

ML - Morris County Fair Housing Council
v. Boonton

April 23, 1979

~~File~~ Transcript of proceedings: Notice for production of
Documents

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ML 000867 S

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. L-6001-78 P.W.

MORRIS COUNTY FAIR HOUSING COUNCIL,
MORRIS COUNTY BRANCH OF THE NATIONAL
ASSOCIATION FOR THE ADVANCEMENT OF
COLORED PEOPLE and STANLEY C. VAN
NESS, PUBLIC ADVOCATE OF THE STATE
OF NEW JERSEY,

Plaintiffs,

-vs-

BOONTON TOWNSHIP, CHATHAM TOWNSHIP,
CHESTER TOWNSHIP, DENVILLE TOWNSHIP,
EAST HANOVER TOWNSHIP, FLORHAM PARK
BOROUGH, HANOVER TOWNSHIP, HARDING
TOWNSHIP, JEFFERSON TOWNSHIP, KINNELON
BOROUGH, LINCOLN PARK BOROUGH, MADISON
BOROUGH, MENDHAM BOROUGH, MENDHAM TOWN-
SHIP, MONTVILLE TOWNSHIP, MORRIS TOWN-
SHIP, MORRIS PLAINS BOROUGH, MOUNTAIN
LAKES BOROUGH, MOUNT OLIVE TOWNSHIP,
PARSIPPANY-TROY HILLS TOWNSHIP,
PASSAIC TOWNSHIP, PEQUANNOCK TOWNSHIP,
RANDLOPH TOWNSHIP, RIVERDALE BOROUGH,
ROCKAWAY TOWNSHIP, ROXBURY TOWNSHIP
and WASHINGTON TOWNSHIP,

Defendants.

CIVIL ACTION
NOTICE FOR
PRODUCTION OF
DOCUMENTS

B E F O R E:

VICTOR SELVAGGI, JR., a Notary Public and
Certified Shorthand Reporter of the State of New
Jersey, at the MORRIS TOWNSHIP MUNICIPAL BUILDING,
Morris Township, New Jersey, on Wednesday, May 9,
1979, commencing at 10 a.m. and on Monday, April
23, 1979, commencing at 10 a.m.

KNARR - RICHARDS, ASSOCIATES

CERTIFIED SHORTHAND REPORTERS
OFFICES IN MORRISTOWN & NEWTON

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A P P E A R A N C E S :

THE PUBLIC ADVOCATE
BY: CARL C. BISGAIER, ESQ.
Attorneys for the Plaintiffs.

MESSRS. SCANGARELLA & FEENEY
BY: SUSAN NUSSBAUM, ATT'Y.
Attorneys for the Defendant Lincoln Park Borough.

MESSRS. MATTSON, MADDEN & POLITO
BY: M. LYNNE MC DERMOTT, ATT'Y.
Attorneys for the Defendant Passaic Township.

MESSRS. WILEY, MALEHORN & SIROTA
BY: FREDRIC J. SIROTA, ESQ. and
ROBERT S. GOLDSMITH, ESQ.
Attorneys for the Defendant Rockaway Township.

VICTOR SELVAGGI, JR.
Certified Shorthand Reporter

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1 (April 23, 1979)

2 MR. SIROTA: Mr. Bisgaier, my name is
3 Fredric Sirota. I'm an attorney and a member
4 of the firm of Wiley, Malehorn & Sirota and I
5 represent the Township of Rockaway and this is
6 a response, I take it, from our request for
7 production of documents. Are you representing
8 all the plaintiffs in this matter?

9 MR. BISGAIER: Yes.

10 MR. SIROTA: As attorney or as agent for
11 producing documents?

12 MR. BISGAIER: As attorney and their
13 agent for producing their documents as their
14 attorney.

15 MR. SIROTA: Have you showed the request
16 for production of documents to parties repre-
17 senting each of the plaintiffs?

18 MR. BISGAIER: I'm not sure I understand
19 your question. I'm representing each of the
20 plaintiffs.

21 MR. SIROTA: Have you shown copies of
22 the request for production of documents to any
23 of the officers or members of the Morris County
24 Fair Housing Council?

25 MR. BISGAIER: No.

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MR. SIROTA: Did you have a conversation with them pursuant to which or any such person pursuant to which you requested documents?

MR. BISGAIER: Yes.

MR. SIROTA: Did you convey to them each and every request made in the request for production of documents?

MR. BISGAIER: No. I conveyed to them the request made on pages 5 and 6 of the Notice to Produce, the request for production of documents relating to their by-laws, minutes, etc., information which will be peculiar to the Fair Housing Council and the Morris County Branch of the N.A.A.C.P. All the other documents referred to are documents which would be in the files of the Public Advocate's Office.

MR. SIROTA: Who did you speak to at the Morris County Fair Housing Council with respect to production of documents?

MR. BISGAIER: I spoke to, at the Fair Housing Council, it would have been Blaire McGinnis, and the N.A.A.C.P. would have been Paul Cooper.

MR. SIROTA: What position is Miss McGinnis with respect to the Fair Housing

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Council?

MR. BISGAIER: She's the president of the Board of Directors or the Chairman of the Board of Directors. Mr. Cooper is a similar title with the N.A.A.C.P.

MR. SIROTA: And Mr. Cooper is Chairman of the Board of the Morris County Branch of the N.A.A.C.P.?

MR. BISGAIER: I believe that's his title. I'm not sure, but it's a similar position to that.

MR. SIROTA: And you yourself have reviewed the request for production of documents?

MR. BISGAIER: Yes.

MR. SIROTA: And have you produced all the documents requested therein?

MR. BISGAIER: The only documents that I know of that we used at various times prior to instituting the complaint and upon which we, well, relied in the sense that we reviewed them which are not here, would be the various reports of the Department of Community Affairs. I'm not sure if all of them are here relating to the 1978 housing allocation report that they

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CONTENT

1 did. Those were previously produced for Mr.
2 Ferguson at a motion. I just simply forgot
3 to bring them. That would involve the 1978
4 report, 1976 report, four technical reports
5 for the basis of that 1976 report, housing
6 needs analysis.

7 MR. SIROTA: Excuse me. Before you get
8 to these, if you might refer to them when we
9 get to the particular point in which they are
10 relevant, I would appreciate it. Is that all
11 right?

12 MR. BISGAIER: Well, let me just complete
13 my statement because I have not accumulated
14 documents in the order you have requested them.
15 The other documents which I was told by one of
16 our attorneys is that he has and forgot to
17 include was a December, 1978 map, flood insur-
18 ance map. I believe it's for the Township of
19 Chester. They can be produced or a copy of it
20 can be mailed to you.

21 MR. SIROTA: So is it fair to say in
22 addition to the flood insurance map for Chester,
23 you don't have today with you the reports of
24 the Community Affairs which are mentioned in
25 the complaint?

1 MR. BISGAIER: Right. One of them has
2 already been marked as an exhibit in Mr.
3 Mallach's deposition by Mr. Bernstein, but in
4 any event those documents are readily available.

5 MR. SIROTA: Request number 1 is for any
6 document referred to in plaintiff's pleadings,
7 but not annexed thereto or recited verbatim
8 therein, including but not limited to the land
9 use plans and ordinances of each of the defend-
10 ant municipalities.

