

UL v. Carter (S. Plainfield)

13 Dec (1985)

Letter from Neisser to Chermis re: no obligation to
consent if...

1 pg

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THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS
Campus at Newark

School of Law-Newark • Constitutional Litigation Clinic
S.I. Newhouse Center For Law and Justice
35 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5687

December 13, 1985

Sanford E. Chernin, Esq.
Chernin and Freeman
505 Omni Dr.
Hillsborough, N.J. 08876

Re: Urban League v. Carteret (South Plainfield)

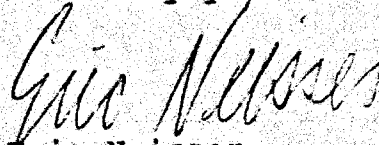
Dear Mr. Chernin:

I write you, rather than Mr. Santoro, in response to the enclosed letter from Judge Serpentelli of December 5 concerning Mr. DeNitzio's letter, because Mr. Santoro informed me that he has a conflict of interest, having represented and continuing to represent Marshall Rinker, the builder involved, and that you handle such matters for the Borough of South Plainfield in such circumstances.

The Urban League plaintiffs would have no objection to a consent order immediately lifting the restraint on Borough land sales with regard to this one property -- Block 345 Lot 13 -- if the proceeds to the Borough were placed in escrow and not committed for any budgetary purpose. This is because, as set forth in plaintiffs' brief on compliance, copy attached for your convenience, we believe that the land sale restraint is essential to insure Borough compliance with its financial obligations under the Judgment of May 22, 1984. We recognize, of course, the equities favoring release of the DeNitzio site and the land itself, as Mr. DeNitzio properly points out, is not designated for Mount Laurel development. Nevertheless we see no reason why the Borough should either profit from, or evade its legal obligations as a result of, those equities.

If you and the Borough Council are agreeable to these terms, please draft a Consent Order to that effect and forward same to me.

Sincerely yours,



Eric Neisser
Urban League Co-counsel

cc: Judge Serpentelli
Frank Santoro, Esq.
William J. DeNitzio