

Attorney's Fees

7-23-84

O & Y v. Old Bridge

- Amendment to Complaint re: Fees

Pgs. 3

AF000020C

*Docketed*

RECEIVED  
JULY 11 1984  
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JOHN L. HAYDON  
CLERK

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E. D. SERPENTELLI, J.S.C.

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**HANNOCH, WEISMAN, STERN, BESSER, BERKOWITZ & KINNEY** JUDGE SERPENTELLI'S CHAMBERS

A PROFESSIONAL CORPORATION  
744 BROAD STREET  
NEWARK, NEW JERSEY 07102  
(201) 621-8800  
ATTORNEYS FOR Plaintiff

O & Y OLD BRIDGE DEVELOPMENT  
CORP., a Delaware Corporation,  
  
Plaintiff

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION  
MIDDLESEX COUNTY/OCEAN COUNTY  
DOCKET NO. L-009837-84

v.

THE TOWNSHIP OF OLD BRIDGE in  
the COUNTY OF MIDDLESEX, a  
municipal corporation of the  
State of New Jersey, THE TOWN-  
SHIP COUNCIL OF THE TOWNSHIP  
OF OLD BRIDGE and the PLANNING  
BOARD OF THE TOWNSHIP OF OLD  
BRIDGE,  
  
Defendants

*03*

Civil Action

AMENDMENT TO COMPLAINT  
(Mt. Laurel II)

*Service*

Plaintiff, O & Y Old Bridge Development Corp., as and for its  
Amendment to the Complaint hereby states:

FIFTH COUNT

1. DEVELOPMENT CORP. repeats the allegations set forth in  
the First through Fourth Counts and incorporates them as if set  
forth herein.

2. The Old Bridge Township Sewerage Authority ("SEWERAGE  
AUTHORITY") was created by virtue of an Ordinance duly and

toward the funded cost of the UTILITIES AUTHORITY's existing system that would be used by plaintiff; and

(d) In the event that all or any portion of the potable water system upstream from the point of connection to any residential, industrial or commercial unit is to be constructed by plaintiff, the UTILITIES AUTHORITY should provide full and complete credit to plaintiff for all such facilities constructed by plaintiff.

4. The fees detailed in paragraph 4 of the Seventh Count constitute an invalid municipal exaction in violation of the New Jersey Supreme Court's decision in Mt. Laurel II.

WHEREFORE, DEVELOPMENT CORP. demands judgment as follows:

1. Declaring the rules and regulations of the UTILITIES AUTHORITY invalid in their entirety.
2. Determining a schedule of reasonable rules and regulations especially with regard to required application, inspection, review and connection fees as the Court may deem proper to effectuate any Mt. Laurel II builder's remedy awarded plaintiff.
3. Requiring the UTILITIES AUTHORITY to accept and process DEVELOPMENT CORP.'s application for water service diligently and without undue or unjustified delay.
4. Requiring Defendants to pay DEVELOPMENT CORP.'s counsel fees and costs of suit.

5. Ordering such further relief as the Court deems just and proper.

HANNOCH, WEISMAN, STERN, BESSER,  
BERKOWITZ & KINNEY, P.A.,  
Attorneys for Plaintiff

By Todd M. Sahrner  
TODD M. SAHNER,  
A Member of the Firm

Dated: July 23, 1984