

RESOLUTION 89-2015

**RESOLUTION AUTHORIZING AMENDMENT TO
MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT**

WHEREAS, the Borough Council of the Borough of the Woodbury Heights entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Borough Council of the Borough of Woodbury Heights recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Borough Council of the Borough of Woodbury Heights has determined that it is in the best interests of the citizens of the Borough of Woodbury Heights to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated Counsel to take actions on behalf of the Borough with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Woodbury Heights, with the Mayor concurring, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Borough Clerk, be and are hereby authorized to execute the aforesaid Amendment.

3. The Borough Council of the Borough of Woodbury Heights hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Woodbury Heights with Econsult Solutions, Inc.

The Borough Council of the Borough of Woodbury Heights hereby further authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Woodbury Heights with the approval of the Borough's designated Counsel, such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough Council of the Borough of Woodbury Heights further authorizes its designated Counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Borough of Woodbury Heights shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated Counsel without further action from the Borough of Woodbury Heights.
6. This Resolution shall take effect immediately.

BOROUGH OF WOODBURY HEIGHTS

By: _____

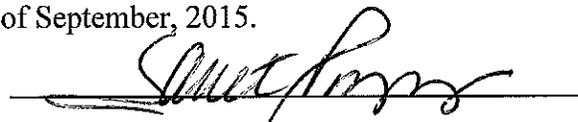
ROBBIE J. CONLEY, MAYOR

ATTEST:



JANET PIZZI, BOROUGH CLERK

The foregoing Resolution was duly adopted by the Borough Council of the Borough of Woodbury Heights at the Regular Meeting held on the 16th day of September, 2015.



JANET PIZZI, BOROUGH CLERK