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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 Rocky Hill  
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. C22169

Dear Judge Miller:

This firm represents the Borough of Rocky Hill 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 Rocky Hill's fair share affordable housing obligation;
  - (ii) Determination that Rocky Hill's compliance mechanisms are compliant;
  - (iii) Determination of the credits to which Rocky Hill is entitled, including compliance bonus;
  - (iv) Determination that Rocky Hill's amended Housing Element and Fair Share Plan is compliant;

- (v) Determination of the period of repose applicable to Rocky Hill;
  - (vi) Confirmation that Rocky Hill's Spending Plan is compliant;
  - (vii) Confirmation that Rocky Hill 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, Rocky Hill expects the following witnesses:
- (i) Representative of Econsult Solutions, Inc.;
  - (ii) Tamara Lee, ACIP, PP, Rocky Hill's Planner;
  - (iii) William Tanner, P.E., Rocky Hill's Engineer.
- (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;  
and
  - (iii) Proof regarding credits.
- (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, Rocky Hill 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:

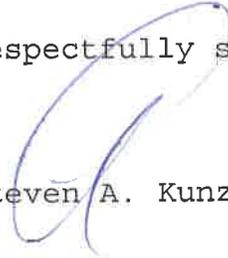
(i) Consideration should be given to dividing the trial into four (4) parts:

1. Determination of state, regional and municipal fair share obligation;
2. Determination of municipal adjustments and credits to that obligation;
3. Fairness hearing regarding amended Housing Element and Fair Share Plan; and

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4. Confirmation of Spending Plan.

Respectfully submitted,



Steven A. Kunzman

SAK/nam

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Service List

## 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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