

UL v. Carteret (S. Plainfield)

11/26/74

CA

interrogatories of Cleveland Benson

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pgs. 15

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ATTORNEY FOR Deft., Mayor and Council of the Borough of
South Plainfield

Plaintiff

URBAN LEAGUE OF GREATER NEW BRUNSWICK,
etc., et als,

vs.

Defendant

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

SUPERIOR COURT OF
NEW JERSEY
CHANCERY DIVISION:
MIDDLESEX COUNTY

Docket No. C 4122-73

CIVIL ACTION

INTERROGATORIES

TO: DAVID H. BEN-ASHER, ESQ.
BAUMGART & BEN-ASHER, ESQS.
Attorneys for Plaintiffs
134 Evergreen Place
East Orange, New Jersey 07018

PLEASE TAKE NOTICE, that demand is hereby made of the plain-
tiff, Cleveland Benson, for Certified Answers to the following
Interrogatories within the time period prescribed by the rules of
this Court.

1. Give the name and address of each person or firm known to this plaintiff to have relevant knowledge of the material facts set forth in the complaint.

Mayor - Joseph P. Coughlin, 16 Belaney Ct., So. Plainfield;
Council Member - Joseph S. Muglia, 3152 Clark Lane, So Plainfield;
Owen T. Kelly, 277 Manning Ave., So. Plainfield;
Richard J. Kennedy, 101 Conklin St., So. Plainfield;
Anthony Cotoia, 113 Adams Avenue, So. Plainfield;
Kenneth C. Brennan, 156 West Elnwood Drive, So. Plainfield;
Stephen J. Szymanski, 108 Baker Avenue, So. Plainfield;
Planning Bd Roy Zimmerman, 125 DeSepio Avenue, So. Plainfield;
Frank Vitale, 1183 West 8th Street, So. Plainfield;
Wayne F. Gremier, 1317 Yurgel Drive, So. Plainfield;
Alexander Rouer, 144 Garden Drive., So. Plainfield;
Frank Diana, 1600 Field Avenue, So. Plainfield;
Anthony Mondoro, 120 Clifford St., So. Plainfield;
John Graf, 2480 Plainfield Ave., So. Plainfield;

Ernest Erber, NCDH, 1425 H Street, N.W., Washington, D.C.20005
John Prior, NCDH, 1425 H Street, N.W. Washington, D.C. 20005

Mr. James P. Sweeney, Area Director, Department of Housing
and Urban Development, Gateway #1, Newark, N.J. 07102;
Mr. Hyman Center, Chairman, Middlesex County Planning Board
County Administration Bldg., John F. Kennedy Sq. New Brun-
swick, N.J. 08901;
Dr. J. Douglas Carroll, Jr., Executive Director, Tri-State
Regional Planning Commission, 1 World Trade Ctr, 56 South
New York, New York 10048;
Richard A. Ginman, Director, Division of State & Regional
Planning, 329 West State Street, P.O. Box 2768, Trenton
New Jersey 08625;

2. Give the name and address of each expert witness whose testimony will be relied upon at the time of trial.

This information is presently unknown.

3. Attach hereto a copy of all written reports of experts upon whose testimony this plaintiff will rely at the time of trial.

See answer to #2 above.

4. If no written reports have been received, give the time, date, and place of any interviews or oral discussions with experts and also set forth in detail the full content of such discussions.

At this time there have been no oral interviews or discussions with experts upon whose testimony plaintiffs will rely at the time of trial.

5. Give your full and correct name, age, social security number and present address.

Cleveland Benson, age 53; SSN 423-18-7687
290 Redmond Street, New Brunswick, New Jersey

6. Identify each member of your family with whom you are presently residing, setting forth their respective ages, and social security numbers.

| | | |
|-----------------|--------|-----------------|
| Zora B. Benson, | age 40 | SSN 144-28-6698 |
| Wilma Jean | " 17 | unknown |
| Lois Jean | " 14 | none |
| Norma Jean | " 11 | " |
| Terry | " 15 | 153-58-5309 |
| James | " 12 | none |
| Rodney | " 11 | " |

7. Set forth the exact name and address of each and every one of your employers from the year 1970 to date. Also state:

- (a) your job title.
- (b) annual salary.
- (c) date when you first commenced working for such employer.

