

Monroe 1986 (BGE)

Letter memorandum to the court re: expert witness

Pg 3

CA000395D

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

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

vs

Twp of Monroe et al.

Dear Ms. Tarr,

Please accept this letter memorandum in support of my argument to pay my reasonable fee as Court-appointed expert in connection with the captioned matter.

In August, 1983, I was called by the Hon. Eugene D. Serpentelli, whom I did not know, because my name had been submitted, with others, as a person who might be appropriate to serve as the Court's expert in the case of The Urban League of Greater New Brunswick v. Carteret et al. Attached hereto as exhibit A for the Court's consideration is a copy of my curriculum vitae. Of the names submitted by the parties to the suit, my name was apparently one of those to which no party had objected, and Judge Serpentelli asked if I would serve as the Court's expert witness in order to prepare a Fair Share report for the case. I was very pleased to accept this assignment. I was asked to inform the Court of what my hourly and/or daily fee for services would be, and was subsequently instructed by the Court that I was to bill all parties equally for my services.

During September, October and November of 1983, I prepared a Fair Share Report for the case, defining the region, determining present and prospective need, and allocating a Fair Share of that need to each of seven townships involved in the case. In January of 1984, at a case management conference, there was discussion of various methodologies that had been used by different experts in several cases before Judge Serpentelli, and Judge Serpentelli requested that I chair a committee of all of the experts involved for plaintiffs and defendants in The Urban League of Greater New Brunswick v. Carteret et al. to determine if a consensus could be reached on a methodology to be used in determining need and allocating fair share. This planning group met during February and March and I then prepared a report with input from the entire group, which has been described as the consensus report. This report was made available to all parties in the case at the

Township was one of the parties which received this bill.

In April and May of 1984 the case was brought to trial, and I was asked by the Court to testify, which I did for four days during that trial. Certain additional services were requested in terms of computation of region and resulting Fair Share by Monroe Township and Cranbury Township. These calculations were done and this particular work was billed only to those two towns. In September, 1984 Monroe Township was billed \$297.55 for this work, and for testimony at the trial.

In August 1984, Monroe Township was ordered to rezone with a Fair Share number of 774. In that same order I was appointed Master to assist the Township with their rezoning, and to assist the parties to the suit in reaching agreement. Monroe Township did not start any action on this order until September 1984, and, starting at that time, I met with the Council in public session and executive sessions 16 times to hear and review specific developers' proposals and to discuss and review with them directions for the rezoning ~~to take that~~, in my judgement, would be acceptable to the Court. In January the Council was ready for the drafting of specific ordinances, and engaged the services of a professional planner to meet with them and to meet with me, and subsequently to draft the ordinances. In March, 1985, I submitted a third bill for services to Monroe Township for work performed from the time of Judge Serpentelli's August 1984 order through January 1985. The amount of this bill was \$4970. ~~A copy of this bill is attached to this report.~~

In April 1985 a compliance program report was submitted to me and I was requested by the Court to review the compliance program and give my recommendations for acceptance or rejection by the Court, as well as my proposals for modifications which might make it acceptable. As there were certain portions of the compliance program which differed from that which was proposed in my meetings with the Council, there were certain recommendations that were necessary to enhance the possibility of low and moderate income housing being built. Additionally, during the period of my review a development which had been indicated in the compliance program to provide a five percent set-aside of units for low and moderate income households, was given preliminary approval by the Planning Board and the Council without this set-aside being required. My review of the compliance program reflected what appeared to be a change in the compliance program being approved by the Council and I recommended additions to the compliance program which I felt would correct that deficiency. I have not yet billed Monroe Township for the time spent in reviewing the compliance program and writing my recommendations based on that review.

I performed the work in the case of The Urban League of Greater New Brunswick v. Carter et al. on the order of the Superior Court of Ocean County and I believe I did what was requested of me in these

~~... as requested by the Court, or that I should not attend~~

-2-

meetings as requested by the Council. Certainly, if the Court desires to have qualified expert witnesses available to assist it from time to time, the Court's order to pay its expert witnesses must be obeyed. During the two years throughout which my services were requested and were rendered, I had always assumed that I would be paid a reasonable fee for the services that I performed. To date, only Monroe Township, to which a substantial amount of time was devoted, has failed to comply with the Court order and to pay my fee.

For the foregoing reasons, I respectfully request that Monroe Township be ordered to pay my fee for services rendered to ~~the~~ amount of \$6839.55.

Sincerely,

Carla L. Lerman, P.P.

~~cc: All Council~~
cc: All Council