

Monroe 1985

10/15/85

Brief and Appendix for Carl E. Hintz (~~enclosure~~)

Att. letter

Pgs. ~~10~~

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GROSS & NOVAK, P.A.

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October 15, 1985

Elizabeth McLaughlin, Clerk
Superior Court of New Jersey
Appellate Division
Hughes Justice Complex
CN-006
Trenton, New Jersey 08625

RE: Urban League of Greater New Brunswick, et als.
Vs. Monroe Township, et als.
Docket No. A-5394-84-T1

Dear Ms. McLaughlin:

Enclosed herewith, please find five (5) copies of Appellant's Brief and Appendix with regard to the above entitled matter.

Very truly yours,

GROSS & NOVAK, P.A.

William P. Isele

sn/encls.

(All w/encls.)

- cc: Mario Apuzzo, Esq.
- cc: Carla L. Lerman, P.P.
- cc: Thomas R. Farino, Jr., Esq.
- cc: Eric Neisser, Esq.
- cc: Irwin I. Kimmelman, Attorney General
- cc: Mr. Carl E. Hintz

Superior Court of New Jersey

APPELLATE DIVISION

DOCKET NO.

A-5394-84-T1

CIVIL ACTION

ON APPEAL FROM

ORDER AND JUDGMENT
OF MAY 13, 1985

SAT BELOW

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

URBAN LEAGUE, et al.,

Respondent,

vs.

THE TOWNSHIP OF MONROE, et al.,

Appellant.

BRIEF AND APPENDIX
FOR

Respondent, Carl E. Hintz

GROSS & NOVAK, P.A.
Colonial Oaks Office Park
Brier Hill Ct., Bldg. C
P.O. Box 188
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ATTORNEY(S) FOR CARL E. HINTZ

William P. Isele
On the Brief

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PROCEDURAL HISTORY

Respondent, CARL E. HINTZ, accepts the Procedural History set forth in Appellant's Brief, as supplemented by letter brief dated September 26, 1985, attached hereto as Ha-20 to Ha-23.

STATEMENT OF FACTS

Respondent, CARL E. HINTZ, accepts the Statement of Facts set forth in Appellant's Brief, as supplemented by letter brief dated September 26, 1985, attached hereto as Ha-20 to Ha-23.

LEGAL ARGUMENT

I.

THE APPEAL SHOULD BE
DISMISSED AS OUT OF TIME

Respondent, CARL E. HINTZ hereby incorporates the argument set forth in his letter brief dated September 26, 1985, and attached hereto as Ha-20 to Ha-23.

II.

THE COURT BELOW HAD FULL AUTHORITY
FOR ITS ORDER OF MAY 13, 1985

Appellant implies that MONROE TOWNSHIP made no appropriation for the payment of the professional planning services of CARL E. HINTZ. In support of that position, the Township relies on an Affidavit of its Manager, Joseph R. Scranton (Da 14-16), which was not part of the record below.

A. Evidence Not Submitted Below

The record considered by the Court below consisted only of a notice of motion, certification of William R. Tipper, and copies of billing statements of the professionals involved: Thomas R. Farino, Jr., Esq., Carl E. Hintz and Carla L. Lerman. (Ha-24 to Ha-46). It is elemental that the Appellate Court can consider nothing that is not contained in the record. Daniel v. Elmer, 113 N.J.L. 227 (1934). This is particularly true of affidavits, such as the one Appellant has attached to its brief, dated September 19, 1985 and signed by Joseph R. Scranton. See: Cox v. Cox, 137 N.J. Eq. 241 (1945); Middle Department Inspection Agency v. Home Insurance Co., 154 N.J. Super. 49 (App. Div., 1977); Naftal v. Township Committee of East Hampton, 123 N.J. Super. 450 (App. Div., 1973). Such presentations have been called "a gross violation of appellate practice and rules." Home Insurance, supra. at 57. The Scranton affidavit should be stricken.

B. The Township Budget for 1984 is Irrelevant
to the Challenged Order Insofar as it
Relates to Carl E. Hintz.

It is undeniable from all the documentation that the Respondent, CARL E. HINTZ, provided substantially all of the professional planning services in question in calendar year 1985. The township council meeting at which he was retained occurred January 28, 1985. Ha-6-3. The resolution retaining his services was adopted that same date. Ha-9-7. The bill submitted by CARL E. HINTZ detailed services on an hourly basis commencing December 26, 1984 and continuing through March 29, 1985. Ha-41 to Ha-43. Only the very first entry, for 1.5 hours, related in any way to 1984.

Yet, the Township's entire argument is based upon the fact that funds appropriated for the "office of the Township Attorney, Urban League Suit" line item in the 1984 budget were consumed (except for \$74.50) by May, 1984. (Ab-6). The Township assiduously avoids informing the Court what amounts were appropriated for this matter in the 1985 budget. (Lest there be any question about the Township's fiscal year, the Statute defines it as the calendar year. N.J.S.A. 40A:1-1).

It is inconceivable, however, that the Township Council would retain Mr. Hintz on January 28, 1985, with no intention of paying for his services. Furthermore, it would be totally irresponsible for the Township to fail to appropriate funds in 1985

for the continued defense of this major litigation, which had been ongoing since 1974.

C. Even if There Were No Appropriation in the 1985 Budget, the Action of the Council on January 28, 1985 Was Sufficient Authority Under N.J.S.A. 40A:4-53(d).

N.J.S.A. 40A:4-53, which is not mentioned in Appellant's Brief, states, in pertinent part:

A local unit may adopt an ordinance authorizing special emergency appropriations for the carrying out of any of the following purposes:

* * *
d. Engagement of special consultants for the preparation, and the preparation of a master plan or plans, when required to conform to the planning laws of the state.

The Township admits that it submitted a compliance plan which had been prepared with the aid of Mr. HINTZ's firm (Ab-1-25; Ab-3-9). There can be no question that Mr. HINTZ was just the sort of "special consultant" contemplated by N.J.S.A. 40A:4-53(d).

On January 28, 1985, the Township Council adopted a resolution authorizing the appointment of Mr. HINTZ's firm at a specified hourly rate. (Ha-8-25 to 28). This resolution provides sufficient authority for the order entered by the Court below.

It is true that a trial court cannot ignore the legislatively declared public policy that an appropriation by a

municipal governing body precede any actual disbursement of municipal funds. Essex County Board of Taxation v. City of Newark, 139 N.J. Super. 264 (1976), appeal after remand 155 N.J. Super. 586. The trial court in the Essex case ordered seizure of municipal funds in order to pay for a revaluation and tax map program, which a recalcitrant city council would not adopt. To comply with previous orders, the county board had entered into contracts for the revaluation and tax map program on the City's behalf. The Appellate Division disallowed the seizure.

In the instant case, it is not the Township Council, but the Mayor and administration which appear to be recalcitrant. Otherwise, the situation is quite apposite. The Monroe Township Council engaged Mr. HINTZ's services to comply with prior court orders. The Mayor "reaffirmed his intentions to authorize no payments for professional services in connection with Mt. Laurel litigation." (Ha-29-53 to 55)

The Council, like the County Board in Essex, sought the Court's assistance with this dilemma. In Essex, the Appellate Court stated:

[T]he trial court has full power . . . to compel the required appropriation to be made. Essex, supra. at 275.

Judge Serpentelli's order in the instant case follows the dictates of Essex. He did not order the seizure of municipal funds, but rather ordered the Township to make payment; whatever

procedural steps were necessary to comply with this order were thereafter to be carried out, either by the Township Administration or, in the event of the Administration's refusal, by the Council. (Ha-5).

The Council had committed itself, upon the Court's order, to make the necessary "special emergency appropriation" under N.J.S.A. 40A:4-53(d) prior to actual disbursement to Mr. HINTZ. (Ha-30-1 to 4). Contrary to the Appellant's position, nothing in the Local Budget Law (N.J.S.A. 40A:4-1 et seq.) prohibits the Council from incurring an obligation prior to adopting a "special appropriation;" it is only prohibited from disbursing funds prior to such adoption. Essex, supra. Certainly, such an appropriation was contemplated by the Council's resolution of January 28, 1985. The Court's order did not ignore the statute, but merely compelled the Council to comply with it. See: Salaries of Probation Officers, 58 N.J. 422 (1971) and Essex, supra at 274-275.

III.

THE TOWNSHIP HAD AMPLE NOTICE
OF ITS OBLIGATIONS TO HINTZ

It is absurd to state, as Appellant has, that the Township was unaware of the proceedings below. The Township has apparently taken advantage of these proceedings to advance an internecine quarrel between the Administration and the Township Council. Such abuses should not be condoned by this Court.