1970 - Aug, 1971, Eastroy Construction Co., Buffalo, N.Y.
Union Local 511, Cement Finisher, \$9.30/hr

Sept, 1971 unemployed

Oct, 1971 - Oct 1972 Somerset County Bridge Dept., addressed
unknown, \$3.00/hr (approx)

Oct, 72 - present Kaiser Aluminum Can Co, Edison, N.J.,
inspector, \$207 per week (approx.)

8. Set forth the amount of and the source of all other incomes for yourself and each member of your resident household.

Zora Benson has been employed at Page Puzzle Co., since Sept, 1974. She is paid \$100 per week.

9. Give detailed explanation and data pertaining to each application which you or each and every member of your resident household has made for relief or for welfare. Also state the amount of money so received and the dates of receipt of such funds.

Applied for assistance with Somerset County Welfare Department in September of 1971. In addition to helping find a job, I was paid approximately \$150-200 per month until October, 1972.

This assistance was transferred to Middlesex County in December, 1971, when I moved there.

I also received approximately \$250 during November, 1973, during a 5-6 week layoff; this assistance stopped when unemployment benefits started. Part of this payment was for my children, and part for caring for an infant granddaughter then living with us.

10. Give a chronological history of each application made by you in an attempt to locate housing facilities within the Borough of South Plainfield.

None.

11. Give the name of each real estate broker or agent or other person or firm to whom you made application or any other attempt to obtain housing facilities within the Borough of South Plainfield.

None.

12. Set forth the amount of money which you feel that you are capable of expending toward the cost of housing within the Borough of South Plainfield.

Approximately \$250-300, per month, including utilities.

13. Describe in detail the exact type, location and quality of housing which you would like to have within the Borough of South Plainfield. Set forth also the number of bedrooms and other rooms of such housing facility which you deem necessary or desirable for your purposes.

I would like a house, and am not fussy about type or location. I would like 3-4 bedrooms, 2 baths, a living room, kitchen and family room.

14. Set forth a full description of the location, type and quality of the housing accommodations in which you and/or your family have resided since 1970.

1970-1971, 562 Spring Street, Buffalo, New York, a house in the heart of the city; landlord unknown

Sept-Dec 71 lived with brother in Somerset County, on West Point Ave., because could not find a place to live.

Dec 71 - lived in house, I was buying on South 7th Avenue,
Feb 74 Highland Park. This house was satisfactory, but I couldn't keep up the payments. Jersey Mortgage Co. in Elizabeth was the mortgage company.

Feb -

July 74 lived at 2B Lake Street, Jamesburg, New Jersey 08831. This was a two bedroom apartment in poor condition and in need of repairs. The landlord was Robert Meglies, 41 Lake Ave., Helmetta, N.J.

July -

Nov 74 lived at 425 South 8th Street, Highland Park, in a house I was renting with an option to buy. The rent was \$285, plus utilities, plus sewer and water. The landlord was Scott & Scott, Woodbridge Ave., Highland Park.

Nov 74 moved to present address, a 2 bedroom apartment. House rented through Brown Real Estate, Patterson Street, New Brunswick, N.J.

15. As to the previous question and answer, give the name and address of your landlord and/or mortgage company and state the period of residence at each such location.

See interrogatory number 14.

16. Set forth the reasons why it was necessary for you to change residences or locations as set forth in your previous answers.

I had to move from 7th Avenue in Highland Park because I couldn't afford the payments of \$285 per month. I was late with one payment, and when 2 were demanded I dropped further behind. I received a notice of foreclosure, and could not obtain any help from VA, or raise the money, so lost the house.

I moved from Jamesburg because the apartment was in poor condition and overcrowded. I moved from 8th Street in Highland Park because the house was rented to me under false pretenses, and the landlord did not actually own the house. The owner served a foreclosure notice and I had to move.

17. Attach hereto a copy of any retainer or authorization which you executed in favor of the Urban League of Greater New Brunswick to participate with you in this litigation or to act on your behalf with regard thereto.

None.

18. Give a history of any and all applications which you made for building permits within the Borough of South Plainfield.

None.

19. Give a history of any and all applications which you made for a variance before the Board of Adjustment of the Borough of South Plainfield.

None.

