

UL. v. Carteret, Atsaway 11/5 1986

● Correspondence re: object to the involvement
of the Constitutional Litigation Clinic

pgs. 7

no p.i.

CA000 ~~881~~L

901

894

KIRSTEN, FRIEDMAN & CHERIN

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
 17 ACADEMY STREET
 NEWARK, N. J. 07102
 (201) 623-3600

RICHARD E. CHERIN*
 HAROLD FRIEDMAN
 JACK B. KIRSTEN*
 PHILLIP LEWIS PALEY**
 DENNIS C. LINKEN
 ROBERT A. VORT*

JOHN K. ENRIGHT
 SHARON MALONEY-SARLE
 LIONEL J. FRANK*
 RICHARD M. METH
 SARAH J. MCCORMACK

November 5, 1986

JOSEPH HARRISON (1930-1976)
 MILTON LOWENSTEIN
 OF COUNSEL

*MEMBER N.J. & N.Y. BARS
 *MEMBER D.C. BAR

John Donnelly, Esq.
 Executive Commission on Ethical Standards
 28 West State Street
 CN 082
 Trenton, New Jersey 08625

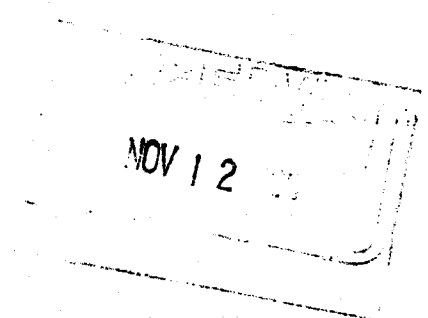
Re: Township of Piscataway

Dear Mr. Donnelly:

This will acknowledge receipt of a copy of a letter from Barbara Stark, Esq., of the Rutgers Law School Constitutional Litigation Clinic, addressed to you, which letter is dated October 31, 1986. For the record, I represent the Township of Piscataway, Middlesex County, New Jersey, in proceedings before the Council on Affordable Housing.

I don't quite know how to respond to the assertion made by Ms. Stark about her obligation to a client that requires her to violate a statute of the State of New Jersey. I am non-plussed (almost) at the concept that the Clinic threatens to violate a statute of the State of New Jersey by appearing before an administrative agency without full authority to do so.

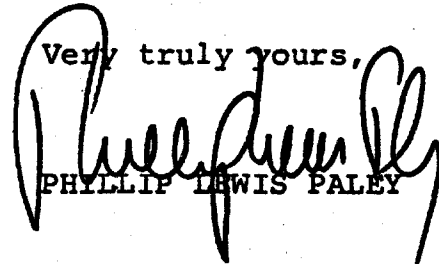
Internal regulations adopted by Rutgers, the State University,



do not rise to the level of State law. Indeed, it was the Constitutional Litigation Clinic which has argued, vociferously, that municipal law as to zoning must give way before State zoning laws.

My obligation to my client, the Township of Piscataway, a community of 45,000 people of all income gradations, requires me to continue to object to the involvement of the Constitutional Litigation Clinic before the Affordable Housing Council under any circumstances. I will be happy to provide chapter and verse as to the reasons why that objection is salient, should the Commission require the same.

Very truly yours,



PHILLIP LEWIS PALEY

PLP:pmmn

cc: Honorable Eugene D. Serpentelli
Barbara Stark, Esq.

KIRSTEN, FRIEDMAN & CHERIN

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
17 ACADEMY STREET
NEWARK, N. J. 07102
(201) 623-3600

RICHARD E. CHERIN*
HAROLD FRIEDMAN
JACK B. KIRSTEN*
PHILLIP LEWIS PALEY**
DENNIS C. LINKEN
ROBERT A. VORT*

JOHN K. ENRIGHT
SHARON MALONEY-SARLE
LIONEL J. FRANK*
RICHARD M. METH
SARAH J. MCCORMACK

JOSEPH HARRISON (1930-1976)
MILTON LOWENSTEIN
OF COUNSEL

DE 1 December 10, 1986

*MEMBER N.J. & N.Y. BARS
*MEMBER D.C. BAR

Mr. Arthur R. Kondrup
Chairman
New Jersey Council on Affordable Housing
375 West State Street
CN 813
Trenton, New Jersey 08625

Re: Civic League of Greater New Brunswick, Inc.

My Dear Mr. Kondrup:

I am in receipt of a letter from C. Roy Epps, President of the Civic League of Greater New Brunswick, Inc., purporting to request information from the Township of Piscataway, among other things, regarding documents submitted before your Council.

