

Monroe 1985

10/7/85

Letter Brief with Appendix

Attch: Court letter
phone transcript

Pgs. 75

ML000198B



Township of Monroe

County of Middlesex

PETER P. GARIBALDI
Mayor

MARIO APUZZO
Director of Law

DEPARTMENT OF LAW: Municipal Complex
Perrineville Road
Jamesburg, N.J. 08831
(201) 521-4400

October 7, 1985

Ms. Donna Tarr - T1
Office of the Clerk
Superior Court of New Jersey
Appellate Division
CN006
Trenton, NJ 08625

Re: Urban League of Greater New
Brunswick, et al. v. Monroe
Township, et al., Docket
No. A-5394-84T1

Dear Ms. Tarr:

As per the instructions I received from Mr. Ken Spalluto during a telephone conversation that I had with him on September 24, 1985, and also as per correspondence that I received from him dated September 23, 1985 (a copy of which is attached), I am enclosing original and five copies of Letter Brief with Appendix in connection with the above-captioned matter.

Thank you for your assistance in this matter.

Very truly yours,

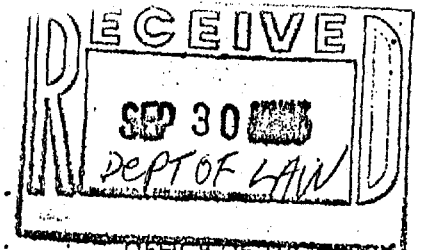
Mario Apuzzo
MARIO APUZZO
Director of Law

MA:ap
Encls.

cc: As per Mailing List
Peter P. Garibaldi, Mayor
Joseph R. Scranton, Business Administrator
Mary A. Carroll, for Members of the
Monroe Township Council

Superior Court of New Jersey

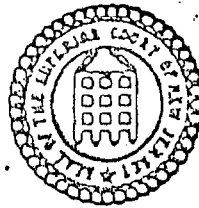
APPELLATE DIVISION



OFFICE OF THE CLERK

CN 003

TRENTON, NJ 08625



MICHELLE McLAUGHLIN
CLERK

WESLEY R. LIPAR
DEPUTY CLERK

Shirley M. Monroe
Department of Law
Municipal Complex
Pineville Road
Asbury Park, N.J. 08831

DATE: September 23, 1985

RE: A-5394-84T1
Urban League of Greater New Brunswick

vs

Twp of Monroe et al

As will be confirmed by our telephone conversation of today in which you were advised that the brief and appendix you recently submitted will not be filed due to the following deficiencies:

-) Incorrect cover color on formal brief and/or appendix.
-) Brief and/or appendix not appropriately bound or stapled.
-) Brief and/or appendix overlength.
-) Brief and/or appendix illegible.
- Page(s) _____
-) No table of contents for formal brief and for appendix to either formal or letter brief.
-) Brief and/or appendix not each separately consecutively numbered.
-) No separate procedural history with references to the appendix.
-) No separate statement of facts with references to the appendix and transcript.
-) No separate point headings.
-) No signature of attorney.
-) No filing date of each document in appendix.
- () In civil actions, no copy of complaint, answer and pre-trial order, if any.
- () In criminal, quasi-criminal or juvenile delinquency actions, no copy of indictment, accusation or complaint.
- () In criminal actions, no copy of statement of all docket entries.
- () No copy of judgment, order or determination appealed from.
- () No copy of opinion or statement of findings and conclusions.
- () No copy of notice of appeal, cross-appeal or amended notice of appeal, if any.
- (XX) Other Order appointing Resp missing from appendix
- (XX) Application for payment supporting & opposing papers missing from appendix
- (XX) Proof of Mailing needed

As said conversation, you were advised that the brief and appendix must be picked up, corrected and resubmitted or an entirely new brief and appendix submitted not later than October 8, 1985. If it is not so submitted:

- (XX) The appeal will be dismissed.
- () The respondent's brief will be dismissed.

In said conversation, you stated:

- (XX) You would be picking up the brief and appendix not later than September 27, 1985.
- () You would not be picking up the brief and appendix and it can be discarded.
- () You would be contacting "Lawyers Service" concerning picking up the brief and appendix not later than _____.

Two (2) copies of the corrected or new brief and/or appendix should be served on each of the other parties to the appeal and a proof of service filed with this office.

Please return the extra copy of this notice with the brief and appendix to facilitate handling.

Due to the nature of the deficiencies involved, the time for filing the next brief (XX) Is not tolled. () Is tolled.

If you have any questions, please contact the undersigned at (609) 292-4822.

Name Ken Spalluto
(Print Name)

'dr

:: Carla Lerman
Rutgers School of Law
Wilf & Silverman
Thomas R. Farino
Hintz-Nelessen
Donna Tarr
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5



Township of Monroe

County of Middlesex

PETER P. GARIBALDI
Mayor

MARIO APUZZO
Director of Law

DEPARTMENT OF LAW: Municipal Complex
Perrineville Road
Jamesburg, N.J. 08831
(201) 521-4400

LETTER BRIEF

October 7, 1985

Superior Court of New Jersey
Appellate Division
Docket No. A-5394-84T1
Urban League of Greater New Brunswick et al, Respondent
v. The Township of Monroe et al, Appellant
Civil Action
Court Below: Superior Court of New Jersey, Law Division
Judge Sat Below: Honorable Eugene D. Serpentelli, A.J.S.C.
Letter Brief for The Township of Monroe, Appellant
Submitted by: Mario Apuzzo
Director of Law
Township of Monroe
County of Middlesex
Department of Law
Municipal Complex
Perrineville Road
Jamesburg, New Jersey 08831
(201) 521-4400

0-4
RECEIVED
APPELLATE DIVISION
SEP 20 3 27 PM '85
SUPERIOR COURT
OF NEW JERSEY

To the Honorable Judges of the Appellate Division:

Please accept this Letter Brief in support of the Appeal by The Township of Monroe, Defendant-Appellant in the above-captioned matter.



MARIO APUZZO
Director of Law of The Township
of Monroe

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PROCEDURAL HISTORY

Urban League of Greater New Brunswick
et al v. Borough of Carteret, et al

On July 23, 1974, the Plaintiff, Urban League of Greater New Brunswick and other individuals on their own behalf and on behalf of others similarly situated (a class) filed a Complaint against 23 New Jersey municipalities, one of which is the Township of Monroe, (hereinafter referred to as "the Township") challenging zoning and other land use ordinances, policies, and practices of the defendant municipalities on basis of economic and racial discrimination. Claims for relief are based upon N.J.S.A. 40:55-32; Article 1, Paragraphs 1, 5 and 8 of the New Jersey Constitution, 42 U.S.C. A. 1981, 1982 and 3601; and the Thirteenth and Fourteenth Amendments to the United States Constitution. Judgment was rendered in Plaintiffs' favor. There followed an appeal to the Supreme Court which remanded the case back to the Superior Court as part of the resolution of Southern Burlington County, NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) (hereinafter referred to as ("Mount Laurel II"). After an eighteen day trial in April and May, 1984, this court on July 27, 1984 found the Township to be in violation of Mount Laurel II and ordered it to submit a compliance plan within ninety days. Ms. Caria Lerman was appointed by the court as Master to assist the Township in its compliance effort. The Township Council, after some delays, on March 29, 1985, submitted a compliance plan with the assistance of a professional planner, Hintz-Nelessen Associates, P.C. That plan has been reviewed by Ms. Lerman in her report dated July 1, 1985.

On May 13, 1985, Thomas R. Farino, Jr., Esq., former Township Attorney, applied for and was granted an order (Da 5) that the Township of Monroe pay amounts allegedly owed to him for legal services and that the Township pay amounts allegedly owed to the Court-appointed Master and to the Planner.

STATEMENT OF FACTS

As a result of the on-going litigation in Urban League of Greater New Brunswick, et al v. Borough of Carteret, et al in which the Township of Monroe is one of many defendants, the Township was found to be in violation of Mt. Laurel II and was ordered on July 27, 1984 to submit a compliance package to the Court. Ms. Carla Lerman was appointed by the Court as Master to assist the Township. On March 29, 1985, the Township Council submitted a compliance plan which had been prepared with the aid of Hintz-Nelessen Associates, P.C., planners.

The 1984 Local Municipal Budget of the Township of Monroe provided for \$34,700.00 in the category classified as Office of the Township Attorney, Urban League Suit. Vouchers were submitted by Thomas R. Farino, Jr. totaling \$34,625.50 for the period between January 1, 1984 and May, 1984 for legal services relating to the Urban League litigation. Mr. Farino was advised that the remaining available balance from which to pay for his legal services was \$74.50 as of May, 1984. (Da 14)

As the Master, Ms. Lerman was court-appointed, no allowance was ever made in the Municipal Budget for payment for her services. No Purchase Orders, required by established procedures, were ever created to encumber funds for payment of Ms. Lerman. (Da 15,16) Further, no Purchase Orders exist for the services of the Planner, Mr. Carl E. Hintz, and the Township Business Administrator was never informed that Mr. Hintz had been employed by the Township Council. (Da 15,16) No provisions were ever made in the 1984 Monroe Township Municipal Budget to pay for any of these professional services. (Da 15,16) In his Order of May 13,

1985, the Honorable Eugene D. Serpentelli, A.J.S.C. ordered Monroe Township to pay \$23,893.00 to Thomas R. Farino, Esq.; \$10,248.42 to Carl E. Hintz; and \$6,839.55 to Carla Lerman.

(Da 5)

As of April 1, 1985, Thomas R. Farino, Esq. was no longer attorney for the Township of Monroe. The Department of Law of the Township of Monroe assumed responsibility for representation of the Township in Urban League, as well as other matters, as of April 1, 1985.

