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Letter to judge formally objecting to the request made
by Mr. Searing, attorney for the Plaintiffs that the
Court take judicial notice of certain items

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January 14, 1976

Hon. David D. Furman
Middlesex County Court House
New Brunswick, New Jersey

Re: Urban League of Greater New Brunswick, et al, v. Mayor
and Council of the Borough of Carteret, et al, Docket No. 4122-73

Dear Judge Furman:

I am writing this letter for the purpose of formally objecting to the request made by Mr. Searing, attorney for the plaintiffs, that the Court take judicial notice of certain items. My objection is specifically directed to the Court taking judicial notice of the designation of Middlesex County as a Standard Metropolitan Statistical Area by the Office of Management and Budget. The objection is twofold. The first part of the objection goes directly to the designation, itself.

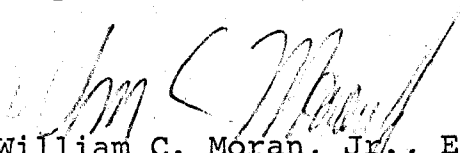
In support of his request, Mr. Searing has attached a letter dated December 17, 1975 from Joseph W. Duncan, Deputy Associate Director of the Office of Management and Budget and Chairman of the Federal Committee on Standard Metropolitan Statistical Areas. Nowhere in Mr. Duncan's letter, or in the material attached to it is it indicated that Middlesex County constitutes a Standard Metropolitan Statistical Area. To the contrary, the inference in Mr. Duncan's letter is that Middlesex County is not a Standard Metropolitan Statistical Area. His letter indicates that there is a Standard Metropolitan Statistical Area designated as the New Brunswick, Perth Amboy, Sayreville Standard Metropolitan Statistical Area which is contained within Middlesex County. The letter further states that Middlesex County satisfies the criterion for inclusion in the Newark SMSA. The designation of Middlesex County as an SMSA is not indicated in the material presented by Mr. Searing, nor is there any indication that the SMSA designated New Brunswick, Perth Amboy, Sayreville was intended to cover all of the municipalities in Middlesex County.

The second basis for my objection is the question of relevance to the issues to be determined in this litigation. It is no secret that one of the important issues in this case is the definition of the region or regions to which each of the defendant municipalities belong. If it is determined that the Mt. Laurel decision is applicable to a given municipality, the

Court can then determine what constitutes that municipality's fair share of the housing needs of the region to which it belongs. Cranbury Township, and I am sure several other municipalities intend to argue and present testimony at the trial that the region for each municipality is different from all of the other municipalities. In other words, the geographical boundaries of the region in which Cranbury Township is located are different from the geographical boundaries of the region within which Carteret is located. Plaintiff obviously intends to argue that the county is the region and there is no need to look beyond the boundaries of Middlesex County in defining the region. But even if we were to accept this argument, the designation of the county, or a portion of it as a Standard Metropolitan Statistical Area bears no relevance to the definition of the region which is referred to in the Mt. Laurel decision. The fact that an agency of the federal government " for developing and presenting a wide spectrum of federal statistics useful in the description of analysis and metropolitan problems " has chosen a certain area is not at all relevant to the question of what the region a given municipality belongs to for the purpose of determining its fair share of housing needs.

The census materials do not address itself to this problem, nor does the simple designation as a Standard Metropolitan Statistical Area. In fact, the criteria for designating a Standard Metropolitan Statistical Area makes no reference to housing needs or any sociological or economic factors. The only factors listed are population size and population density. For these reasons it is urged that the mere fact of designation as such a statistical area bears no relevance to the issues to be heard in this case. Therefore, the Court should not take judicial notice of such a designation.

Respectfully submitted,


William C. Moran, Jr., Esq.
Attorney for Defendant,
Township of Cranbury

WCM/lgt
cc: All Attorneys of Record