11 Do you have those?

12 MR. BISGAIER: I have not brought with
13 me the land use plans that we have in our
14 office of all the defendant municipalities, nor
15 have I brought with me the master plans of
16 those municipalities. I stated to you previously
17 I would be glad to have anybody come to my
18 office and take a look at what we have, but it
19 was a major effort just to pull these two boxes
20 of materials from all of our files.

21 MR. SIROTA: This is a major case.

22 MR. BISGAIER: Let me finish, and to
23 bring them here and I have with me, I'd say
24 every document that we relied upon short of the
25 actual master plans and ordinances of the

1 individual towns.

2 MR. SIROTA: And the Department of
3 Community Affairs documents and the flood
4 insurance map for Chester?

5 MR. BISGAIER: Right.

6 MR. SIROTA: Okay. Do you have those
7 documents or writings pursuant to which, and
8 this is paraphrasing your complaint, the New
9 Jersey Judicial, Legislative and Executive
10 branches have allegedly reiterated the mandate
11 upon municipalities to provide, by their land
12 use regulations and plans, for their fair
13 share of the regional housing needs and to
14 remove those restrictions which allegedly
15 effectively bar the provision of low and
16 moderate income housing opportunities.

17 What documents did that statement refer?

18 MR. BISGAIER: Well, to the best of my
19 recollection, the easiest way to recall the
20 judicial mandates we are referring to there or
21 the documents we are referring to there would
22 be the Mount Laurel opinion and the Madison
23 Township opinion. I did not bring copies of
24 those documents with me. The legislative
25 document, if you want to call it such, that was

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referred to there would be the Municipal Land Use Law and the various State statutes which at least provide some opportunity for housing construction below market interest rates or at least than conventional costs.

MR. SIROTA: What State statutes are those?

MR. BISGAIER: There are numerous ones which I'll send you a list of after I review it, if you like.

MR. SIROTA: Yes, I would like. When might you provide that list?

MR. BISGAIER: I don't know. Within a reasonable time.

The executive documents which you referred to, I think there may be copies of those here, although I'm not sure.

MR. SIROTA: Would you review your documents and see whether you have them?

MR. BISGAIER: Do you want me to look through them now?

MR. SIROTA: Yes, sir.

MR. BISGAIER: They would be Executive Order 35 and I believe it's Executive Order 46. I don't know if they are here.

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MR. SIROTA: 46 was the last number?

MR. BISGAIER: I believe it's 46.

Let me correct certain things which are already errors. I have with me copies of the following documents which I did not think I had with me. One is a document which is --

MR. SIROTA: Off the record for a second. Do you mind?

MR. BISGAIER: No.

(There is a discussion off the record.)

MR. SIROTA: You were searching for the Executive Orders No. 35 and No. 46, Mr. Bisgaier. Have you found those documents?

MR. BISGAIER: Yes. The executive documents that relate to this issue and which I have with me are Executive Order 35 and Executive Order 46.

MR. SIROTA: May I see the two documents?

MR. BISGAIER: Documents signed by Governor Byrne.

MR. SIROTA: Could you hand me those two documents?

MR. BISGAIER: These two here?

MR. SIROTA: Do you have any information as to whether Executive Order 46 remains in effect?

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MR. BISGAIER: I guess I don't understand the question.

MR. SIROTA: Has it been rescinded, withdrawn?

MR. BISGAIER: No, I have no information as to whether it's been rescinded or withdrawn.

MR. SIROTA: You also said you had a copy of Executive Order No. 35.

MR. BISGAIER: It's attached to the back of the one that says Executive Order 46.

MR. SIROTA: All right. You previously mentioned that there were only two executive branch documents which this case was based on which you utilized. That's Executive Orders 35 and 46. Are there additional executive documents?

MR. BISGAIER: Well, there are --

MR. SIROTA: Other than the Department of Community Affairs documents and studies which I assume we will discuss later?

MR. BISGAIER: Well, that would limit executive documents to those signed by the Governor and there are only two that I know about. The only other executive documents I will refer to will be documents produced by the

1 executive branch of the New Jersey government.

2 MR. SIROTA: By the Department of
3 Community Affairs?

4 MR. BISGAIER: Yes. I believe there are
5 also documents here that were produced by the
6 Department of Environmental Protection.

7 MR. SIROTA: May I see those documents?

8 MR. BISGAIER: And also by the Department
9 of Labor and Industry.

10 MR. SIROTA: Let's start with DEP.

11 Mr. Bisgaier, would it be helpful if you
12 had a little time to organize your files?

13 MR. BISGAIER: That's what I'm doing
14 right now.

15 MR. SIROTA: Do you have a projection of
16 how long this will take you?

17 MR. BISGAIER: Well, what I'm doing right
18 now is organizing them by department of govern-
19 ment.

20 MR. SIROTA: Mr. Goldsmith is going to
21 take over now. I'm afraid I have to go some-
22 where.

23 MR. BISGAIER: Okay.

24 MR. GOLDSMITH: For the record, my name
25 is Robert Goldsmith and I'll continue the

1 procedures for the production of documents.

2 MR. BISGAIER: We are looking for now
3 Department of Environmental Protection documents?

4 MR. GOLDSMITH: Right.

5 MR. BISGAIER: Okay. The documents that
6 I have with me that are documents which were
7 prepared by or for some way under the auspicious
8 under the Department of Environmental Protection
9 for the State of New Jersey are the following;
10 one is March, 1979 document. It's the draft of
11 the Northeast New Jersey Water Quality Manage-
12 ment Plan. Another is quite simply a document
13 by the Bureau of Geology which is simply a list
14 of available DEP maps and publications. Another
15 is the Master Sewerage Plan for the Upper
16 Raritan and Delaware Watersheds which is a
17 joint project of the various boards of chosen
18 freeholders of the three relevant counties,
19 including Morris and the Department of Environ-
20 mental Protection. It has an October, 1970
21 date on it. Another is a document from the
22 Department which lists a status report of the
23 various sewerage bans. It relates to the
24 various counties, but the specific pages which
25 have been brought here relate to Morris County.

1 Another is the technical design report require-
2 ments published by the Department, July, 1972.
3 The purposes of their evaluation of the suffi-
4 ciency of sewerage treatment plant or applica-
5 tions for sewerage treatment plants. Another
6 is titled Project Report Requirements, same
7 Department and same date.

8 MISS NUSSBAUM: Would you repeat that,
9 please.

10 MR. BISGAIER: Project Report Require-
11 ments. Sewerage treatment facilities and
12 applications for them.

13 Off the record.

14 (There is a discussion off the record.)

15 MR. BISGAIER: What I'm going to do is
16 identify these documents by numbers which the
17 Public Advocate's Office has placed on them
18 for our own filing purposes and at a later time
19 those numbers will be translated into official
20 identification numbers. It would just be to
21 save time.

22 The Northeast New Jersey Water Quality
23 Management Plan document has a number 13 on it.
24 The Bureau of Geology document has a number 110.
25 The Master Sewerage Plan has number 114. The

1 Sewerage Status Report has a number 101.

2 MISS MC DERMOTT: I have a question on
3 that. What is the date on that status report?

4 MR. BISGAIER: The latest, the only way
5 I would personally know that is by the face of
6 the document itself. There is another attorney
7 in our office dealing with environmental issues
8 and produced these at my request. The latest
9 date on here either for the lifting of a
10 sewerage ban or the partial lifting of a
11 sewerage ban or the imposition of a sewerage
12 ban would be 12/27/78.

