

ML - Piscataway

21 - Jan - 85

Supplemental Memorandum of Plaintiffs/Respondents in lieu
of Brief

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URBAN LEAGUE OF GREATER
 NEW BRUNSWICK, et al..

Plaintiffs/Respondents,

VS.

THE MAYOR AND COUNCIL OF
 THE BOROUGH OF CARTERET,
 et al. "

Defendants/Petitioners.

SUPREME COURT OF NEW JERSEY

] Docket No.

] Civil Action

] SUPPLEMENTAL MEMORANDUM OF
] PLAINTIFFS/RESPONDENTS IN
] ii_{IEU} OF BRIEF

The Township of Piscataway has supplemented its Appellate Division presentation with Mr. Paley's affidavit of January 18, 1985. As a result, the Urban League plaintiffs will, by means of this Letter Memorandum in Lieu of Brief, briefly address the assertions made therein. However, nothing contained in the affidavit changes the factual posture of the case as heard by the Appellate Division, and accordingly we submit that the extraordinary relief of leave to file an interlocutory Mount Laurel appeal in the Supreme Court should be denied.

Mr. Paley's affidavit touches on three areas:

Paragraphs 6-9 assert, as does the Urban League in its brief in the Appellate Division, that the Township of Piscataway has insufficient land to meet the fair share that would be allocated to it under the AMG methodology. It is precisely because of the unavailability of land that the Urban League has

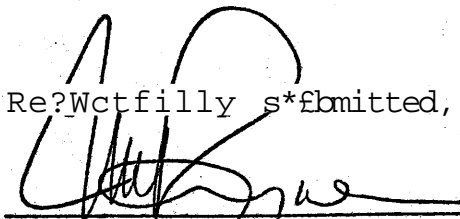
been compelled to preserve the few remaining sites ~~title~~ ~~is~~ ~~the~~ ~~con-~~
conclusion of this litigation.

Paragraphs 10-12 question the correctness of the conclusions of Ms. Xerman's November 10, 1984 report as to several sites. The report, however, represents the professional judgment of an independent expert, retained by and answerable to the Court, not any party to the litigation. As such, and without more, it affords an ample basis for restraints that seek to briefly preserve the status quo, until the report can be tested on its merits in the adversarial proceeding scheduled to begin on January 28, 1985.

Paragraph 13 reiterates the position of the Township of Piscataway on the issue of credits, which is dealt with more fully in the Urban League's Appellate Division brief at pages 15 and 16. For the reasons set forth there, it is unlikely in the extreme that Piscataway will receive credit sufficient to offset its entire fair share, which it would have to do in order to render the vacant land issue moot.

Accordingly, nothing in the affidavit suggests that either the Trial Court or the Appellate Division were in error in their determinations as to this interlocutory issue. Leave to appeal should be denied.

Respectfully submitted,



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Dated: 1/21/85