Appellant correctly states that R.1:5-1 requires service on all attorneys of record. Despite Appellant's self-serving statement that, as of April 1, 1985, Thomas R. Farino, Jr., Esq. was no longer "Township Attorney," there is no indication that a substitution of attorney was filed, or even that Mr. Farino was instructed to withdraw as counsel of record in the Urban League suit prior to April 4, 1985, the date of the Notice of Motion in question. (Ha-27-6). That Notice lists Mr. Farino as "Attorney for the Township of Monroe" (Ha-24-5) and is directed to the "Mayor and Council of the Township of Monroe" (Ha-26-27). It is accompanied by a certification signed by the President of the Township Council, William R. Tipper. (Ha-28 to Ha-30). At the very least, therefore, Mr. Tipper, as Council President, was aware of the Motion: the Motion was made at his request! The Motion in question was brought by the attorney of record for the Township, on behalf of the Township Council. For the Township

now to argue that it was unaware of the Motion is totally specious.

Interestingly, the Township does not claim that Mr. Farino acted without authority on April 4, 1985; the Township claims, rather, that on May 13, 1985, the date of the order, Mr. Farino was no longer the Township's attorney. What Mr. Farino was or was not on May 13, 1985 is totally irrelevant to the issues raised by the Township. The Township Council clearly authorized the Motion, and Mr. Farino was attorney of record for the Township in the Urban League case on the date the Motion was filed. CARL HINTZ, a non-party to that litigation, had a right to rely on the fact that Mr. Farino had complied with all of his obligations under RR. 1:5-1 and 1:6-2.

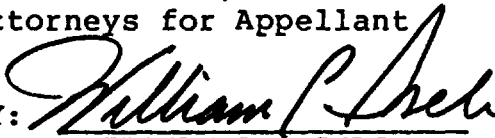
CONCLUSION

In light of all the foregoing, the order of Judge Serpentelli should be affirmed and attorney fees and costs awarded to the Respondents. RR: 2:11-4; 2:11-5.

Respectfully submitted,

GROSS & NOVAK, P.A.
Attorneys for Appellant

BY:


WILLIAM P. ISELE

Dated: October 16, 1985

A P P E N D I X

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5/13/85

Ha-1

SUPERIOR COURT OF N. J.
FILED

MAY 21 1985

SUPERIOR COURT OF N. J.
REC'D

MAY 21 1985
J-12
JOHN M. MAYSON
CLERK

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

J-5
JOHN M. MAYSON
CLERK

D. J. [Signature]

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX COUNTY / *Ocean County*

Civil Action

Rm

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

60 Order authorizing release of funds

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.

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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.
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

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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 HADB
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

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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

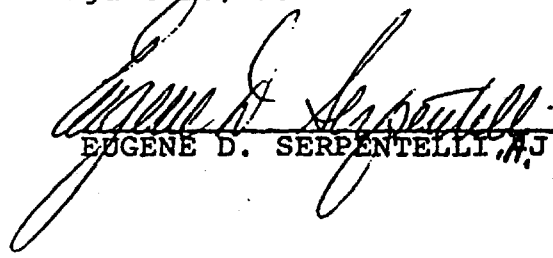
IT FURTHER APPEARING that the Mayor of the Township of Monroe has refused to authorize payment in connection with the aforesaid professional services associated with the Township's Mt. Laurel II compliance efforts and good cause appearing for the entry of this Order;

IT IS on this 13 day of May, 1985,

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, J.S.C.

COUNCIL OF THE TOWNSHIP OF MONROE
MINUTES
SPECIAL MEETING--JANUARY 28, 1985

COUNCIL OF THE TOWNSHIP OF
MONROE MINUTES: Special Meeting
1/18/85 Ha-6

The Council of the Township of Monroe met in the Municipal Complex, Perrineville Road, for a Special Meeting.

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The Special Meeting was Called to Order at 8:15 P.M. by Council President William R. Tipper with a Salute to the Flag.

UPON ROLL CALL by the Municipal Clerk the following members of the Council were present: Councilmen Michael J. Dipierro and Albert Levinson and Council President William R. Tipper.

Council Vice-President David Rothman arrived at 8:20 P.M.

ALSO PRESENT for the Council were Attorney Thomas R. Farino, Jr. and Planner Carl A. Hintz. Master Carla Lerman arrived at 8:30 P.M.

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ABSENT from this meeting was Councilman Michael Leibowitz.

Council President William R. Tipper read the following SUNSHINE LAW:

In accordance with the Open Public Meetings Act, it is hereby announced and shall be entered into the Minutes of this meeting that adequate notice of this meeting has been provided by the following:

1. Posted on January 24th, 1985 on the bulletin board of the Office of the Township Clerk, Municipal Complex, Perrineville Road, Jamesburg, New Jersey and remains posted at that location.
2. Communicated to the New Brunswick HOME NEWS and CRANBURY PRESS on January 26th, 1985.
3. Filed on January 24, 1985 with the Deputy Municipal Clerk at the Municipal Complex, Perrineville Road, Jamesburg, New Jersey and remains on file for public inspection; and
4. Sent to those individuals who have requested personal notice.

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Council President William R. Tipper announced the purpose of this Special Meeting was to discuss the services of the proposed Planner and try to put together the Compliance Package for the Courts regarding MT. LAUREL II. Council President Tipper introduced Mr. Carl Hintz. Attorney Thomas R. Farino, Jr. advised that there was only one Developer that must be considered for the Compliance Package.

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Attorney Farino outlined that the Compliance Package must consist of two components: Entitlement and Prioritization. Monroe Township must only concern itself with Entitlement because there was only one developer who filed in concurrence with the MT. LAUREL II URBAN LEAGUE SUIT; that was Monroe Developers. Even though other developers filed suits later, they are not to be considered as "Entitled" under the jurisdiction of Judge Serpentelli in his determination of other municipalities that have had this same problem. The "Builder's Remedy" consideration under the "Entitlement" provision must be realized for only those developers who filed suit at the time of MT. LAUREL II's initial litigation. Other considerations for the presentations that were made are that the developer will provide substantial low/moderate income housing and that his site is suitable for compliance.

This directive has defined the developer that must be considered by our Township for the mandatory "Builder's Remedy"; i.e., only Monroe Developers.

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UPON MOTION made by Council President William R. Tipper and seconded by Councilman Albert Levinson, a Resolution was adopted to Close the meeting to the public in order to discuss the services of Mr. Hintz, as hereinbelow set forth.

ROLL CALL: Councilman Michael J. Dipierro : Aye
Councilman Albert Levinson : Aye
Council President William R. Tipper : Aye

Attorney Farino read the RESOLUTION as follows:

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RESOLUTION AUTHORIZING CLOSED PORTION OF PUBLIC MEETING

WHEREAS, the Open Public Meetings Act permits the governing body to close to the public those portions of its meetings at which certain designated subjects are discussed; and

WHEREAS, one such subject involves pending litigation; and


WHEREAS, the Council is now desirous of discussing certain aspects of the Mt. Laurel litigation entitled "Urban League vs. The Township of Monroe," which litigation is presently pending in the Law Division of the New Jersey Superior Court; and

WHEREAS, the contents of this closed discussion will be revealed to the public upon the conclusion of this closed session;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Monroe that it hereby authorizes the following portion of this public meeting to be closed to the public.


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 January 28, 1985.


MARY A. CARROLL, Clerk

Copy of Resolution duly filed.
R-1-85-48

Council President Tipper opened a discussion on Mr. Hintz's proposed Contract fee schedule. (Council Vice-President Rothman had arrived at this time.) Council President Tipper reviewed the proposed fee schedule which outlined Mr. Hintz's wish to received \$75.00 per hour for regular services to attend meetings and \$100.00 per hour for any Court appearances and usual clerical, staffing, draftsmen fees outlined. Three Councilmen advised that the proposed fees seemed concurrent with the going rate. Council Vice-President Rothman felt the same but requested that the Court time fee be reconsidered. Mr. Hintz advised that he has reduced the rate in some instances so he would agree to \$90.00 per hour. His time so far has been approximately 15 to 20 hours to prepare the draft "Preliminary Evaluation of Site Suitability for MT. LAUREL II Compliance" that he then presented along with an outline "Site Selection Criteria for MT. LAUREL II COMPONENT" which had been completed over the past weekend after his review of the material that he had picked up from the Clerk's office during the week. Councilman Dipierro was concerned as to how we can pay this Firm even if we are totally satisfied with his performance. Attorney Farino outlined that the Judge had assured him that this will be addressed in the Compliance Order. Council President Tipper advised that we must augment the Budget to include this at Budget deliberations. This item will be part of the "in cap" considerations and will have to reflect the expenses now being incurred. Mr. Hintz related how he compiled the information this evening, and Councilman Dipierro advised that he felt that the Planner was being utilized to put the verbiage in writing. Attorney Farino advised that the "Compliance

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Package" must outline and substantiate why and why not a presentation would be considered. Master Carla Lerman advised that that was why we must have substantiation from Oak Realty before we can consider the site; it must be plausible; we need information from Bradgate and Patron before this site can be even considered as possible. No information has been received as yet, but she was assured that we would receive some definite information. Councilman Dipierro felt we should go with the area but not get involved with any particular builder; we should outline the area and not worry as to who will come up with the wherewithall. Councilman Levinson agreed and that also, we should include the Tornopsky site which adjoins Oak. Reconsideration of the sites that have been proposed would be addressed this evening. The deadline of February 8th was incorrect; we have only until the 31st of January to comply. It is necessary to ask for another extension because this will not be finished tonight. Attorney Farino advised that the litigants of the adversary nature are complaining now to the Judge to stop giving Monroe additional time. The Judge realizes the constraints that have been imposed on us, but he feels we must get this accomplished in a timely manner. The Councilmen would like to accommodate everyone, even themselves, and get this over tonight, but if it takes more time, it will have to; they are working in good faith.