13 MR. GOLDSMITH: Would you check with
14 your office when you have a chance at some
15 point and let us know whether that is the final
16 date of the document?

17 MR. BISGAIER: It's the only document
18 that we have on this. You want to know if
19 there are other documents or what the date was?

20 MR. GOLDSMITH: This is excerpted from
21 a larger document, so what the date of the
22 larger document is.

23 MR. BISGAIER: Can you write these down
24 and tell me later what you want?

25 The Technical Design Report document has

1 a number 102. The Project Report Requirements
2 document has a number 103.

3 There are a series of documents which
4 the number 104, which are the monthly reports
5 submitted to DEP by the Rockaway Valley Spray
6 Irrigation System and the utility being,
7 according to the face of the document, the
8 Rockaway Town Square Mall in Rockaway Township,
9 County of Morris. The dates on these documents,
10 they run from September through February of
11 1979. September of '78 through February of '79.

12 MR. GOLDSMITH: What was the relevant
13 authority?

14 MR. BISGAIER: Again this is from the
15 face of the document. It's the Rockaway Town
16 Square Mall. This is all it says.

17 Next DEP document here has a number 107,
18 Guidelines for the Design of Land Disposal
19 Facilities Utilizing Spray Irrigation. Next
20 has a number 106. This is a DEP document
21 giving construction approval for the plant in
22 Rockaway Township dated June 10, 1975.

23 MR. GOLDSMITH: That is for a plant in
24 Rockaway Township?

25 MR. BISGAIER: Yes. Next is the 105

1 document. 105 is a report on the operation
2 and maintenance of this Rockaway Town Square
3 Shopping Center utility. I believe that's all
4 of the documents with me that could be related
5 to the Department of Environmental Protection.

6 Now, there are several documents here
7 which are from the Department of Transportation.

8 MISS MC DERMOTT: I have a question.
9 These are reports that relate to Rockaway
10 Township. Do you have any reports that relate
11 to the individual towns, other materials on
12 special projects in other towns?

13 MR. BISGAIER: Not to my knowledge.
14 These are the only ones which were given to me
15 and I asked for all of the documents which we
16 had in our files. Now, that's not to say we
17 are not receiving documents through discovery
18 from the individual towns relating to the
19 environmental issues, water, sewerage manage-
20 ment, but I have documents that we did not
21 receive through the discovery process which were
22 separately obtained by us.

23 MISS MC DERMOTT: I see.

24 MR. BISGAIER: The following documents
25 are the New Jersey Department of Transportation

1 documents. One has the number 11 on it. It's
2 the 1975 Summary Report by the Department of
3 Transportation relating to the New Jersey State
4 Airport System Plan. Next there are four docu-
5 ments.

6 MISS NUSSBAUM: Is there a number on
7 that?

8 MR. BISGAIER: Number 11. Next there
9 are four documents all of which bear the number
10 14 and all of which embody the New Jersey State
11 Rail Plan. In chronological order, they are
12 dated December 9, 1975, August 1, 1976, February
13 15, 1978, and October 15, 1978.

14 MR. GOLDSMITH: Are you at all familiar
15 with those documents, Mr. Bisgaier?

16 MR. BISGAIER: Personally familiar? I
17 have looked at those documents at various times,
18 yes.

19 MR. GOLDSMITH: Do you know what the
20 general content is?

21 MR. BISGAIER: The general content is
22 the evaluation and analysis of the existing
23 rail facilities in the State and projections,
24 suggestions and plans for future rail.

25 MR. GOLDSMITH: Both commuter and freight?

1 MR. BISGAIER: Yes, I believe so. Of
2 course, it's for the entire State and includes
3 the relevant part, Morris County.

4 Now, there are several documents here
5 from the -- these following documents are from
6 the New Jersey Department of Labor and Industry.
7 Document number 3 is a per capita money income
8 for New Jersey dated May 17, 1978. Document
9 number 10 is an 1970 Annual Summary of Residen-
10 tial Construction authorized by building permits.
11 Also under document 10 is the 1971 Summary.
12 Another document bearing the same number is
13 1972 document. Another is 1973. Another is
14 1974. Another is 1975, another is 1976 and
15 another is 1977.

16 Document number 9 is a copy of a computer
17 printout, several pages relevant to Home
18 Mortgage Disclosure.

19 MR. GOLDSMITH: Do you know whether that
20 was provided pursuant to a request by the
21 Public Advocate or was that from another
22 document promulgated by the Department of
23 Labor and Industry?

24 MR. BISGAIER: This is a labor and
25 industry document and bears the number 9, and

1 for the County of Morris, the several municipi-
2 palities, and gives total residential mortgage
3 loans and conventional residential mortgage
4 loans.

5 MISS NUSSBAUM: Do you have a date on
6 that?

7 MR. BISGAIER: Yes, June 27, 1978.

8 MR. GOLDSMITH: Do you know whether
9 that's public?

10 MR. BISGAIER: This was not prepared at
11 our request or for us. How it was obtained,
12 I'm not sure whether we got it because we are
13 a public agency. It was just generally
14 requested by us and we received it. I don't
15 know that any member of the public can also
16 get a copy of it. I'm sure they could.

17 MR. GOLDSMITH: Thank you.

18 MR. BISGAIER: Document number 8 would
19 be the New Jersey Interim Population Projections,
20 1980 to the year 2000. That's dated June, 1978.
21 Document number 4 dated July 1, 1976, are the
22 official State Estimates for Population.

23 MR. GOLDSMITH: That's for the current
24 year, for the then current year 1976?

25 MR. BISGAIER: Yes. Also enumerated

1 document number 3 are February, 1979 updates
2 of the Per Capita Money Income for New Jersey.

3 MISS MC DERMOTT: Do you know where the
4 source of the information is from?

5 MR. BISGAIER: Yes, these would be from
6 the Department of Commerce. They are based on
7 Federal information which is compiled by the
8 State agencies for use in the State. Maybe it
9 will save us time to say that the several docu-
10 ments indicated as number 3 are similar to the
11 two already mentioned dealing with personal
12 income and income data in New Jersey. They are
13 essentially one updating the next to the most
14 recent being the one previously mentioned,
15 February of 1979.

16 For completeness sake, there are six
17 documents that bear the number 3.

18 MR. SIROTA: Which are the documents
19 that have already been marked or whatever you
20 want to call it?

21 MR. BISGAIER: These. I was going to
22 give you the Department of Community Affairs.

23 MR. SIROTA: If I can just back up a
24 wee bit. It's my understanding that just prior
25 to lunch Mr. Goldsmith, with reference to

1 paragraph 1 was asking you to produce documents
2 promulgated by the executive branch and up to
3 that point, up to lunch you had produced docu-
4 ments from the Department of Labor and Industry,
5 Department of Transportation and the Department
6 of Environmental Protection. Do those documents
7 constitute all the documents that are subject
8 to the Request to Produce from those agencies?

