

**MAYOR and COUNCIL of the
BOROUGH of HO-HO-KUS
BERGEN COUNTY, NEW JERSEY
RESOLUTION # 15-111**

Subject: DJ Action Agreement

Dated: September 22, 2015

WHEREAS, the Borough of Ho-Ho-Kus 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; an

WHEREAS, the Borough of Ho-Ho-Kus 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 of Ho-Ho-Kus has determined that it is in the best interests of the citizens of the Borough of Ho-Ho-Kus 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 Borough of Ho-Ho-Kus, 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 or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Borough of Ho-Ho-Kus hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Borough of Ho-Ho-Kus with Econsult Solutions, Inc.

The Borough of Ho-Ho-Kus hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Borough of Ho-Ho-Kus designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Borough of Ho-Ho-Kus 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, Borough of Ho-Ho-Kus 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 Ho-Ho-Kus.
6. This Resolution shall take effect immediately.

I, Laura Borchers, Clerk of the Borough of Ho-Ho-Kus, Bergen County, New Jersey do hereby certify the attached to be a true copy of a Resolution adopted by the Mayor and Council on September 22, 2015.

Laura Borchers RMC/CMR
Borough Clerk

	Moved	Second	Ayes	Nays	Absent	Abstain
Mayor Randall						
Councilmember Troast	X		X			
Councilmember Shea			X			
Councilmember Rorty			X			
Councilmember Weiss					X	
Councilmember Shell		X	X			
Councilmember Iannelli			X			