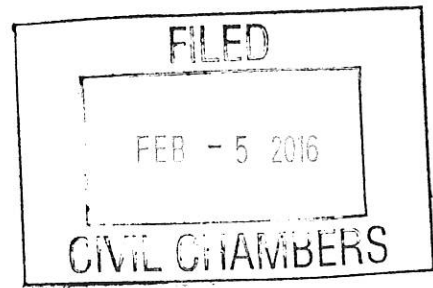


ORDER PREPARED BY THE COURT



IN THE MATTER OF THE
APPLICATION OF THE TOWNSHIP OF
BRANCHBURG

Petitioner.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
SOMERSET COUNTY

Docket No.: SOM-L-898-15

CIVIL ACTION
(Mount Laurel)

**ORDER APPOINTING SPECIAL
MASTER AND PROVIDING FOR
PAYMENT OF THE SPECIAL MASTER
FEES**

THIS MATTER having come before the Court for a Case Management Conference on January 28, 2016, Woolson, Sutphen, Anderson & Neergard (Mark Anderson, Esq. appearing) on behalf of the Petitioner Township of Branchburg; Bisgaier Hoff, LLC (Richard J. Hoff, Jr., Esq. appearing) on behalf of Intervenor, Ken Pizzo, Sr.; Lasser Hochman, LLC (Bruce Snyder, Esq. appearing) on behalf of Intervenor, Owners of 3091 Route 22; Fox Rothschild, LLP (Henry Kent Smith, Esq. appearing) on behalf of Intervenors, Advance Global Development Partnership and Advance at Branchburg, II, LLC; Day Pitney, LLP (Craig Gianetti, Esq. appearing); Inglesino, Pearlman Wyciskala (John Inglesino, Esq. appearing); and the Court having previously considered the advisability of appointing a Special Master to assist the Court in resolving the issues presented in this matter and having appointed Christine Cofone as Special Master, to be well-qualified to serve in this capacity; and no objection to the appointment having been raised; the Court having considered the positions of the parties as set forth on the record and for other good cause appearing;

It is on this ^{5th} day of February, 2016, **ORDERED** as follows:

1. Extension of Temporary Immunity. The temporary immunity for the municipality and its Planning Board from any and all exclusionary zoning lawsuits, remains in full force and effect and is hereby extended until March 31, 2016. The Court's extension of grant of immunity shall be

subject to compliance with the submission of the matrix forms (paragraph 3), its plan, schedule and commentary concerning its meetings with all interested parties (paragraph 4), pre-trial submissions (paragraph 5), expert reports on fair share issues (paragraph 6) and positions on compliance issues (paragraph 7) in a timely manner.

2. Appointment of Special Master. The Court's appointment of the Special Master in this case remains in full force and effect but it is hereby modified to order that any fees incurred by the Special Master shall be divided equally between the municipality and all intervenors (if any), except that the Court confirms that as it has consistently ruled in other "Mt. Laurel" matters within the Vicinage, that the FSHC shall not be required to pay a share of such fees. The Court reaffirms its appointment of Christine Cofone as Special Master. The Special Master's fees shall be set at the hourly rate of \$250.

3. Matrix Forms. On or before February 12, 2016, the municipality shall complete and provide to the Court, Special Master, FSHC and intervenors (if any) the "matrix forms" that were developed by Frank Banisch, PP, AICP, with the understanding that the municipality may utilize the fair share numbers from the proposed third iteration of the Third Round rules that were never adopted due to COAH's 3-3 tie vote.

4. Meetings. On or before February 28, 2016, the municipality shall furnish the Court with a proposed plan, schedule and commentary concerning meetings with any and all interested parties (which should include the Special Master if at all possible), and if the municipality has already begun that process, the municipality shall submit a report of the progress of the meeting(s).

5. Pre Trial Submissions. With respect to the fair share number "trial" that will be scheduled by the Court, the municipality and any participating Intervenor shall, by March 11, 2016, provide a concise position paper concerning the following: (a) the issues to be resolved; (b) the expected number of witnesses that each intends to call; (c) any anticipated issues or problems that need to be addressed; (d) a preliminary list of exhibits or evidence to be presented; (e) the anticipated length of the trial; (f) the proposal for the exchange of Pretrial Information (see, 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; (h) the plan for submission of trial briefs; (i) counsel and expert availability and, if availability is limited, proposal for alternate counsel; and (j) the 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.

6. Expert Reports on Fair Share Issues. On or before March 18, 2016, the municipality and the intervenors (if any) shall provide to each other, the Special Master, and to the Court their respective expert reports on fair share issues.

7. Positions on Compliance Issues. On or before March 18, 2016, the municipality shall furnish the Court with its positions relating to compliance issues.

8. As per the Court's prior opinion and Order in this matter, any intervenors shall share equally in the payment of the Special Master's fees. Each Intervenor shall place an initial sum of \$2,000 for each matter in which they have intervened in the escrow account. The Special Master shall submit bills on a monthly basis to the Municipality. The Special Master's bills shall be paid within thirty days of receipt. The Municipality shall be charged with billing and collecting any monies due from the Intervenor. If any Intervenor fails to pay his, her or its share, the Municipality may enforce this Order on Motion to the Court pursuant to R. 1:10-3. As part of any Motion, the Court shall have discretion to award counsel fees, if appropriate.

9. Should any party contest any of the Special Master's charges, it shall notify the Special Master, in writing, and attempt to resolve the dispute. If the disagreement cannot be resolved amicably, the matter may be brought before the Court for resolution.

10. The Municipality may use funds from its affordable housing trust fund for its proportion of the cost of the Special Master.

11. The Special Master shall be charged with the responsibility to review the Municipality's submissions and any objections or comments provided by any Intervenor and interested parties, if any, and provide the Municipality the opportunity to address any concerns that Special Master may have with any of its submissions. The Special Master shall conduct mediation sessions with the parties as he/she deems appropriate in his/her discretion.

12. The Special Master shall, in his/her discretion, engage in mediation among the parties. The Special Master may communicate directly with the Court as either he/she or the Court deems appropriate.

13. The Special Master shall, to the extent practicable and in his/her professional judgment, include all parties in substantive discussions regarding the plan elements and the Special Master's recommendations.

14. The Special Master shall submit his/her report to the Court at a date that is anticipated to be in April, 2016 but which shall be established by the Court.

15. A copy of this Order shall be served upon all counsel of record and otherwise made available to all interested parties as directed by the New Jersey Supreme Court in Mount Laurel IV within seven days of the date hereof.

A handwritten signature in black ink, appearing to read 'TC Miller', written over a horizontal line.

HON. THOMAS C. MILLER, P.J.Cv.