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Council President Tipper then addressed the service fees of Mr. Hintz, and it was necessary to adopt a Resolution agreeing to the proposed rates and appoint Mr. Hintz the Planner for their perusal during MT. LAUREL II. Besides, the Site Selection Criteria outline presented this evening must be reviewed.

UPON MOTION made by Councilman Albert Levinson and seconded by Council President William R. Tipper, a Resolution was adopted appointing HINTZ-NELESSEN ASSOCIATES, P. C. as the MT. LAUREL II Planner. (with the hourly rates being \$75.00 for regular services to attend meetings and \$90.00 for Court appearances).

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

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RESOLUTION as follows:

RESOLUTION AUTHORIZING RETENTION OF PROFESSIONAL PLANNING SERVICES

WHEREAS, the governing body of the Township of Monroe is presently engaged in the process of attempting to effect a compliant zoning ordinance pursuant to the Letter Opinion of the Hon. Eugene D. Serpentelli, J.S.C., dated July 27, 1984, which ruled that the Land Use Regulations of the Township of Monroe are invalid under Mt. Laurel II guidelines; and

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WHEREAS, the professional planning services of the Township Planner have been unavailable to the governing body during this entire ordinance revision process; and

WHEREAS, the governing body of the Township of Monroe has now reached that stage of its deliberations at which the services of a professional planner are deemed of utmost importance in order to draft the appropriate zoning language to effectuate the compliant zoning ordinance; and

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WHEREAS, the Council has interviewed Professional Planner Carl E. Hintz for the purpose of preparing a compliance package for submission to the Court;

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NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Monroe that it hereby retains the professional planning services of Carl E. Hintz for the purpose of preparing the Township's compliance package for submission to the Court regarding the pending Mt. Laurel litigation.

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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 January 28, 1985.

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MARY E. CARROLL, Clerk

Copy of Resolution duly filed.
R-1-85-49

Mr. Hintz then proceeded to explain the documents he had presented the Council this evening. The "Preliminary Evaluation of Site Suitability for MT. LAUREL II Compliance" draft was discussed. On Page #8, there was a Table that contained 17 points outlining criteria for the applications, and a point system of 1 to 10 would be used for the Council's opinions of how the application complied; a minus 1 to 10 would be used for the worst opinions of an application. Each application would be assessed to justify either the approval of the site by the Council or to justify non-consideration of the Council for a site. This criteria point system would be necessary for the Compliance Package presentation to the Court and for any further litigation that might become necessary to defend a denial.

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Mr. Hintz outlined the Developers on his sketch and assigned a letter to each for rating as follows:

- A Tornopsky Site
- B Monroe Developers
- B2 Kaufman
- C1 Monroe Greens
- C2
- D Oak Realty
- E Ballantrae
- F Lori Associates
- G Caton
- H Mobile Home Site - RULED OUT
- I Camelot
- J HABD
- K Hobart Hills
- L Caleb
- M Smirti
- N Docks Corner-Browns Corner

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Each application was discussed as to its rating in relation to the 17 points. Items #1 through 12 had been discussed for all of the presentations, and it was apparent that when considering one applicant, when you got to the last applicant, another extenuating circumstance would re-arrange your thinking in the rating. Also, the Council agreed to rule out the ITEM H MOBILE HOME SITE completely, and others might not even qualify even in the barest areas (such as Smirti-M). It was obvious that to accomplish this completely this evening was impossible, therefore, the Council requested that Mr. Hintz advise them of his ratings inasmuch as he was more aware of what was desired and in view of his experience with other municipalities that he had been working on regarding MT. LAUREL II. It was now going onto 11:00 P.M. and the Council felt that the main objective to determine this evening was to outline the positive locations in order to justify their decisions; have Mr. Hintz draw up a draft Ordinance for consideration; meet the deadline imposed by the Courts to show good faith (it is apparent that we are now going to need additional time); and set up public meetings to get this accomplished. The first order of business was to

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adopt a resolution requesting another extension.

UPON MOTION made by Council President William R. Tipper and seconded by Council Vice-President David Rothman, a motion was carried to request the extension.

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

RESOLUTION as follows:

RESOLUTION AUTHORIZING REQUEST FOR EXTENSION OF TIME TO COMPLY WITH MT. LAUREL ORDER OF JUDGE SERPENTELLI

WHEREAS, by Letter Opinion dated July 27, 1984, the Hon. Eugene D. Serpentelli, J.S.C. ruled that the Land Use Regulations of the Township of Monroe are invalid under Mt. Laurel II guidelines and further ordered the Township of Monroe to revise its Land Use Regulations within ninety days of the filing of that Opinion; and

WHEREAS, the governing body of the Township of Monroe by resolution dated October 20, 1984, petitioned the Court for a thirty-day extension of the Order of the Court so as to permit the governing body to continue to expeditiously attempt to effect a compliant zoning ordinance; and

WHEREAS, by letter dated October 30, 1984, the Court extended the compliance period to December 1, 1984; and

WHEREAS, by letter of the Hon. Eugene D. Serpentelli, J.S.C., dated December 6, 1984, the aforesaid compliance period was further extended for an additional period of thirty days; and

WHEREAS, by letter dated January 21, 1985, the Hon. Eugene D. Serpentelli, J.S.C., extended the aforesaid compliance period for an additional thirty-day period to January 31, 1985; and

WHEREAS, the Council has retained the professional planning services of Carl E. Hintz to assist in preparing the Township's compliance package for submission to the Court; and

WHEREAS, the Council met in closed session with Planner Hintz on January 28, 1985, at which time a consensus was achieved on site selection based upon various planning criteria; and

WHEREAS, Planner Hintz has indicated that he will require approximately two to three additional weeks to complete his preparation of the compliance package for submission to the Court;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Monroe

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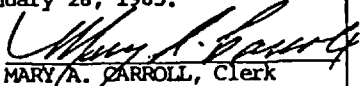
that it hereby petitions the Hon. Eugene D. Serpentelli, J.S.C., for an additional thirty-day extension of the Order of the Court dated July 27, 1984, so as to permit the governing body and its recently appointed Professional Planner to continue to effect a compliant zoning ordinance pursuant to the Letter Opinion of the Court dated July 27, 1984.

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WILLIAM R. TIPPER, President

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I hereby certify the above to be a true copy of a resolution adopted by the Monroe Township Council at a meeting held on January 28, 1985.


MARY A. CARROLL, Clerk

Copy of Resolution duly filed.
R-1-85-50

The Council felt that they were going "back to the drawing board" when decisions had been more or less agreed upon, with the possibilities being addressed. The most negative effect was considered in the previous deliberations with the least amount of homes having to be absorbed in the Compliance Package. The discussion evolved around the previous reasoning, with the possible donation of \$1,000,000.00 by RH Development for their fair share in lieu of the 20% set aside of their PCD, and it seemed we had a very good stance for the public and the Courts.

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The appeal process was discussed further. The six-year repose begins with the acceptance of the Compliance Package, whether or not we appeal. The six years will include the appeal time according to Master Carla Lerman. No construction can commence while the appeal is being considered. The creation of a Housing Authority was discussed again to handle any monies that would be donated in lieu of the 20% set aside. Additional information on this should be forthcoming from the Planner. Master Lerman advised that she has not received any information regarding Bradgate and will wait until another week has expired before she can advise as to the acceptance of Oak or not in the Compliance Package.


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It goes without saying that additional meetings are necessary, and the Council will decide when they can take place. Council Vice-President Rothman outlined that he will be out of Town the week of February 24th to March 1st.

