

Monroe 1985

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Affidavit of Williams

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ATTORNEYS FOR 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 COUNTY

Docket No. C 4122-73

Civil Action

AFFIDAVIT OF BARBARA J. WILLIAMS

STATE OF NEW JERSEY)
) ss.:
COUNTY OF ESSEX)

I, Barbara J. Williams, of full age, being duly sworn according to law, on oath, depose and say:

1. I am co-counsel for plaintiffs in the above-referenced matter.
2. On March 29, 1985, the Monroe Township Council voted to submit the "Mount Laurel II Compliance Program" prepared by Hintz Nielsen Associates to the Court. The Compliance Program was subsequently referred by the Court to the court-appointed Master, Ms. Carla Lerman, P.P., for her review and analysis.
3. After an extensive trial of the issue of fair share the Court rendered an opinion on _____ and entered an Order on _____ reflecting the fair share of low and moderate income housing for Monroe Township at 774 units. The Compliance Program addressed satisfaction of this fair share in the following manner:

Table

4. As noted above, included as part of the Compliance Program is a 5% set aside for the Concordia Planned Retirement Community Expansion. One hundred units of the total fair share of 774 units were to be satisfied through the Concordia project. Approximately, thirteen (13) percent of the Compliance Program is thus premised upon implementation of a set aside with respect to the expansion of this planned retirement community.

5. On May 29, 1985, the Cranbury Press reported that the Monroe Township Planning Board had approved an extension of Concordia.

6. In an effort to ascertain whether this was the same expansion of Concordia as outlined in the Compliance Program on June 11, 1985, I telephoned, Mario Apuzzo, Esq., attorney for Monroe Township, and asked him whether the projects were the same; and, if so, whether a set aside was part of the proposal under consideration. Additionally, I requested copies of the Resolution passed by the Planning Board relative to the site. Mr. Apuzzo stated that he did not know the answers to my questions but he would find out and get back to me by June 14, 1985. The same day I mailed a letter to Mr. Apuzzo reiterating my requests.

7. On June 14, 1985, I received a telephone call from Mr. Apuzzo's secretary stating Mr. Apuzzo wanted my requests in writing. I told her I had already done so and asked to speak with Mr. Apuzzo. Mr. Apuzzo acknowledged having received my written request. He said the matter was highly technical and complicated and would require his mastery of the Compliance Program and the Planning Board materials. I told him that, to the contrary, it was rather simple; either the sites were the same or they were not and the application either had a set aside or it did not. I suggested to him that Carl Hintz might be able to give him the answer. He reiterated how difficult a matter it was but agreed to make a good faith effort to secure the information for me by the following week.

8. On June 17, 1985, I telephoned Ms. Carla Lerman and advised her of the possibility that the Concordia expansion could be the same as that contained in the Compliance Program she was reviewing.

9. On June 27, 1985, Mr. Apuzzo wrote to me requesting that I address my inquiry to the Mayor of Monroe. I received the letter on July 1, 1985.

10. On July 1, 1985, I wrote to Mr. Apuzzo expressing my dissatisfaction with being referred to his client three weeks after my request and that direct contact with his client would have been inappropriate on my part.

11. The July 3, 1985 Cranbury Press contained an article indicating that on July 1, 1985 the Monroe Township Council had approved a Concordia expansion with final approval to occur on August 5, 1985.

12. On July 9, 1985 I telephoned Mr. Apuzzo and asked him when I was going to get a response to my request. He indicated he was sending me a letter waiving attorney/client privilege. Upon further inquiry, he indicated attorney/client privilege was being waived only as to the Mayor not as to Council. He did indicate that to his knowledge there was no set aside in the proposal which had been approved by Council.

13. On July 9, 1985, I also telephoned Ms. Carla Lerman. The information she provided me is the same as contained in her July 7, 1985 letter which I had not yet received, i.e., the Concordia expansion in the Compliance Program being reviewed by Ms. Lerman with a 5% set aside is the same as the Concordia expansion passed by Council without a set aside.

Barbara J. Williams

SWORN TO and SUBSCRIBED
before me this day
of July, 1985.

An Attorney at Law, State of New Jersey