

Cody & Salmen ADA Standard Dispute Resolution

Mr. Cody, Plaintiff's Expert Witness, shall meet and confer with Mr. Salmen, the County's Expert Witness, on a date to be established, to inspect each of the facilities contained in their respective reports and to agree on the specific standard, regulation, building code, and/or construction tolerances for each item.

The intent of this project is to come to an agreement on the standard, regulation, building code, and/or construction tolerance to be used on each specific item so that the County can use the results of this project as a guide to making the suggested renovations.

In the event that there is a disagreement between Mr. Cody and Mr. Salmen, they will telephonically confer with Mr. Larry Schneider, who will render a binding ruling. Mr. Schneider may review the documents and evidence submitted by Messers. Cody and Salmen, but there will be no formal meetings, no formal reports, no hearings, no transcripts, no outside expert witnesses, no counsel, and no briefs allowed.

In the event that Mr. Schneider is not available for any reason, Messers. Cody and Salmen will telephonically confer with Shelley Goldstone Cohen, who will render a binding ruling.

Costs of the Cody – Salmen Resolution Process:

Mr. Cody shall be paid by Monmouth County at his regular hourly rates, but, in any event, not more than \$5,000.00.

Mr. Schneider and Ms. Cohen, if needed, shall be paid by Monmouth County, at their regular hourly rates.

Amendment to the Existing County Transition Plan

Once Messers. Cody and Salmen have resolved all of the issues related to ADA Standards, regulations, building codes, and/or construction tolerances, they will submit a report to counsels for the Parties.

Monmouth County will warrant that, within six (6) months after the receipt of the Cody-Salmen Report, they will have a professionally-prepared

Amendment to the County's Existing Transition Plan prepared (hereinafter "Amendment"), which will incorporate the results of the Cody-Salmen Report, and be prepared pursuant to 28 CFR 35.150.

Monmouth County will deliver the completed Amendment to Plaintiff's attorney for his client's review. Plaintiffs will have 30 days to review such Amendment and submit, in writing to Monmouth County, any disagreements with the Amendment. If, after consultation between counsel for the Parties, the disagreements cannot be resolved, counsel will forward the disputed matters to Judge Clyne for binding arbitration. The services of Judge Clyne will be paid for by Monmouth County.

Human Services, Agriculture, Monmouth County Courthouse, and the Hall of Records Buildings

Monmouth County will endeavor to accelerate the repairs to the Human Service, Agriculture, and Monmouth County Courthouse Buildings while the Amendment is being prepared.

Agriculture Building

The Access Routes from the parking lots to both entrances will be made compliant and accessible.

The issues concerning the accessible bathroom will be promptly addressed once the Cody – Salmen Report details the appropriate standards, regulations, building codes, and/or construction tolerances to be utilized.

Human Services Building

At least one (1) accessible bathroom will be made available in the Human Services Building, with a preference for the first floor, unless the Cody – Salmen Report determines that such a location would create an undue burden on the County.

The issue of the West Entrance curb cuts being too steep will be corrected to have a 1:12 or 8.3% maximum slope in the direction of travel, and will be included in the next capital budget for the Calendar Year 2010.

The ramp in the East Entrance of the building will continue to be used as an emergency exit.

The issue of the roadway that needs to be paved will be promptly addressed once the Cody – Salmen Report details the appropriate standards, regulations, building codes, and/or construction tolerances to be utilized.

All regularly-scheduled meetings of outside agencies that formerly used the Human Services Building are being relocated to other locations, in particular, the MCHRC meetings will be held at the Agriculture Building.

Monmouth County Courthouse

The County will provide appropriate signage directing people who need an accessible bathroom to the basement facility, while awaiting the construction of additional accessible bathrooms.

Hall of Records

The newly-constructed bathrooms in the Hall of Records will be informally inspected by the plaintiff's expert to ensure compliance. If, in his opinion, they are not compliant, the issue will be submitted to the Cody-Salmen Dispute Resolution process.

AGREEMENT

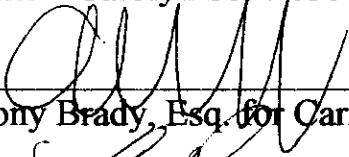
It is hereby understood and agreed that:

- a. The terms and conditions outlined above are hereby incorporated into this Agreement.
- b. In order for this Agreement to become effective, The Board of Chosen Freeholders for the County of Monmouth must grant Final Approval at its May 28, 2009 meeting.
- c. Payment by Monmouth County to the Plaintiff's Attorney will take place within thirty (30) days of the Final Approval by the Freeholders.

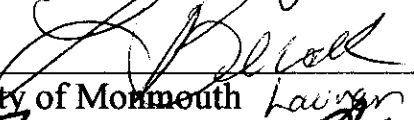
Date: May 21, 2009



Plaintiff - Carolyn Schwebel

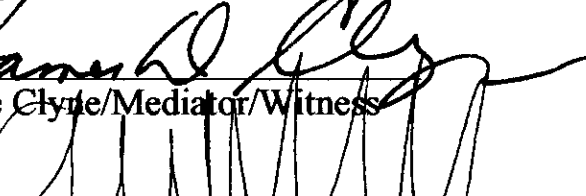


Anthony Brady, Esq. for Carmena Stoney

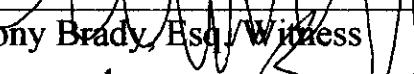


County of Monmouth

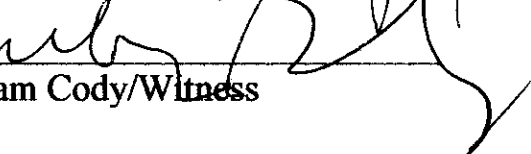
Lauren Berwick Esq



Judge Clyde/Mediator/Witness



Anthony Brady, Esq. Witness



William Cody/Witness