ARGUMENT I

THE COURT LACKS THE AUTHORITY TO ISSUE AN ORDER REQUIRING THE TOWNSHIP OF MONROE TO MAKE PAYMENTS OF MONIES AS DIRECTED THEREIN BECAUSE TO COMPLY WITH THE LOCAL BUDGET LAW (N.J.S.A. 40A:4-1 to 87), NEITHER THE COUNCIL NOR THE MAYOR CAN EXPEND ANY MONEY TO PAY FOR THE SERVICES PERFORMED BY THOMAS R. FARINO, CARLA LERMAN, OR CARL E. HINTZ, FOR TO DO SO WOULD INVOLVE AN EXPENDITURE OF MONEY FOR A PURPOSE FOR WHICH NO APPROPRIATION WAS PREVIOUSLY PROVIDED.

As to the incurring of expenses for which no appropriation has been made, N.J.S.A. 40A:4-57 provides that:

No officer, board, body or commission shall, during any fiscal year, expend any money (except to pay notes, bonds or interest thereon), incur any liability, or enter into any contract which by its terms involves the expenditure of money for any purpose for which no appropriation is provided, or, in excess of the amount appropriated for such purpose. Any contract made in violation hereof shall be null and void, and no monies shall be paid thereon.....

Appropriations can be made not only in the annual budget itself but pursuant to the emergency appropriation authority of N.J.S.A. 40A:4-46, which provides that:

A local unit may make emergency appropriations, after the adoption of a budget, for a purpose which is not foreseen at the time of the adoption thereof, or for which adequate provision was not made therein. Such an appropriation shall be made to meet a pressing need for public expenditure to protect or promote the public health, safety, morals or welfare or to provide temporary housing or public assistance prior to the next succeeding fiscal year.....

Mount Laurel Twp. v. Local Finance Bd. (N.J. 1979) 79 NJ 397 (1979), aff'd. 166 N.J. Super. 254 (A.D. 1978), citing Home Owners Construction Co. v. Glen Rock 34 N.J. 305 (1961) ¹

¹ In Home Owners Construction Co., the Supreme Court stated that a contract or expenditure by a municipality may be made prior to an appropriation therefor if the municipality is experiencing a bona fide emergency or the expenditure will only be for an incidental alteration during public works and the expenditure is reasonable and in the public interest.

and Essex County Bd. of Taxation v. Newark, 73 N.J. 69 (1977).²

Only under limited circumstances, not here applicable, may a municipal expenditure be made prior to an appropriation. The purpose of the Local Budget Law (N.J.S.A. 40A:4-1 to 87) is to achieve fiscal control and prevent irresponsible, ill-considered or undisclosed public expenditures, and deficit financing.

Mt. Laurel Twp. v. Local Finance Bd., 166 N.J. Super. 254 (App. Div. 1978), at 257; N.J.S.A. 40A:4-57.

It would be contrary to N.J.S.A. 40A:4-57 for the Township to now expend monies to comply with the Court Order because there were no funds appropriated in the budget prior to incurring the expense for services performed by Thomas R. Farino, Carla Lerman, and Carl E. Hintz. The 1984 Local Municipal Budget of the Township made provision for \$34,700.00 for legal services in the Urban League suit (Da 14). The Township was aware that it was about to exceed the legal expense line item and that no funds were appropriated for services by a professional planner or master (Da 15,16). Mr. Farino was advised that his vouchers for withdrawals from the Urban League account for 1984 had reached a total of \$34,625.50 as of May, 1984 and that the remaining balance was \$74.50 (Da 14). Also, the Township never voluntarily retained the services of either Mr. Hintz or Ms. Lerman. Rather, their services were imposed on the Township by the Court. Mt. Laurel Twp. v. Local Finance Bd., Id. at 257. The needed funds could have been appropriated by the emergency

² In Essex County Board of Taxation, the Supreme Court stated that a municipality can contract or expend funds prior to an appropriation therefor if there is a legislative mandate requiring an expenditure and there are available funds for financing the expenditure which may be owed to the municipality and diverted to the creditor.

appropriation technique prior to incurring the expense and before further legal services by Mr. Farino and planning services by Ms. Lerman and Mr. Hintz were performed. The governing body did not appropriate funds for the expenditure of monies to pay for the services of Thomas R. Farino, Esq., Carla Lerman, and Carl E. Hintz prior to their performing the services for the Township and may not do so now nor may it expend such monies now.

ARGUMENT II

THE MAY 13, 1985 ORDER FOR PAYMENT CANNOT BE ENFORCED AGAINST THE TOWNSHIP OF MONROE BECAUSE THE DEFENDANT-APPELLANT TOWNSHIP WAS NOT AFFORDED NOTICE AS REQUIRED BY THE RULES OF COURT OF THE STATE OF NEW JERSEY.

Rule 1:6-2 of the Rules governing The Courts Of The State Of New Jersey requires that any application to the Court for an Order shall be by Motion or by Order to Show Cause in special cases. The Defendant-Appellant Township of Monroe was unaware that an Order had been sought against it until the Order of May 13, 1985 was received in the Township Clerk's Office on June 24, 1985.

If this Order was sought on written Motion pursuant to Rule 1:6-2, then the provisions of Rule 1:5-1 requiring service upon all attorneys of record were not met as the Township had no prior indication that any Order had been sought. Further, on May 13, 1985, Thomas R. Farino, Jr., Esq. was no longer the Township Attorney and was required by the Rules of Court to serve notice upon the current Township attorney through the Department of Law and its Director, Mario Apuzzo, Esq.

If the Order of May 13, 1985 was sought pursuant to Rule 4:67 on an Order to Show Cause, then it was defective for failure to comply with Rule 4:67-3 which requires that process in the form of a copy of the Order to Show Cause be served upon the Defendant.

On May 13, 1985, Thomas R. Farino, Jr., Esq. was no longer acting in the interest of Monroe Township, his former client. Notice was therefore required to be given to the Township of Monroe pursuant to the Rules of Court. Most important, this failure of notice precluded any opportunity for the Township to be heard and to present its position to the Court.

CONCLUSION

For the foregoing reasons, it is respectfully requested of this Honorable Court that the May 13, 1985 Order issued by the Court below be vacated, relieving the Township of Monroe of the payment obligations imposed by that Order.

Respectfully submitted,



MARIO APUZZO
Director of Law

MA:ap
Encls.

cc: As per Monroe Mailing List
Peter P. Garibaldi, Mayor
Mary Carroll for Members of Monroe
Township Council
Joseph R. Scranton, Business Administrator

1a

THOMAS R. FARINO, JR.
Cor. Applegarth & Prospect Plains Roads
Cranbury, New Jersey 08512
(609) 655-2700
Attorney for Township of Monroe.

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APR 15 1985

JUDGE SERPENTELLI'S CHAMBERS

RECEIVED
JUN 24 1985

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Civil Action

MONROE TWP. CLERK'S OFFICE

URBAN LEAGUE OF GREATER NEW BRUNSWICK
et al,

Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. C-4122-73

THE MAYOR and COUNCIL OF THE
BOROUGH OF CARTERET, et al,
Defendants.

JOSEPH MORRIS and ROBERT MORRIS,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L054117-83

TOWNSHIP OF CRANBURY IN THE COUNTY
OF MIDDLESEX, A Municipal
Corporation of the State of New
Jersey,
Defendant

GARFIELD & COMPANY
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L055956-83 P.W.

MAYOR and THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CRANBURY, a
Municipal Corporation, and the
members thereof; PLANNING BOARD
OF THE TOWNSHIP OF CRANBURY, and
the members thereof,
Defendants.

BROWNING-FERRIS INDUSTRIES OF
SOUTH JERSEY, INC., A Corporation
of the State of New Jersey,
RICHCRETE CONCRETE COMPANY, a
Corporation of the State of New
Jersey, and MID-STATE FILIGREE
SYSTEMS, INC., a Corporation of

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-058046-83 P.W.

2a

the State of New Jersey,
Plaintiff,
vs.

CRANBURY TOWNSHIP PLANNING BOARD
and TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendants.

CRANBURY DEVELOPMENT CORPORATION, SUPERIOR COURT OF NEW JERSEY,
A Corporation of the State of New Jersey, LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
Plaintiff, DOCKET NO. L-59643-83
vs.

CRANBURY TOWNSHIP PLANNING BOARD
AND THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendant.

CRANBURY LAND COMPANY, A New Jersey Limited Partnership, SUPERIOR COURT OF NEW JERSEY
Plaintiff, LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
vs. DOCKET NO: L-070841-83

CRANBURY TOWNSHIP, A Municipal Corporation of the State of New Jersey located in Middlesex County, New Jersey,
Defendant.

MONROE DEVELOPMENT ASSOCIATES, SUPERIOR COURT OF NEW JERSEY
Plaintiff, LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
vs. DOCKET NO. L-076030-83 PW
MONROE TOWNSHIP,
Defendant.

ZIRINSKY, SUPERIOR COURT OF NEW JERSEY
Plaintiff, LAW DIVISION
vs. MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L079309-83 PW
LAWRENCE

THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, a
Municipal Corporation, and THE
PLANNING BOARD OF THE TOWNSHIP
OF CRANBURY,
Defendants.

TOLL BROTHERS, INC., A SUPERIOR COURT OF NEW JERSEY

3a

Pennsylvania Corporation,
Plaintiff,
vs.

LAW-DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO., L005652-84

THE TOWNSHIP OF CRANBURY IN
THE COUNTY OF MIDDLESEX, A
Municipal Corporation of the
State of New Jersey, THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY and the
PLANNING BOARD OF THE TOWN-
SHIP OF CRANBURY,
Defendants.