20. Give a history of any and all builders or contractors who you attempted to engage for the purposes of erecting new housing within the Borough of South Plainfield. If you received any appraisals or cost estimates with regard to the same, attach a copy of same hereto.

None.

21. Attach hereto copies of any authorization executed by this individual plaintiff in favor of the Urban League of Greater New Brunswick, indicating its authority to act on behalf of such individual plaintiff.

No such authorizations exist.

22. Set forth each portion of the zoning ordinance of the Borough of South Plainfield which this plaintiff challenges as being discriminatory or otherwise illegal and unlawful.

Plaintiffs challenge as discriminatory both the application to large amounts of land certain portions of defendant South Plainfield's zoning ordinance and the absence of zones in which housing plaintiffs and the class they represent can afford could be provided. At this time, such portions include in the 1969 ordinance:

(1) Art. III, Schedule of General Requirements, the underlined requirements of R-40, R-20, R-15, and R-10 of the attached schedule.

(2) Art VI Residential Zones, See A, R-20 and R-40 zones requiring minimum floor areas of not less than 1500 sq. ft; See B, R-10 and R-15 zones requiring minimum floor areas of 1250 sq. ft; See C: R 7.5 zone, requiring minimum floor areas of 1250 sq. ft. Such requirements are totally unrelated to health, welfare and safety.

23. As to each such portion of the zoning ordinance referred to in the previous answer, set forth each and every fact upon which this plaintiff will rely to support its allegation that the same is racially discriminatory and/or otherwise unlawful.

See answers below to interrogatories 26, 39, 40, 41, 49.

SCHEDULE TO ACCOMPANY ANSWER TO INTERROGATORY #22

SCHEDULE OF GENERAL REQUIREMENTS

| Zone | Area Sq. Ft. | Minimum Lot Requirements | | Minimum Yard Requirements Principal Building | | | Accessory | | Percent Maximum Lot Coverage | Maximum Height Feet | Minimum First Floor Area Sq. Ft. | Min. Floor Area Res. Bldgs. Sq. Ft. | Minimum Parking |
|------|--------------|--------------------------|-------|--|------|-----------|-----------|------|------------------------------|---------------------|----------------------------------|-------------------------------------|--|
| | | Width | Depth | Front | Rear | Side Each | Rear | Side | | | | | |
| 10 | 40,000 | 150 | 150 | 50 | 30 | 25 | 10 | 15 | 20 | 35 | 900 | 1500 | 2 spaces/d.u. |
| 20 | 20,000 | 120 | 150 | 40 | 20 | 15 | 10 | 8 | 20 | 35 | 900 | 1500 | 2 spaces/d.u. |
| 15 | 15,000 | 100 | 150 | 40 | 20 | 12 | 10 | 6 | 25 | 35 | 900 | 1250 | 2 spaces/d.u. |
| 10 | 10,000 | 100 | 100 | 30 | 20 | 8 | 5 | 5 | 25 | 35 | 900 | 1250 | 2 spaces/d.u. |
| 7.5 | 7,500 | 75 | 100 | 30 | 20 | 8 | 5 | 5 | 25 | 35 | 768 | 1250 | 1 space/d.u. |
| 1 | 10,000 | 100 | 100 | 30 | 20 | 15(2) | 15 | 10 | 30 | 35 | | | 1 space for every 200 sq. ft. of office floor area |
| 2 | 5,000 | 50 | 100 | 15 | 20 | 10(2) | 10 | 8(1) | 80 | 35 | | | |
| 3 | 5,000 | 50 | 100 | 15 | 20 | 6(2) | 6 | 5 | 35 | 35 | | | 1 space for every 200 sq. ft. of office floor space |
| 4 | - | - | - | 50 | 50 | 50 | - | - | 30 | 35 | | | |
| 1 | 200,000 | 350 | 300 | 75 | 50 | 50 | 20 | 20 | 30 | 50 | | | 1 space for every 1 employee on the maximum shift, or in the alternative 1 space for each 400 sq. ft. of building area, which ever is greater. |
| | | 5-70 | | | | | | | | | | | <i>EXCEPT FOR A WAREHOUSE OR DISTRIBUTION CENTER 1 SPACE FOR EVERY 1500' OF BUILDING AREA, WHICH EVER IS GREATER.</i> |
| 3 | 40,000 | 220 | 220 | 50 | 20 | 30 | 10 | 10 | 40 | 50 | | | |
| 1 | 240,000 | 420 | 300 | 100 | 100 | 150 | 50 | 50 | 50 | 75 | 1200 | | 1 space for every 1.5 employees, or 1 space for each 400 sq. ft. of building area, whichever is greater. |

