



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

15 Mountain Boulevard
Warren, New Jersey 07059

Telephone: (908) 757-7800
Fax: (908) 757-8039
www.newjerseylaw.net

Steven A. Kunzman
Member of the Firm
Extension 170
skunzman@newjerseylaw.net

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 Frenchtown
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. C22170

Dear Judge Miller:

This firm represents the Borough of Frenchtown 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 Frenchtown's fair share affordable housing obligation;
 - (ii) Determination that Frenchtown's compliance mechanisms are compliant;
 - (iii) Determination of the credits to which Frenchtown is entitled, including compliance bonus and redevelopment bonus;

- (iv) Determination that Frenchtown's amended Housing Element and Fair Share Plan is compliant;
 - (v) Determination of the period of repose applicable to Frenchtown;
 - (vi) Confirmation that Frenchtown's Spending Plan is compliant;
 - (vii) Confirmation that Frenchtown 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, Frenchtown expects the following witnesses:
- (i) Representative of Econsult Solutions, Inc.;
 - (ii) Elizabeth C. McKenzie, ACIP, PP, Frenchtown's Planner;
 - (iii) William Burr, P.E., Frenchtown'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, Frenchtown 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;

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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 Frenchtown
(c/o Brenda Shepherd, Clerk
frenchtownboroclerk@yahoo.com)
Guliet Hirsch, Esq.
(ghirsch@archerlaw.com)
Elizabeth C. McKenzie, ACIP, PP
(ecmcke@embarqmail.com)
Frank Banisch, ACIP, PP
(frankbanisch@banisch.com)
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.

Kevin D. Walsh, Esq.
Adam M Gordon, Esq.
Fair Share Housing Center
510 Park Blvd.
Cherry Hill, NJ 08002
T 856-665-5444
F 856-663-8182
kevinwalsh@fairsharehousing.org

Valentina DiPippo, Esq.
Deputy Attorney General
Office of the Attorney General
25 W. Market Street
P.O. Box 112
Trenton, NJ 08625
T 609-984-3900
F 609-292-0369
valentina.dipippo@lps.state.nj.us

Jonathan E. Drill, Esq.
Stickel, Koenig, Sullivan &
Drill, LLC
571 Pompton Avenue
Cedar Grove, NJ 07009
T 973-239-8800
F 973-239-0369
jdrill@sksdllaw.com

Jeffrey Kantowitz, Esq.
Law Office of Abe Rappaport
195 Route 46 West, Suite 6
Totowa, NJ 07512
T 973-785-1799
F 973-785-4777
Jeffrey.kantowitz@gmail.com

Jeffrey R. Surenian, Esq.
Michael A. Jedziniak, Esq.
Jeffrey R. Surenian &
Associates, LLC
707 Union Avenue, Suite 301
Brielle, NJ 08730
T 732-612-3100
F 732-612-3101
jrs@surenian.com

Stephen Eisdorfer, Esq.
Hill Wallack, LLP
202 Carnegie Center
P.O. Box 5226
Princeton, NJ 08543
T 609-734-6336
F 609-452-1888
Seisdorfer@hillwallack.com

Edward J. Buzak, Esq.
The Buzak Law Group, LLC
Mountville Office Park
150 River Road, Suite N-4
Montville, NJ 07045
T 973-335-0600
F 973-335-1145
Ejbuzak@buzaklawgroup.com