9 MR. BISGAIER: Yes.

10 MR. SIROTA: Are there ones you don't
11 have with you today?

12 MR. BISGAIER: There are no documents
13 that we gathered for purposes of this litigation
14 which I do not have with me today other than
15 that one Chester flood insurance map. As far
16 as I can ascertain, I have found here all of
17 the DCA reports that are referred to previously
18 as not being present, so they are present.

19 One other set again are the specific
20 land use ordinances and master plans that we
21 purchased from the municipalities prior to
22 instituting the litigation.

23 MR. SIROTA: In your use of the term
24 we, does that mean that that answer relates
25 to all the plaintiffs in this matter?

1 MR. BISGAIER: Yes, it relates to all
2 the plaintiffs in this matter in terms of the
3 use of documents for purposes of the litigation.

4 MR. SIROTA: Excuse me. The Request to
5 Produce doesn't have to do with documents you
6 gathered with respect to your preparation of
7 this litigation, it just refers to documents
8 generally in your possession.

9 MR. BISGAIER: What specific request
10 are you talking about?

11 MR. SIROTA: All right. With respect
12 to 1, that does relate to matters relating to
13 the forming of the basis of the pleadings.

14 MR. BISGAIER: Right.

15 MR. SIROTA: But all documents don't
16 relate to that.

17 MR. BISGAIER: Well, if I made an error
18 in what I thought was necessary, I'll just
19 correct that at a later time. I think I have
20 with me everything that we have that you asked
21 for. If that proves not true, we will just
22 correct that.

23 MR. SIROTA: Sure. And does that mean,
24 sir, I can assume that, for example, the Fair
25 Housing Council has no reports or other docu-

1 ments from the Department of Labor and Industry
2 relating to this matter?

3 MR. BISGAIER: As far as I know they do
4 not. I doubt that they have any such documents,
5 but they certainly have none that they or the
6 Public Advocate relied upon for purposes of
7 bringing this action.

8 MR. SIROTA: You were going to get to
9 the reports you have stemming from the Depart-
10 ment of Community Affairs.

11 MR. BISGAIER: Right.

12 MR. SIROTA: If you are laying these
13 out, you might want to lay out the Executive
14 Orders which I think you had with you, 35 and
15 46. 35 is attached to 46, right?

16 MR. BISGAIRE: Right. I'll give you
17 our number and the title.

18 Number 5 is the 1978 Housing Allocation
19 Plan produced by the Division of State and
20 Regional Planning of the Department of Community
21 Affairs. 5A is the November, 1976 draft of
22 that plan. 5B is a technical report for the
23 plan entitled Present Housing Needs. 5C is
24 the same thing entitled Prospective Housing
25 Needs. 5D is the same thing entitled Fair Share

1 Housing Allocation. 5E is the same thing
2 entitled Housing Allocation Regions. 5F is a
3 document which in another deposition has
4 already been marked, entitled Analysis of Low
5 Moderate Income Housing Need in New Jersey.
6 5G is a document entitled the Housing Crisis
7 in New Jersey, 1970.

8 7 is a document entitled State of New
9 Jersey Housing Element prepared on the date of
10 June 30, 1977. 7A is State Housing Programs
11 and Policy, New Jersey's Housing Element.

12 6 is a January, 1978 document entitled
13 New Jersey Directory of Subsidized Rental
14 Housing.

15 4 is New Jersey Population Report, June,
16 '72. 4A, Land Use Regulation of Residential
17 Land Supply. 4B, New Jersey Municipal Profiles.
18 4C, New Jersey County and Municipal Worksheets.
19 I believe those are all of the State agency
20 documents that we have.

21 MR. SIROTA: Mr. Bisgaier, I'm going to
22 read to you --

23 MR. BISGAIER: Excuse me for one second.
24 The one other legislative document is a December
25 26, 1978 document marked number 12, Housing

1 Needs and Opportunities in New Jersey. This
2 is a commission report for the New Jersey
3 General Assembly.

4 MR. SIROTA: Before we go any further,
5 did you produce today any documents relating
6 to mobile homes?

7 MR. BISGAIER: I don't believe there are
8 any here.

9 MR. SIROTA: Did you, in fact, rely upon
10 any documents relating to mobile homes, or to
11 your knowledge did your expert Mr. Haeckel?

12 MR. BISGAIER: Mr. Haeckel has relied
13 on any number of documents. He prepared a
14 list of those and they were submitted to
15 defense counsel. As I understand from lunch,
16 he's been asked to produce certain documents
17 at his next deposition. We do not have any
18 here. We did not rely on any mobile home
19 documents as such in formulating our position
20 with regard to this particular case. We have,
21 of course, had the benefit of Mr. Haeckel's
22 expert opinion previous to that and relied upon
23 that.

24 MR. SIROTA: Do you possess any documents?
25 That is, when I say you, I mean all three of the

1 plaintiffs relating to mobile homes.

2 Once again, the request relates to
3 documents within your possession or control
4 and not limited to that which you relied upon.

5 MR. BISGAIER: There may, in fact, be
6 some documents in the office which I don't know
7 about specifically which relate to mobile homes,
8 all of which I'm sure are covered by Mr.
9 Haeckel. I will ascertain if that's not true
10 and produce at our next deposition any documents
11 which we have which he is not otherwise going
12 to be producing.

13 MR. SIROTA: Mr. Bisgaier, I'm going to
14 read off to you a list of documents and ask you
15 whether you produced them today. Also with
16 respect to each one, I would like to know
17 whether they are currently available so that
18 any of the defendants may simply order them
19 or obtain them. One is a preliminary statewide
20 housing allocation plan.

21 MR. BISGAIER: That's been produced.

22 MR. SIROTA: Is it currently available?

23 MR. BISGAIER: Well, as a result of a
24 motion by Mr. Ferguson I was curious as to that
25 and called Jay Fiedler at the Department of

1 Community Affairs who informed me that those
2 documents were available. I personally have
3 not asked for a copy since 1977. Other than
4 his representation, I'm not aware of what they
5 are or not.

6 MR. SIROTA: Revised statewide alloca-
7 tion plan.

8 MR. BISGAIER: That's also been produced.

9 MR. SIROTA: Is that also available
10 through DCA?

11 MR. BISGAIER: That certainly would be.
12 That's their latest report on the subject which
13 was only released, I believe 10 or 11 months
14 ago.

15 MR. SIROTA: In your complaint you refer
16 to documents pursuant to which the Morris County
17 Planning Board, Community Development Department
18 and Regional Planning Agency have apprised the
19 defendants of the shortage in Morris County of
20 a variety of suitable houses and affordable to
21 persons of all income levels. Can you identify
22 more specifically those documents?

23 MR. BISGAIER: Yes. Off the record.

24 (There is a discussion off the record.)

25 MR. BISGAIER: Can you read back the

1 last question?

2 (The following was read by the Reporter:

3 "MR. SIROTA: In your complaint you refer
4 to documents pursuant to which the Morris County
5 Planning Board, Community Development Depart-
6 ment and Regional Planning Agency have apprised
7 the defendants of the shortage in Morris County
8 of a variety of suitable houses and affordable
9 to persons of all income levels. Can you
10 identify more specifically those documents?")

