

FILED

SEP 24 2015

MENELAOS W. TOSKOS, J.S.C.

This Order has been prepared by the Court

IN THE MATTER OF THE APPLICATION
OF THE BOROUGH OF EAST
RUTHERFORD FOR A JUDGMENT OF
COMPLIANCE AND REPOSE

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION-BERGEN COUNTY
DOCKET NO. BER-L-5925-15

Civil Action

ORDER

THIS MATTER having been opened to the court by Kipp & Allen, LLP, appearing on behalf of plaintiff, the Borough of East Rutherford on notice to all interested parties as identified by the Supreme Court in its opinion 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) (hereinafter "Mount Laurel IV"), and in light of Mount Laurel IV having encouraged trial judges presiding over affordable housing cases to liberally appoint Masters to assist them in deciding the various issues that arise in such cases, and the court being satisfied that Elizabeth K. McManus is well-qualified to serve in this capacity, and the court deeming it prudent to secure the input of a Master to review the housing element and fair share plan; and good cause appearing

IT IS on this 24th day of September, 2015,

ORDERED as follows:

1. The court hereby appoints Elizabeth K. McManus, LEED, AP, PP, AICP to serve as Special Master.

2. The Master shall review the housing element and fair share plan of the municipality; identify any concerns the Master may have and give the municipality an opportunity to address the same.
3. The Master shall further determine whether the housing element and fair share plan in its present form or any amended form creates a realistic opportunity for the municipality's fair share of low and moderate housing for all four housing cycles.
4. The Master shall also act as a mediator in the event there is opposition to the housing element and fair share plan of the municipality.
5. The Master shall submit monthly invoices to the municipality for payment in accordance with the procedure for payment of vendors. If the municipality contests any charges, it shall notify the Master and attempt to resolve the disagreement, failing to do so either the municipality or the Master may bring the dispute to the court for resolution.
6. All fees for the Master's services at the hourly rate of \$190.00 shall be paid for by the municipality, and absent a prior court ruling the municipality may bring a motion to compel contribution from any intervenor.

IT IS FURTHER ORDERED that copies of this order shall be served by the plaintiff on all interested parties.



MENELAOS W. TOSKOS, J.S.C.