UPON MOTION made by Council President William R. Tipper and seconded by Councilman Albert Levinson, the meeting was opened and adjourned at 12:15 P.M.

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

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MARY A. CARROLL, Clerk

WILLIAM R. TIPPER, President

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7/26/85

Ha-12



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

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July 23, 1985

Elizabeth McLaughlin, Clerk
Superior Court of New Jersey
Appellate Division
Hughes Justice Complex
Trenton, NJ 08625

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Re: Mt. Laurel Litigation - Payment for
Professional Services - Docket Nos.
C-4122-73, L-076030-83 PW, L-28288-84,
and L-32638-84 P.W.

Dear Ms. McLaughlin:

Enclosed herewith please find for filing, an original and two copies of a Notice of Appeal and Case Information Statement in connection with the above-referenced matters.

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I also enclose herein a check in the amount of \$20.00 to cover filing fees.

Very truly yours,

MARIO APUZZO
Director of Law

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MA:ap
Encls.

cc: See Attached Mailing List

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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

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:
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, (Att) 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

NOTICE OF APPEAL
PAGE 2

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>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:

<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. 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>Dept. of Community Affairs</u> <u>Div. of Local Government Services</u>	<u>7/26/85</u>	<u>Ord. Mail</u>
(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.

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)

[Signature]
Signature of Attorney of Record

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CIVIL APPEAL CASE INFORMATION STATEMENT

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TITLE IN FULL: Urban League of Greater New Brunswick, et al vs. Monroe Township, et al	FOR OFFICIAL USE ONLY		
	Appeal Docket No.		
	Notice of Appeal Filed:		
	Date Sent:		

20

APPELLANT'S ATTORNEY(S):	<input type="checkbox"/> Plaintiff	<input checked="" type="checkbox"/> Defendant	<input type="checkbox"/> Other (Specify)
Name	Address	Telephone	Client
Mario Apuzzo, Director of Law	Township of Monroe	(201) 521-4400	Monroe Township
	County of Middlesex, Municipal Complex		
	Perrineville Road, Jamesburg, NJ	08831	

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RESPONDENT'S ATTORNEY(S)*:	Address	Telephone	Client
Thomas R. Farino, Jr., Esq.	Applegarth & Halfacre Road, Cranbury, NJ	(609) 655-2700	Thomas R. Farino, Jr., Esq.

*INDICATE WHICH PARTIES, IF ANY, DID NOT PARTICIPATE BELOW OR WHO WERE NO LONGER PARTY TO THE ACTION AT THE TIME OF ENTRY OF THE ORDER/JUDGMENT BEING APPEALED.)

GIVE DATE AND SUMMARY OF TERMS OF JUDGMENT ENTERED BELOW: On May 13, 1985, Appellant Monroe Township was ordered to pay Thomas R. Farino, Jr., Esq. the amount of \$23,893.00, to pay Carl E. Hintz the amount of \$10,248.42 and to pay Carla Lerman the amount of \$6,839.55 for their services rendered in connection with the Township's Mt. Laurel II litigation.

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Does this determination dispose of all issues as to all parties? Yes No

If not, has it been certified as final pursuant to R.4:42-2? Yes No

(If not, leave to appeal must be sought. R.2:2-4, 2:5-6.)

Is the validity of a statute, executive order, franchise or constitutional provision of the state questioned? (R.2:5-1(h)). Yes No

GIVE A BRIEF STATEMENT OF THE FACTS AND PROCEDURAL HISTORY: As a result of the court Order dated August 13, 1984, professional, planning, and legal services were rendered by Thomas R. Farino, Jr., Esq., Carl E. Hintz, Planner, and Carla Lerman, Court Appointed Master. Upon the refusal of the Mayor of the Township of Monroe to authorize payment for these professional services, an Order was sought directing such payment. The Order granted May 13, 1985 directed that should the Township Administration refuse to endorse payment, then the President of the Monroe Township Council be ordered to effect such payment.

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TO THE EXTENT POSSIBLE, LIST THE PROPOSED ISSUES TO BE RAISED ON THIS APPEAL, AS THEY WILL BE DESCRIBED IN APPROPRIATE POINT HEADINGS PURSUANT TO R.2:6-2(a)(5). Appellant or cross appellant only. Given the requirements of N.J.S.A. 40A:4-57, which declares void municipal expenditures without prior appropriations, whether the Court has the authority to order the Township of Monroe to pay for professional services when the liability to pay for those services was incurred at a time when no appropriation had been made by the Township for said services.

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All civil appeals will be screened under the Civil Appeals Settlement Program to determine their potential for settlement or, on the alternative, a simplification of issues, abbreviation of transcript and any other matters that may aid in the disposition or handling of the appeal. Please consider these when responding to the following question.

10

State whether you think this case may benefit from a conference. Yes No
A negative response will not necessarily rule out the scheduling of a pre-argument conference.

Explain your answer:

IS THERE ANY CASE NOW PENDING OR ABOUT TO BE BROUGHT BEFORE THIS COURT WHICH:

(A) Arises from substantially the same case or controversy as this appeal? Yes No

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(B) Involves an issue that is substantially the same, similar or related to an issue in this appeal? Yes No

IF YES, STATE:
Case Name:

Docket No:

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DO YOU EXPECT TO FILE A LETTER BRIEF (Rule 2:6-2(b))? Yes No

The time in which to file your brief and appendix is governed by court rule unless modified by court order. If any circumstances exist which might justify a shorter or longer period of time within which to file your brief and appendix other than that provided by Rule 2:6-11, give a detailed explanation. Your answer does not alter the time limit set forth in the rules of Court.

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In the event there is any change with respect to any entry on the Case Information Statement, appellant shall have a continuing obligation to file an amended Case Information Statement on the prescribed form.

Township of Monroe
Name of Appellant or Respondent

Mario Apuzzo
Name of Counsel of Record

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July 23, 1985

MAILING LIST

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Peter P. Garibaldi, Mayor
Township of Monroe
County of Middlesex
Municipal Complex
Perrineville Road
Jamesburg, NJ 08831

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Monroe Township Council
c/o Mary Carroll
Township of Monroe
County of Middlesex
Municipal Complex
Perrineville Road
Jamesburg, NJ 08831

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LETTER BRIEF
9/26/85

GROSS & NOVAK, P.A.
ATTORNEYS AT LAW

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WILLIAM P. ISELE
JAY SAMUELS
DENNIS H. SABOURIN
CHRISTINE M. COTE
THEODOSIA A. TAMBORLANE
NOLA R. BECZKE

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BRIER HILL, BUILDING C
P. O. BOX 188
EAST BRUNSWICK, N. J. 08816
(201) 254-4200
(TELECOPIER: (201) 254-4256)

September 26, 1985

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The Honorable Judges
of the Appellate Division
Hughes Justice Complex
CN-006
Trenton, NJ 08625

RE: Urban League of Greater New Brunswick, et als.
Vs. Monroe Township, et als.
Docket No. A-5394-84T1

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Dear Honorable Judges:

Please accept this letter brief in lieu of a more formal brief pursuant to R.2:6-2(b) and R.2:6-5. This letter brief is submitted in support of the respondent, Carl E. Hintz's motion to dismiss the instant appeal.

The Urban League of Greater New Brunswick and others are parties in a suit against the Township of Monroe and other municipalities, which resulted in the directives of the New Jersey Supreme Court as set forth in the decision commonly referred to as "Mt. Laurel II". On remand from the Supreme Court, the Honorable Eugene D. Serpentelli, Judge of the Superior Court, issued a letter opinion on July 27, 1984, finding that the land use regulations of Monroe Township were invalid under the guidelines set forth by the Supreme Court in Mt. Laurel II. On January 28, 1985, the council of the Township of Monroe met in special meeting for purposes of discussing the services of a professional planner to try to put together a compliance package which would be satisfactory to the courts. (Ha-6 to Ha-11)

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* Southern Burlington County N.A.A.C.P., et al. v. Township of Mt. Laurel, et als., 92 N.J. 158 (1983). One of the consolidated appeals in that decision was Urban League of Greater New Brunswick, et al. v. Borough of Carteret, et als., No. A-4; See: 92 N.J. at 339-350.

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GROSS & NOVAK

September 26, 1985
Page #2

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At that meeting, which was closed to the public, the council of Monroe Township retained the professional planning service of Carl E. Hintz for the purpose of preparing the Township's compliance package. It was agreed that Mr. Hintz's firm would be paid at an hourly rate of \$75.00 per hour for regular services and \$90.00 per hour for court appearances. (Ha-8) Mr. Hintz's firm rendered services, but the Township refused to pay for same after they were rendered. (The Township also refused to pay for the services of others, who are co-respondents in this appeal, but are not represented by the undersigned.) An order was sought to compel payment, and Judge Serpentelli granted that order on May 13, 1985, directing that payment should be made. (Ha-1 to Ha-5). Appellant, Township of Monroe, has appealed from that order.