LORI ASSOCIATES, A New Jersey
Partnership; and HABD
ASSOCIATES, a New Jersey
Partnership,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-28288-84

MONROE TOWNSHIP, A municipal
corporation of the State of
New Jersey, located in
Middlesex County, New Jersey,
Defendant.

GREAT MEADOWS COMPANY, A New
Jersey Partnership; MONROE
GREENS ASSOCIATES, as tenants
in common; and GUARANTEED
REALTY ASSOCIATES, INC., a
New Jersey Corporation,
Plaintiffs.
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-32638-84 P.W.

MONROE TOWNSHIP, a municipal
corporation of the State of
New Jersey, located in the
State of New Jersey, located
in Middlesex County, New
Jersey,
Defendant.

ORDER AND JUDGMENT

THIS MATTER having been opened to the Court by Thomas R.
Farino, Jr., Esq., attorney for defendant, MAYOR AND COUNCIL OF

C

4a

THE TOWNSHIP OF MONROE, Middlesex County, New Jersey, on an application for an Order directing payment for legal and professional planning services rendered with regard to the activities of the governing body of the Township of Monroe in effecting compliance with the Order of this Court dated August 13, 1984, and,

IT APPEARING that legal services were performed by Thomas R. Farino, Jr., Attorney for the defendant, MAYOR AND COUNCIL OF THE TOWNSHIP OF MONROE, the payment for which has been authorized by resolution of the Township Council; and

IT FURTHER APPEARING that professional planning services were rendered by Carl E. Hintz aimed at producing a compliance package for submission to the Court, the payment for which has been authorized by resolution of the Township Council; and

IT FURTHER APPEARING that Carla Lerman, Court-appointed Master, has performed certain planning services with regard to the Township's compliance efforts, the payment for which has been authorized by resolution of the Township Council; and

IT FURTHER APPEARING that the Mayor of the Township of Monroe has refused to authorize payment in connection with the aforesaid professional services associated with the Township's Mt. Laurel II compliance efforts and good cause appearing for the entry of this Order;


IT IS on this 13 day of May, 1985,

5a

ORDERED that payment to Thomas R. Farino, Jr., Esq., in the amount of \$23,893.00 and to Carl E. Hintz, in the amount of \$10,248.42 and to Carla Lerman, in the amount of \$6,839.55 is hereby authorized and the Township of Monroe is hereby directed to immediately make payment to these individuals in the aforesaid amounts; and

IT IS FURTHER ORDERED that the Township Treasurer shall prepare the appropriate municipal drafts to effect the aforesaid payments to Thomas R. Farino, Jr., Esq., Carl E. Hintz and Carla Lerman; and

IT IS FURTHER ORDERED that in the event the appropriate representative of the Monroe Township Department of Administration refuses to endorse the aforesaid drafts as prepared by the Township Treasurer, then, in that event, the President of the Monroe Township Council is hereby authorized to execute said drafts in order to effect the aforesaid payments for professional services rendered to the governing body of the Township of Monroe with regard to its efforts in complying with the Order of this Court dated August 13, 1984.


EUGENE D. SERPENTELLI A.J.S.C.

AUGUST 12, 1985

6a

A M E N D E D
NOTICE OF APPEAL
SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

Title of action as captioned below: (See Attachment A)

Attorney of Record

Name: Mario Apuzzo, Director of Law

Address: Township of Monroe, County of Middlesex
Municipal Complex, Perrineville Rd. Jamesburg, NJ

Phone No.: (201) 521-4400 08831

Attorney for: Monroe Township

On Appeal From:

Trial Court/State Agency:
Superior Court of New Jersey, Law Division

Trial Docket or Indictment Number:
(See Attachment A)

Trial Court Judge:
Civil Criminal Juvenile

Notice is hereby given that Monroe Township appeals to the Superior Court of N. J. Appellate Division, from the judgement order other (specify) entered in this action on May 13, 1985, in favor of Thomas R. Farino, Jr., Esq., Carl E. Hintz, and (date) Carla Lerman. If appeal is from less than the whole, specify what parts or paragraphs are being appealed: Appeal is being taken from the Order dated May 13, 1985 ordering payment by Monroe Township to

Thomas R. Farino, Jr., Esq. in the amount of \$23,893.00 and to
Carl E. Hintz in the amount of \$10,248.42 and to Carla Lerman in
the amount of \$6,839.55.

Are all issues as to all parties disposed of in the action being appealed? Yes No If not, is there a certification of

7a

In criminal, quasi-criminal and juvenile cases . . . not incarcerated [] incarcerated [] confined at _____
Give a concise statement of the offense and of the judgment, date entered and any sentences or disposition imposed: _____

1. Notice of Appeal has been served on:

<u>Name</u>	<u>Date of Service</u>	<u>Type of Service</u>
Trial Court Judge <u>Eugene D. Serpentelli</u>	<u>8/7/85</u>	<u>Ord. Mail</u>
Trial Court Clerk/State Agency _____ <u>John Mayson</u>	<u>8/7/85</u>	<u>Cert. Mail</u>
Attorney General or governmental office under R. 2:5-1(h) _____ <u>Irwin I. Kimmelman, c/o Daniel Reynolds,</u> <u>Deputy Attorney General</u>	<u>8/7/85</u>	<u>Ord. Mail</u>

Other parties:

(609) 655-2700

(609) 737-1930

<u>Name and Designation</u>	<u>Attorney Name, Address & Telephone No.</u>	<u>Date of Service</u>	<u>Type of Service</u>
(1) <u>Thomas R.</u>	<u>Thomas R. Farino, Jr., Esq.</u> (serve this party with transcript) <u>Applegarth & Farino, Jr., Esq.</u> <u>Halfacre Rd, Cranbury, NJ 08512</u>	<u>8/7/85</u>	<u>Ord. Mail</u>
(2) <u>Carl E. Hintz</u>	<u>Carl Hintz, Hintz/Neleson Associates, P.C., 12 North Main Street, Pennington, NJ 08534</u>	<u>8/7/85</u>	<u>Ord. Mail</u>
(3) <u>Carla Lerman</u>	<u>Carla Lerman</u> <u>413 West Englewood Drive Teaneck, NJ 07666</u>	<u>8/7/85</u>	<u>Ord. Mail</u>
(4) <u>State of NJ</u>	<u>Dept. of Community Affairs</u>	<u>8/7/85</u>	<u>Ord. Mail</u>
(5) <u>Div. of Local Government Services</u>	<u>363 West State Street, CN 803 Trenton, NJ 08625-0803</u>		

I hereby certify that I have served a copy of this Notice of Appeal on each of the persons required as indicated above.

[Handwritten signature]

8a

2. Prescribed Transcript Request Form has been served on:

<u>Name</u>	<u>Date of Service</u>	<u>Amount of Deposit</u>
Administrative office of the Courts Chief, Court Reporting Service _____	_____	_____
Court Reporter's Supervisor/Clerk of Court or Agency _____	_____	_____
Court Reporter _____	_____	_____
_____	_____	_____

I hereby certify that I served the Prescribed Court Transcript Request Form on each of the above persons and paid the deposit as required by R. 2:5-3(d).

(date)

Signature of Attorney of Record

3. I hereby certify that:

- There is no verbatim record.
- Transcript is in the possession of the Attorney of Record.
- A motion for abbreviation of transcript has been filed with the court or agency below.
- A motion for free transcript has been filed with the court below.

8/7/85

(date)

Michael Spence

Signature of Attorney of Record

9a

ATTACHMENT A

TITLE OF ACTION & DOCKET NOS. ARE AS FOLLOWS:

URBAN LEAGUE OF GREATER NEW BRUNSWICK et al
vs. THE MAYOR and COUNCIL OF THE BOROUGH
OF CARTERET, et al
Docket No. C-4122-73

JOSEPH MORRIS and ROBERT MORRIS vs. TOWNSHIP
OF CRANBURY IN THE COUNTY OF MIDDLESEX, A
Municipal Corporation of the State of New Jersey
Docket No. L054117-83

GARFIELD & COMPANY vs. MAYOR and THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF CRANBURY, a
Municipal Corporation, and the members there-
of; PLANNING BOARD OF THE TOWNSHIP OF
CRANBURY, and the members thereof
Docket No. L055956-83 P.W.

BROWNING-FERRIS INDUSTRIES OF SOUTH JERSEY,
INC., A Corporation of the State of New
Jersey, RICHCRETE CONCRETE COMPANY, a
Corporation of the State of New Jersey, and
MID-STATE FILIGREE SYSTEMS, INC., a Corporation
of the State of New Jersey vs. CRANBURY TOWNSHIP
PLANNING BOARD and TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY.
Docket No. L-058046-83 P.W.

CRANBURY DEVELOPMENT CORPORATION, A Corporation
of the State of New Jersey vs. CRANBURY
TOWNSHIP PLANNING BOARD AND THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CRANBURY
Docket No. L-59643-83

CRANBURY LAND COMPANY, A New Jersey Limited
Partnership vs. CRANBURY TOWNSHIP, A Municipal
Corporation of the State of New Jersey located
in Middlesex County, New Jersey
Docket No. L-070841-83

MONROE DEVELOPMENT ASSOCIATES vs. MONROE TOWNSHIP
Docket No. L-076030-83 PW

10a

TITLE OF ACTION & DOCKET NOS. (continued)

ZIRINSKY vs. THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, a Municipal Corporation, and THE PLANNING BOARD OF THE TOWNSHIP OF CRANBURY

Docket No. L079309-83 PW

TOLL BROTHERS, INC., A Pennsylvania Corporation, vs. THE TOWNSHIP OF CRANBURY IN THE COUNTY OF MIDDLESEX, A Municipal Corporation of the State of New Jersey, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY and the PLANNING BOARD OF THE TOWNSHIP OF CRANBURY

Docket No. L005652-84

LORI ASSOCIATES, A New Jersey Partnership; and HAD ASSOCIATES, a New Jersey Partnership vs. MONROE TOWNSHIP, A municipal corporation of the State of New Jersey located in Middlesex County, New Jersey

Docket No. L-28288-84

GREAT MEADOWS COMPANY, A New Jersey Partnership; MONROE GREENS ASSOCIATES, as tenants in common; and GUARANTEED REALTY ASSOCIATES, INC., a New Jersey Corporation vs. MONROE TOWNSHIP, a municipal corporation of the State of New Jersey, located in the State of New Jersey, located in Middlesex County, New Jersey

Docket No. L-32638-84 P.W.

