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9/17/74

Defendant - Milltown's Answer to Complaint

4 pgs

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MIDDLESEX COUNTY, N.J.
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BOOK _____ PAGE _____
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ATTORNEY FOR DEFENDANTS, MAYOR AND COUNCIL OF THE
BOROUGH OF MILLTOWN

URBAN LEAGUE OF GREATER NEW
BRUNSWICK, a non-profit corporation
of the State of New Jersey, CLEVELAND
BENSON, FANNIE BOTTS, JUDITH CHAMPION
LYDIA CRUZ, BARBARA TIPPETT, KENNETH
TUSKEY, JEAN WHITE, on their own
behalf and on behalf of all other
similarly situated,

Plaintiffs,

vs.

THE MAYOR AND COUNCIL OF THE
BOROUGH OF MILLTOWN, et als,

Defendants.

314
SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
Docket No. C-4122-73

CIVIL ACTION

ANSWER

The defendants, Mayor and Council of the Borough of Milltown,
a municipal corporation of the state of New Jersey, having its principal
offices at 39 Washington Avenue, Milltown, New Jersey, by way of
Answer to the Complaint, say:

1. They deny the allegations of Paragraphs 1, 2 and 3 to the
extent that they are directed against the Mayor and Council of the
Borough of Milltown.

2. They have insufficient knowledge to form a belief as to the truth of the allegations contained in Paragraphs 4, 5, 6, 7, 8, 9, 10, and 11 and put the plaintiffs to their proofs.

3. They deny the allegations contained in Paragraph 12.

4. They admit the allegations contained in Paragraph 13.

5. They admit the allegations contained in Paragraph 14 except that they have insufficient knowledge or information to form a belief as to the truth of the allegations concerning the location of transportation lines.

6. They have insufficient information to form a belief as to the truth of the allegations contained in Paragraphs 15, 16, 17, 18, and 19 and put the plaintiffs to their proofs.

7. They deny the allegations contained in Paragraph 20.

8. They have insufficient information to form a belief as to the truth of the allegations contained in Paragraphs 21, 22, 23, 24, 25, 26, 27, 28, and 29 and put the plaintiffs to their proofs.

9. They deny the allegations contained in Paragraph 30.

10. They have no information sufficient to form a belief as to the truth of allegations contained in Paragraph 31 and put the plaintiffs to their proofs.

11. They deny the allegations of Paragraphs 32, 33, 34, and 35 to the extent that they are directed against the Mayor and Council of the Borough of Milltown.

FIRST SEPARATE DEFENSE

Plaintiffs have failed to set a cause of action upon which relief

may be granted.

SECOND SEPARATE DEFENSE

None of the plaintiffs have standing to sue the Mayor and Council of the Borough of Milltown.

THIRD SEPARATE DEFENSE

Plaintiffs do not constitute a class.

FOURTH SEPARATE DEFENSE

The ordinances of the Borough of Milltown are not unconstitutional either on their face or as applied, said ordinances do not violate the Federal or State constitutions nor do said ordinances constitute racial discrimination in any form.

FIFTH SEPARATE DEFENSE

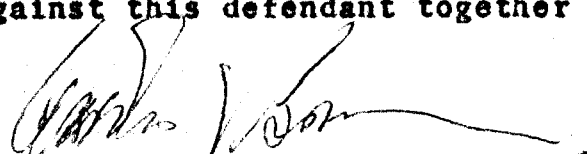
Plaintiffs have failed to exhaust their administrative remedies.

SIXTH SEPARATE DEFENSE

The complaint should be dismissed against the Mayor and Borough Council of the Borough of Milltown for the reason that plaintiffs have failed to take into account the unique size, available land and pattern of growth of the Borough of Milltown.

SEVENTH SEPARATE DEFENSE

The complaint should be dismissed against this defendant together with court costs and attorneys fees.



CHARLES V. BOOREAM
Attorney for defendants, Mayor
and Council of the Borough of
Milltown

C E R T I F I C A T I O N

I hereby certify that a copy of the within Answer was duly and legally filed and served within the time period allowed by Rule 4:6-1 and that a copy of same has been duly served by certified mail on the attorney for plaintiffs and by ordinary mail on the attorney representing each of the co-defendants on the day of September, 1974.



CHARLES V. BOOREAM