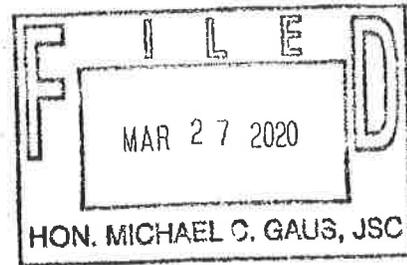


Attorney ID: 016211980
Our File No.: C22172(AEC)

**DiFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.**

15 Mountain Boulevard
Warren, New Jersey 07059-5686
(908) 757-7800

Attorneys for Township of Chatham



IN THE MATTER OF THE TOWNSHIP	:	SUPERIOR COURT OF NEW JERSEY
OF CHATHAM FOR A JUDGMENT	:	LAW DIVISION: MORRIS COUNTY
OF COMPLIANCE OF ITS THIRD	:	DOCKET NO.: MRS-L-1659-15
ROUND HOUSING ELEMENT AND	:	(MOUNT LAUREL)
FAIR SHARE PLAN	:	
	:	<i>Civil Action</i>
	:	
	:	CASE MANAGEMENT ORDER

THIS MATTER having come before the Court on March 13, 2020, upon the motion of DiFrancesco, Bateman, Kunzman, Davis, Lehrer & Flaum, P.C. (Albert E. Cruz, Esq. appearing), attorneys for the Township of Chatham ("Township"); and upon the cross-motion of the Fair Share Housing Center, Inc. ("FSHC") (Bassam F. Gergi, Esq. appearing); and upon the opposition of Bisgaier Hoff, LLC (Robert A. Kasuba, Esq. appearing), attorneys for Sterling/Sun at Chatham, LLC and Southern Boulevard Urban Renewal, LLC; and upon the motion of Herold Law, P.A. (Robert F. Simon, Esq. appearing), attorneys for Christopher and Ashley Felice; and upon the motion of Lanciano & Associates, L.L.C. (Larry E. Hardcastle, II, Esq. appearing), attorneys for Betsie

Harr (collectively the "Motions") with the consent of all of the parties of record, the Motions were converted into an In-Person Case Management Conference; and for good cause shown;

IT IS ORDERED this _____ day of March, 2020 as follows:

1. That the Motions scheduled for March 13, 2020 shall be withdrawn without prejudice, and without costs or attorney's fees.
2. If the Court does not approve the fairness of the Amended Settlement Agreement at the joint Fairness and Compliance Hearing scheduled on July 10, 2020 at 1:30 P.M., the parties may move to reinstate the Motions to the Motion Calendar, and the parties reserve their right to prosecute and defend the Motions, including any supplemental submissions that may be made. Any ruling on the reinstated motions of Betsie Haar and/or Christopher and Ashley Felice shall not take into consideration the time period between the original filing of the Motions and the date of any reinstatement of the Motions.
3. The Township of Chatham's current immunity from builder's remedy lawsuits shall remain extended until the joint Fairness and Compliance Hearing or further Order of the Court.
4. Prior to the joint Fairness and Compliance Hearing, the Township of Chatham shall take all steps necessary to comply with and implement the terms of the March 12, 2020 Amended Settlement Agreement.
5. Prior to the joint Fairness and Compliance Hearing, the Township of Chatham shall take all steps necessary to comply with the Implementation and Compliance Schedule contained in the February 26, 2020 Report of Special Master Brian M. Slauch, PP, AIC at pages 7 and 8 as follows, except as may be modified by Court Order:

Action ItemDue Date

FSHC to submit Amended Settlement Agreement to Township	February 28, 2020
Township to submit comments on the Amended Settlement Agreement to FSHC	March 3, 2020
Public notice of Housing Element and Fair Share Plan hearing	March 5, 2020
Amended Settlement Agreement finalized; transmitted to Township Committee	March 6, 2020
Site Suitability Analysis of municipal site transmitted to the parties	March 11, 2020
Township Committee authorizes execution of Amended Settlement Agreement; Agreement executed	March 12, 2020
Township Committee authorizes the Planning Board and Township Planner to conduct an Area in Need of Redevelopment study of the municipal site	March 12, 2020
Motion Hearing/Case Management Conference	March 13, 2020
Planning Board conducts public hearing on the adoption of the HEFSP	March 16, 2020
Township Committee adopts Resolution endorsing the HEFSP	March 26, 2020
First public notice of Area in Need of Redevelopment hearing by Planning Board	Week prior to and including April 16, 2020
Second public notice of Area in Need of Redevelopment hearing by Planning Board	Week prior to and including April 23, 2020