11a

Mario Apuzzo, Esq.
Director of Law
Township of Monroe
County of Middlesex
Department of Law
Municipal Complex
Perrineville Road
Jamesburg, NJ 08831
(201) 521-4400
Attorney for Township of Monroe

SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION
MIDDLESEX COUNTY
DOCKET NO: A-5394-84T1
Civil Action

URBAN LEAGUE OF GREATER NEW BRUNSWICK
et al,
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. C-4122-73

THE MAYOR and COUNCIL OF THE
BOROUGH OF CARTERET, et al,
Defendants.

JOSEPH MORRIS and ROBERT MORRIS,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L054117-83

TOWNSHIP OF CRANBURY IN THE COUNTY
OF MIDDLESEX, A Municipal
Corporation of the State of New
Jersey,
Defendant

GARFIELD & COMPANY
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L055956-83 P.W.

MAYOR and THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CRANBURY, a
Municipal Corporation, and the
members thereof; PLANNING BOARD
OF THE TOWNSHIP OF CRANBURY, and
the members thereof,
Defendants.

BROWNING-FERRIS INDUSTRIES OF
SOUTH JERSEY, INC., A Corporation
of the State of New Jersey,
RICHCREE CONCRETE COMPANY, a
Corporation of the State of New
Jersey, and MID-STATE FILIGREE
SYSTEMS. INC.. a Corporation of

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-058046-83 P.W.

12a

the State of New Jersey,
Plaintiff,

vs.

CRANBURY TOWNSHIP PLANNING BOARD
and TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendants.

CRANBURY DEVELOPMENT CORPORATION,
A Corporation of the State of New
Jersey,

Plaintiff,

vs.

CRANBURY TOWNSHIP PLANNING BOARD
AND THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendant.

CRANBURY LAND COMPANY, A New
Jersey Limited Partnership,
Plaintiff,

vs.

CRANBURY TOWNSHIP, A Municipal
Corporation of the State of New
Jersey located in Middlesex
County, New Jersey,
Defendant.

MONROE DEVELOPMENT ASSOCIATES,
Plaintiff,

vs.

MONROE TOWNSHIP,
Defendant.

ZIRINSKY,

Plaintiff,

vs.

THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, a
Municipal Corporation, and THE
PLANNING BOARD OF THE TOWNSHIP
OF CRANBURY,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-59643-83

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-070841-83

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-076030-83 PW

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L079309-83 PW

13a

Pennsylvania Corporation,
Plaintiff,
vs.

LAW-DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L005652-84

THE TOWNSHIP OF CRANBURY IN
THE COUNTY OF MIDDLESEX, A
Municipal Corporation of the
State of New Jersey, THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY and the
PLANNING BOARD OF THE TOWN-
SHIP OF CRANBURY,
Defendants.

LORI ASSOCIATES, A New Jersey
Partnership; and HABD.
ASSOCIATES, a New Jersey
Partnership,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-28288-84

MONROE TOWNSHIP, A municipal
corporation of the State of
New Jersey, located in
Middlesex County, New Jersey,
Defendant.

GREAT MEADOWS COMPANY, A New
Jersey Partnership; MONROE
GREENS ASSOCIATES, as tenants
in common; and GUARANTEED
REALTY ASSOCIATES, INC., a
New Jersey Corporation,
Plaintiffs.
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-32638-94 P.W.

MONROE TOWNSHIP, a municipal
corporation of the State of
New Jersey, located in the
State of New Jersey, located
in Middlesex County, New
Jersey,
Defendant.

AFFIDAVIT OF DEFENDANT-APPELLANT
TOWNSHIP'S BUSINESS ADMINISTRATOR/
DIRECTOR OF FINANCE

14a

I, Joseph R. Scranton, of full age, being duly sworn, according to law, deposes and say:

1. I am the Business Administrator/ Director of Finance for the Township of Monroe and have served in that capacity since June 14, 1976.

2. I am, in my capacity as Business Administrator/ Director of Finance knowledgeable in the content of the Current Fund appropriations and expenditures made in the 1984 Local Municipal Budget of the Township of Monroe, Middlesex County, New Jersey.

3. I know that the 1984 Local Municipal Budget of the Township of Monroe made provision for \$34,700.00 in the category classified as Department of Law, Office of the Township Attorney, Urban League Suit.

4. I know that between the period January 1, 1984 and May, 1984 Thomas R. Farino, Jr., in his capacity as Township Attorney submitted vouchers totaling \$34,625.50 for legal services related to the Urban League Suit.

5. I know that Thomas R. Farino, Jr. was advised that his vouchers for withdrawals from the Urban League account as established in the 1984 Local Municipal Budget for the Township of Monroe had reached a total of \$34,625.50 as of May, 1984 and that the remaining available balance was \$74.50.

15a

6. I was not made aware that the Township of Monroe Council retained the services of Mr. Carl E. Hintz for professional planning services related to the Urban League suite until such time that I read an article concerning this matter in one of the local newspapers.

7. Procedurally, any retention of services requires the establishment of Purchase Order which encumbers funds for payment of these services. To my knowledge there has never been a requisition to establish such a Purchase Order, nor does a Purchase Order exist for the services of Mr. Carl E. Hintz.

8. In my capacity as Business Administrator/Director of Finance I have never received a bill related to the services of Mr. Carl E. Hintz.

9. I know there has never been a Purchase Order established to

Master, Ms. Carla Lerman.

16a

10. In my capacity as Business Administrator/ Director of Finance I attended all Workshop and Regular Meetings of the Township of Monroe Council related to the finally adopted 1984 Local Municipal Budget for the Township of Monroe.

11. I know that there was no discussion at either the Workshop or Regular Meeting sessions of the Township of Monroe Council pertaining to the 1984 Local Municipal Budget as adopted, to make provision for the retention of the services of either Mr. Carl E. Hintz or Ms. Carla Lerman.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: SEPTEMBER 19, 1985

Joseph R. Stanton

Sworn and subscribed to before me

this 19 day of September, 1985

DONNA APPLEBY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires January 12, 1986

Donna Appleby

FILED
JULY 29;
1985

NOTICE OF APPEAL
SUPERIOR COURT OF NEW JERSEY
APPELLATE DIVISION

Title of action as captioned below: Urban League of Greater New Brunswick, et al vs. Monroe Township, et al
Attorney of Record

Name: Mario Apuzzo , Director of Law
Address: Township of Monroe, County of Middlesex
Municipal Complex, Perrineville Rd, Jamesburg, NJ 08831
Phone No.: (201) 521-4400
Attorney for: Monroe Township
On Appeal From:

Trial Court/State Agency:
Superior Court of New Jersey, Law Division

Trial Docket or Indictment Number:
C-4122-73, L-076030-83 PW, L-28288-84, and L-32638-84 P.W.

Trial Court Judge:
Civil [] Criminal [] Juvenile []

Notice is hereby given that Monroe Township appeals to the Superior Court of N. J. Appellate Division, from the judgement [] order [] other (specify) [] entered in this action on May 13, 1985, in favor of Thomas R. Farino, Jr., Esq., Carl E. Hintz, (date) and Carla Lerman.
If appeal is from less than the whole, specify what parts or paragraphs are being appealed: Appeal is being taken from the Order dated May 13, 1985 ordering payment by Monroe Township to Thomas R. Farino, Jr., Esq., in the amount of \$23,893.00 and to Carl E. Hintz in the amount of \$10,248.42 and to Carla Lerman in the amount of \$6,839.55.

Are all issues as to all parties disposed of in the action being appealed? Yes [] No [] If not, is there a certification of

In criminal, quasi-criminal and juvenile cases . . . not incarcerated [] incarcerated [] confined at _____
 Give a concise statement of the offense and of the judgment, date entered and any sentences or disposition imposed: _____

1. Notice of Appeal has been served on:

Name	Date of Service	Type of Service
Trial Court Judge <u>Eugene D. Serpentelli</u>	<u>7/26/85</u>	<u>Ord. Mail</u>
Trial Court Clerk/State Agency <u>John Mayson</u>	<u>7/26/85</u>	<u>Cert. Mail</u>
Attorney General or governmental office under R. 2:5-1(h) <u>Irwin I. Kimmelman</u>	<u>7/26/85</u>	<u>Ord. Mail</u>

Other parties:

Name and Designation	Attorney Name, Address & Telephone No.	Date of Service	Type of Service
(1) <u>Thomas R.</u>	<u>Thomas R. Farino, Jr., Esq.</u> (serve this party with transcript) <u>Applegarth & Farino, Jr., Esq. Halfacre Rd, Cranbury, N.J. 08512</u>	<u>7/26/85</u>	<u>Ord. Mail</u>
(2) <u>Carl E. Hintz</u>	_____	<u>7/26/85</u>	<u>Ord. Mail</u>
(3) <u>Carla Lerman</u>	_____	<u>7/26/85</u>	<u>Ord. Mail</u>
(4) <u>State of NJ</u>	_____	<u>7/26/85</u>	<u>Ord. Mail</u>
Dept. of Community Affairs Div. of Local Government Services	_____	_____	_____
(5) <u>363 West State Street, CN 803</u> <u>Trenton, New Jersey 08625-0803</u>	_____	_____	_____

I hereby certify that I have served a copy of this Notice of Appeal on each of the persons required as indicated above.