11 MR. BISGAIER: I have brought with me
12 numerous documents which were used by us and
13 produced by the Morris County Planning Board,
14 the Tri-State Regional Planning Commission, the
15 Regional Plan Association, the County Housing
16 Authority and the County Community Development
17 Office. Many of these documents do not specifi-
18 cally relate to housing needs and relate to such
19 matters as transportation plans and the like.
20 So we can leave them aside for the moment.

21 MR. SIROTA: However, to be eventually
22 included, we consider transportation as being
23 relevant to this matter.

24 MR. BISGAIER: All right. Well, why
25 don't I then give you a by agency all of what I

1 have.

2 MR. SIROTA: That would be appreciated.

3 MR. BISGAIER: Okay. These are documents
4 which were prepared for the Board of Chosen
5 Freeholders, as far as I can tell by the Morris
6 County Planning Board.

7 Document number 39 is the September,
8 1969 Initial Housing Element. Document number
9 31 is the Master Plan, Future Land Use Element.
10 50 is the Master Plan Supplemental Report on
11 Sanitary Sewerage. 49 is the Master Plan on
12 Sanitary Sewerage. 33 is the County Transporta-
13 tion Study and Interim Report. 34 is the
14 Transportation Annual Report for 1976. 32 is
15 entitled Morris County Government Structure
16 and Services. 32A is entitled Highlights of
17 Morris County Government, 1978.

18 30, entitled Impact of a Jet Airport in
19 Morris County. 29, the Master Plan Water
20 Supply Element. 35, the Master Plan Transporta-
21 tion Plan. 36, the Master Plan Historic
22 Preservation Element. 37, the Master Plan of
23 Open Space Element. 48 is a compilation of
24 census data, 1970 Census Data done by the
25 Planning Board.

1 MR. SIROTA: It's the Morris County
2 Planning Board?

3 MR. BISGAIER: Right.

4 MR. SIROTA: Population Housing, 1970
5 Census?

6 MR. BISGAIER: That's right. These are
7 now documents from the Regional Plan Associa-
8 tion. 27 is entitled The Future of Morris
9 County dated July, 1970. 27A is entitled The
10 Second Regional Plan, a draft for discussion.
11 27B is entitled the State of the Region, 1977.
12 23 is entitled Housing Segregation dated June,
13 1978 which contains within it two stapled but
14 loose maps, one dealing with income and adjusted
15 racial imbalance. The other is income, adjusted
16 racial balance.

17 The following documents are from the New
18 Jersey-New York Port Authority. Document 25
19 entitled Regional Prospective, the Regional
20 Economy, first half of 1978. 25A entitled
21 **LOCK** People and Jobs, a forecast of population and
22 households. 25C is a 1977 Annual Report of the
23 Port Authority. 25D is entitled also the
24 Regional Economy, Regional Prospectives. This
25 is the 1977 review and the 1978 outlook so

1 entitled.

2 Following are documents prepared by the
3 Department of Community Development in the
4 County. 45 is a Summary of Municipal Needs
5 prepared on October 16, 1978. 45A is the
6 Application for Federal Assistance, 4th year.
7 45B is the Application for Program Year 3.
8 45C is a Summary of 1977 Community Development
9 Activities.

10 MR. SIROTA: The applications were for
11 community development Block Grant Program?

12 MR. BISGAIER: Right. This is for the
13 Morris County Urban County Application. 45D is
14 a Background Paper for the Morris County
15 Community Development Program dated January 29,
16 1976. 45E is the 2nd year application. 45F
17 is the Amendatory 3rd Year Application dated
18 November, 1977. 45B I previously mentioned
19 was the application for the program for the 3rd
20 year. A further look, that is an Amendatory
21 Application Revised through January 26, 1978.
22 45G is the 3rd Year Application Revised as of
23 June, 1977.

24 28 is the Housing Authority's Preapplica-
25 tion for Housing for the Elderly submitted to

1 the Farmers Home Administration dated June 9,
2 1977. Then there are some miscellaneous
3 documents from miscellaneous type agencies.

4 44 was produced by the Industrial
5 Division of the Morris County Chamber of
6 Commerce, a Summary of Housing and Transporta-
7 tion Survey for 1970. 43 is a County of Morris
8 Community Profile which I believe was also
9 prepared by the Chamber. 42 is a series of
10 Profiles done by the Morris County Real Estate
11 Board with profiles for each individual municipi-
12 pality in the county. 40 is a document prepared
13 by a private realtor, I believe a Mr. Lynch,
14 Inter-County Title Agency, relevant to vacant
15 parcels of real estate in Morris County.

16 MR. SIROTA: Where did you obtain that
17 last document?

18 MR. BISGAIER: I'm not sure, but I
19 believe we saw a newspaper report of it and
20 I believe just called Inter-County Title Agency
21 and received a copy of it.

22 MR. SIROTA: Where is Inter-County Title
23 Agency located?

24 MR. BISGAIER: In Morristown.

25 47 is the Public Transportation Guide to

1 Morris County prepared by the Planning Board.
2 That would probably be all of the local and
3 regional related documents.

4 MR. SIROTA: Have the following documents
5 been produced, Initial Housing Element of the
6 Morris County Planning Board dated September,
7 1969?

8 MR. BISGAIER: Yes.

9 MR. SIROTA: Is that available through
10 the Morris County Planning Board?

11 MR. BISGAIER: I can't tell you for
12 certain since it's a dated document, it might
13 not be. I think I've heard from somebody that
14 it isn't. If it's not, we will certainly make
15 it available for copying.

16 MR. SIROTA: Housing Work Program
17 Submission by the Morris County Planning Board
18 to the United States Department of Housing and
19 Urban Development of August, 1974.

20 MR. BISGAIER: I think that's probably
21 in the Community Development documents that
22 were produced. If not, I'll check in my office
23 and see if it's a separate document and if it
24 is, I'll produce it at a later date.

25 MR. SIROTA: Morris County Master Plan,

1 1975?

2 MR. BISGAIER: Yes, that's been produced.

3 MR. SIROTA: Documents constituting
4 Annual Assessments since 1975 of the Housing
5 Assistance Needs in Morris County by the Morris
6 County Community Development Department.

7 MR. BISGAIER: Yes, those Housing
8 Assistance Needs are found in the Community
9 Development Applications. It's an element of
10 the Community Development Application.

11 MR. SIROTA: That's to the Community
12 Development Block Program?

13 MR. BISGAIER: That's right.

14 MR. SIROTA: And what other documents
15 related to Morris County's participation in
16 the Community Development Block Grant Program
17 have been produced other than what you just
18 stated and the applications themselves?

19 MR. BISGAIER: The only documents I
20 think that we have are documents that we
21 received through the A-95 review process. The
22 one that does not seem to be there, which we
23 may have, would be the first year's applica-
24 tion. It's possible that we did not receive
25 that in the first year, but I'll check.

1 MR. SIROTA: What is the A-95?

2 MR. BISGAIER: A-95 is regional, a HUD
3 circular which requires certain Federal agencies
4 for certain categorical or other programs to
5 insure prior to the consideration of the
6 applications by private individuals, local
7 county and State government for those Federal
8 funds that the applications are circulated to,
9 I guess relevant agencies of State and local
10 government.

