



TOWNSHIP OF SOUTH BRUNSWICK

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October 8, 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-3878-15
Our File No. L1347

Dear Judge Wolfson:

In furtherance of my letter to you dated September 25, 2015, in the above referenced matter, please be advised that the Township of South Brunswick shall rely upon the enclosed reports of its experts 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.

The Township also continues to rely upon the report previously submitted to the Court as prepared by Mary Beth Lonergan 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).

Copies of all three reports are enclosed for reference of the parties.

As the Court is aware, the Township joined with roughly 230 other municipalities to retain Rutgers University so that Dr. Robert Burchell could produce a report on the fair share obligations of municipalities by September 30, 2015. Unfortunately, as you know, Dr. Burchell had a stroke on or about July 27, 2015. On August 27, 2015, after Dr. Burchell's hospital stay and period of rehabilitation, several attorneys on behalf of the majority of municipalities in the State met with Dr. Burchell, at which time it became clear that Dr. Burchell would not be in a position to complete his report or testify. Rutgers University has since terminated its agreement for these services.

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Along with the other municipalities, we have diligently worked to overcome this setback in order to obtain the services of an expert to present the Township's position as to the appropriate calculation for the fair share obligation for each municipality. Econsult Solutions, referenced above, which had been retained by the New Jersey State League of Municipalities to evaluate the report prepared by David Kinsey on behalf of Fair Share Housing Center, produced the enclosed report (since referred to as the "Evaluation Report"). Econsult has now been retained to prepare a second report related to fair share determinations for each municipality in New Jersey (which has come to be known as the "Solutions Report").

Despite the vigorous efforts to cure the setback suffered as a result of the unfortunate health problems suffered by Dr. Burchell, it is my understanding that the Econsult Solutions Report will not be available until the end of December.

Given the unforeseen and unfortunate stroke suffered by Dr. Burchell, and his resulting inability to continue, the Township, along with more than 230 other municipalities, has been forced to retain a substitute. It is only because of Econsult's familiarity with affordable housing in New Jersey as a result of preparing the Evaluation Report is it in a position to prepare a Solutions Report by the end of December.

As the Court works to devise a procedure to resolve fair share issues for the Third Round, and determine municipal obligations related thereto, I respectfully request that the Court take into account these unforeseen, unfortunate circumstances. Although a draft Plan will be submitted to the Court on November 9, 2015, pursuant to the last Case Management Order, I respectfully request that the Township be given additional time to receive the Econsult Solutions Report prior to any further evaluation of the Township's Third Round obligation and/or fair share plan. To do otherwise would unduly prejudice the Township because of circumstances beyond its control.

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

Respectfully yours,

/Donald J. Sears

Donald J. Sears
Director of Law

DJS/lw
Enclosures

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