7/26/85
(date)

[Signature]
Signature of Attorney of Record

NOTICE OF APPEAL
PAGE 3

2. Prescribed Transcript Request Form has been served on:

<u>Name</u>	<u>Date of Service</u>	<u>Amount of Deposit</u>
Administrative office of the Courts Chief, Court Reporting Service _____	_____	_____
Court Reporter's Supervisor/Clerk of Court or Agency _____	_____	_____
Court Reporter _____	_____	_____
_____	_____	_____

I hereby certify that I served the Prescribed Court Transcript Request Form on each of the above persons and paid the deposit as required by R. 2:5-3(d).

(date)

Signature of Attorney of Record

3. I hereby certify that:

[X] There is no verbatim record.

[] Transcript is in the possession of the Attorney of Record.

[] A motion for abbreviation of transcript has been filed with the court or agency below.

[] A motion for free transcript has been filed with the court below.

7/26/85
(date)

Clawson
Signature of Attorney of Record

BARBARA J. WILLIAMS, ESQ.
JOHN M. PAYNE, ESQ.
Constitutional Litigation Clinic
Rutgers Law School
15 Washington Street
Newark, New Jersey 07102
(201) 648-5687

FILED 8/13/84
L. D. SERPENTELLI, J.S.C.

BRUCE S. GELBER, ESQ.
National Committee Against Discrimination
in Housing
733 - 15th Street, N.W., Suite 1026
Washington, D.C. 20005
(202) 783-8150

ATTORNEYS FOR URBAN LEAGUE PLAINTIFFS

URBAN LEAGUE OF GREATER
NEW BRUNSWICK, et. al.,

Plaintiffs,

vs.

THE MAYOR AND COUNCIL OF THE
BOROUGH OF CARTERET, et. al.,

Defendants.

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. C4122-73

JOSEPH MORRIS AND ROBERT
MORRIS,

Plaintiffs,

vs.

THE TOWNSHIP OF CRANBURY
IN THE COUNTY OF MIDDLESEX,
A Municipal Corporation of
the State of New Jersey,

Defendant.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. L054117-
83

GARFIELD & COMPANY

Plaintiff,

vs.

MAYOR AND THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY, A Municipal Corporation and the Members thereof; PLANNING BOARD OF THE TOWNSHIP OF CRANBURY, and the members thereof,

Defendants.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX/OCEAN COUNTIES

Docket No. L055956-83 P.W.

BROWING FERRIS INDUSTRIES OF SOUTH JERSEY, INC., A Corporation of the State of New Jersey, RICHCRETE CONCRETE CO., A corporation of the State of New Jersey, and MID-STATE FILIGREE SYSTEMS, INC., A Corporation of the State of New Jersey,

vs.

CRANBURY TOWNSHIP PLANNING BOARD AND THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY,

Defendants.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX/OCEAN COUNTIES

Docket No. L058046-83 P.W.

CRANBURY DEVELOPMENT CORPORATION, A Corporation of the State of New Jersey,

Plaintiff,

vs.

CRANBURY TOWNSHIP PLANNING BOARD AND THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF CRANBURY,

Defendants.

SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX/OCEAN COUNTIES

Docket No. L59643-83

CRANBURY LAND COMPANY, a
New Jersey Limited
Partnership,

Plaintiff,

vs.

CRANBURY TOWNSHIP, A
Municipal Corporation of the
State of New Jersey located
in Middlesex County, New
Jersey,

Defendant.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. L070841-
83

MONROE DEVELOPMENT
ASSOCIATES,

Plaintiff,

vs.

MONROE TOWNSHIP,

Defendant.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. L-076030-
83PW

LAWRENCE ZIRINSKY,

Plaintiff,

vs.

THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, A
Municipal Corporation and THE
PLANNING BOARD OF THE TOWN-
SHIP OF CRANBURY,

Defendants.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. L079309-
83 PW

TOLL BROTHERS, INC., A
Pennsylvania Corporation,

Plaintiff,

vs.

THE TOWNSHIP OF CRANBURY IN
THE COUNTY OF MIDDLESEX, A
Municipal Corporation of the
State of New Jersey, THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY AND THE
PLANNING BOARD OF THE TOWN-
SHIP OF CRANBURY,

Defendants.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. L005652-
84

LORI ASSOCIATES, A New Jersey
Partnership; and HABD
ASSOCIATES, a New Jersey
Partnership,

Plaintiffs,

vs.

MONROE TOWNSHIP, A municipal
corporation of the State of
New Jersey, located in
Middlesex County, New Jersey,

Defendant.

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. L-28288-
84

GREAT MEADOWS COMPANY, A New
Jersey partnership; MONROE
GREENS ASSOCIATES, as tenants
in common; and GUARANTEED
REALTY ASSOCIATES, INC., a
New Jersey Corporation,

Plaintiffs,

SUPERIOR COURT OF
NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN
COUNTIES

Docket No. L-32638-
84 P.W.

vs.

MONROE TOWNSHIP, a municipal corporation of the State of New Jersey, located in the State of New Jersey, located in Middlesex County, New Jersey,

Defendant.

ORDER AND JUDGMENT AS TO MONROE AND CRANBURY TOWNSHIPS

The above entitled matters having been tried before this Court commencing on April 30, 1984 pursuant to the remand of the Supreme Court in Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158 (1983) (Mount Laurel II), the Court having heard and considered the testimony and evidence adduced during the trial, and the Court having rendered its opinion in a letter opinion dated July 27, 1984,

IT IS, THEREFORE, ON THIS 13 DAY OF August, 1984 ORDERED AND ADJUDGED AS FOLLOWS:

1. Based on the fair share methodology set forth and fully described in this Court's opinion in AMG Realty Company, et. al. v. Township of Warren, Docket Nos. L-23277-80 PW and L-67820-80 PW, dated July 16, 1984, the Township of Monroe's fair share of the regional need for low and moderate income housing for the decade of 1980 to 1990 is 774 housing units, representing 201 units of indigenous and surplus present need and .573 units of prospective need.

2. Based on the fair share methodology set forth and fully described in this Court's opinion in AMG Realty

Company, et. al. v. Township of Warren, supra, the Township of Cranbury's fair share of the regional need for low and moderate income housing for the decade of 1980 to 1990 is 816 housing units, representing 116 units of indigenous and surplus present need and 700 units of prospective need.

3. The total fair share for the Township of Monroe of 774 units shall consist of 387 low cost units and 387 moderate cost units. The total fair share for the Township of Cranbury of 816 units shall consist of 408 low cost units and 408 moderate cost units. Use of the terms "low and moderate" shall be generally in accordance with the guidelines provided by the Supreme Court in Mount Laurel II at p. 221, n. 8.

4. The Township of Monroe's zoning ordinance and land use regulations are not in compliance with the constitutional obligation set forth in Mount Laurel II in that they do not provide a realistic opportunity for satisfaction of the township's fair share of the regional need for lower income housing.

5. The Township of Cranbury's zoning ordinance and land use regulations are not in compliance with the constitutional obligation set forth in Mount Laurel II in that they do not provide a realistic opportunity for satisfaction of the township's fair share of the regional need for lower income housing.

6. The Townships of Monroe and Cranbury shall, within 90 days of the filing of this Court's letter opinion of July 27, 1984, revise their zoning ordinances to comply with

Mount Laurel II. Both townships shall provide for adequate zoning to meet their fair share obligation, shall eliminate from their ordinances all cost generating provisions which would stand in the way of the construction of lower income housing and shall, if necessary, incorporate in the revised ordinances all affirmative devices necessary to lead to the construction of their fair share of lower income housing.

7. Carla L. Lerman, of 413 Englewood Avenue, Teaneck,
New Jersey 07666, is hereby appointed as the master to assist the Township of Monroe in revising its zoning ordinance to comply with this Order and Judgment. Philip B. Caton, of 342 West State Street, Trenton, New Jersey 08618, is hereby appointed as the master to assist the Township of Cranbury in revising its zoning ordinance to comply with this Order and Judgment.

8. The issue of the right to a builder's remedy with respect to both municipalities shall be reserved pending completion of the revision process. To the extent any of the developer-plaintiffs are not voluntarily granted a builder's remedy in the revision process, each master shall report to the Court concerning the suitability of that builder's site for the construction of Mount Laurel housing. As to the issue of priority among builders for a builder's remedy in Cranbury, Mr. Caton shall make recommendations as to the relative suitability, from a planning standpoint, of each builder's site.

9. At the conclusion of the 90 day revision period,
or upon enactment of the revised

first, a hearing shall be scheduled, on notice to all parties, to determine whether each township's revised zoning ordinance conforms to this Order and Judgment and to the guidelines of Mount Laurel II. All builder's remedy issues regarding either municipality shall be considered as part of this compliance hearing.



EUGENE D. SERPENTELLI, J.S.C.