- (1) No side yard required when adjacent to a business property as long as there is access to the rear of the property for fire-fighting equipment.
- (2) One side yard may be permitted except in the case where a proposed business structure is adjacent to residential uses on either side. In all cases, the required side yard must be maintained when adjacent to a residential use.
- (3) The side or rear yard area required for industrial buildings in the M-1 zones, shall be waived or modified in such cases as the side or rear property line abuts a railroad right-of-way or siding.

ATTEST: _____

Mayor _____

24. Set forth each portion of the land use policies and practices of the Borough of South Plainfield which this plaintiff challenges as being discriminatory or otherwise illegal and unlawful.

Plaintiffs challenge as discriminatory the application of Residential Zones as noted in 22 above to almost all vacant, developable, residentially zoned land and the exclusion of mobile homes, multifamily dwellings for 3 or more families, and the application of commercial and industrial zones to an excessive amount of land. In addition, South Plainfield has not established a public housing authority, and has not passed the resolution of local approval required for the use of state financial aid to assist low-and moderate-income families with their housing needs.

25. As to each such portion of the land use policies and practices referred to in the previous answer, set forth each and every fact upon which this plaintiff will rely to support its allegation that the same is racially discriminatory and/or otherwise unlawful.

See answer below to interrogatory 26, especially that portion pertaining to population statistics. See also interrogatory 39, 40, 41.

26. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates N.J.S.A. 40:55-32.

At this time the facts available to plaintiffs and upon which they will rely are alleged in the complaint. These are reviewed below.

Specifically, we will rely on general and specific population figures reviewed in paragraphs 16-20 of the complaint (sources outlined in interrogatories #37-41) to show minority confinement to central city areas, their exclusion from South Plainfield and existing racial discrimination.

Plaintiffs will rely on the income statistics of paragraphs 21 and 22 of the complaint to show that plaintiffs and the class they represent cannot afford the type of housing allowed by South Plainfield.

Plaintiffs will rely on the employment patterns and practices outlined in paragraphs 23-28 (sources noted in part in interrogatories 43, 44) to show that employment opportunities for plaintiffs and the class they represent have far outstripped housing opportunities in South Plainfield. Such an imbalance will continue to exist, and will increase under current zoning and other land use policies and practices.

In addition, see answers to interrogatories 22 and 24.

27. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates Article 1, paragraph 1 of the New Jersey Constitution.

See answers to interrogatories 22, 24, and 26.

28. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates Article 1, paragraph 5 of the New Jersey Constitution.

See answers to interrogatories 22, 24, and 26.

29. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates Article 1, paragraph 18 of the New Jersey Constitution.

Plaintiffs will not press this allegation.

30. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates 42 USC 1981.

See answers to interrogatories 22, 24, 26.

31. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates 42 USC 1982.

See answers to interrogatories 22, 24, 26.

32. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates 42 USC 3601.

See answers to interrogatories 22, 24, 26.

33. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates the 13th Amendment to the United States Constitution.

See answers to interrogatories 22, 24, 26.

34. Set forth all facts upon which this plaintiff will rely to establish its allegation that the conduct of the Borough of South Plainfield violates the 14th Amendment to the United States Constitution.

See answers to interrogatories 22, 24, 26.

35. Set forth each fact which the plaintiff will rely upon to support its allegation that the individual plaintiffs "are unable to challenge the defendants' conduct without the assistance of the League" as set forth in paragraph 5 of the complaint.

The allegation to which defendant refers does not relate to the individual plaintiffs. The language quoted by defendant refers only to members of the Urban League.

36. Attach hereto a copy of the "Federal Office of Management and Budget Report" as set forth in paragraph 15 of the complaint.

Statistical Reporter, 73-12, June 1973, p. 192-197

37. Attach hereto a copy of the 1970 census referred to in paragraph 16 of the complaint.

This source is U.S. Bureau of Census, Census of Population, 1970, General Population Characteristics, Final Report PC (1) - B 32 New Jersey; and General Social and Economic Characteristics, Final Report PC (1)-C 32 New Jersey.