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The Appellant did not seek reconsideration by Judge Serpentelli, or in any other way take steps to toll the time for taking an appeal. Appellant filed its notice of appeal by mailing it to the Clerk of the Appellate Division on July 23, 1985, more than 70 days after Judge Serpentelli's order. (Ha-12).

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This Respondent respectfully submits that Judge Serpentelli's order was an interlocutory order. This was not a final judgment in the case, adjudicating whether Monroe Township's development plan conforms with the dictates of Mt. Laurel II. Rather, this was simply an order to pay certain of the professionals engaged by the Township to develop that plan.

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In Adams v. Adams, 53 N.J. Super. 424 at 429, cert. den. 30 N.J. 151 (1959), this court stated that:

. . . An interlocutory judgment is defined as one "given in the middle of a cause on some plea, proceeding or default which is only intermediate and does not finally determine or complete the suit. Such orders or decrees relate to questions of law or practice settling

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GROSS & NOVAK

September 26, 1985
Page #3

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only some intervening matter, collateral to the issue and not touching the merits of the action."

Certainly, the payment of professionals in this matter is only collateral to the basic issue in the case, i.e. the Township's compliance with Mt. Laurel II, and, therefore, Judge Serpentelli's order is interlocutory in nature and subject to appeal only upon leave pursuant to R.2:4-1(c) and pursuant to the provisions of R.2:5-6.

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This being the case, application for leave to appeal should have been made within 15 days after entry of Judge Serpentelli's order, i.e. by May 28, 1985. No such motion was made within that time period, nor was leave to appeal ever granted. There having been no leave to appeal given, this appeal is improper, and should be dismissed.

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Even assuming, however, that Judge Serpentelli's order might somehow be construed as a final order, this appeal is still out of time. R.2:4-1(a) clearly states that "appeals from final judgments of courts . . . shall be taken within 45 days of their entry." Appellant's notice of appeal was not filed until more than 70 days after the entry of Judge Serpentelli's order. None of the events listed in R.2:4-3 which would toll the time for taking an appeal has occurred, nor has an extension been granted pursuant to R.2:4-4. Since R.2:4-4 makes it clear that the time within which an appeal may be taken may not be extended except upon motion in accordance with the provisions thereof, this appeal must be dismissed as untimely.

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As stated by this court In Re Appeal of Syby, 66 N.J. Super. 460 at 464:

"Our experience the last few years indicates that unfortunately many attorneys construe R.R. 1:27B [the predecessor and source rule of R.2:4-4] as meaning, for all practical purposes, that the period for filing an

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GROSS & NOVAK

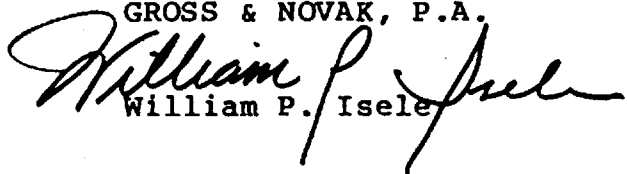
September 26, 1985
Page #4

appeal is 75 rather than 45 days. This is a serious misconception. The fundamental policy consideration of the need for assurance to litigants to finality in litigation and its relation to the expiration of the time allowed for appeal . . . are neither dissolved nor depreciated by the grace provision of R.R. 1:27B. An extension under that rule is an extraordinary remedy, invokable only when a genuinely excusable mischance has prevented the filing of the appeal in time, the adverse party is not prejudiced and the question involved is shown to be substantial and meritorious. These are conjunctive, not disjunctive requirements. . . . Mere negligent overlooking of the time requirements is not excusable neglect or mischance.

In light of all the foregoing, the Respondent, Carl E. Hintz, respectfully requests that the appeal docketed as #A-5394-34T1 be dismissed, with prejudice, as having been filed out of time. The Court may act summarily, as these issues do not require further briefs, and there is no relevant record except as appended hereto. R.2:8-3.

Respectfully submitted,

GROSS & NOVAK, P.A.


William P. Isele

WPI/sn

cc: Mr. Carl E. Hintz
cc: Mario Apuzzo, Esq.
cc: Thomas R. Farino, Jr., Esq.

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

SUPERIOR COURT OF N.J.
FILED

APR 22 1985

EM
JOHN M. MAYSON
CLERK

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

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX/OCEAN COUNTIES

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

DOCKET NO: C-4122-73

JOSEPH MORRIS and ROBERT MORRIS,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES

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

DOCKET NO. L054117-83

GARFIELD & COMPANY
Plaintiff,
vs.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES

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.

DOCKET NO. L055956-83P.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,
Plaintiffs,
vs.

SUPERIOR COURT OF NEW
JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES

DOCKET NO: L-058046-83 P.W.

CRANBURY TOWNSHIP PLANNING BOARD and
THE TOWNSHIP COMMITTEE OF THE TOWN-
SHIP OF CRANBURY,
Defendants.

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CRANBURY DEVELOPMENT CORPORATION,
A Corporation of the State of New
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: L-59643-83

1

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: L-070841-83

2

MONROE DEVELOPMENT ASSOCIATES,
Plaintiff,

vs.

MONROE TOWNSHIP,

Defendant.

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

3

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: L-079309-83 P.W.

4

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 TOWNSHIP
OF CRANBURY,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L005652-84

5

LORI ASSOCIATES, A New Jersey

SUPERIOR COURT OF NEW JERSEY

6

Partnership; and HABD ASSOCIATES, a New Jersey Partnership,
Plaintiffs,

LAW DIVISION
MIDDLESEX/OCEAN COUNTIES
DOCKET NO. L-28288-84

vs.

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,

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.

NOTICE OF MOTION

TO: MAYOR and COUNCIL OF THE TOWNSHIP OF MONROE,
Municipal Complex
Perrineville Road
Jamesburg, New Jersey 08831

PLEASE TAKE NOTICE that the undersigned attorney for defendant, Mayor and Council of the Township of Monroe, Middlesex County, New Jersey, will move before the Honorable Eugene D. Serpentelli, A.J.S.C., at the Ocean County Courthouse, Toms River, New Jersey, on the earliest date that Judge Serpentelli may allow, for an Order directing that the Township of Monroe make payment to Carla Lerman, Carl Hintz, and Thomas R. Farino, Jr., in connection with the attached billing statements for planning and legal services rendered by them

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regarding the above captioned lawsuit. Counsel will rely upon
the certification annexed in support of this motion.

s/Thomas R. Farino, Jr.

THOMAS R. FARINO, JR.
Attorney for Mayor and Council
of the Township of Monroe

DATED: April 4, 1985

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CERTIFICATION

WILLIAM R. TIPPER, residing at 338N Narragansett Lane, Jamesburg, New Jersey, hereby certifies as follows:

1. I am the President of the governing body of the Township of Monroe and I am fully familiar with the facts of this lawsuit involving Mt. Laurel II.

2. Following the trial in this matter in which the Court adjudged the Zoning Ordinances of the Township of Monroe to be violative of Mt. Laurel II guidelines, Mayor Peter P. Garibaldi reaffirmed his position to defy the Order of the Court and, in addition, directed all municipal professionals to include the Township Attorney, Township Engineer and Township Planner to refrain from assisting the governing body in its deliberations aimed at re-zoning to comply with the Order of the Court.

3. The governing body of the Township of Monroe by resolution dated September 24, 1984, resolved to undertake a re-zoning, UNDER PROTEST, so as to preserve the Township's right to appeal the Order of the Court.

4. The governing body of the Township of Monroe then directed the Municipal Attorney, to provide legal counsel to the governing body during its deliberations aimed at producing a compliant Zoning Ordinance.

5. By resolution dated January 28, 1985, the governing body of the Township of Monroe authorized the retention of Carl E. Hintz, Professional Planner, for the purpose of preparing the Township's compliance package for submission to the Court regarding this Mt. Laurel litigation.

6. Carla Lerman, Court-appointed Master, has attended most all of the special meetings conducted by the governing body and has continued to assist the governing body in its re-zoning efforts.

7. Carla Lerman previously presented to the Monroe Township Council her billing statement representing the Township's proportionate share of the trial expenses associated with her planning services as Court Master.

8. By resolution of the Monroe Township governing body dated September 16, 1985, the Township authorized payment to Ms. Lerman in the amount of \$1,869.55.

9. Upon presentation of the aforesaid billing statement and authorizing resolution to the Mayor, he indicated that same would not be honored nor paid by the Department of Administration and payment has not been forthcoming.