11 The Public Advocate's Office participated
12 in the A-95 process in New Jersey which is
13 conducted by the Department of Community
14 Affairs as the State clearing house.

15 MR. SIROTA: And in that review process
16 would the Public Advocate have promulgated
17 comments upon the application?

18 MR. BISGAIER: Yes, we would have
19 commented on those applications possibly since
20 the Community Development Applications them-
21 selves are well over 150 I think in New Jersey,
22 but I can't tell you for sure which ones we
23 have commented upon.

24 MR. SIROTA: Would you make a search and
25 determine whether you commented upon the Morris

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County Application?

MR. BISGAIER: Sure.

MR. SIROTA: If you or any other State agency or Federal agency have commented upon the application and you have copies of those comments within your control or which are available to you, would you supply them?

MR. BISGAIER: I'll supply you with any such documents which we do have, yes.

MR. SIROTA: What documents constitute publication of review criteria by the Tri-State Regional Planning Commission which you allege are required of all localities which receive Federal housing funds?

MR. BISGAIER: That again is part of the A-95 review process and I've already indicated those documents which we have from the Tri-State Regional Planning Commission, I believe.

MR. SIROTA: Do they constitute Tri-State's comments upon applications made by Morris County?

MR. BISGAIER: I believe so. You have document number 22. Maybe that document. I'll do another search and see if there is another one.

1 MR. SIROTA: I'm keeping a running list
2 of those items which you will make certain and
3 I have a notation you will make a search for
4 the A-95 comments upon Morris County, HUD Block
5 Grant and we understand that will relate to
6 comments made by any agency which you will have
7 in your files or available to you or within
8 your control.

9 MR. BISGAIER: Well, I'll certainly make
10 copies for you of any of them we have in our
11 possession available to us. Again, the Civil
12 Rights Division may have made a comment. The
13 Department of Environmental Protection may have.
14 We may not have those comments. It would be as
15 easy for you to get them as for us.

16 MR. SIROTA: Civil Rights Division. Do
17 you mean the Division on Civil Rights?

18 MR. BISGAIER: Right.

19 MR. SIROTA: Which is not a part of the
20 Public Advocate?

21 MR. BISGAIER: Right. I'll make
22 available to you what I have. We may have
23 comments that were made by other agencies and
24 we may not, though.

25 MR. SIROTA: Which documents constitute,

1 and this is paraphrasing or quoting the
2 complaint, investigations and reports of the
3 State of New Jersey allegedly documenting
4 serious housing crisis throughout the state
5 characterized by, among other facts, wide
6 patterns of exclusionary land use regulations
7 in the suburban areas outside of the urban
8 centers.

9 MR. BISGAIER: Those would be the docu-
10 ments previously identified as formulating the
11 basis for the ultimate 1978 Housing Allocation
12 Plan.

13 MR. SIROTA: The DCA documents?

14 MR. BISGAIER: Yes. Those would be the
15 Department of Community Affairs documents.

16 MR. SIROTA: So you are talking about
17 investigations and reports of the State of New
18 Jersey. You mean investigations or reports
19 specifically in the Department of Community
20 Affairs?

21 MR. BISGAIER: That's correct.

22 MR. SIROTA: Have you produced Housing
23 in New Jersey, 1978?

24 MR. BISGAIER: I don't have that here.
25 That was an oversight.

1 MR. SIROTA: All right. Who published
2 that, DCA?

3 MR. BISGAIER: Yes.

4 MR. SIROTA: Can that still be obtained
5 from DCA?

6 MR. BISGAIER: I believe so. I'm not
7 sure.

8 MR. SIROTA: What about the Housing
9 Crisis in New Jersey 1970?

10 MR. BISGAIER: That's been supplied or
11 it's been produced.

12 MR. SIROTA: Can that be ordered from
13 DCA?

14 MR. BISGAIER: I assume so, but again
15 I'm not sure.

16 MR. SIROTA: Land Use Regulations. It's
17 one of the documents you referred to in your
18 complaint. Have you produced a copy of that?

19 MR. BISGAIER: Yes, I believe that has
20 been produced.

21 MR. SIROTA: Is that available?

22 MR. BISGAIER: I believe so.

23 MR. SIROTA: Through whom?

24 MR. BISGAIER: Department of Community
25 Affairs.

1 MR. SIROTA: The Residential Land Supply,
2 1972.

3 MR. BISGAIER: It's the same document,
4 Land Use Regulations, Residential Land Supply.

5 MR. SIROTA: So it would be Land Use
6 Regulations: Residential Land Supply, 1972 and
7 that has been produced?

8 MR. BISGAIER: Yes.

9 MR. SIROTA: And it's a DCA document.
10 Is that correct?

11 MR. BISGAIER: Right.

12 MR. SIROTA: Your complaint makes
13 reference to relevant messages to the State
14 Legislature by Governor Cahill. Have you
15 produced those?

16 MR. BISGAIER: No.

17 MR. SIROTA: Which are the relevant
18 messages to the State Legislature by Governor
19 Cahill?

20 MR. BISGAIER: They would be his annual
21 messages that he gives, the State of the State
22 messages. I don't know if we have copies of
23 those or not. I will look for those. If we
24 do, I'll produce them. They are referred to
25 in the various Housing Allocation Reports in

1 the DCA documentation that has been produced.

2 MR. SIROTA: They are exclusively State
3 of the State messages?

4 MR. BISGAIER: I believe they are, yes.

5 MR. SIROTA: Do you remember what years?

6 MR. BISGAIER: Not specifically, although
7 that can probably be gleaned from the documents
8 which have been produced.

9 MR. SIROTA: Have you produced a blue-
10 print for housing in New Jersey, 1970?

11 MR. BISGAIER: No. That was a special
12 message by the Governor. I do not have that
13 with me.

14 MR. SIROTA: But you have that at your
15 office?

16 MR. BISGAIER: I think we may, yes.

17 MR. SIROTA: And where may that be
18 obtained, if it may?

19 MR. BISGAIER: I guess the State library
20 or from the executive office itself.

21 MR. SIROTA: Should I assume that that
22 cannot be obtained presently, that is, that I
23 could not order a copy of that?

24 MR. BISGAIER: I don't know. I don't
25 know whether the executive office itself would

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have copies to give out.

MR. SIROTA: What about New Horizons in Housing, 1972?

Just for the record, Alan Mallach is present who is familiar with the documentation apparently which the plaintiffs have and he will be addressing some of the questions.

MR. MALLACH: That's the other special message that was given by Governor Cahill that is dated '72.

MR. SIROTA: Mr. Bisgaier, with your permission, I'll add this to the list of the items you will supply.

MR. BISGAIER: Sure.

MR. SIROTA: With respect to the aforementioned documents, by aforementioned, I mean the long series of documents that we have discussed from the beginning of this this morning. Do you have any work papers relating to these documents?

MR. BISGAIER: I don't know specifically what you mean, but I don't think I have any.

MR. SIROTA: If my memory is correct, the complaint refers to work papers.

MR. BISGAIER: That's probably the

1 technical reports of the Department of
2 Community Affairs which have already been
3 produced relating to the Housing Allocation
4 Plan which formed the basis of the 1976 draft.

