

TOWNSHIP OF SOUTH BRUNSWICK

Municipal Building • P.O. Box 190 • Monmouth Junction, NJ 08852-0190

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December 23, 2015

Via electronic mail and regular mail

Honorable Douglas K. Wolfson, J.S.C.
Superior Court of New Jersey
Middlesex County Courthouse
56 Paterson Street
P.O. Box 964
New Brunswick, NJ 08903-0964

Re: In the Matter of the Application of the Township of
South Brunswick for a Judgment of Compliance and
Repose and Temporary Immunity from Mount Laurel Lawsuits
Docket No. MID-L-3878-1
Our File No. L1347

Dear Judge Wolfson:

Enclosed please find Econsult Solutions report entitled “New Jersey Affordable Housing Need and Obligations” dated December 22, 2015, authored by Richard P. Voith, Ph.D. and/or Peter A. Angelides, Ph.D. The Township of South Brunswick shall rely upon this report and its conclusions in the above referenced matter.

The Township also continues to rely upon the reports previously submitted to the Court as follows:

- 1) Econsult Solutions, Richard P. Voith, Ph.D. and Peter A. Angelides, Ph. D., report entitled “Review and Analysis of Report Prepared by David N. Kinsey, Ph.D. Entitled: ‘New Jersey Low and Moderate Income Housing Obligations for 1999-2015’ ” dated September 24, 2015.
- 2) Nassau Capital Advisors, LLC, Robert S. Powell, Jr., Ph.D. and Gerald Doherty, M.A., report entitled “Demographic and Economic Constraints on the Inclusionary Zoning Strategy Utilized for the Production of Low and Moderate Income Housing in New Jersey” dated September 22, 2015.
- 3) Clarke Caton Hintz, Mary Beth Lonergan report entitled “Planner’s Report for the Township of South Brunswick” dated April 16, 2015 in the matter of South Brunswick Center, LLC v. Mayor and Municipal Council of the Township of South Brunswick, et al, (Docket No. MID-L-3669-14).

Clearly there is a difference of opinion on Statewide, regional and municipal need and obligations between the experts that have been identified by the parties in this and other Affordable Housing Declaratory Judgment actions pending in Middlesex County. It is clear that the court will have to conduct a trial on such issues to definitively establish each municipality’s fair share obligation. In addition, a determination of acceptable compliance mechanisms must also occur.

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Given the common issues and interests of the parties in all pending Middlesex County cases, I respectfully request that the Court consolidate all Middlesex County cases for purposes of determining the fair share obligation of each municipality and the acceptable compliance mechanisms available to meet said obligations. This will promote judicial economy, represents the most efficient use of resources of both the court and the parties involved and will result in consistency and uniformity in all pending cases while at the same time provide each party with the opportunity to participate in the determination of these issues. This process would be similar to the process previously used by this court in handling the issues related to the 1,000 unit cap. The alternative would involve multiple trials where the evidence presented would be repetitive and time consuming for the court and all parties involved.

Please advise if the court will consolidate all Middlesex County cases for purposes of determining the fair share obligation of each municipality, and the acceptable compliance mechanisms available to meet said obligations, based upon this informal request or if a formal motion should be filed.

Thank you for your considerations in this matter. If you have any questions or comments, please do not hesitate to contact me.

Respectfully yours,

s/Donald J. Sears

Donald J. Sears
Director of Law

Cc: Robert A. Kasuba, Esq., attorney for AVB
Henry Kent-Smith, Esq., attorney for Richardson
Kenneth D. McPherson, Jr., attorney for SBC
Kevin J. Moore, Esq., attorney for SG
Brett E. Tanzman, Esq., attorney for Windsor
Kevin Walsh, Esq., and Adam Gordon, Esq., attorneys for FSHC
Benjamin Bucca, Jr., Esq., attorney for SB Planning Board
Christine Nazzaro-Cofone, PP, Special Master

Donald J. Sears, Esq.
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Attorney for Declaratory Plaintiff,
Township of South Brunswick

<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>CERTIFICATION OF LISA WARD</p>
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Lisa Ward, of full age, hereby certifies as follows:

1. I am a Legal Assistant employed by the Township of South Brunswick. As such, I have full knowledge of all of the facts and circumstances surrounding this matter.
2. Econsult Solutions, Richard P. Voith, Ph.D. and Peter A. Angelides, Ph. D., report entitled “Review and Analysis of Report Prepared by David N. Kinsey, Ph.D. Entitled: ‘New Jersey Low and Moderate Income Housing Obligations for 1999-2015’ ” dated September 24, 2015, was served upon Honorable Douglas K. Wolfson, J.S.C., Superior Court of New Jersey, Middlesex County Courthouse, 56 Paterson Street, P.O. Box 964, New Brunswick, NJ 08903-0964 via electronic mail and regular mail on this date.
3. A copy of same was served upon the following via electronic mail and regular mail on this date:

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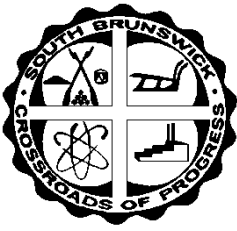
4. Consistent with the court's prior order, I am notifying all those on the attached Service List by sending the attached form of notice to each one via regular mail on this date.

5. I am also posting a copy of these same court filings on the Township's website at www.sbtnj.net on this date.

6. I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Dated: December 23, 2015

By: *Lisa Ward*
Lisa Ward



TOWNSHIP OF SOUTH BRUNSWICK

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Phone 732-329-4000 X7311 Fax 732-329-9026

December 23, 2015

In the Matter of the Application of the Township of
South Brunswick for a Judgment of Compliance and
Repose and Temporary Immunity from Mount Laurel Lawsuits
Docket No. MID-L-3878-15

To All Interested Parties on the attached Service List:

The following expert report has been submitted to the Court in the above captioned matter:

Econsult Solutions report entitled "New Jersey Affordable Housing Need and Obligations" dated December 22, 2015, authored by Richard P. Voith, Ph.D. and/or Peter A. Angelides, Ph. D.

The Township of South Brunswick has also requested that the Court consolidate all Middlesex County cases for purposes of determining the fair share obligation of each municipality and the acceptable compliance mechanisms available to meet said obligations.

In the event you wish to receive a copy of the documents that have been filed by the Township, please notify Lisa Ward, Legal Assistant in my office (lward@sbtnj.net) and a copy will be promptly sent to you via electronic mail and/or regular mail, as you designate. A copy of the documents can also be reviewed on the South Brunswick Township website (www.sbtnj.net); at the offices of the Township of South Brunswick; or in the Superior Court – Law Division, Middlesex County Clerk's Office.

If you have any further questions or comments, or wish to discuss this matter further, please do not hesitate to contact my office.

Very truly yours,

/Donald J. Sears

Donald J. Sears
Director of Law

Township of South Brunswick Declaratory Judgment Action Interested Parties Service List

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