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Chambers of  
Maryann L. Nergaard  
Judge

Courthouse  
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**FACSIMILE TRANSITTAL SHEET**

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FROM: Honorable Maryann L. Nergaard

DATE: June 6, 2017

RE: Mount Laurel

NUMBER OF PAGES (Including Cover Sheet): 9

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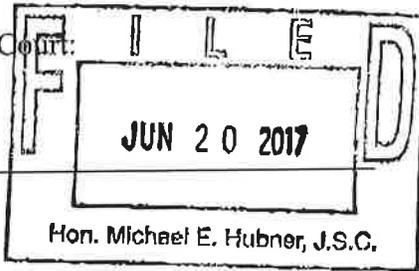
PLEASE FIND ATTACHED COPY OF JUNE 20, 2017 ORDER OF THE HONORABLE  
MARYANN L. NERGAARD, JSC and THE HONORABLE MICHAEL E. HUBNER, JSC

**FILED**

**JUN 20 2017**

Maryann L. Nergaard  
J.S.C.

Prepared by the Court:



SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION – MORRIS COUNTY

IN ALL DECLARATORY JUDGMENT  
ACTIONS FILED BY VARIOUS  
MUNICIPALITIES, COUNTY OF MORRIS  
PURSUANT TO THE SUPREME COURT'S  
DECISION IN In Re Adoption of N.J.A.C.  
5:96, 221 N.J. 1 (2015)

Civil Action

ORDER APPOINTING RICHARD  
B. READING AS SPECIAL REGIONAL  
MASTER

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THIS MATTER having been opened to the court *sua sponte* following numerous conferences with counsel and experts for the various Morris County municipalities (collectively, "Morris Municipalities" or singularly, "Morris Municipality") and the several intervenors concerning satisfaction of each Morris Municipality's constitutional low and moderate income affordable housing ("Mount Laurel") obligations; and this court having been directed by the New Jersey Supreme Court in In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) to hear and decide actions addressing municipal compliance with constitutional Mount Laurel obligations; and it appearing that before this court can properly decide individual cases filed by these Morris Municipalities, it will be necessary to first determine the regional need for Mount Laurel housing and then to allocate that need among the Morris Municipalities in the region; and it appearing that in the interest of justice and judicial economy, it is desirable to consolidate these actions for the purposes of determining the regional need and allocating that need among the constituent Morris Municipalities; and the court having previously advised counsel for the Morris Municipalities,

the Intervenor, and the Morris Municipal Special Masters that it intended to appoint Richard B. Reading of Reading Associates as special regional master ("Special Regional Master") for Morris County; and for good cause shown;

IT IS on this 20<sup>th</sup> day of JUNE 2017 **ORDERED** as follows:

1. The matters listed below are consolidated for purposes of determining regional Mount Laurel housing needs and allocating that need among the Morris Municipalities, but not for final disposition:

M&M at Morris Plains, LLS v. Borough of Morris Plains	MRS-L-296-13
JMF at Morris Plains v. Borough of Morris Plains	MRS-L-737-14
IMO Borough of Kinnelon	MRS-L-1559-15
IMO Township of Montville	MRS-L-1633-15
IMO Township of Mount Olive	MRS-L-1634-15
IMO Township of Hanover	MRS-L-1635-15
IMO Town of Boonton	MRS-L-1636-15
IMO Borough of Mendham	MRS-L-1637-15
IMO Borough of Lincoln Park	MRS-L-1638-15
IMO Township of Washington	MRS-L-1639-15
IMO Township of Randolph	MRS-L-1640-15
IMO Township of Denville	MRS-L-1641-15
IMO Borough of Mount Arlington	MRS-L-1657-15
IMO Township of East Hanover	MRS-L-1658-15
IMO Township of Chatham	MRS-L-1659-15
IMO Township of Long Hill	MRS-L-1660-15
IMO Borough of Chester	MRS-L-1661-15
IMO Township of Chester	MRS-L-1665-15
IMO Township of Morris	MRS-L-1670-15
IMO Borough of Rockaway	MRS-L-1671-15
IMO Township of Harding	MRS-L-1672-15
IMO Township of Boonton	MRS-L-1678-15
IMO Borough of Wharton	MRS-L-1691-15
IMO Borough of Madison	MRS-L-1694-15
IMO Town of Dover	MRS-L-1696-15
IMO Town of Morristown	MRS-L-1697-15
IMO Borough of Florham Park	MRS-L-1698-15
IMO Township of Parsippany – Troy Hills	MRS-L-1699-15

2. The court, having previously determined that a builder's remedy is necessary in the Township of Rockaway to satisfy its Mount Laurel obligation, the matter of Morris Commons, LLC v. Rockaway Township, Dkt. No. MRS-L-3271-07 is not consolidated with the remaining Morris Municipalities by this Order.
3. Richard B. Reading is hereby appointed as the court's Special Regional Master to assist the court, the Morris Municipalities, the Intervenors, and all interested parties in the preparation of an appropriate methodology to employ for projecting the Mount Laurel housing needs in Morris County and allocating that need among the Morris Municipalities. The Special Regional Master may communicate directly with the court as he or the court deems appropriate.
4. The Special Regional Master's scope of services to be provided to the court shall include but not be limited to the services set forth in "Exhibit A", annexed hereto, which services shall be billed in accordance with the Schedule of Fees annexed hereto as "Exhibit B". Fair Share Housing Center shall not be obligated to pay any of the Special Regional Master's fees or costs.
5. Promptly upon receipt of this Order, counsel for the Morris Municipalities shall confer and select one of them to serve as escrow agent ("Escrow Agent"), to perform the services set forth hereinafter, notifying the court, the Special Regional Master, the Intervenors, and all interested parties of this selection within twenty (20) days of the date of this Order.
6. On or before August 1, 2017, an escrow account ("Escrow Account") shall be established with the Escrow Agent for each of the Morris Municipalities to pay for the Special Regional Master's fees and costs. By that date and except as otherwise set forth