I object to the position of the Civic League in this matter. The Civic League is not an interested party in any meaningful sense of the word. It has received no authoritative determination of its status in this matter; although it was clearly a Plaintiff in lengthy Court proceedings before Judge Serpentelli, those proceedings were transferred to the Council on Affordable

Housing. Accordingly, until this Council formally determines that the Civic League is an interested party, the Township of Piscataway will not honor the request of the Civic League for that information and will object to the participation by the Civic League in these proceedings.

Very truly yours

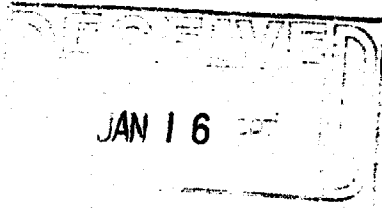

PHILLIP LEWIS PALEY

PLP:pmmn

cc: William C. Moran, Esq.
Joseph Benedict, Esq.
Frank A. Santoro, Esq.
Mario Apuzzo, Esq.
Eric Neisser, Esq.
Barbara Stark, Esq.
Civic League of Greater New Brunswick, Inc.

NEW JERSEY COUNCIL ON AFFORDABLE HOUSING

Arthur R. Kondrup, Chairman
(609) 987-2186



January 14, 1987

Philip Lewis Paley
Kirsten, Friedman & Chern
Counselors at Law
17 Academy Street
Newark, NJ 07102

Re: Piscataway Township, Middlesex County

Dear Mr. Paley:

The Council on Affordable Housing is in receipt of your letter of December 10, 1986 in which you object to recognizing the Civic League of Greater New Brunswick, Inc. as an "interested party."

This matter has been discussed with Geraldine Callahan, DAG serving COAH. COAH Procedural Rules recognize "any interested party." As such, upon proper filing with the municipality, "any interested party" should be provided with copies of all documents filed with COAH.

Legal representation of the Civic League is a separate issue which does not affect its status as an "interested party."

Sincerely,

A handwritten signature in dark ink, appearing to read "Douglas V. Opalski". The signature is fluid and cursive.

Douglas V. Opalski, Executive Director
Council on Affordable Housing

cc: Civic League of Greater New Brunswick
Geraldine Callahan, DAG
Lenore Slothower, Acting Supervisor, Div. of Planning Dev.

d0106e

KIRSTEN, FRIEDMAN & CHERIN

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
17 ACADEMY STREET

NEWARK, N. J. 07102

(201) 623-3600

RICHARD E. CHERIN*
HAROLD FRIEDMAN
JACK B. KIRSTEN*
PHILLIP LEWIS PALEY**
DENNIS C. LINKEN
ROBERT A. VORT*

JOSEPH HARRISON (1930-1976)
MILTON LOWENSTEIN
OF COUNSEL

JOHN K. ENRIGHT
SHARON MALONEY-SARLE
LIONEL J. FRANK*
RICHARD M. METH
SARAH J. MCCORMACK

*MEMBER N.J. & N.Y. BARS
*MEMBER D.C. BAR

January 12, 1987

Rutgers University - School of Law
Constitutional Litigation Clinic
15 Washington Street
Newark, New Jersey 07102

Attention: Barbara Stark, Esq.

Dear Ms. ^{Barbara:} Stark:

This will acknowledge our brief telephone conversation of Friday, January 9, 1987, as well as receipt of your letter of January 9, 1987, purporting to confirm that conversation.

Obviously, we spoke to each other, and you asked that we forward to you a copy of Piscataway's Final Housing Element. I have today spoken with Lenore Slothower, Municipal Planner, and have requested that she forward a copy of the Housing Element under separate cover to you.

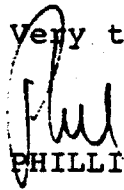
Nonetheless, as I stated to you during our conversation, I am forwarding the Housing Element to you as a courtesy, in light of our status as adversaries in the now-concluded litigation relating to fair housing in Piscataway, but I don't want even the scintilla of an inference that I consider the Civic League "an interested party", as that term is technically defined for Mt. Laurel purposes. I view the Civic League as a party which maintained a lawsuit resolved by transfer to the Council on Afford-

Barbara Stark, Esq.
- January 12, 1987 -
Page 2

able Housing and in no other capacity. In light of the declarations of your January 9th letter, I felt compelled to restate my view as to this issue.

I would expect that you will receive the Housing Element within the next several days.

Very truly yours,



PHILLIP LEWIS PALEY

PLP/dls

cc: Arthur R. Kondrup, Chairman
N.J. Council on Affordable Housing