

CA-Edison

1/13/77

motion transcript

p.i. 963

pg 4

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URBAN LEAGUE OF GREATER NEW BRUNSWICK, :
etal., :

Plaintiffs, :

VS. :

MOTION

THE MAYOR AND COUNCIL OF THE BOROUGH :
OF CARTERET, et al., :

Defendants. :

MIDDLESEX COUNTY COURTHOUSE
NEW BRUNSWICK, NEW JERSEY

JANUARY 13, 1977

B E F O R E :

HONORABLE DAVID D. FURMAN, J.S.C.,

A P P E A R A N C E S :

MARILYN MORHEUSER, ESQ.,
Attorney for Plaintiffs

ROLAND WINTER, ESQ.,
Attorney for Defendant Edison

JEANNE A. KERRIGAN, CSR
Official Shorthand Reporter
Middlesex County Courthouse
New Brunswick, New Jersey

1 THE COURT: Urban League versus Carteret.

2 MISS MORHEUSER: Ready for the plaintiff,
3 your Honor. Mr. Winter was here.

4 MR. WINTER: Your Honor, I have only a short
5 statement to make.

6 I think that the plaintiff here is contentious
7 with regard to the content and substance of your
8 ft holding rather than the way I paraphrased it.

9 " As your Honor well knows, I acceded to a
10 De tminimis concept based upon the facts in this case
11 and what we're seeking.

12 Now, I really don't understand what there
13 is about this, I believe, innocuous Order under the
14 circumstances that the plaintiff is disputing.

15 THE COURT: All right, Miss Morheuser.

16 MISS MORHEUSER: Your Honor, essentially
17 Mr. Winter is correct. The plaintiffs are objecting
18 to the substance and not merely the wording of the
19 Order because of the reasons set forth in prior
20 memoranda which, if you wish, I will recapitulate
21 here.

22 Essentially, Edison is seeking a stay of the
23 Judgment or, perhaps more accurately, a change in the
24 Judgment, and through the Order that is proposed
25 it is seeking to be found in compliance with the

1 Order, or not in violation of it, without having
2 changed its ordinance which you found invalid over
3 six months ago.

4 Two of the Orders specifically allow Edison
5 to continue to enforce that theory without giving
6 any proof that it is providing or will provide its
7 fair share of low and moderate income housing;
8 to wit, 2,625 units which was similarly ordered by
9 the Court. And by that I mean, your Honor, that
10 despite Orders in the early Fall last year from you,
11 or Orders from you requesting information be
12 provided as to price and rental changes of housing
13 units in process, no such information has been forth-
14 coming, and without rezoning of vacant lands suitable
15 for housing to comply with the Order.

16 Through this Order plaintiffs believe that
17 the Judgment of the Court as to Edison has been
18 rendered meaningless to them.

19 THE COURT: I know that you were not here
20 at the earlier argument and discussion in chambers,
21 Miss Morheuser. The view of the Court was that -
22 or, rather, a serious or substantial contention was
23 made by Edison; that is, within its present zoning,
24 ordinance it did have the potential for this number
25 of units and was not prepared to say that that was

1 inaccurate or not a reasonable projection.

2 We have had the benefit of a review of the
3 vacant land by the County Planning Board, and the
4 matter seems to be somewhat hanging in balance as to
5 whether there is or is not the potential under the
6 present zoning ordinance. So, my intention was to
7 give an additional period of six months in which
8 Edison would not be found in violation of the
9 Judgment. I tend to think that there will be a
10 shakedown during the six months, and it will be
11 apparent one way or the other at the conclusion of
12 that period of time.

13 Now, I do mean that one, two and three would
14 be in effect, and I think the Show Cause provision
15 would be not on May 1st but, let's say, on June 1st.

16 Will the two of you standby, and I would
17 like to confer with you at the time of the recess
18 also Mr. Burgess with respect to Woodbridge Township.

19 MR. BURGESS: I will be present, your Honor.

20 THE COURT: All right.

21 * * * * *

22 I, JEANNE A. KERRIGAN, Official Court Reporter, do
23 certify the foregoing to be a true and accurate transcript
24 of my original stenographic notes taken in the above matter
25 to the best of my knowledge and ability.

Jeanne Kerrigan