

**BEDMINSTER TOWNSHIP**

**RESOLUTION NO. 2015-116**

**WHEREAS**, the Township Committee of the Township of the of Bedminster 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 Township Committee of the Township of Bedminster 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 Township Committee of the Township of Bedminster has determined that it is in the best interests of the citizens of Bedminster Township 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 municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Bedminster, 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 Township Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.

- The Township Committee of the Township of Bedminster hereby authorizes John P. Belardo, Esq., to execute an agreement on behalf of Bedminster Township with Econsult Solutions, Inc.

The Township Committee of the Township of Bedminster hereby authorizes John P. Belardo, Esq., to execute on behalf of Bedminster Township, as Bedminster’s designated counsel, such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

- The Township Committee of the Township of Bedminster 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, Township of Bedminster **shall only be responsible** for such funding if it authorizes same.

- 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 Township.
- This Resolution shall take effect immediately.

ATTEST:

BEDMINSTER TOWNSHIP  
COMMITTEE:

By: \_\_\_\_\_  
Judith Sullivan, RMC  
Township Clerk

By: \_\_\_\_\_  
Steven E. Parker, Mayor

**CERTIFICATION**

I, Judith Sullivan, Township Clerk of Bedminster, County of Somerset, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Township Committee at a Regular Meeting held on September 21, 2015.

\_\_\_\_\_  
Judith Sullivan, Township Clerk

Introduced	Seconded	Township Committee	Aye	Nay	Abstain	Absent
		<b>Steven E. Parker, Mayor</b>				

		<b>Bernie Pane</b>				
		<b>Lawrence F. Jacobs</b>				
		<b>Staci Santucci</b>				
		<b>Kenneth Olsen</b>				