

CA - Monroe

4/2/85

letter - notification to Judge Serpentelli:
detailing delay + failure of Monroe Twp
to pass deadlines in accordance w/
Ct's order

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CA 002294/L

CLAPP & EISENBERG

CA002294L

ALFRED C. CLAPP
GEORGE S. FISCHLER
ARNOLD K. MYTELKA
STUART L. PACHMAN
ROGER S. CLAPP
WILLIAM J. O'SHAUGHNESSY
EDWARD N. FITZPATRICK
MICHAEL A. BACKER
GERALD H. LITWIN
JEFFREY W. LORELL
LAWRENCE B. MINK
DOROTHY G. BLACK
MICHAEL L. MESSER
RONALD H. JANIS
SALVATORE T. ALFANO
JEFFREY M. SCHWARTZ
FREDERIC S. KESSLER

OF COUNSEL
JEROME C. EISENBERG

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

80 PARK PLAZA
NEWARK, N.J. 07102

(201) 642-3900 (212) 571-0240

CABLE CLAPPEISEN
TWX 7109954409
TELECOPIER (201) 642-7413

ATLANTIC CITY OFFICE
1421 ATLANTIC AVENUE
ATLANTIC CITY, N.J. 08401
(609) 347-7330

MARK FALK
ROBERT A. MARSICO
FREDA L. WOLFSON
JOHN A. AVERY
FRANCINE A. SCHOTT
RICHARD KLEINMANN
PETER R. YAREM
KATHY M. HOOKE
BRYNA L. EDWARDS
GAIL L. MENYUK
ALAN RUBIN
SHARON ADAMS BOSSEMEYER
DAVID D. MOSER
JAMES P. BRUNO
JOHN L. CONOVER
JEFFREY L. KANTOWITZ
AGNES I. RYMER
DAVID A. PERSING

April 2, 1985

Via Federal Express

Honorable Eugene D. Serpentelli
Superior Court of New Jersey
Court House
CN 2191
Toms River, New Jersey 08754

Re: Urban League v. Carteret
(Monroe Township)

Dear Judge Serpentelli:

After months of delay and several passed deadlines, it is now clear that Monroe Township will not voluntarily comply with this Court's Order that the Township revise its zoning ordinance to provide 774 low and moderate income housing units. As detailed below, there are only three Council votes for the compliance proposal which we are told has been submitted to the Court; the Mayor is vehemently opposed; and his anticipated veto cannot be overcome. Compliance was required by Order entered August 13, 1984, and was to be completed by October 25, 1984. Several extensions were requested and granted. The most recent extension expired March 18, 1985.

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Last Friday night (10 days after the most recent deadline expired), after a long and heated meeting (during which Mayor Garibaldi repeated that he would go to jail rather than comply with Mount Laurel II), the Township Council was able to muster only three votes in favor of the Hintz proposal. In the face of a certain veto from the Mayor, these three votes will not be enough to adopt any of the proposed ordinance amendments or other affirmative measures called for in the Hintz report. Thus, not only has the Township failed to revise its ordinance, it has demonstrated that it will be unable to do so.

It is our position that the Hintz proposal is significantly flawed and would not survive judicial scrutiny. However, the Court should not even concern itself with the merits of the proposal. Judicial review of a compliance proposal that cannot be enacted into law is a waste of effort and will only further delay Mount Laurel compliance. The time has come to recognize what has now become clear - - that Monroe Township cannot and will not voluntarily comply with Mount Laurel II, and that remedies for non-compliance should now be imposed.

Accordingly, we request that a declaration of non-compliance be issued and that the Court proceed to consider the necessary and appropriate remedies.

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If Your Honor wishes, a status conference can be scheduled to consider the timing and other aspects of this phase of the proceeding. In any event, we urge Your Honor to move this matter to the front burner and to preclude any additional delays by Monroe Township.

Respectfully,

Arnold K. Myerka
Frederic S. Kessler

/mtp

cc: Thomas R. Farino, Jr., Esq.
(Via Federal Express)
Barbara J. Williams, Esq.
Carl S. Bisgaier, Esq.
Stewart M. Hutt, Esq.
Ms. Carla Lerman