5 MR. SIROTA: Do you know if there are
6 any amendments to any of these documents?

7 MR. BISGAIER: Not to my knowledge,
8 other than what we have that has been produced
9 already.

10 MR. SIROTA: What about any revision
11 to the documents that have been produced?

12 MR. BISGAIER: Same answer.

13 MR. MALLACH: They would all be incor-
14 porated in the Revised Statewide Allocation
15 Report.

16 MR. SIROTA: Mr. Mallach, you are now
17 referring to the DCA documents?

18 MR. MALLACH: That's correct.

19 MR. SIROTA: What about the DOT documents,
20 the DEP documents?

21 MR. BISGAIER: Well, for example, the
22 DOT documents themselves are amendments of each
23 other. Again, the answer is the same, if there
24 is an amendment and if I know about and if we
25 have it, it's here.

1 MR. SIROTA: The next sentence in para-
2 graph 1 of the Request for Production of
3 Documents was my demand under 4:18-2 for copies
4 of those documents which refer to in the
5 complaint.

6 Mr. Bisgaier and I have discussed the
7 demand on behalf of the Township of Rockaway
8 under Rule 4:18-2. We have agreed that I will
9 attempt to obtain these documents if available
10 and that he and his office will cooperate with
11 respect to the determination of where they might
12 be available. In the event any of the foregoing
13 documents are not available to me and the Town-
14 ship of Rockaway, Mr. Bisgaier will either
15 supply a copy or move to strike the reference
16 to the documents in the complaint and not rely
17 upon the documents in any way.

18 MR. BISGAIER: Or for some other prospec-
19 tive order, but in any event we will not hold
20 the Township of Rockaway to any time limitation
21 for filing any motion it seeks with regard to
22 them. We will just have the matter resolved
23 between us personally if it's a very limited
24 number, or if it turns out to be a lot that we
25 can't resolve it between ourselves, we will

1 seek some guidance from Judge Muir as to what
2 to do.

3 MR. SIROTA: And the plaintiffs waive
4 any defense as to the timing on the motion?

5 MR. BISGAIER: Yes.

6 MR. SIROTA: I'm now up to, all the way
7 up to paragraph 2 of the Request for Production
8 of Documents. This relates to the Morris County
9 Fair Housing Council, and is it fair to say
10 upon your request they have made an exhaustive
11 search of their records with respect to the
12 demand contained in the Request for Production
13 of Documents?

14 MR. BISGAIER: To my personal knowledge
15 as to what they have done is limited. This
16 matter has been handled by another attorney in
17 our office who is involved with them in the
18 deposition of fact witnesses. I understand
19 certain documents were produced at that time.
20 I do not have an exhaustive list as to what
21 they were. I do have with me documents which
22 he informed me they gave to him and which
23 either were not produced -- they were produced
24 for the deposition of the fact witnesses, but
25 apparently were not marked.

1 MR. SIROTA: All right. As a repre-
2 sentative as you have advised of the Morris
3 County Fair Housing Council, is it the case
4 that you can represent these constitute a full
5 complete response to the Request for Production
6 of Documents?

7 MR. BISGAIER: I believe so. To the
8 best of my knowledge now.

9 MR. SIROTA: Well, will you recheck that
10 within the next week and advise if there are
11 documents in addition to the ones produced?

12 MR. BISGAIER: Okay.

13 MR. SIROTA: Can I assume that if you
14 don't get back to me within the next week, that
15 there are no other documents?

16 MR. BISGAIER: Yes.

17 MR. SIROTA: And the same relates to the
18 Morris County N.A.A.C.P.?

19 MR. BISGAIER: Right.

20 MR. SIROTA: With respect to the Fair
21 Housing Council, do you have all constating
22 documents of the Morris County Fair Housing
23 Council, the certificate of incorporation,
24 the minutes, etc.?

25 MR. BISGAIER: I don't know exactly what

1 you mean by a constating document. I do have
2 the minutes of various relevant meetings of
3 the Morris County Fair Housing Council. They
4 have not been able to produce for me at this
5 time their articles of incorporation or by-laws.
6 I'll produce those for you upon receipt.

7 MR. SIROTA: I've been advised that they
8 are a corporation. Is that not accurate?

9 MR. BISGAIER: Yes, I believe it is
10 accurate.

11 MR. SIROTA: All right. Then with
12 respect to the by-laws and the certificate of
13 incorporation, you will supply those?

14 MR. BISGAIER: Yes. They may have been
15 produced at the deposition of Blaire McGinnis,
16 but I'm not sure and I'll check that.

17 MR. SIROTA: You say you have some
18 minutes with you?

19 MR. BISGAIER: I do have with me the
20 by-laws of the Morris County Fair Housing
21 Council. I don't have the articles of
22 incorporation.

23 MR. SIROTA: You say you have the by-
24 laws of the Morris County Fair Housing Council?

25 MR. BISGAIER: Yes.

1 MR. SIROTA: Mr. Bisgaier, you have
2 produced in response to my request a group of
3 documents that are contained in an elastic
4 band.

5 MR. BISGAIER: Right.

6 MR. SIROTA: In the upper left-hand
7 corner, if you put a number pursuant to which
8 we can identify that.

9 MR. BISGAIER: Let's call it 200.

10 MR. SIROTA: That is, as I understand
11 it, those are all the minutes and the by-laws
12 of the Morris County Fair Housing Council that
13 are available to the Fair Housing Council?

14 MR. BISGAIER: Yes, but there is also
15 some other information here as you will see.
16 All of these documents I represent will be
17 produced for the Court Reporter at the time
18 that he is going to go through and actually
19 do the identification. They are the by-laws,
20 minutes and some miscellaneous relevant
21 documents.

22 MR. SIROTA: By miscellaneous documents,
23 those are the reports of the executive director
24 of the Fair Housing Council?

25 MR. BISGAIER: That's right.

1 MR. SIROTA: Documents of that like?

2 MR. BISGAIER: Yes.

3 MR. SIROTA: As I understand it, the
4 Reporter will take that which is 200, the
5 bundle of documents which is 200 and give them
6 a number with subnumbers A, B, C, etc. for each
7 document?

8 MR. BISGAIER: That's correct.

9 MR. SIROTA: Now, with regard to the
10 Morris County N.A.A.C.P. -- I'm sorry. I'm
11 still on Fair Housing.

12 Does 200 also contain all the reports
13 and other documents of the Morris County Fair
14 Housing Council related to the subject matter
15 of the within litigation?

16 MR. BISGAIER: Yes, as far as I know.

17 MR. SIROTA: And that's the thing that
18 you are going to check on and advise me if the
19 contrary is the case within one week?

20 MR. BISGAIER: Right.

21 **OK**
22 MR. SIROTA: Did the Morris County Fair
23 Housing Council have any copies of the Land
24 Use Plans and Zoning Ordinances of the defend-
25 ant municipalities in this case?

MR. BISGAIER: Not to my knowledge.

1 MR. SIROTA: Did they have any other
2 writings, documents of any kind and, of course,
3 I use the meaning for those words described in
4 this Request to Produce relating to the
5 provisions of housing for persons of low and
6 moderate income in the defendant municipalities.