RESOLUTION OF THE MONROE TOWNSHIP COUNCIL

RESOLUTION AUTHORIZING PAYMENT IN CONNECTION WITH MT. LAUREL LITIGATION

WHEREAS, the Township of Monroe is a party defendant in Mt. Laurel litigation captioned "Urban League of Greater New Brunswick vs. Carteret et als" bearing Docket No. C-4122-73; and

WHEREAS, the aforesaid matter was tried before the Hon. Eugene D. Serpentelli, J.S.C., during the months of April and May, 1984; and

WHEREAS, the Court appointed Carla L. Lerman, of Teaneck, New Jersey, as the Court-appointed Master for the aforesaid proceedings; and

WHEREAS, by Order of the Court, the cost of the services of Carla Lerman were to be shared by the party litigants with regard to this matter; and

WHEREAS, Carla L. Lerman has submitted to the Township of Monroe its share of the cost for the professional services rendered by her to the Court with regard to this matter; and

WHEREAS, the aforesaid billing statements were submitted to the Township of Monroe on May 12, 1984 and September 9, 1984; and

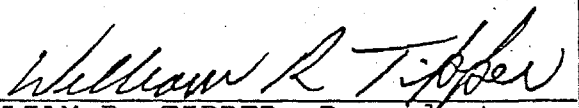
WHEREAS, the Department of Administration has refused to honor and recommend for payment the aforesaid billing statements of Carla Lerman; and

WHEREAS, Carla Lerman has received payment from all other party litigants ordered to share in the cost of these professional services rendered to the Court;


NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Monroe that it hereby approves payment to Carla L. Lerman in the amount of \$1,869.55., the aforesaid sum

as set forth in the attached billing statements of Carla L. Lerman.

BE IT FURTHER RESOLVED that this Council hereby authorizes the Township Attorney to submit a copy of this resolution to the Court for the purpose of preparing an appropriate Order directing that the Township of Monroe make payment to Carla L. Lerman in the aforesaid amount.


WILLIAM R. TIPPER, President

I hereby certify the above to be a true copy of a resolution adopted by the Monroe Township Council at a meeting held on September 16, 1985.


MARY A. CARROLL, Clerk

Section 10 - PERMIT FEES shall be amended to contain the additional verbiage "provided however, that to the extent allowable by law no fees shall be required for the inspection of any municipality owned or operated facility and no municipal agency shall be required to pay permit fees."

UPON MOTION made by Councilman Albert Levinson and seconded by Council Vice-President David Rothman, an Ordinance of which the following is the title was introduced on first reading for final passage as AMENDED: ORDINANCE ESTABLISHING THE UNIFORM FIRE SAFETY ACT, P.L. 1983, c.383 WITHIN THE TOWNSHIP OF MONROE, MIDDLESEX COUNTY, NEW JERSEY.

ROLL CALL:	Councilman Michael J. Dipierro	Aye
	Councilman Michael Leibowitz	Aye
	Councilman Albert Levinson	Aye
	Council Vice-President David Rothman	Aye
	Council President William R. Tipper	Aye

Copy of Ordinance duly filed.

UPON MOTION made by Council President William R. Tipper and seconded by Councilman Albert Levinson, an Ordinance of which the following is the title was introduced by TITLE ONLY on first reading for final passage: AN ORDINANCE AMENDING AN ORDINANCE ENTITLED "BIDDING", WITH SUPPLEMENTS AND AMENDMENTS THERETO.

ROLL CALL:	Councilman Michael J. Dipierro	Aye
	Councilman Michael Leibowitz	Aye
	Councilman Albert Levinson	Aye
	Council Vice-President David Rothman	Aye
	Council President William R. Tipper	Aye

Council President Tipper advised that this is an increase to \$7,500.00 for bidding purposes. The original CAP LAW threshold before public bidding was \$4,500.00.

Copy of Ordinance duly filed.

UPON MOTION made by Council President William R. Tipper and seconded by Councilman Michael Leibowitz, an Ordinance of which the following is the title was introduced on first reading for final passage: ORDINANCE AMENDING ORDINANCE ENTITLED "AN ORDINANCE FIXING THE SALARIES AND WAGES FOR VARIOUS OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF MONROE, PROVIDING FOR THE MANNER OF PAYMENT THEREOF AND RATIFYING SALARIES AND PAYMENTS TO EMPLOYEES AND OFFICIALS PREVIOUSLY PAID."

ROLL CALL:	Councilman Michael J. Dipierro	Aye
	Councilman Michael Leibowitz	Aye
	Councilman Albert Levinson	Aye
	Council Vice-President David Rothman	Aye
	Council President William R. Tipper	Aye

Copy of Ordinance duly filed.

Mr. Irving Nalitt, in the audience, requested to be heard before continuing with the Agendized business. He submitted a PETITION to the Council with 471 signatures of people within Concordia. This Petition is regarding the previous discussion held earlier by the Council concerning Concordia North medical facility.

* Council President Tipper read a Resolution he composed himself regarding payment to Attorney Farino, Court-Appointed Master Carla Lerman, and Planner Carl Hintz concerning Professional Services in connection with MOUNT LAUREL II. Mayor Garibaldi strenuously objected to the Consideration of this Resolution and asked what authority the Council had to hire a Planner, Mr. Carl Hintz, in the first place. Council President Tipper advised that after the Township lost in Superior Court, it was required that the Township Zoning Ordinance comply with MOUNT LAUREL II, and shortly thereafter you advised individuals needed for their professional expertise would not be paid. At that time the Council hired Planner Carl Hintz. Mayor Garibaldi advised that during the Budget sessions an original amount of \$50,000.00 was put in the Budget to cover expenses surrounding MOUNT LAUREL and the Council cut this figure down to \$35,000.00, which amount had been exhausted. Councilman Leibowitz stated there have been a number of problems involving the legal process. He has continuously voted against the actions that the Council has taken and has acted as "watchdog" for the Council, requesting

Councilman Leibowitz would like to have an outside Attorney conduct an audit on legal expenses for the past twelve months. Councilman Dipierro advised that he has never seen a Voucher from Tom Farino, Carla Lerman or Carl Hintz. Councilman Dipierro would like to see itemized bills. Councilman Leibowitz mad a Motion to TABLE this Resolution and Councilman Dipierro seconded the Motion to TABLE until the next meeting when all the facts and figures are available.

ROLL CALL: Councilman Michael J. Dipierro Aye
Councilman Michael Leibowitz Aye
Councilman Albert Levinson Nay
Council Vice-President David Rothman Aye
Council President William R. Tipper Aye

Mayor Garibaldi stated that the Court Order does have a date and asked if Council President Tipper will execute in time and advised President Tipper that whatever move he takes, he will appeal the action. Mayor Garibaldi read a letter from the Attorney General regarding North Bergen "overexpenditures".

UPON MOTION made by Council President William R. Tipper and seconded by Councilman Michael Leibowitz, a Resolution was adopted by TITLE ONLY authorizing the reduction in a Letter of Credit regarding RH Development, Fitzgerald Avenue, as hereinbelow set forth.

ROLL CALL: Councilman Michael J. Dipierro Aye
Councilman Michael Leibowitz Aye
Councilman Albert Levinson Aye
Council Vice-President David Rothman Aye
Council President William R. Tipper Aye

RESOLUTION as follows:

RESOLUTION AUTHORIZING REDUCTION IN LETTER OF CREDIT.

WHEREAS, RH Development Company has previously posted with the Township of Monroe a Letter of Credit #S-854143 in the amount of \$154,815.00 guaranteeing the installation of roadway improvements on the extension of Fitzgerald Avenue; and

WHEREAS, RH Development Company has requested a reduction in the aforesaid Letter of Credit; and

WHEREAS, a field inspection of the project by the Township Engineer has disclosed the following incomplete items:

Item 2.	Bituminous Pavement		
	Surface Course	5,166 s.y.	\$20,664.00
" 6.	Stone Rip Rap	56 c.y.	2,240.00
" 7.	Channel Excavation	940 c.y.	6,580.00
" 8.	Grade, Topsoil & Seed	4,220 s.y.	10,550.00
" 9.	Monuments	1 ea.	100.00
" 10.	Soil Erosion Control	L.S.	1,000.00
	Total		<u>\$41,134.00</u>
	Plus 20% Contingency		8,226.00
			<u>\$49,360.00</u>

NOW, THEREFORE, BE IT RESOLVED that the request of RH Development Company for reduction of Letter of Credit #S-854143

Mario Apuzzo, Esq.
Director of Law
Township of Monroe
County of Middlesex
Department of Law
Municipal Complex
Perrineville Road
Jamesburg, NJ 08831
(201) 521-4400
Attorney for Township of Monroe

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Civil Action

URBAN LEAGUE OF GREATER NEW BRUNSWICK
et al,

Plaintiff,

vs.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. C-4122-73

THE MAYOR and COUNCIL OF THE
BOROUGH OF CARTERET, et al,
Defendants.

JOSEPH MORRIS and ROBERT MORRIS,
Plaintiffs,

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L054117-83

TOWNSHIP OF CRANBURY IN THE COUNTY
OF MIDDLESEX, A Municipal
Corporation of the State of New
Jersey,

Defendant

GARFIELD & COMPANY
Plaintiff,

vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L055956-83 P.W.

MAYOR and THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CRANBURY, a
Municipal Corporation, and the
members thereof; PLANNING BOARD
OF THE TOWNSHIP OF CRANBURY, and
the members thereof,

Defendants.

BROWNING-FERRIS INDUSTRIES OF
SOUTH JERSEY, INC., A Corporation
of the State of New Jersey,
RICHCRETE CONCRETE COMPANY, a
Corporation of the State of New
Jersey, and MID-STATE FILIGREE
SYSTEMS, INC., a Corporation of

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-058046-83 P.W.

the State of New Jersey,
Plaintiff,
vs.

CRANBURY TOWNSHIP PLANNING BOARD
and TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendants.

CRANBURY DEVELOPMENT CORPORATION,
A Corporation of the State of New
Jersey,
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-59643-83

CRANBURY TOWNSHIP PLANNING BOARD
AND THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendant.