10. Thomas R. Farino, Jr., Carl Hintz, and Carla Lerman have recently submitted their billing statements for professional services rendered in connection with Township's compliance efforts following the judgment of non-compliance by the Court. Copies of these billing statements are attached to this certification.

11. During the municipal budget preparation process, Mayor Garibaldi reaffirmed his intentions to authorize no payments for professional services in connection with Mt. Laurel litigation. Accordingly, no monies were placed in the Mayor's budget presented to the Council for Mt. Laurel expenses.

12. It is the position of the Monroe Township Council that upon authorization of the aforesaid professional fees by Order of the Court, the Council will initiate efforts to bring about an emergency appropriation to cover this expenditure

13. By order of this Court dated March 1, 1985, the governing body of the Township of Monroe has been authorized to retain professional legal, engineering and planning services and to incur expenditures associated therewith and accordingly, the governing body of the Township of Monroe hereby requests an Order of this Court in order to effect payment for these authorized professional services.

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.

William R. Tipper
WILLIAM R. TIPPER

DATED: April 8, 1985.

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MT LAUREL LITIGATION

URBAN LEAGUE LITIGATION & MONROE DEVELOPMENT LITIGATION

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<u>DATE</u>		<u>HOURS</u>
5/19/84	Meeting w/H. Wilf & A. Levinson -settlement	2.5
5/22/84	Review brief of Toll Brothers - building remedy Review brief of Berman, Esq. Draft brief in support Conf. call w/Judge Serpentelli Meeting w/Urban League - settlement Conf. w/Mayor Trial	20 8.1
5/23/84	Trial Conf. w/E. Neiser, Esq. - settlement Conf. w/Bisgaier, Esq. Conf. w/H.Wilf Conf. w/E. Neiser, Esq. - S.D.G.P. testimony Conf. w/Planner Conf. w/E. Neiser, Esq.	7.9 30
5/24/84	Trial - Monroe Development Associates Meeting w/H. Wilf & Planner	7.5
5/25/84	Conf. w/C. Bisgaier, Esq. - settlement Conf. w/H. Wilf	1.9
5/29/84	Trial Review Orders of Court Conf. w/C. Bisgaier, Esq. - settlement Conf. call w/Judge Serpentelli Conf. w/P.Tolischus, Planner	40 7.5
5/30/84	Conf. w/E. Neiser, Esq. - settlement Trial Settlement conference Conf. w/Mayor - up date	7.3
5/31/84	Trial Conf. w/C. Bisgaier, Esq. Conf. w/E. Neiser, Esq.	50 7.1
6/1/84	Review Judgment of South Plainfield Review briefs of Urban League Review correspondence	4.0
6/4/84	Review motion of Morris Brothers Review correspondence of Greenbaum, Esq.	1.9

6/5/84	Conf. call w/Judge Serpentelli	1.1	
6/6/84	Trial	7.0	10
6/7/84	Conf. w/C. Bisgaier, Esq. Conf. w/E. Neisser, Esq. Trial	5.5	
6/8/84	Review brief of Garfield Review correspondence	2.4	
6/11/84	Review correspondence of Piscataway	.6	20
6/14/84	Review correspondence of Urban League	.6	
6/15/84	Review correspondence of Urban League	.7	
6/18/84	Review correspondence of Court	.7	
6/19/84	Review Planner's report of Cranbury Review Motion of Piscataway Review Order of S. Hutt, Esq. Review correspondence of Litwin, Esq.	3.4	30
6/21/84	Conf. w/C. Bisgaier, Esq. Conf. w/Planner	1.3	
6/22/84	Conf. w/S. Hutt, Esq. Review correspondence from Piscataway	1.3	
6/25/84	Review correspondence of Litwin, Esq. Review Notice of Motion of BFI	2.0	40
6/29/84	Prepare Mt. Laurel summary Review correspondence from Mytalka, Esq.	3.2	
7/2/84	Draft Urban League update for Mayor & Council Review correspondence of Piscataway	1.5	
7/3/84	Review Motion of Piscataway - new trial	.7	
7/5/84	Review correspondence of Piscataway	.6	50
7/6/84	Review correspondence of Urban League Review correspondence of C. Bisgaier, Esq. Review correspondence of Litwin, Esq.	2.0	
7/11/84	Review correspondence of Cranbury Township	.7	
7/13/84	Review Notice of Motion & briefs Review brief of C. Bisgaier & Urban League	2.5	

7/16/84	Review Order of Morris Brothers	.9	
7/17/84	Review correspondence of Urban League Review Order of Piscataway Review correspondence of Cranbury Township	2.0	1
7/19/84	Review correspondence of Hill, Esq.	.6	
7/30/84	Review Order on Piscataway Review Order of BFI	1.4	
7/31/84	Review opinion of Court Draft letter to Council	1.5 3.2	2
8/2/84	Review briefs of Bisgaier & Warren, Esq.	1.5	
8/6/84	Review Order of Urban League Review correspondence of Urban League Draft letter to Judge Serpentelli	1.2	
8/7/84	Conf. w/Planner Tolischus Draft letter to Court - order & judgment	1.6	30
8/9/84	Review Order of Judge Serpentelli - BFI	.6	
8/13/84	Review correspondence of Cranbury Township Review correspondence of Cranbury Township Review correspondence of Morris Brothers Review correspondence of Bisgaier, Esq.	2.2	
8/14/84	Conf. w/C. Bisgaier, Esq.	.5	
8/16/84	Review Notice of Motion to Intervene - Stony Brook Watershed	.6	40
8/17/84	Review correspondence of Bisgaier, Esq.	.4	
8/21/84	Review correspondence of Mytelka Conf. w/C. Lerman	1.6	
8/24/84	Review correspondence of Herbert, Esq.	.6	
8/28/84	Review correspondence of Judge Serpentelli	.6	50
8/29/84	Review correspondence of Urban League	.5	
9/5/84	Review correspondence of Urban League	.5	
9/7/84	Review correspondence of Urban League	.7	
9/10/84	Review Order of Judge Serpentelli - forward to Council	.8	60

9/14/84	Conf. w/Judge Serpentelli Conf. w/Wm. Tipper Conf. w/Home News Meeting w/Wm. Tipper - Urban League	10 2.7
9/17/84	Meeting w/Wm. Tipper - Urban League press release Review correspondence of Judge Serpentelli	1.0
9/18/84	Meeting w/Judge Serpentelli Conf. w/Home News & WCTC	5.3
9/19/84	Conf. w/Judge Serpentelli - transcript	.5 20
9/24/84	Review correspondence of Judge Serpentelli Draft letter to Court - builders remedy	1.3
9/25/84	Conf. w/Judge Serpentelli Draft resolution Draft letter to Court	2.6
9/26/84	Conf. w/F. Kessler, Esq. - Lori Associates Forward copy of Mt. Laurel resolution to Council & Mayor with letter	1.3 30
10/3/84	Conf. w/C. Bisgaier, Esq. Conf. w/S. Hutt, Esq.	1.4
10/4/84	Conf. w/C. Lerman Conf. w/P. Tolischus & C. Lerman	1.5
10/5/84	Conf. w/C. Bisgaier, Esq. - hearings Conf. w/ C. lerman	1.6 40
10/8/84	Conf. w/S. Hutt, Esq.	.7
10/9/84	Special Urban League meeting	3.5
10/10/84	Conf. w/Mayor Conf. w/Wm. Tipper Conf. w/C. Lerman Forward zoning materials Forward Engineer's notes to Council Conf. w/S. Hutt, Esq. Conf. w/M. DiPierro	50 2.1
10/16/84	Special Council Meeting	3.0
10/18/84	Conf. w/B. Williams, Esq. Research Housing Authority requirements	2.8
10/20/84	Special Council Meeting	3.0

10/22/84	Conf. w/C. Bisgaier, Esq. Review correspondence of Stoney Brook	1.7	10
10/23/84	Review statutes on Houseing Authority Draft resolution - Mt. Laurel extension Conf. w/Judge Serpentelli Draft resolution - authorizing appeal Draft letter to Court	2.9	
10/24/84	Review correspondence of Schatzman, Esq. - TDC Draft letter to Judge Serpentelli - extension of Order	1.6	
10/25/84	Conf. w/Twp. Engineer - Mt. Laurel meeting attendance Review statute on Housing Authority	1.6	20
10/26/84	Meeting w/Wm. Tipper - Mt. Laurel	.5	
10/27/84	Mt. Laurel meeting	3.5	
10/29/84	Review correspondence of Cranbury Development	.8	
10/31/84	Review correspondence of Zirinsky	.8	30
11/1/84	Review correspondence from B. Williams, Esq. Draft letter to Clerk	1.1	
11/7/84.	Review correspondence from Cranbury Land Review correspondence from Toll Bros. Review correspondence from Judge Serpentelli Review correspondence from Stoney Brook	1.1	
11/8/84	Conf. w/C. Lerman Review correspondence of Bisgaier, Esq.	1.4	40
11/9/84	Conf. w/B. Williams, Esq.	.9	
11/10/84	Mt. Laurel meeting	3.5	
11/15/84	Review correspondence from Judge Serpentelli	.7	
11/17/84	Mt. Laurel meeting	3.5	
11/20/84	Conf. w/B. Williams, Esq. Conf. w/C. Bisgaier, Esq. Council Meeting	4.5	50
11/21/84	Conf. w/D. Rothman	.8	
11/23/84	Review sample ordinances on compliance	3.5	
11/26/84	Mt. Laurel meeting	3.5	

