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<p>IN THE MATTER OF THE APPLICATION OF THE TOWNSHIP OF SOUTH BRUNSWICK FOR A JUDGMENT OF COMPLIANCE AND REPOSE AND TEMPORARY IMMUNITY FROM <u>MOUNT LAUREL</u> LAWSUITS</p>	<p>SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX COUNTY</p> <p>DOCKET NO.: MID-L-3878-15</p> <p>CIVIL ACTION – <i>MOUNT LAUREL</i></p> <p>PRETRIAL INFORMATION EXCHANGE MEMORANDUM (R. 4:25-7(b))</p>
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To: All Counsel of Record

Pursuant to R. 4:25-7(d) please find herein the Township of South Brunswick’s Pretrial Information Exchange:

1. A list of all witnesses (including addresses) to be called in the party’s case in chief.

- A) Peter Angelides, Ph. D., AICP, Principal, Econsult Solutions, Inc., 1435 Walnut Street, Philadelphia, PA 19102
- B) Robert S. Powell, Jr., Ph.D., Nassau Capital Advisors, LLC, 12 Vandeventer Ave, Princeton, NJ 08542
- C) Mary Beth Lonergan, PP, AICP, Clarke Caton Hintz, 100 Barrack Street, Trenton, NJ 08608
- D) Bryan Bidlack, PP, Director of Planning, Township of South Brunswick, 540 Ridge Road, Monmouth Junction, NJ 08852
- E) Denise Brown, Municipal Housing Liaison/Administrative Agent, Township of South Brunswick, 540 Ridge Road, Monmouth Junction, NJ 08852
- F) Karen Scalera, Executive Director, South Brunswick Community Development Corporation, 3424 Route 27, Kendall Park, NJ 08824
- G) Joseph Alpert, The Alpert Group, LLC, One Park Plaza, Fort Lee, NJ 07024.
- H) Stuart Portney, President, The Metro Company, LLC, 242 Tenth Street, Suite 103, Jersey City, NJ 07302.

- I) Brendan McBride, Vice President of Development, RPM Development Group, 77 Park Street, Montclair, NJ 07042.
- J) Christopher Killmurray, Deputy Mayor, Township of South Brunswick, 540 Ridge Road, Monmouth Junction, NJ 08852

The Township reserves the right to amend this list as may become necessary.

2. A list of all exhibits to be offered in the party’s case in chief, including all demonstrative exhibits prepared, prior to trial, by any witness, including an expert witness. All such exhibits shall be premarked for identification and shall be described briefly. Each party shall confer in advance of trial to determine if any such exhibits can be admitted into evidence by agreement or without objection.

Exhibit Number	Description
P1	Resume of Peter Angelides
P2	“Review and Analysis of Report Prepared by David N. Kinsey, PhD Entitled ‘New Jersey Low and Moderate Income Housing Obligations for 1999 – 2025’” prepared by Econsult Solutions, Inc., dated September 24, 2015
P3	“ESI Comments on Response to New Jersey State League of Municipalities’ Expert Reports by Econsult Solutions, Inc. and Nassau Capital Advisors, LLC, September 2015, on Low and Moderate Income Housing Obligations, by David N. Kinsey PhD” prepared by Peter Angelides, Ph. D., AICP, Econsult Solutions, Inc., dated October 22, 2015
P4	“New Jersey Affordable Housing Need and Obligations (initial)” prepared by Peter Angelides, Ph. D., AICP, Econsult Solutions, Inc., dated December 30, 2015
P5	“ESI Analysis of the Gap Period (1999 – 2015)” prepared by Peter Angelides, Ph. D., AICP, Econsult Solutions, Inc., dated February 8, 2016
P6	“ESI Response to Comments Regarding ESI Affordable Housing Need and Obligations Report” prepared by Peter Angelides, Ph. D., AICP, Econsult Solutions, Inc., dated February 19, 2016
P7	“ESI Gap Period Calculation” prepared by Peter A. Angelides, Ph. D., AICP, Econsult Solutions, Inc., dated March 24, 2016
P8	“New Jersey Affordable Housing Need and Obligations (updated)” prepared by Peter Angelides, Ph. D., AICP, Econsult Solutions, Inc., dated March 24, 2016
P9	“Econsult Solutions, Inc., Fair Share Methodology Critique and Response,” prepared by Peter Angelides, Ph. D., AICP, Econsult Solutions, Inc., dated April 8, 2016
P10	Power Point Presentation of Econsult Calculation of Affordable Housing Obligations
P11	Resume of Robert Powell
P12	“Demographic and Economic Constraints on the Inclusionary Zoning Strategy Utilized for the Production of Low and Moderate Income