CRANBURY LAND COMPANY, A New
Jersey Limited Partnership,
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-070841-83

CRANBURY TOWNSHIP, A Municipal
Corporation of the State of New
Jersey located in Middlesex
County, New Jersey,
Defendant..

MONROE DEVELOPMENT ASSOCIATES,
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-076030-83 PW

MONROE TOWNSHIP,
Defendant.

ZIRINSKY,
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L079309-83 PW

THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, a
Municipal Corporation, and THE
PLANNING BOARD OF THE TOWNSHIP
OF CRANBURY,
Defendants.

Pennsylvania Corporation,
Plaintiff,
vs.

LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L005652-84

THE TOWNSHIP OF CRANBURY IN
THE COUNTY OF MIDDLESEX, A
Municipal Corporation of the
State of New Jersey, THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY and the
PLANNING BOARD OF THE TOWN-
SHIP OF CRANBURY,
Defendants.

LORI ASSOCIATES, A New Jersey
Partnership; and HABB.
ASSOCIATES, a New Jersey
Partnership,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-28288-84

MONROE TOWNSHIP, A municipal
corporation of the State of
New Jersey, located in
Middlesex County, New Jersey,
Defendant.

GREAT MEADOWS COMPANY, A New
Jersey Partnership; MONROE
GREENS ASSOCIATES, as tenants
in common; and GUARANTEED
REALTY ASSOCIATES, INC., a
New Jersey Corporation,
Plaintiffs.
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-32638-84 P.W.

MONROE TOWNSHIP, a municipal
corporation of the State of
New Jersey, located in the
State of New Jersey, located
in Middlesex County, New
Jersey,
Defendant.

I, Mario Apuzzo, of full age, being duly sworn according to law, deposes and says:

1. I am an attorney-at-law of the State of New Jersey, and I am responsible for representing the Township of Monroe in the Urban League litigation.

2. I was appointed by Mayor Peter P. Garibaldi as Acting Director of Law of the Township on March 28, 1985.

3. I received advice and consent of the Council of the Township of Monroe on April 1, 1985 and thereby became the Director of Law of the Township.

4. Thomas R. Farino, Jr., the former Township Attorney who made application to the Court for the Order from which this appeal is being made, was no longer the Township Attorney as of March 28, 1985.

5. The Township of Monroe or myself as its attorney had no knowledge of Mr. Farino's application in which he asked the Court for the Order from which this appeal is being made until the Township Clerk received a copy of the executed Order on June 24, 1985.

6. The Order was signed on May 13, 1985, a period during which Mr. Farino was no longer the Township Attorney.

7. This attorney never received any Motion papers or any other papers from Mr. Farino or from any other source which would have given the Township notice that this application was being made.

8. This attorney did nevertheless mail by Certified Mail, Return Receipt Requested, for filing an original and two copies of a Notice of Appeal and Case Information Statement to the Clerk

of the Appellate Division (the Return Receipt indicates that these documents were received by the Appellate Division on July 27, 1985).

9. Even if we were to assume that the day after May 13, 1985, the day the Order being appealed was executed and entered should be the first day to count for the 45 day appeal time pursuant to R. 2:4-1a, this appeal should have been filed on July 27, 1985, since that is the day that the Notice of Appeal was received by the Appellate Division (see attached copy of the Return Receipt Card). R. 2:4-4 does provide for a 30 day extension if granted by Motion which would mean that this Appeal would have to be filed no later than July 27, 1985, which was done.

10. This attorney did not file the Motion For Extension Of Time To File The Appeal mentioned in R. 2:4-4 because in speaking with Donna Tarr, the Team 1 Leader, by telephone asking her whether I would have to file such a Motion because of the possibility of the Appeal being filed out of time, she informed me that such a Motion was not needed and that the Appellate Division had accepted the Appeal as filed.

11. If we are to count June 24, 1985, the day that the Township Clerk or anyone else from the Township of Monroe received any notice of the Order being appealed from, as the start of the 45 day period allowed by R.2:4-1, the Appellant Township would have until August 8, 1985 to file its Notice of Appeal. This attorney submits that it is only fundamentally fair that the Appellant Township be charged with notice of the Order being appealed from as of June 24, 1985, and the Township should have been allowed to file its Appeal within the next 45 days which would have ended on August 8, 1985.

12. This attorney received no Motion papers which would have been submitted requesting for the Order being appealed from, and, therefore, cannot provide the Appellate Division with any other particulars on which the Honorable Eugene Serpentelli relied in entering his Order of May 13, 1985.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment.

Dated: October 7, 1985

Mario Apuzzo
MARIO APUZZO

Sworn and Subscribed to before me this 7th day of October, 1985.

Anne Peluso

ANNE PELUSO
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires June 13, 1990

PS Form 3811, July 1983 447-845

SENDER: Complete items 1, 2, 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for service(s) requested.

1. Show to whom, date and address of delivery. **JUL 30 1985**

2. Restricted Delivery **Dept of Law**

3. Article Addressed to:
 Elizabeth McLaughlin, Clerk
 Superior Court of New Jersey
 Appellate Division
 Hughes Justice Complex
 Trenton, NJ 08625

4. Type of Service:	Article Number
<input type="checkbox"/> Registered <input type="checkbox"/> Insured	P 153 392
<input type="checkbox"/> Certified <input type="checkbox"/> COD	792
<input type="checkbox"/> Express Mail	

Always obtain signature of addressee or agent and DATE DELIVERED.

5. Signature - Addressee
 X **State of New Jersey**

6. Signature - Agent
 X **Capitol Post Office**

7. Date of Delivery
JUL 27 1985

8. Addressee's Address (ONLY if requested and fee paid)
William Henderson

AT Service by Tom Payne Post Office Family House

DOMESTIC RETURN RECEIPT

Mario Apuzzo, Esq.
Director of Law
Township of Monroe
County of Middlesex
Department of Law
Municipal Complex
Perrineville Road
Jamesburg, NJ 08831
(201) 521-4400
Attorney for Township of Monroe

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Civil Action

URBAN LEAGUE OF GREATER NEW BRUNSWICK
et al,

Plaintiff,

vs.

THE MAYOR and COUNCIL OF THE
BOROUGH OF CARTERET, et al,
Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. C-4122-73

JOSEPH MORRIS and ROBERT MORRIS,
Plaintiffs,

vs.

TOWNSHIP OF CRANBURY IN THE COUNTY
OF MIDDLESEX, A Municipal
Corporation of the State of New
Jersey,

Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L054117-83

GARFIELD & COMPANY
Plaintiff,

vs.

MAYOR and THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CRANBURY, a
Municipal Corporation, and the
members thereof; PLANNING BOARD
OF THE TOWNSHIP OF CRANBURY, and
the members thereof,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L055956-83 P.W.

BROWNING-FERRIS INDUSTRIES OF
SOUTH JERSEY, INC., A Corporation
of the State of New Jersey,
RICHCREE CONCRETE COMPANY, a
Corporation of the State of New
Jersey, and MID-STATE FILIGREE
SYSTEMS, INC., a Corporation of

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-058046-83 P.W.

the State of New Jersey,
Plaintiff,
vs.

CRANBURY TOWNSHIP PLANNING BOARD
and TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendants.

CRANBURY DEVELOPMENT CORPORATION, SUPERIOR COURT OF NEW JERSEY
A Corporation of the State of New Jersey, LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-59643-83
Plaintiff,
vs.

CRANBURY TOWNSHIP PLANNING BOARD
AND THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendant.

CRANBURY LAND COMPANY, A New Jersey Limited Partnership, SUPERIOR COURT OF NEW JERSEY
Plaintiff, LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-070841-83
vs.

CRANBURY TOWNSHIP, A Municipal Corporation of the State of New Jersey located in Middlesex County, New Jersey,
Defendant..

MONROE DEVELOPMENT ASSOCIATES, SUPERIOR COURT OF NEW JERSEY
Plaintiff, LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-076030-83 PW
vs.
MONROE TOWNSHIP,
Defendant.

ZIRINSKY, SUPERIOR COURT OF NEW JERSEY
Plaintiff, LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L079309-83 PW
vs.

THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, a
Municipal Corporation, and THE
PLANNING BOARD OF THE TOWNSHIP
OF CRANBURY,
Defendants.

TOLL BROTHERS, INC., A

SUPERIOR COURT OF NEW JERSEY

Pennsylvania Corporation,
Plaintiff,
vs.

LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L005652-84

THE TOWNSHIP OF CRANBURY IN
THE COUNTY OF MIDDLESEX, A
Municipal Corporation of the
State of New Jersey, THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY and the
PLANNING BOARD OF THE TOWN-
SHIP OF CRANBURY,
Defendants.

LORI ASSOCIATES, A New Jersey
Partnership; and HADD
ASSOCIATES, a New Jersey
Partnership,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-28288-84

MONROE TOWNSHIP, A municipal
corporation of the State of
New Jersey, located in
Middlesex County, New Jersey,
Defendant.

GREAT MEADOWS COMPANY, A New
Jersey Partnership; MONROE
GREENS ASSOCIATES, as tenants
in common; and GUARANTEED
REALTY ASSOCIATES, INC., a
New Jersey Corporation,
Plaintiffs.
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-32638-84 P.W.

MONROE TOWNSHIP, a municipal
corporation of the State of
New Jersey, located in the
State of New Jersey, located
in Middlesex County, New
Jersey,
Defendant.

AFFIDAVIT OF MAILING

ANNE PELUSO, of full age, being duly sworn according to law, upon her oath, deposes and says:

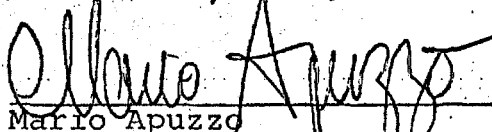
1. I am an employee of the Township of Monroe, Department of Law and Secretary to Mario Apuzzo, the attorney for the Township of Monroe in the within action, and, as such, have knowledge of the facts of this matter and am authorized and empowered to make this Affidavit.