38. Attach hereto a copy of the "Population Projections" set forth in paragraph 17 of the complaint.

Projections from Middlesex County Planning Board, Middlesex County Master Plan (Interim) New Brunswick: Middlesex County Planning Board, September 1970 pp. 18, 19, 41.

39. Set forth the source of information utilized by this plaintiff to establish the allegations of paragraph 18 of the complaint and attach copies of any and all reports received or examined.

U.S. Bureau of Census, Census of Population: 1970 General Population Characteristics, Final Report PC (1)-B 32 New Jersey.

General Social and Economic Characteristics. Final Report PC (1)-C 32, New Jersey.

U.S. Bureau of the Census. U.S. Census of Population: 1960: General Social and Economic Characteristics. PC (1) - 32 C New Jersey.

U.S. Bureau of the Census. U.S. Census of Population: 1960: General Population Characteristics PC (1) - 32 B New Jersey

U.S. Bureau of the Census. Census of Population and Housing: 1960: Census Tracts. Final Report PHC (1) - Middlesex County, New Jersey.

The region referred to is defined as the eight counties comprising the New Jersey portion of the New York - Northeastern New Jersey standard Consolidated Area. The counties are Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union.

40. Set forth the source of information utilized by this plaintiff to establish the allegations of paragraph 19 of the complaint and attach copies of any and all reports received or examined.

See attached chart.

41. Set forth the source of information utilized by this plaintiff to establish the allegations of paragraph 20 of the complaint and attach copies of any and all reports received or examined.

U.S. Bureau of Census. Census of Population and Housing: 1970 Census Tracts. Final Report PHC (1) - 146 Newark, N.J. SMSA.

U.S. Bureau of the Census. Census of Housing: 1970 Block Statistics, Final Report HC (3) - 159 New York, N.Y.

Northeastern New Jersey Urbanized Area, Part 3 - Northeastern New Jersey.

Zoning Maps and ordinances of individual towns.

42. Has this plaintiff received or obtained a report indicating the gross ratio of Blacks, Puerto Ricans and other minority groups with relation to the growth of housing for any period since 1970. If so, give a full and detailed report of such investigation and, if in writing, attach a photocopy of same hereto.

At this time, no such report has been received or obtained.

43. Attach hereto all data and facts together with reports which this plaintiff utilized to support the allegations of paragraph 26 of the complaint.

The data were taken from Equal Employment Opportunity Commission, 1971 Report on Total and Minority Group Employment, Middlesex County New Jersey. Tri-State Regional Planning Commission, "Persons at Work During Census Week by Place of Work" Middlesex County, New Jersey, 1970 Census Report P4M-P35A-C.

44. Provide a copy of the "statistical projections" referred to in paragraph 28 of the complaint.

The projections were taken from

(a) Middlesex-Somerset-Mercer Regional Study Council. Housing and the Quality of Our Environment; (b) Middlesex County Planning Board, Interim Master Plan, p. 67; (c) Middlesex County Master Plan.

RACIAL CHARACTERISTICS
OF
POPULATION CHANGES IN MIDDLESEX COUNTY
1960-1970

| <u>Total County Population</u> | <u>1960</u> | <u>1970</u> | <u>Net Change 1960-1970</u> | <u>Percentage of County Total</u> |
|--|-------------|-------------|-------------------------------------|---|
| Middlesex County | 433,856 | 583,813 | 149,957 | |
| New Brunswick and Perth Amboy | 78,146 | 80,683 | 2,537 | 1.6 |
| Rest of County | 355,710 | 503,130 | 147,960 | 98.6* |

MINORITY POPULATION IN COUNTY

| | | | | |
|----------------------------------|--------|--------|--------|------|
| Middlesex County | 21,829 | 40,549 | 18,720 | |
| New Brunswick and Perth Amboy | 11,214 | 21,237 | 10,023 | 54.6 |
| Rest of County | 10,615 | 19,312 | 8,697 | 46.4 |

*Total exceeds 100% due to rounding

SOURCES

U.S. Bureau of the Census, U.S. Census of Population: 1960. General Population Characteristics. PC(1)-32B. New Jersey.

U.S. Bureau of the Census. U.S. Census of Population: 1960 General Social and Economic Characteristics. PC (1)-32C New Jersey.

