

U.L. v. Piscataway

August 4, 1986

Letter from Paley to Judge asking what
procedure Court used in terminating Court's
involvement.

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KIRSTEN, FRIEDMAN & CHERIN

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
17 ACADEMY STREET
NEWARK, N. J. 07102
(201) 623-3600

RICHARD E. CHERIN*
HAROLD FRIEDMAN
JACK B. KIRSTEN*
PHILLIP LEWIS PALEY**
DENNIS C. LINKEN
ROBERT A. VORT*

MARGARET E. ZALESKI
JOHN K. ENRIGHT
SHARON MALONEY-SARLE
LIONEL J. FRANK*
RICHARD M. METH
SARAH J. MCCORMACK

August 4, 1986

JOSEPH HARRISON (1930-1976)
MILTON LOWENSTEIN
OF COUNSEL

*MEMBER N.J. & N.Y. BARS
◇MEMBER D.C. BAR

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

Re: Urban League of Greater New Brunswick et al.
vs. Township of Piscataway et al.

My Dear Judge Serpentelli:

This letter seeks Your Honor's cooperation in advising what procedure you wish followed to terminate the Court's involvement with the Piscataway portion of Mount Laurel. As you will recall, during July, Howard Gran, Esq., attorney for Lackland Brothers, applied to your Court for an Order releasing his client's property (Site 76) from the restraints previously imposed by Your Honor. Barbara Stark, Esq., attorney for the Civic League of Greater New Brunswick, presented argument in opposition to the Motion for Your Honor, and I was present to argue in support of the Motion. During the argument, I indicated to the Court my clear impression that the Court wished all remaining Piscataway matters to be transferred to the Affordable Housing Council, but

deferred entering an Order to that effect for fear that the Council had not yet developed a procedure to entertain applications. I recall asking Your Honor whether an Order should be submitted to the Court, asserting that all applications to continue, extend or modify existing restraints should be brought before the Affordable Housing Council, at such time as the Affordable Housing Council was properly operational; Your Honor's response to that request was to indicate absolute agreement with that view.

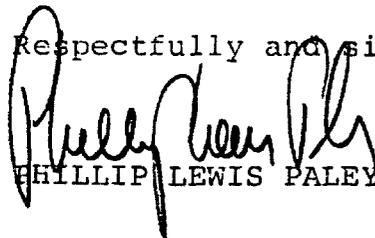
On Friday, August 1, 1986, I spoke at length with Edward Boccher, Deputy Attorney General for the State of New Jersey, an assigned counsel for the Affordable Housing Council. Mr. Boccher advised that the Affordable Housing Council had met the schedule set forth in its guidelines, rules and regulations; that, effective Monday, August 4, 1986, the Council had instituted a procedure for the filing of applications addressing restraints; that the Affordable Housing Council had already received one application (addressing a municipality other than Piscataway) which has been docketed for hearing within the next two weeks; and that the Affordable Housing Council could appropriately address applications regarding restraints into the foreseeable future. I advised Mr. Boccher that I would be corresponding with the Court and would send to him a copy of my correspondence, in

order to enlist any comments from him which he feels appropriate concerning the correctness of the representations contained herein.

It is clear to me that the Affordable Housing Council can deal with any future application regarding restraints. I would ask for Your Honor's guidance in how this matter should be addressed; that is to say, if Your Honor wishes me to make a formal Motion upon notice to all parties, I will be pleased to do so, or, if Your Honor feels that an Order from the Court, on its own Motion, would avoid any ambiguity, delay, and expense, that procedure is similarly satisfactory. I am trying to be helpful without being presumptuous, and I would surely appreciate the Court's guidance in reaching a result consistent with this Court's statements, both formal and informal, at minimum expense to all parties.

Your Honor's usual courtesy and cooperation in considering the matters raised in this letter and providing some responsive communication at Your Honor's earliest convenience will be greatly appreciated.

Respectfully and sincerely yours,



PHILLIP LEWIS PALEY

PLP:pmmn

cc: Edward Boccher, Esq.
Barbara Stark, Esq.