

CA - Woodbridge

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letter memo in lieu of brief

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Woodbridge, New Jersey

JOHN J. CASSIDY, Mayor

Department of Law

FILED

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DAVID D. FURMAN, J.S.C.

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October 17, 1977

1 Main Street
634-4500
Zip Code 07095

Honorable David D. Furman
Middlesex County Court House
New Brunswick, New Jersey 08903

Re: Urban League vs. Mayor and Council of Borough of
Carteret et als
Docket No. C-4122-73

LETTER MEMORANDUM IN LIEU OF BRIEF

Dear Judge Furman:

This Letter Memorandum in Lieu of Brief is submitted to the Court in opposition to Plaintiff's Motion for additional relief as to the conditionally dismissed Defendants.

On July 9, 1976, the Superior Court, Chancery Division, entered judgment conditionally dismissing the Township of Woodbridge from the suit, along with ten (10) other co-Defendant municipalities. This judgment further provided that the dismissals would be finalized upon the entry of an Order of Dismissal entered upon proof that the Township of Woodbridge had amended its Zoning Ordinance in accordance with the settlement agreement entered into with the Plaintiffs and recited in Paragraph 13 of the Court's July 9, 1976, Judgment.

The Township of Woodbridge has amended its Zoning Ordinance pursuant to the settlement agreement and judgment.

Plaintiffs in their present motion seek to obtain relief which clearly was not in the contemplation of counsel for the conditionally dismissed municipalities nor in the contemplation of the Court as derived from the July 9, 1976, Judgment and the transcript of the Plaintiff's motion to settle the form of the judgment.

Thus, Paragraph Number 23 of the July 9, 1976, Judgment

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clearly required that the eleven (11) conditionally dismissed municipalities would be entitled to dismissals "upon the enactment of Ordinances in full compliance with this Judgment." No other affirmative relief was requested of these municipalities by the Judgment.

This position and the reasons for it are further confirmed from the May 28, 1976, transcript of Plaintiff's motion to settle the form of the Judgment. The Court at that time recognized that the amendments of the Zoning Ordinances of the conditionally dismissed municipalities were sufficient to render them non-exclusionary and to "provide a significant contribution toward the low and moderate income housing needs of the county or region." (See transcript of May 28, 1976, P.8, attached hereto). It was therefore evident that both the letter and the spirit of the settlement, as expressed in the Court's July 9, 1976, Judgment, limited actions of the conditionally dismissed municipalities to Zoning Ordinance amendments and did not encompass the affirmative relief now sought by Plaintiffs of compelling a fair share allocation of new, rehabilitated, and subsidized housing units for these municipalities.

The Defendant, Township of Woodbridge, therefore respectfully requests the Court to deny the Plaintiff's motion.

Respectfully yours,

ARTHUR W. BURGESS

BY: Paul E. Strapp
PAUL E. STRAPP

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cy: All counsel