U.S. Bureau of the Census. U.S. Census of Population: 1970, General Population Characteristics: Final Report. PC (1)-B 32. New Jersey

U.S. Bureau of the Census. U.S. Census of Population: 1970 General Social and Economic Characteristics Final Report PC (1)-C 32. New Jersey.

45. Set forth any and all legal or other authority upon which this plaintiff will rely to support its position that the individual plaintiffs are entitled under the law to have low or middle income housing units made available to them.

Our legal position will be fully explicated at the appropriate time, either through pre-trial briefs or through other orders of the court. In addition plaintiffs' do not claim that they are entitled under the law to have low or middle income housing units made available to them, only that they are entitled to be free from discrimination in seeking equal housing opportunities. If plaintiffs prove their case, it may well be that as a matter of equitable relief, the court will order that plaintiffs are entitled under the law to have low or middle income housing units made available to them. However, the question of appropriate relief is one to be decided by the court after a full hearing on the merits, and it would be premature, as well as inappropriate for the plaintiffs to discuss the scope of relief.

46. Set forth all authorities upon which this plaintiff will rely to establish the conclusion that this defendant is obliged to establish public housing authorities to provide housing for low income families.

Plaintiffs legal position will be fully explicated at the appropriate time. However, plaintiff does not claim that there is a per se duty to establish public housing authorities to provide housing for low income plaintiffs, but that the failure to establish public housing authorities is an inherent part of a consistent pattern of conduct by which low- and moderate-income persons, white and nonwhite, have been excluded from South Plainfield. If plaintiffs prove their case, it may be that as a matter of equitable relief the court will order the undertaking of such an affirmative duty. However, the question of appropriate relief is one to be decided by the court after a full hearing on the merits.

47. Set forth all authorities upon which this plaintiff shall rely to establish the conclusion that this defendant is obliged to "pass the resolution of local approval required for the use of state financial aid to assist local and moderate income families with their housing needs."

See answer to interrogatory 46.

48. Set forth all authorities upon which this plaintiff shall rely to support the conclusion that this defendant is obliged to "implement the low and moderate income housing elements" of the master plan of the Middlesex County Planning Board.

See answer to interrogatory 46.

49. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(a) of the complaint.

See answer to interrogatory 22. Additionally, South Plainfield's ordinance does not provide for mobile homes or multiple dwellings for more than two families.

50. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(b) of the complaint.

See answer to interrogatory 22.

51. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(c) of the complaint.

See answer to interrogatory 22, and 49. The zoning ordinance provisions and the other land use practices of South Plainfield deters and prevents the construction of subsidized housing within South Plainfield.

52. Identify that portion of this defendant's zoning ordinance referred or pertaining to the allegations of paragraph 33(d) of the complaint.

See 1969 Zoning Ordinance, Article VII, Commercial Zones, and Article VIII, as amended, Industrial Zones.

53. Set forth that portion of the land located in the Borough of South Plainfield which the plaintiffs will allege should be the reasonable amount allocated for industrial purposes.

At this time this figure is not for plaintiffs to determine. Determination of the reasonable amount is for municipal authorities to decide in consideration of all circumstances. Plaintiff's assertion is that the current allocation is excessive.

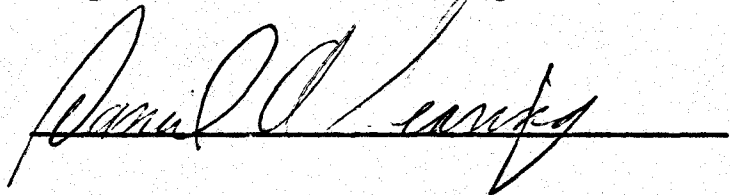
CERTIFICATION

I hereby certify that the copies of the reports annexed hereto rendered by either treating physicians or proposed expert witnesses are exact copies of the entire report or reports rendered by them; that the existence of other reports of said doctors or experts, either written or oral, are unknown to me, and if such become later known or available, I shall serve them promptly on the propounding party.

By _____

CERTIFICATION IN LIEU OF OATH OR AFFIDAVIT

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are wilfully false, I am subject to punishment for contempt of court.



DANIEL A. SEARING
Co-Counsel for Plaintiffs

DATED:

November 26, 1974