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November 30, 2015

VIA OVERNIGHT MAIL

Pre-Trial Submission

Honorable Thomas C. Miller, J.S.C.
Superior Court of New Jersey
20 North Bridge Street
Somerville, New Jersey 08876

Re: In the Matter of the Borough of Watchung
for a Judgment of Compliance of its Third
Round Housing Element and Fair Share Plan
(Mount Laurel) - Docket No. HNT-L-309-15
Our File No. C22168

Dear Judge Miller:

This firm represents the Borough of Watchung and this letter is submitted pursuant to Paragraph 5 of your Honor's Order, dated and filed on October 23, 2015.

This submission is due December 8, 2015 and addresses the Pre-Trial Submission as follows:

- (a) The issues to be resolved:
 - (i) Determination of Watchung's fair share affordable housing obligation;
 - (ii) Determination that Watchung's compliance mechanisms are compliant;
 - (iii) Determination of the credits to which Watchung is entitled, including compliance bonus and redevelopment bonus;

- (iv) Determination that Watchung's amended Housing Element and Fair Share Plan is compliant;
 - (v) Determination of the period of repose applicable to Watchung;
 - (vi) Confirmation that Watchung's Spending Plan is compliant;
 - (vii) Confirmation that Watchung has four (4) years from the approval of the amended HE&FSP and Spending Plan to commit to spend its Affordable Housing Trust Funds.
- (b) At present, Watchung expects the following witnesses:
- (i) Representative of Econsult Solutions, Inc.;
 - (ii) Marcia Shiffman, ACIP, PP, Watchung's Planner;
 - (iii) Thomas Herits, P.E., Watchung's Engineer;
 - (iv) Edward Bennett, Watchung's Construction Code Official.
- (c) Anticipated issues or problems that need to be addressed:
- At present, there are no intervenors or objectors and other than the issues identified above in Paragraph (a), there are none.
- (d) Preliminary list of exhibits or evidence to be presented:
- (i) Econsult Solutions, Inc., Report;
 - (ii) Amended Housing Element and Fair Share Plan;
 - (iii) Proof regarding credits; and

(iv) Rehabilitation survey.

(e) The anticipated length of trial:

One (1) day unless intervenors or objectors appear.

(f) Proposal for the exchange of Pretrial Information:

At present, there are no intervenors or objectors. In the event that intervenors or objectors appear, Watchung will comply with R. 4:25-7 and Appendix XXIII to the New Jersey Court Rules.

(g) The plan for accomplishing any stipulations on contested procedural, evidentiary or substantive issues:

See response to Paragraph (f).

(h) The plan for submission of trial briefs:

See response to Paragraph (f) and as directed by the Superior Court of New Jersey.

(i) Counsel and expert availability:

Steven A. Kunzman, Esq., designated trial counsel, will be on vacation during the week of February 1, 2016. The availability of experts will be provided prior to or at the Case Management Conference.

(j) Proposal to address such other issues as any party deems appropriate for the management of the case and/or the "fair share" portion of the trial:

(i) Consideration should be given to dividing the trial into four (4) parts:

1. Determination of state, regional and municipal fair share obligation;

Honorable Thomas C. Miller, J.S.C.
Superior Court of New Jersey
November 30, 2015
Page 4

2. Determination of municipal adjustments to that obligation;
3. Fairness hearing regarding amended Housing Element and Fair Share Plan; and
4. Confirmation of Spending Plan.

Respectfully submitted,



Steven A. Kunzman

SAK/nam

cc: Mayor and Council of the
Borough of Watchung
(c/o Michelle DeRocco, Clerk
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Service Lists

Service List

Parties required to be given notice and copies of the pleadings pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1(M-392-14) (067126) Decided, March 10, 2015.

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SERVICE LIST continued

Parties from whom letters were received requesting notice be provided by Watchung pursuant to In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J.1, (M-392-14) (067126) Decided, March 10, 2015

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