11/27/84	Conf. w/Judge Serpentelli	.7	
11/28/84	Draft request of extension to Court	1.0	10
12/3/84	Conf. w/Judge Serpenteli Conf. w/Wm. Tipper	1.3	
12/4/84	Review affordability ordinance Conf. w/C. Bisgaier, Esq.	1.8	
12/5/84	Mt. Laurel meeting	2.0	20
12/6/84	Conf. w/C. Bisgaier, Esq.	.8	
12/7/84	Review correspondence of Cranbury Township	.4	
12/10/84	Review letter to Court - forward to Clerk Conf. w/C. Lerman Mt. Laurel meeting Conf. w/D. Rothman Conf. w/Kessler, Esq.	4.5	30
12/11/84	Conf. w/Wm. Tipper Conf. w/Wm. Tipper Conf. w/C. Lerman Forward excerpts from Mt. Laurel to D. Rothman	1.9	
12/17/84	Mt. Laurel meeting Review correspondence of C. Bisgaier, Esq. Review Notice of Motion of Cranbury Historical Society Conf. w/D. Rothman Conf. w/Clerk - meeting	4.3	40
12/18/84	Meeting w/Wm. Tipper Conf. w/F. Kessler, Esq.	1.5	
12/19/84	Conf. w/Wm. Tipper - zoning amendments	.6	
12/21/84	Conf. w/Planner Carl Hintz Conf. w/H. Posycki, Esq. Conf. w/C. Hintz - compliance package Conf. w/H. Posycki, Esq. - PCD Ordinance	2.5	50
12/24/84	Review Rutgers report on fair share	3.5	
12/26/84	Prepare material for Planner C. Hintz Conf. w/Clerk Meeting w/Planner Hintz	3.1	
12/27/84	Conf. w/Judge Serpentelli Conf. w/C. Hintz, Planner	1.6	60

12/31/84	Review correspondence of Planner C. Hintz	.7	
1/2/85	Conf. w/F. Kessler, Esq. Conf. w/Judge Serpentelli Draft letter to Judge Serpentelli -extension Conf. w/Court Clerk	3.5	10
1/3/85	Conf. w/Planner Hintz Forward material to Planner Hintz	1.7	
1/4/85	Conf. w/C. Bisgaier, Esq.	.8	
1/7/85	Review correspondence of Court Review correspondence of C. Bisgaier, Esq. Review correspondence of Holmdel - Federal lawsuit	1.5	20
1/8/85	Review correspondence of C. Bisgaier, Esq. Conf. w/Judge Serpentelli Draft letter to Court	1.4	
1/9/85	Review correspondence of Court	.7	30
1/14/85	Conf. w/Judge Serpentelli - extension Draft letter to Council	.9	
1/19/85	Draft resolution - closed meeting Draft resolution - Mt Laurel extension Draft resolution - Planning services	1.5	
1/21/85	Conf. w/Planner Hintz	.8	
1/22/85	Meeting w/C. Hintz	1.0	40
1/23/85	Meeting w/Wm. Tipper - compliance package Conf. w/C. Lerman	1.0	
1/28/85	Special Council Meeting Review Judge's opinion priority Conf. w/C. Lerman Conf. w/Wm. Tipper Conf. w/Planner C. Hintz	6.7	50
1/29/85	Draft resolution - closed meeting Draft resolution - requesting extension of Court Draft resolution - retain Planner Draft letter to Judge Serpentelli Meeting w/Wm. Tipper	2.6	
2/1/85	Conf. w/C. Lerman	.8	
2/4/85	Conf. w/Judge Serpentelli - Order for professional		60

	payment		
	Draft Notice of Motion - professional services		10
	Meeting w/Wm. Tipper - certification execution	5.3	
2/5/85	Review correspondence of S. Hutt, Esq.		
	Review correspondence with Home News		
	Conf. w/C. Lerman - compliance package		
	Finalize Notice of Motion - professional fees	3.1	
2/7/85	Conf. w/Judge Serpentelli - Notice of Motion		
	Conf. w/Planner C. Hintz	1.5	20
2/8/85	Review correspondence of Kessler, Esq.		
	Conf. w/D. Rothman - compliance package	1.3	
2/11/85	Conf. w/Wm. Tipper - compliance package		
	Conf. w/C. Hintz		
	Review correspondence from Court		
	Draft letter to Clerk		
	Review correspondence of Cranbury Township	2.6	
2/12/85	Review correspondence from Urban League and Cranbury Township Motion		30
	Conf. w/S. Hutt, Esq.	1.3	
2/13/85	Conf. w/Judge Serpentelli - Motion	.5	
2/14/85	Conf. w/F. Kessler, Esq.		
	Review correspondence of McCarthy, Esq.	1.1	
2/15/85	Conf. w/C. Hintz		40
	Conf. w/C. Lerman	1.5	
2/16/85	Council Meeting		
	Prepare for meeting	4.3	
2/18/85	Draft resolutions (2) - payment of professional services	1.0	
2/21/85	Conf. w/Planner Hintz		
	Conf. w/C. Lerman	1.1	50
2/22/85	Conf. w/H. Rieder		
	Conf. w/F. Kessler, Esq.		
	Conf. w/C. Hintz	1.8	
2/26/85	Review correspondence from developers		
	Meeting w/MUA & C. Hintz	3.0	
2/27/85	Review correspondence of Urban League		
	Review reports of Katon & Caleb	1.3	60

2/28/85	Review reports of Lori Association & HABD Draft letter to Court - extension	1.8	1
3/1/85	Meeting w/C. Hintz Conversation w/Judge Serpentelli - Motion Conf. w/A. Mytalka, Esq.	3.1	
3/4/85	Review preliminary report of Planner Hintz Conf. w/C. Lerman Meeting w/Council & Planner	4.9	
3/5/85	Review Notice of Motion of Civic League	.7	2
3/6/85	Review proposed Zoning Ordinance from Planner Conf. w/C. Lerman	1.5	
3/7/85	Review correspondence of Urban League Conf. w/Planner C. Hintz Conf. w/Clerk	1.8	
3/9/85	Special meeting w/Council	2.0	3
3/11/85	Review correspondence of Urban League Review correspondence of Kessler, Esq. Conf. w/Wm. Tipper - finalize package Conf. w/C. Lerman	2.2	
3/13/85	Conf. w/C. Hintz and C. Lerman Conf. w/F. Kessler, Esq. Conf. w/S. Hutt, Esq. Conf. w/C. Hintz and C. Lerman - billing	2.3	4
3/14/85	Review brief of Urban League Prepare Notice of Motion - professional fees	3.5	
3/15/85	Draft Notice of Motion on professional payment	1.5	
3/18/85	Conf. w/C. Hintz - compliance package Conf. w/F. Kessler, Esq.	1.2	
3/19/85	Review compliance report of C. Hintz Draft letter to Clerk - compliance package Conf. w/C. Hintz	2.7	5
3/20/85	Conf. w/Clerk - final compliance package	.5	
3/21/85	Conf. w/A. Mytelka, Esq. Finalize Notice of Motion - professional fees Review Cranbury Order of Court	2.3	

3/26/85	Review correspondence from Urban League Conf. w/C. Hintz	1.2	1
3/28/85	Conf. w/C. Bisgaier, Esq.	.5	
3/29/85	Review file for meeting Council Meeting - compliance package	4.5	

TOTAL	315.2
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315.2 hours X \$75.00/hour = \$23,640.00

COSTS:

9/19/84	Mt. Laurel - courier service to Judge Serpentelli to pick up transcript - Toms River.....	\$50.00	
	Mt. Laurel - federal express to C. Lerman - zoning documents - Bergen County Housing Authority.....	\$28.00	3
1/3/85	Regal Courier delivery to Judge Serpentelli, Toms River.....	\$50.00	
1/9/85	Regal Courier delivery to Judge Serpentelli, Toms River.....	\$50.00	
1/30/85	Regal Courier delivery to Judge Serpentelli, Toms River.....	\$50.00	
4/3/85	Federal Express - Compliance Program - Judge Serpentelli, Toms River.....	\$25.00	4

TOTAL	\$ 23,893.00
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12 North Main Street, Pennington, New Jersey 08534
 Carl E. Hintz P.P., A.I.C.P., A.S.L.A. March 29, 1984 609 737-1930
 Anton C. Nelessen M. Arch. U.D., P.P. 201 873-3084

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Monroe Township Council
 c/o Thomas R. Farino, Jr., Esq.
 Corner of Applegarth &
 Prospect Plains Road
 Cranbury, N.J. 08512

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For professional planning and design services in connection with Monroe Township's Mt. Laurel Compliance Program.