Planning Board conducts Area in Need of Redevelopment hearing; adopts Resolution of findings and recommendation to Township Committee May 4, 2020

Township Committee adopts Resolution designating the Area in Need of Redevelopment for the municipal site May 14, 2020

Township Committee introduces Ordinance to adopt a Redevelopment Plan for the municipal site May 14, 2020

Planning Board determines if Redevelopment Plan is substantially consistent with the Township Master Plan May 18, 2020

Township Committee adopts Ordinance to adopt the Redevelopment Plan for the municipal site May 28, 2020

Township Committee adopts Resolutions designating the redeveloper (affordable housing developer) of the municipal site and authorizing the execution of the Redevelopment Agreement and Financial Agreement (if applicable) May 28, 2020

Fairness and Compliance Hearing Weeks of June 15 and June 22, 2020

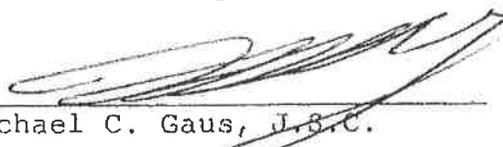
6. The Court, Special Master and Fair Share Housing Center, Inc. recognize that in light of the National and State of Emergencies related to COVID-19, that the Implementation and Compliance Schedule may be subject to modification to address this health and public safety crisis. In the event that an Action Item is cancelled because of this health and public safety crisis, the Township shall promptly notify all parties and inform of the rescheduled date.

7. That the Fairness and Compliance Hearing is scheduled for Friday, July 10, 2020 at 1:30 P.M., with public notice to be published and served by the Township of Chatham at least thirty (30) days prior to July 10,

2020. All documents and materials intended for the joint Fairness and Compliance Hearing should be submitted to the Special Master, Fair Share Housing Center, Inc. and Robert A. Kasuba, Esq. at least thirty (30) days prior to the hearing.

8. A party's failure to comply with the terms of this Order may result in the imposition of sanctions on a delinquent party, including an award of counsel or expert fees, or such other sanctions as the Court deems appropriate.
9. All prior Orders of this Court remain in full force and effect and are not modified by this Order unless otherwise expressly stated herein.

IT IS FURTHER ORDERED that the Court has caused this Order to be filed electronically and that counsel for the Township of Chatham shall serve a copy of this Order on the Special Master.


Michael C. Gaus, J.S.C.



DiFrancesco Bateman
Kunzman, Davis, Lehrer & Flaum, P.C.

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Please Reply to:
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361 Route 31
Building E, Suite 1301
Flemington, New Jersey 08822

Via E-Filing

**E-FILING PROPOSED FORM OF
CASE MANAGEMENT ORDER**

March 19, 2020

Honorable Michael C. Gaus, J.S.C.
Superior Court of New Jersey
43-57 High Street
Newton, New Jersey 07860

Re: In the Matter of the Township of Chatham for a
Judgment of Compliance of its Third Round Housing
Element and Fair Share Plan
Docket No. MRS-L-1659-15
Our File No. C22172

Dear Judge Gaus:

Attached is a proposed form of Case Management Order submitted under the five day rule.

On March 16, 2020, a draft was circulated to all Counsel followed by discussions and revisions to the form of Order.

On March 19, 2020, I recirculated this revised form of Order to all Counsel.

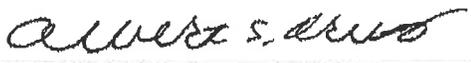
While I believe this form of Order incorporates all of the comments received, this form may not contain language to which all Counsel agreed.

Accordingly, the Order is being submitted under the five day rule.

Honorable Michael C. Gaus, J.S.C.
Superior Court of New Jersey
March 19, 2020
Page 3

Respectfully submitted,

DIFRANCESCO, BATEMAN, KUNZMAN,
DAVIS, LEHRER & FLAUM, P.C.
15 Mountain Boulevard
Warren, New Jersey 07059

By: 

Albert E. Cruz, Esq.

AEC/bl

Enclosure

cc: Brian Slaugh, PP, AICP
Bassam F. Gergi, Esq.
Larry E. Hardcastle, II, Esq.
Robert A. Kasuba, Esq.
Robert F. Simon, Esq.
William A. Slover, Esq.
Steven K. Warner, Esq.

(All via E-Mail with Enclosure)