

UL v. Cartoet (S. Plainfield)

5 Sept (1985)

Letter from Neisser to Frank re: docs needed to  
determine # compliance

3 pgs

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School of Law-Newark • Constitutional Litigation Clinic  
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September 5, 1985

Frank Santoro, Esq.  
1500 Park Avenue  
South Plainfield, New Jersey 07080

Re: Urban League, et al. vs. Carteret, et al.  
(South Plainfield) - No. C 4122-73

Dear Frank,

This is to confirm our conversation of this morning in which we discussed the remaining documents needed to determine compliance with the Judgment and Orders as to South Plainfield, and which I detail below. You agreed to supply them to me before the September 27 return date of your transfer motion. I would request that they be served at latest eight days before the return date, that is, by Thursday, September 19, as is generally required for motion responses. As I explained, to comply the Borough still must adopt the resolution described in Paragraph 6 of the Judgment of May 22, 1984, committing the Borough to apply for, and to encourage private developers to apply for, any available federal, state or county funds for rehabilitation or subsidy of construction or rents. I suggested that this resolution could be considered at any Council meeting(s) between now and September 27. Finally, as I indicated on the phone, I have written the Judge today, copy attached, asking that Ms. Lerman, the Master, be directed to report to the Court on the acceptability of the zoning and affordable housing ordinances by September 23, so that if the Court denies transfer on the 27th it will be in a position to move forward immediately to complete action concerning South Plainfield.

The documents we agreed upon fall into three categories:

1) Borough Sale of Land Within Judgment

a) Notices of public bids, Council resolutions of acceptances, and, where applicable, deeds concerning any Borough sale or proposed or contracted sale, since January 1, 1984, of land within the blocks and lots listed in the Judgment, or within any new lots derived from the specified lots as a result of subdivision (see item 2 below). As I explained, from the inventory you supplied, we have to date identified six such sales, although our request obviously applies to any additional sales of which we are not yet aware;

b) Clarification of the illegible parts of the previously supplied inventory, as requested in Ms. Williams letter to you of July 10;

c) The Council resolution imposing a moratorium on further land sales and a statement from the Chair of the Economic Development Committee, or other responsible official, that pursuant to that moratorium, no further public bids, acceptance resolutions, contracts for sale, or closings have occurred since April 22, 1985. In this connection, please be sure that the inventory ending April 22, 1985 that you previously supplied reflects, or that you provide an update that reflects, any action short of closing, e.g. notice of bid, relating to other pieces of land that occurred before that date.

2) Subdivision of Lots within Judgment

a) Documentation of any subdivision or other creation of new lot numbers, since January 1, 1984, within lots specified in the Judgment. I suggested that the easiest way to do this might be to send me a copy of all Planning Board minutes from January 1, 1984 to the present, accompanied by a statement of a responsible official, such as the Planning Board Secretary, as to when subdivisions of the relevant lots occurred. We already know, for example, that Block 427 Lot 1.01 was subdivided into four lots (1.01, 1.02, 1.03, and 1.04). We need to know of any other such action affecting land within the Judgment.

b) Any Planning Board or other official approval (including building permits) of developments on land within the Judgment. (I forgot to mention this on the phone, but this would inevitably be part of the matters in a) above, and could easily be covered through production of the noted Planning Board minutes plus building permits for any finally approved projects on these lots.)

c) A breakdown of the precise acreage of the land within Block 448 Lots 2.01 and 4.01 and Block 427 Lot 1.01, the land specified in Paragraph 3(C) of the Judgment as the Pomponio Avenue site, as originally constituted, and within the lots that now comprise that area. You will recall that originally we were told and given discovery suggesting that there were only 25 acres in the specified lots but later learned that there were some 32 acres.

3) Morris Avenue Senior Citizen Project Site

a) A statement of ownership status, from January 1, 1984 to the present, of all parcels listed in Paragraph 3(F) of the Judgment as comprising the Morris Avenue site. This site was represented in the Stipulation and Judgment as "municipally owned" although, as you confirmed today, at least one parcel, the Buccellato site, is still privately owned today. Where applicable, please provide contracts for purchase and deeds to the Borough.

b) All correspondence or internal documents of the Economic Development and Land Management Committees, the Council or other official bodies concerning possible purchase of any of these parcels. As indicated, Mr. Buccellato informed me that at one point he had written the Borough about selling the land but had been told that there was no interest in purchasing it.

c) Documentation of efforts to date, if any, towards planning or development of the senior citizen center at that site. If, as you indicated on the phone, nothing at all has been done to date, then please provide a statement from the responsible official detailing any plans currently in existence for future action.

As noted several times, plaintiffs consider this material crucial to final determination of the litigation as to South Plainfield and at least relevant to the transfer motion now pending before the Court. In reliance on your promise to produce these materials prior to the return date, I am not at this time applying for a formal court order to this effect.

Thank you for your anticipated cooperation.

Sincerely yours,



Eric Neisser  
Counsel for Urban League  
Plaintiffs

cc/Judge Serpentelli  
Carla Lerman  
South Plainfield Service List