calculation of the state, regional, and municipal fair share housing need and allocation; and

WHEREAS, the Members are all part of the state-wide Municipal Group who have determined that it appropriate to create a Monmouth County Local Municipal Group (referred to herein as the "MCLMG") in order to cooperate with each other with regard to issues relating to the court's determination of the Housing Obligations and to retain ESI to provide testimony at deposition

and trial in the Litigation; and

WHEREAS, the Members of the MCLMG wish to enter into this shared services defense agreement (the "Agreement") in order to memorialize the terms and conditions of their agreement on these issues with the Township, attached hereto as **Exhibit A**;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Aberdeen, in the State of New Jersey, that it hereby approves and authorizes the execution of a Shared Services Defense Agreement, between the Township and the Monmouth County Local Municipal Group, approved in form and substance by the Township Attorney, attached hereto as **Exhibit A**;

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized to execute any and all documents, substantially consistent with the form of agreement attached hereto, subject to the final review by the Township Attorney as to legal form and content.

ATTEST:

ADOPTED:

KAREN A. VENTURA,
TOWN CLERK

FRED TAGLIARINI,
MAYOR

1921931