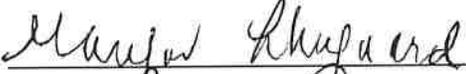
herein, each Morris Municipality shall deposit the initial sum of \$5,000.00 into this Escrow Account, such sum to be comprised of each Morris Municipality's share of \$2,500.00, and \$2,500.00 to be paid by the Intervenors for each respective Morris Municipality. The funds necessary for payment into the Escrow Account may be paid from each Morris Municipality's affordable housing trust fund. The entire Escrow Account shall be paid by those Morris Municipalities that do not have any Intervenors other than Fair Share Housing Center as of August 1, 2017; however, nothing herein shall prevent allocation of the Special Regional Master's fees and costs to any subsequent Intervenor other than Fair Share Housing Center. Morris Municipalities and Intervenors may consent to augment their respective Escrow Account without prior court approval; however, all disputes regarding the Special Regional Master's fees and costs, as well as the allocation of same, shall be resolved as set forth herein. All payments into these Escrow Accounts shall be without prejudice and subject to further allocation by the court.

7. The Special Regional Master shall submit monthly invoices, noting apportionment of fees to be paid by each Morris Municipality and respective Intervenor, to the Escrow Agent, who shall then forward copies of that monthly invoice and of that municipality's and Intervenor's respective share to each Morris Municipality within five (5) days of receipt. The Morris Municipalities and all Intervenors other than Fair Share Housing Center shall remit payment directly to the Special Regional Master within thirty (30) days of receipt of the monthly invoices.
8. In the event that any Morris Municipality or Intervenor challenges the Special Regional Master's fees and costs or the allocation of same, they shall promptly notify the Escrow

Agent, who shall then confer with the other Morris Municipalities and Intervenors to determine if the issue so challenged is unique to that Morris Municipality or Intervenor or if it is of common concern which may be resolved directly with the Special Regional Master. If the matter cannot be resolved amicably, the Escrow Agent shall so advise the court if its intervention is required. Any challenges to the Special Regional Master's fees and costs or allocation of same shall not relieve that Morris Municipality or Intervenor from timely paying the amounts charged, subject to determination by the court.

9. Any Morris Municipality or Intervenor that has entered into a fully-executed settlement agreement, which agreement shall include Fair Share Housing Center, as of August 1, 2017, shall not be obligated to pay into the Escrow Account provided, however, they so notify the court and the Special Regional Master in writing by that date. Any Morris Municipality or Intervenor that enters into a fully executed settlement agreement, which agreement shall include Fair Share Housing Center, after August 1, 2017, shall only be responsible for paying their respective *pro rata* share of the Special Regional Master's fees and costs up to the date written notice is provided to the court and the Special Regional Master.
10. The court shall provide copies of this Order to the Special Regional Master and to counsel for all Morris Municipalities and Fair Share Housing Center. Counsel for the Morris Municipalities shall provide copies to all interested parties within seven (7) days of the date hereof.

As to all above cases other than IMO Township of Long Hill, Dkt. No. MRS-L-1660-15:

  
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Maryann L. Nergaard, J.S.C.

As to IMO Township of Long Hill, Dkt. No. MRS-L-1660-15 only:

  
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Michael E. Hubner, J.S.C.

## EXHIBIT "A"

SCOPE OF SERVICES  
SPECIAL REGIONAL MASTER FOR MORRIS COUNTY, NEW JERSEY

1. Review and analysis of first and second round COAH rules and relevant court decisions regarding calculation of Region 2 (Essex, Morris and Union Counties) low and moderate income affordable housing ("Mount Laurel") need and allocation to Morris County Municipalities.
2. Review Preliminary/Draft, Final Reports and any revisions thereto, demographic data and methodologies prepared by all experts.
3. Meet with the Municipal Special Masters appointed by the Court to discuss overall project goals, objectives, and further information gathering, and to establish general parameters and agenda in anticipation of mediation sessions with representatives of all parties.
4. Advise the Court regarding any necessary mediation sessions with representatives of all parties, and if requested, chair such mediation sessions for the purpose of establishing consensus and conflict points regarding statewide and regional Mount Laurel need and allocations among the Morris Municipalities.
5. Prepare and issue Preliminary Report on determination of statewide, regional and Morris Municipalities' Mount Laurel needs and obligations.
6. Review written responses and reports to Preliminary Report from all interested parties.
7. Prepare and issue Final Report of recommendations to the court and to all interested parties.
8. Prepare for and attend any depositions which may be required by the Court.
9. Attend and participate in any case management conference, hearing or trial as may be required by the court.

Exhibit "B"

# RICHARD B. READING ASSOCIATES

759 STATE ROAD, PRINCETON, NEW JERSEY 08540  
Tel 609-924-6622 e-mail rbrprin@aol.com Fax 609-924-1628

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## SCHEDULE OF FEES

### *Professional Service Fees:*

Principal Time	\$200.00 per hour
Senior Associate	\$160.00 per hour
Analyst and Programming	\$ 80.00 per hour
Drafting and Staff	\$ 50.00 per hour
Processing and Production	\$ 40.00 per hour

### *Non-Salary Expenses:*

Travel	\$ 0.40 per mile
Copying	\$ 0.120 per copy
Miscellaneous	\$ Billed at Cost