

UL v. Cartoet (S. Planfield)

2 April (1987)

Letter responding to ~~Greg~~ Diegnan's
3/24/87 letter, continuance of restraints
fully in accord w/ procedural regulations,
assertion that no jurisdiction exists for their
continuance is not supportable

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April 2, 1987

State of New Jersey
Council on Affordable Housing
707 Alexander Road
CN 813
Trenton, New Jersey 08625-0813

Re: Urban League of Greater New Bruswick et al., v. The
Mayor and Council of the Borough of Carteret et al. (South
Plainfield)

Dear Chairman Kondrup and Members of the Council:

I am in receipt of a letter from Patrick Diegnan Esq. dated March 24, 1987 (received March 30, 1987) in response to my communication of March 23, 1987 to the Council.

It is significant to note that South Plainfield does not refute any of the facts set forth in the Civic League's letter, including the fact that the ordinances previously complying with the Court's Judgment were later rescinded.

Mr. Diegnan does, however, assert that the supplemental communication of the Civic League merely restates our position. Such is not the case.

The actual documents submitted to Judge Serpentelli (attached to the March 23, 1987 letter to Council framed the issue in terms of escrowing the monies to preserve scarce resources. (Civic League brief p. 34; p. 3 of letter of March 23, 1987) in order to assure that achievement by South Plainfield of its fair share is realistically possible.

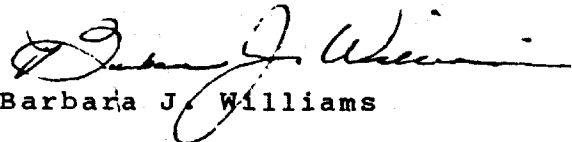
Continuance of the restraints is fully in accord with the procedural regulations of the Council. N.J.A.C. 5:91-11.1

states in relevant part:

"At any time, upon its own determination, or upon the application of any interested party, and after a hearing and opportunity to be heard, the Council may issue such orders as may be necessary to require that a participating municipality take appropriate measures to preserve scarce resources that may be essential to the satisfaction of the municipality's obligation to provide for its fair share of its region's present and prospective need for low and moderate income housing". [emphasis added]

Accordingly, the assertion that no jurisdiction exists for the continuance of the restraints, as asserted by South Plainfield is not supportable.

Very truly yours,



Barbara J. Williams

cc: Patrick J. Diegnan, Jr., Esq.
Peter J. Calderone, Esq.
William V. Lane, Esq.
Angelo H. Dalto, Esq.
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Mr. Roy Epps, Civil League