

**SPECIAL WEST AMWELL TOWNSHIP COMMITTEE MEETING**  
September 16, 2015 – 5:30 p.m.

The West Amwell Township Committee met on the above date and the meeting called to order at 5:42 by Mayor George A. Fisher. Present: Mayor Fisher, Committeemen Rich and Dale, and Clerk Lora Olsen. Also present were Shirley Bishop, Rob Tomenchok, Beth McManus, Nella Hamtil, and Attorneys Tara St. Angelo and Dick Cushing (5:45).

In compliance with the Public Meetings Act, Mayor Fisher announced that this Special Meeting was called pursuant to the provisions of the Open Public Meetings Act with notices faxed to the Hunterdon County Democrat and the Trenton Times on September 11, 2015. A copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

The meeting was recorded via digital recording system, except for the Closed Session.

**CLOSED SESSION:**

**RESOLUTION #134-2015**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist,

NOW, THEREFORE, BE IT RESOLVED by the Committee of West Amwell Township, County of Hunterdon, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:  
PENDING LITIGATION & ATTORNEY/CLIENT PRIVILEGE
3. It is anticipated at this time that the above stated subject matter will be made public when the matter has been resolved.
4. This Resolution shall take effect immediately.

*The Resolution was unanimously approved on motion by Dale, seconded by Fisher.*

The meeting returned to Open Session at 6:30 p.m. with the following result:

**RESOLUTION #135-2015**

WHEREAS, the Township of West Amwell (the "Township") has filed a Declaratory Judgment Action in the Superior Court of New Jersey Somerset County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, the Township entered into a Municipal Shared Services Defense Agreement (hereinafter "MSSDA") in order to hire Dr. Robert W. Burchell via Rutgers University to produce an expert report in order to establish the Township's affordable housing obligation; and

WHEREAS, Dr. Burchell is unable to perform his duties under the MSSDA due to health issues; and

WHEREAS, Rutgers seeks to terminate the MSSDA; and

WHEREAS, it has been proposed to the member municipalities to hire Econsult Solutions, having an address at 1435 Walnut Street, Suite 300, Philadelphia, PA 19102, to replace Dr. Burchell because Econsult appears to be the only qualified expert in the area of New Jersey affordable housing obligations.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of West Amwell as follows:

1. The Township Committee hereby authorizes the substitution of Econsult as an expert under the MSSDA

2. The Mayor be and hereby authorized to execute an addendum to the MSSDA to that effect in substantially the same form as that attached hereto.
3. The Township Committee hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township with Econsult Solutions, Inc.
4. The Township Committee hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township with the approval of the Township's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.
5. The Township Committee 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.
6. 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 and approval from the Township.
7. This Resolution shall take effect immediately.

*The Resolution was unanimously approved on motion by Dale, seconded by Fisher.*

Mayor executed the referenced amended agreement.

**OPEN TO THE PUBLIC:**

There was no public in attendance.

**ADJOURNMENT:**

There being no further business, the meeting was unanimously adjourned at 6:35 p.m. on motion by Rich.

Respectfully submitted,

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Lora L. Olsen, RMC  
Township Clerk

APPROVED: October 7, 2015