Services of C. E. Hintz

12/26	Meeting with Farino	1.5	
1/7	Review of minutes of meetings and other background material	1.5	
1/22	Meeting with Farino and Mrs. Carroll, Clerk	1.0	30
1/25	Work on review of developer sites	1.5	
1/28	Review of sites and evaluation	3.0	
1/28	Meeting with Council	5.5	
1/29	Review of scoring, analysis	1.0	
1/30	Work on criteria	.5	
2/3	Preparation of report	1.0	
2/6	Review of Cranbury, South Brunswick, East Windsor zoning - research on compliance	1.5	
2/13	Visited sites	2.5	
2/15	Monroe Compliance Report	4.0	40
2/16	Preparation and attendance at Council meeting	5.5	
2/18	Work on compliance report - review of developer proposals	1.5	
2/19	Work on compliance - review of maps by developers, reports to photocopy, delivery to clerk	3.0	
2/20	Call to Hutt	.25	
	Work on mapping	.5	
2/21	Call to Lerman	.5	
2/22	" " "	.5	50
2/22	" " " , work on report	1.0	
2/22	Calls with Mytelka, Frizell and Hutt	1.5	
2/25	Review and report preparation	3.0	
2/26	Meeting with Rogers, Farino, Levinson; visit to sites; work on report	5.5	
2/27	Mt. Laurel Compliance Report	2.5	
2/28	Work on " "	5.0	
3/1	Monroe report	3.0	
	Meeting with Farino	2.0	
3/2	Finalized report	3.0	60
3/3	Finalizing report	8.0	
3/4	Call on maps, map making	.5	
	Work on report, ordinances	2.0	
	Meeting with Council	2.0	

3/6	Work on report, telephone calls	1.0	
3/7	Calls with Lerman, Halpern	1.0	
3/7	Calls to Lerman, Farino; report revisions	1.5	
3/8	Production of report	1.0	10
3/9	Monroe Council Meeting; picked up report	3.0	
3/13	Call with Farino - revisions to report	.5	
3/16	Work on report, revisions	1.5	
3/18	Calls to Farino, Lerman; report text changes	.5	
3/19	Call with Lerman, report changes	1.0	
3/21	Report production	2.0	
3/22	Picked up reports, delivery to Farino, mailing to Lerman	2.0	
3/26	Calls with Farino, Tolischus	.5	
3/27	Calls to Tolischus, Nelessen regarding map, site review and graphic coordination	.25	20
3/29	Hearing and meeting with Farino	3.0	
		<hr/>	
		99.25	

99.25 hours @ \$75/hour = \$7,443.75

Services of C. M. Rodrigues, Associates Planner

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1/25	Research and Planning	4.0
1/27	" " "	10.0
1/28	" " "	7.0
2/13	" " "	4.0
2/15	" " "	5.0
		<hr/>
		30.0

30.0 hours @ \$40/hour = \$1,200.00

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Services of F. Nelessen, Draftsperson

2/4	Drafting	1.0
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1.0 hour @ \$25/hour = \$ 25.00

Services of J. Constantine, Draftsperson

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2/28	Drafting	4.0
3/4	Trips to Brunswick Blueprint and Dross Assoc.	1.5
3/7	Check of sites for acreage and location	2.5
3/8	Trips to Dross and reproduction	2.5
3/14	Trip to Triangle Repro, graphic coordination	4.0
3/19	Graphic coordination	2.5
3/20	Trips to Triangle and graphic coordination	2.0

19.0 hours @ \$25/hour = \$ 475.00

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Services of P. A. Timperman, Secretary

2/7	Copy various pages from compliance report for Monroe litigation	.25	10
2/26	Type proposals to meet Mt. Laurel compliance exhibits and report	2.5	
3/1	Type Monroe Twp. Compliance Report	1.0	
3/4	" " " " "	6.0	
3/5	" " " " "	2.5	
3/8	" " " " "	4.5	
3/18	Monroe Twp. Compliance Report revisions	.75	
		<hr/>	
		17.5	20

17.5 hours @ \$15/hour = \$ 262.50

Reproduction, Blueprinting, Printing (at cost)

Triangle ArtCenter	= \$	662.21	
Yes Messenger Service	= \$	85.00	
Tax Map/So. Brunswick for Monroe	= \$	2.00	
SDGP Maps	= \$	15.00	
Photocopying	= \$	1.40	30
		<hr/>	
	\$	765.61	
+ 10% Handling	= \$	76.56	
		<hr/>	
	\$	842.17	

Summary

Carl E. Hintz	= \$	7443.75	
C. M. Rodrigues	= \$	1200.00	40
F. Nelessen	= \$	25.00	
J. Constantine	= \$	475.00	
P. A. Timperman	= \$	262.50	
Miscellaneous	= \$	842.17	
		<hr/>	
	\$10,248.42	TOTAL (Final Bill)	50

CARLA L. LERMAN
413 W. ENGLEWOOD AVENUE
TEANECK, NEW JERSEY 07666

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March 22, 1985

Thomas R. Farino, Jr., Esq.
Corner Applegartg and Prospect Plains Roads
Cranbury, New Jersey 08512

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Dear Mr. Farino,

Summarized below is my statement for professional services in
the matter of Urban League of Greater New Brunswick v. Carteret, et al.
from September 1984 through March 15, 1985.

Meetings with the Monroe Township Council, and
document review:

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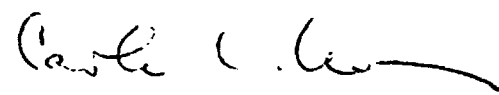
- September 22, 1984
- October 16, 20, and 27, 1984.
- November 3, 10, 17, 20, and 26, 1984.
- December 1, 5, 10, 15, and 17, 1984.
- January 28, 1985
- February 16, 1985

71 hours \$4970.

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As in the past, I appreciate your consideration in this matter.

Sincerely,



Carla L. Lerman, P.P.

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cc: Hon. Eugene D. Serpentelli, J.S.C.

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CARLA L. LERMAN
413 W. ENGLEWOOD AVENUE
TEANECK, NEW JERSEY 07666

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September 9, 1984

Thomas R. Farino, Jr., Esq.
Cor. Applegarth and Half Acre Roads
Cranbury, New Jersey 08512

Dear Mr. Farino,

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I am submitting herewith my statement for professional services performed in the trial of Urban League of Greater New Brunswick v. Carteret et al. I have also included one half the cost of recomputing the commutersheds for Monroe and Cranbury, and for preparing the map which you requested. The bill from Michael Tobia for the mapping work, which I have already paid, is enclosed.

April 16 and 30, 1984
May 3 and 9, 1984

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Attendance and testifying at trial:

31 hours \$2170.

Billed equally to twelve parties:

$\$2170. \div 12$ \$180.80

Revision of commutersheds and preparation of map, as requested:

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2 hours 140.
map $\frac{93.50}{\$233.50}$

Billed equally to two parties: \$116.75

Total \$297.55

The bill that I submitted in May, 1984, for work performed from August 1983 through March 1984, is still outstanding.

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I appreciate your consideration in this matter.

Sincerely,

Carla L. Lerman

enc.

cc: Hon. Eugene D. Serpentelli, J.S.C.

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CARLA L. LERMAN
413 W. ENGLEWOOD AVENUE
TEANECK, NEW JERSEY 07666

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TO: ALL COUNSEL in Urban League v. Carteret and Consolidated Cases
FROM: Carla L. Lerman *CL*
DATE: May 12, 1984
RE: Revised Statement for Professional Services

On April 18, 1984, the enclosed statement was submitted to the parties designated in the first court order on this matter. Subsequently, Judge Serpentelli directed that this statement should be submitted to thirteen parties currently involved in the Mt. Laurel aspects of this case.

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The total for August 1, 1983 through March 31, 1984 was \$20,440. (292 hours). That amount billed equally to thirteen parties will be:

$$\$20,440 \div 13 = \$1572.31$$

AMOUNT DUE FROM EACH PARTY: \$1572.

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If you have any questions regarding this statement, please let me know. Thank you for your consideration in this matter.

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encl.
cc: Hon. E.D.Serpentelli

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