2. On September 20, 1985, an original and five copies of the Letter Brief and Appendix in support of the Appeal by the Township of Monroe, Defendant-Appellant in this matter, was hand delivered by a member of the staff of the Township of Monroe to Elizabeth McLaughlin, Clerk, Superior Court of New Jersey, Appellate Division, Hughes Justice Complex, Trenton, New Jersey.

3. On September 20, 1985, a copy of the Letter Brief and Appendix in support of the Appeal by the Township of Monroe, Defendant-Appellant in this matter, was mailed by me ordinary mail to the persons on the attached Mailing List.


ANNE PELUSO

Sworn and Subscribed to
before me this 7th day
of October, 1985.


Mario Apuzzo
Attorney at Law of the State
of New Jersey

MAILING LIST - URBAN LEAGUE V. CARTERET (MONROE)

Arnold Mytelka, Esq.
Clapp & Eisenberg
80 Park Plaza
Newark, N.J. 07102

Stewart M. Hutt, Esq.
Hutt, Berkow, Hollander & Jankowski
459 Amboy Avenue
Woodbridge, N.J. 07095

Carl S. Bisgaier, Esq.
510 Park Boulevard
Cherry Hill, N.J. 08034

Carla Lerman,
413 West Englewood Avenue
Teaneck, N.J. 07666

Frederick Kessler, Esq.
Clapp & Eisenberg
80 Park Plaza
Newark, N.J. 07102

Eric Neisser, Esq.

John Payne, Esq.
Rutgers School of Law
Constitutional Litigation Clinic
S.I. Newhouse Center for Law and Justice
15 Washington Street
Newark, N.J. 07102

Carl D. Silverman, Esq.
Wilf & Silverman
1640 Vauxhall Road
Union, N.J. 07083

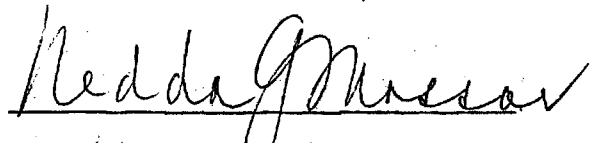
Thomas R. Farino, Jr. Esq.
Corner of Applegarth and Half Acre Road
Cranbury, New Jersey 08512

Hintz-Nelessen Associates
12 North Main Street
Pennington, New Jersey 08534

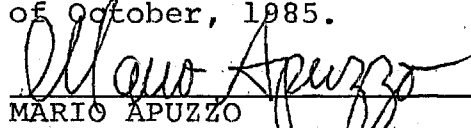
NEDDA MASSAR, of full age, being duly sworn according to law, upon her oath, deposes and says:

1. I am an employee of the Township of Monroe, Department of Law, as a staff attorney, and as such have knowledge of the facts of this matter and am authorized and empowered to make this Affidavit.

2. On September 20, 1985, an original and five copies of the Letter Brief and Appendix in support of the Appeal by the Township of Monroe, Defendant-Appellant in this matter, was hand-delivered by me to the office of Elizabeth McLaughlin, Clerk, Superior Court of New Jersey, Appellate Division, Hughes Justice Complex, Trenton, New Jersey.


NEDDA MASSAR, Esq.

Sworn and Subscribed to
before me this 7th day
of October, 1985.


MARIO APUZZO
Attorney at Law of the
State of New Jersey

Mario Apuzzo, Esq.
Director of Law
Township of Monroe
County of Middlesex
Department of Law
Municipal Complex
Perrineville Road
Jamesburg, NJ 08831
(201) 521-4400
Attorney for Township of Monroe.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY

Civil Action

URBAN LEAGUE OF GREATER NEW BRUNSWICK
et al,

Plaintiff,

vs.

THE MAYOR and COUNCIL OF THE
BOROUGH OF CARTERET, et al,
Defendants.

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. C-4122-73.

JOSEPH MORRIS and ROBERT MORRIS,
Plaintiffs,
vs.

TOWNSHIP OF CRANBURY IN THE COUNTY
OF MIDDLESEX, A Municipal
Corporation of the State of New
Jersey,
Defendant

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L054117-83

GARFIELD & COMPANY
Plaintiff,
vs.

MAYOR and THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF CRANBURY, a
Municipal Corporation, and the
members thereof; PLANNING BOARD
OF THE TOWNSHIP OF CRANBURY, and
the members thereof,
Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L055956-83 P.W.

BROWNING-FERRIS INDUSTRIES OF
SOUTH JERSEY, INC., A Corporation
of the State of New Jersey,
RICHCRETE CONCRETE COMPANY, a
Corporation of the State of New
Jersey, and MID-STATE FILIGREE
SYSTEMS, INC., a Corporation of

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-058046-83 P.W.

the State of New Jersey,
Plaintiff,

vs.

CRANBURY TOWNSHIP PLANNING BOARD
and TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendants.

CRANBURY DEVELOPMENT CORPORATION,
A Corporation of the State of New
Jersey,

Plaintiff,

vs.

CRANBURY TOWNSHIP PLANNING BOARD
AND THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY,
Defendant.

CRANBURY LAND COMPANY, A New
Jersey Limited Partnership,
Plaintiff,

vs.

CRANBURY TOWNSHIP, A Municipal
Corporation of the State of New
Jersey located in Middlesex
County, New Jersey,
Defendant.

MONROE DEVELOPMENT ASSOCIATES,
Plaintiff,

vs.

MONROE TOWNSHIP,

Defendant.

ZIRINSKY,

Plaintiff,

vs.

THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY, a
Municipal Corporation, and THE
PLANNING BOARD OF THE TOWNSHIP
OF CRANBURY,

Defendants.

TOLL BROTHERS, INC., A

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-59643-83

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO: L-070841-83

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-076030-83 PW

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L079309-83 PW

SUPERIOR COURT OF NEW JERSEY

Pennsylvania Corporation,
Plaintiff,

vs.

THE TOWNSHIP OF CRANBURY IN
THE COUNTY OF MIDDLESEX, A
Municipal Corporation of the
State of New Jersey, THE
TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF CRANBURY and the
PLANNING BOARD OF THE TOWN-
SHIP OF CRANBURY,

Defendants.

LAW-DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L005652-84

LORI ASSOCIATES, A New Jersey
Partnership; and HABD.
ASSOCIATES, a New Jersey
Partnership,

Plaintiffs,

vs.

MONROE TOWNSHIP, A municipal
corporation of the State of
New Jersey, located in
Middlesex County, New Jersey,
Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-28288-84

GREAT MEADOWS COMPANY, A New
Jersey Partnership; MONROE
GREENS ASSOCIATES, as tenants
in common; and GUARANTEED
REALTY ASSOCIATES, INC., a
New Jersey Corporation,

Plaintiffs.

vs.

MONROE TOWNSHIP, a municipal
corporation of the State of
New Jersey, located in the
State of New Jersey, located
in Middlesex County, New
Jersey,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-32638-84 P.W.

AFFIDAVIT OF MAILING

ANNE PELUSO, of full age, being duly sworn according to law, upon her oath, deposes and says:

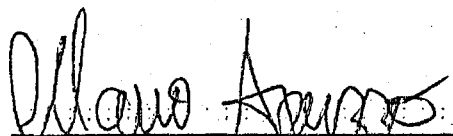
1. I am an employee of the Township of Monroe, Department of Law and Secretary to Mario Apuzzo, the attorney for the Township of Monroe in the within action, and as such, have knowledge of the facts of this matter and am authorized and empowered to make this Affidavit.

2. On October 8, 1985, an original and five copies of the amended Letter Brief and Appendix in support of the Appeal by the Township of Monroe, Defendant-Appellant in this matter, was hand delivered by a member of the staff of the Township of Monroe to Ms. Donna Tarr - Tl, Office of the Clerk, Superior Court of New Jersey, Appellate Division, Trenton, New Jersey.

3. On October 8, 1985, two copies of the amended Letter Brief and Appendix in support of the Appeal by the Township of Monroe, Defendant-Appellant in this matter, were mailed by me ordinary mail to the persons on the attached Mailing List.


ANNE PELUSO

Sworn and Subscribed to
before me this 7th day
of October, 1985.


Mario Apuzzo
Attorney at Law of the State
of New Jersey

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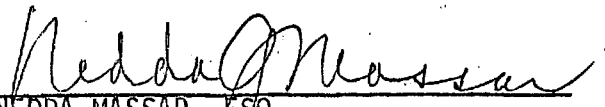
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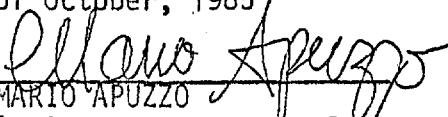
NEDDA MASSAR, of full age, being duly sworn according to law, upon her oath, deposes and says:

1. I am an employee of the Township of Monroe, Department of Law, as a staff attorney, and as such have knowledge of the facts of this matter and am authorized and empowered to make this affidavit.

2. On October 8, 1985, an original and five copies of the amended Letter Brief and Appendix in support of the Appeal by the Township of Monroe, Defendant-Appellant in this matter, was hand delivered by me to the office of Elizabeth McLaughlin, Clerk, Superior Court of New Jersey, Appellate Division, Hughes Justice Complex, Trenton, New Jersey.


NEDDA MASSAR, ESQ.

Sworn and Subscribed to
before me this 8th day
of October, 1985


MARIO APUZZO
An Attorney at Law of the
State of New Jersey