	Housing in New Jersey” prepared by Robert S. Powell, Jr., Ph.D. and Gerald Doherty, M.A., Nassau Capital Advisors, LLC, dated September 22, 2015
P13	Resume of Mary Beth Lonergan
P14	“Planner’s Report for the Township of South Brunswick, Middlesex County, New Jersey” in South Brunswick Center, LLC, v. Mayor and Municipal Council of the Township of South Brunswick, et al., Docket No. MID-L-3669-14, prepared by Mary Beth Lonergan, PP, AICP, Clarke Caton Hintz, dated April 16, 2015
P15	South Brunswick Resolution of endorsement and charts summarizing its Third Round Plan
P16	Poster sized version of charts summarizing Third Round Plan
P17	Power Point Presentation of South Brunswick Third Round Plan
P18	Development Agreement between Dungarvin/Eclipse and South Brunswick for Group Homes with recorded deeds
P19	Development Agreement between Triple C Housing and South Brunswick for Group Homes with recorded deeds
P20	Development Agreement between Community Options and South Brunswick for Group Homes with recorded deeds
P21	Development Agreement between ARC of Middlesex County and South Brunswick for Group Homes with recorded deeds
P22	COAH resolution dated October 14, 2009, granting waiver of market-to-affordable limits
P23	REACH (market-to-affordable) for-sale spreadsheet with recorded deed restrictions for completed units
P24	REACH (market-to-affordable) rental program manual
P25	Woodhaven/Deans Apartments Extension of Controls agreement and deed restriction
P26	Charleston Place I & II Extension of Controls agreement
P27	Regal Point Extension of Controls documents
P28	Monmouth Walk Extension of Controls documents
P29	Nassau Square Extension of Controls documents
P30	Wheeler Road Group Homes Extension of Controls documents
P31	Major Road Group Homes Extension of Controls documents
P32	Dungarvin (Cranston Road) Extension of Controls documents
P33	Sassman Deed Restriction
P34	Menowitz (Cambridge Crossing) settlement agreement
P35	Windsor Associates Planning Board application for approval
P36	SB Center Aerial Map
P37	SB Center Wetlands Map
P38	SB Center Species Based Habitat Map
P39	SB Center Steep Slope Map
P40	SB Center Proposed Rezoning Map
P41	SB Center Financial Analysis Model by Nassau Capital
P42	East Meadow Estates documents related to production of offsite units

P43	Stanton Girard Aerial Map
P44	Stanton Girard Species Based Habitat Map
P45	Stanton Girard Steep Slope Map
P46	Stanton Girard Concept Plan
P47	Roedel Aerial Map
P48	Roedel Species Based Habitat Map
P49	Roedel Steep Slope Map
P50	Monmouth Mobile Home Park Aerial Maps
P51	Monmouth Mobile Home Park draft agreement
P52	Monmouth Mobile Home Park draft deed restriction
P53	Wilson Farm Aerial Map
P54	Wilson Farm Species Based Habitat Map
P55	Wilson Farm Steep Slope Map
P56	Wilson Farm Concept Plan
P57	Wilson Farm Approved Site Plan
P58	RPM Henderson Road Aerial Map
P59	RPM Henderson Road Species Based Habitat Map
P60	RPM Henderson Road Steep Slope Map
P61	RPM Henderson Road Concept Plan
P62	SB Township Resolution of Commitment to Fund Wilson Farm and RPM Henderson Road dated December 8, 2015
P63	Middlesex County Urban Housing Preservation Program Agreement documents
P64	Resume of Bryan Bidlack

The Township reserves the right to amend this list as may be necessary at the time of trial.

3. A list of any proposed deposition or interrogatory reading(s) by page and line number or by question number.

No specific portions of any depositions are proposed to be read as part of the Township’s case in chief at this time. The Township reserves the right, however, to utilize any portion of the following depositions at the time of trial for any purposes permitted by the Rules of Court:

- A) Deposition of David N. Kinsey, Ph.D., “Fair Share Housing Center, Inc., v. Township of Haddon, et al., Superior Court of NJ, Law Div, Camden County, Docket No. CAM-L-4888-11, dated May 4, 2015.
- B) Deposition of David N. Kinsey, Ph.D., “In the Matter of the Application of the Township of Woodbridge, Superior Court of NJ, Law Div, Middlesex County, Docket No. MID-L-3862-15, dated October 21, 2015.

The Township reserves the right to amend this list as may become necessary.

4. Any in limine or trial motions intended to be made at the commencement of trial, with supporting memoranda. Such motions shall not go on the regular motion

calendar. Any objections to the proposed admission into evidence of any exhibit or to any reading by any other party, and any response to an in limine or trial motion shall be served on all parties not later than 2 days prior to trial.

The court should enter an order indicating that:

- A) The Township's Prior Round (1987-1999) Obligation is 842 units.
- B) The Township has satisfied its 842-unit Prior Round (1987-1999) Obligation.

The Township reserves the right to file such additional motions as may become necessary up to the date of trial.

5. A listing of all anticipated problems with regard to the introduction of evidence in each party's case in chief, especially, but without limitation, as to any hearsay problems, and legal argument as to all such anticipated evidence problems.

None known at this time. The Township reserves the right to amend this response as may become necessary up to the date of trial.

At trial and prior to opening statements, each party shall submit the following to the trial judge:

- (a) copies of any Pretrial Information Exchange materials that have been exchanged pursuant to this rule, and any objections made thereto; and
- (b) stipulations reached on contested procedural, evidentiary and substantive issues.

In addition, in jury trials each party shall submit the following materials to the trial judge and, unless exchange of trial information has been waived in writing pursuant to R. 4:25-7(d), also to all other parties:

Not applicable.

- (a) any special voir dire questions,
- (b) a list of proposed jury instructions with specific reference to the Model Civil Jury Charges, if applicable,
- (c) any special jury instructions with applicable legal authority, and
- (d) a proposed jury verdict form that includes all possible verdicts the jury may return.

Respectfully submitted,  
TOWNSHIP OF SOUTH BRUNSWICK

*s/ Donald J. Sears*

By: \_\_\_\_\_  
Donald J. Sears

Dated: April 25, 2016