

RESOLUTION

WHEREAS, on April 15, 2008, Mr. Peter Vivian of 18 West View Road paid the Township of West Orange the amount of \$15,083.00 as determined by the relevant COAH Growth Share Regulation and the effective Township ordinance (“COAH Payment”); and

WHEREAS, these funds were deposited into the Township’s COAH Growth Share Escrow Account bearing #12-682-01-12; and

WHEREAS, subsequent to this payment the New Jersey COAH Growth Share Regulation was changed and now requires a different methodology for calculating the appropriate fee; and

WHEREAS, the regulations currently require that the Township charge a developer’s fee of one and one half percent (1 1/2%) of the preliminary equalized value of the property to be developed; and

WHEREAS, in this instance, the total fee that results from the use of the new methodology is \$6,576.06 (“Developers Fee Payment”); and

WHEREAS, based on the above change in law Mr. Peter Vivian is entitled to a refund of the difference between the COAH Payment and the Developers Fee Payment totaling \$8,506.94;

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Township Council of the Township of West Orange that the Chief Financial Officer be and hereby is authorized to issue a refund to Mr. Vivian in the amount of \$8,506.94, which funds shall be withdrawn from the Growth Share Escrow Account bearing #12-682-01-02; and

BE IT FURTHER RESOLVED, that the Chief Financial Officer be and is hereby authorized to transfer \$6,576.06 from the Growth Share Escrow Account bearing #12-682-01-02 and deposit it into the Township’s Developers Fee Escrow Account bearing #12-682-00-12.

Karen J. Carnevale, Municipal Clerk

Susan McCartney, Council President

Adopted: March 23, 2010