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Monroe 1985

Reply to Interrogatory

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Township of Monroe

County of Middlesex

PETER P. GARIBALDI
Mayor

MARIO APUZZO
Director of Law

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August 1, 1985

Honorable Eugene D. Serpentelli, A.J.S.C.
Superior Court of New Jersey
Law Division
Ocean County Superior Court
Toms River, New Jersey 08754

Re: Urban League of Greater New Brunswick
et als v. The Mayor and Council of
The Borough of Carteret et als.
Docket No. C-4122-73.

Dear Judge Serpentelli:

This is to report the Monroe Township Council's responses to the two questions which your Honor asked the Council to answer. The Council met on July 31, 1985 for an Agenda Meeting, and that occasion was used for the Council to address the questions. The members of the Council were not able to give too much discussion and thought to the questions because of the time constraints. They nevertheless voted, and I will report their votes in this letter.

The questions which I posed to the Council and the voting results which you will find beneath the questions are as follows:

1. Whether the Council would be willing to enter into a settlement with the Mt. Laurel plaintiffs and voluntarily comply with the Court under the following conditions:
 - a) The Court would be willing to eliminate the Whittingham project from the 5% set-aside for low and moderate income housing, i.e., the Whittingham tract would be exempt from the 5% set-aside requirement;

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- b) The Court would be willing to reduce Monroe Township's present 774 fair share unit number by 100 units making the proposed fair share obligation 674 low and moderate income units;
- c) Monroe Township would have to voluntarily adopt an appropriate ordinance implementing the Mt. Laurel requirements without protest and thereby waive its rights to appeal; and
- d) The above conditions would be subject to objection and argument by the Mt. Laurel plaintiffs.

Voting Results: Ayes 0 Nays 5 Abstentions 0

2. Whether the Council is willing to reaffirm its action of July 1, 1985, whereby it approved the Whittingham project without a 5% set-aside for low and moderate income units as was called for by the Compliance Package submitted to the Court on March 15, 1985 under the following conditions imposed by the Court. If the Council reaffirms its July 1 action, then:

- a) The Court will order that Monroe Township has submitted a Compliance Plan which is insufficient, and it therefore fails;
- b) If the Township's Compliance Package fails, then the Court will Order the Court-appointed Master to develop her own Compliance Plan for the Township; and
- c) The Court will proceed based upon the Master's new Compliance Plan to draft and force upon the Township the adoption of a Zoning Ordinance which would be consistent with the Zoning requirements delineated in the new Court-imposed Compliance Plan.

Voting Results: Ayes 4 Nays 0 Abstentions 1

I hope that I have presented to the Council the questions as you desired them to be phrased. I will also take this opportunity to reiterate that Monroe Township will be filing its Motion

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asking the Court to transfer its jurisdiction to the Council on
Affordable Housing under the newly adopted P.L. 1985 C. 222.

Thank you for your attention in this matter, and I remain,

Respectfully yours,

MARIO APUZZO
Director of Law

MA:ap

cc: Peter P. Garibaldi, Mayor
Eric Neisser, Esq.
Stewart M. Hutt, Esq.
Carl D. Silverman, Esq.
Douglas K. Wolfson, Esq.
Ms. Carla Lerman
Mary Carroll for Members of Township Council