7 MR. BISGAIER: Not other than what has
8 been produced, to my knowledge.

9 MR. SIROTA: Okay. With respect to
10 paragraph 3, initially all constating documents
11 of the Morris County Branch of the National
12 Association for the Advancement of Colored
13 People, including the charter and by-laws. Do
14 you have a charter, a copy of the charter and
15 by-laws?

16 MR. BISGAIER: Yes, I have a copy of
17 the national charter which I believe is the
18 same as the branch charter. If that's not
19 correct, I will inform you within a week and
20 I have their 1975, 1976 and 1977 minutes and
21 records of the agency.

22 MR. SIROTA: That series of documents
23 is marked temporarily 201?

24 MR. BISGAIER: Correct.

25 MR. SIROTA: All right. The next demand

1 relates to all documents which the plaintiffs
2 would propose to introduce into evidence at
3 trial or make reference to or mark for identi-
4 fication at depositions of witnesses in this
5 matter.

6 MR. BISGAIER: Okay. We have not, as of
7 now, made any decisions with regard to the
8 introduction of documents. When such decisions
9 are made, we will inform counsel as to what
10 documents we would intend to introduce into
11 evidence.

12 MR. SIROTA: That would be substantially
13 prior to trial?

14 MR. BISGAIER: Certainly. I imagine it
15 will be prior to the final pretrial conference,
16 but it will be as soon as we ascertain it and
17 then we will inform you of that.

18 MR. SIROTA: Is it fair to say that list
19 of documents would contain no documents which
20 have not been produced today?

21 MR. BISGAIER: No. It's fair to assume
22 that, but it's not necessarily the case. For
23 example, there are, I imagine expert witnesses
24 that will produce charts and various graphics,
25 and if such is the case there will be documents

1 introduced into evidence in the broad interpreta-
2 tion of that.

3 MR. SIROTA: The next paragraph requests
4 all documents related to plaintiffs' demand
5 that any of the defendants processed and
6 approved all proposed developments and develop-
7 able areas for needed low and moderate income
8 housing which would be built at minimum standards
9 consistent with the protection of public health,
10 safety and the general welfare until such time
11 as the Court has adjudged that defendants have
12 taken necessary and advisable action to satisfy
13 their respective shares of the regional needs
14 for low and moderate income housing.

15 MR. BISGAIER: We have no documents to
16 produce in response to that request.

17 MR. SIROTA: Next paragraph is all
18 correspondence to defendant municipalities by
19 the plaintiffs with respect to the subject
20 matter of the within litigation, whether sent
21 or received prior or subsequent to the commence-
22 ment of said litigation.

23 MR. BISGAIER: To my knowledge, other
24 than correspondence from counsel, no such
25 correspondence exists.

1 MR. SIROTA: And was the Fair Housing
2 Council and the N.A.A.C.P. advised of this
3 demand?

4 MR. BISGAIER: They have been asked by
5 me as to such matters and have not informed me
6 there is any specific documentation such as is
7 referred to in the demand. If you would like,
8 what I'll do is check that again to make sure
9 that it does not exist.

10 MR. SIROTA: With that same provision
11 that I'll assume if I don't hear word in one
12 week, that there are no such documents?

13 MR. BISGAIER: Right.

14 MR. SIROTA: All documents related to
15 plaintiffs allegation that defendants action
16 has precluded persons of low and moderate
17 income from securing needed housing in the
18 defendant municipalities and from sharing in
19 their growth and development.

20 MR. BISGAIER: That is an allegation
21 in the complaint which relates to ultimately
22 expert opinion which has already been given in
23 the form of expert reports and will be supple-
24 mented, if necessary.

25 MR. SIROTA: Any other documents with

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that allegation?

MR. BISGAIER: Any other documents that would support that allegation would have already been produced. I have nothing to add.

MR. SIROTA: All documents related to plaintiffs allegation that the defendant municipalities, through their Land Use Plans and Ordinances, have misused their delegated municipal authority and have created by design and effect upper class, predominantly white communities in Morris County.

MR. BISGAIER: I have nothing to add to what's already been produced with regard to that.

Off the record.

(There is a discussion off the record.)

MR. SIROTA: We are going to complete this on a date agreed to by Mr. Bisgaier and myself.

Mr. Bisgaier, I would like, for the record, to read the list of documents.

MR. BISGAIER: Let me do that and if I make a mistake, you can correct me. The status report of the sewerage bans. You want the date of the report.

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MR. SIROTA: A copy of the cover I think would do.

MR. BISGAIER: No, it won't. That was the problem. I'm supposed to ascertain to find the exact date when it was produced.

MR. SIROTA: I think you are also to find out if it was superceded.

MR. BISGAIER: I will check that, too. The Chester flood insurance map, New Jersey Statutes we believe may be relevant to housing production, any mobile home reports not to be produced by Mr. Haeckel which is in our possession, August, '74 housing work program submission by the Morris County Planning Board to the Department of Housing and Urban Development, first year's application to HUD for the Block Grant Program, A-95 review comments, Housing in New Jersey, 1968, Cahill messages, a blueprint for housing and a 1972 New Horizons in Housing.

MR. SIROTA: Including but not limited to those.

MR. BISGAIER: Right. By-laws and certificate of incorporation.

MR. SIROTA: I didn't write down the

1 material with respect to the N.A.A.C.P., but
2 you were going to check into whether that
3 charter which you showed us was the charter of
4 the local branch and whether by-laws of the
5 N.A.A.C.P. --

6 MR. BISGAIER: There was some other
7 things which I was to inform you about within
8 a week or something like that.

9 MR. SIROTA: You advised that you spoke
10 to the N.A.A.C.P. and the Fair Housing Council
11 with respect to those requests contained or
12 certain of the requests contained on pages 5
13 and 6. It was my concern that they may have
14 additional documents relating to all the claims
15 and you advised, unless I heard from you in
16 writing to the contrary within one week, I can
17 assume they have no other documents.

18 MR. BISGAIER: Let's make that two weeks
19 to deal with mailing.

20 MR. SIROTA: I agree.

21 MR. BISGAIER: I'll let you know as soon
22 as I find out.

23 MR. SIROTA: Mr. Bisgaier and I have
24 agreed to adjourn this matter, that is, the
25 production of documents to a date in the very

1 near future which we will arrive at Wednesday.

2 MR. BISGAIER: Which is the 25th of
3 April.

4 Off the record.

5 (There is a discussion off the record.)

6
7 (May 9, 1979)

8 MR. SIROTA: Mr. Bisgaier, as you recall
9 we have done the first nine requests and I
10 understand that you brought with you some
11 additional documents that you would like to
12 mark in response to the first nine requests.

13 MR. BISGAIER: Right. Let's start from
14 the top here. The first thing that we had left
15 was the Status Report of Sewerage Bans. This
16 was a document that's already been marked. A
17 question arose as to the date of the document.
18 I was able to glean from the document itself
19 some of the final dates as indicated on that
20 document and you or Bob was asking for the
21 actual date of the document. I have not been
22 able to ascertain that. We would have to find
23 out from DEP.

24 MR. SIROTA: Which document is that, sir?

25 MR. BISGAIER: This is a status report

1 on sewerage bans. It's obviously a constantly
2 updated document. We got a document at some
3 point which would reflect on its face as to
4 when it was updated. It's very difficult to
5 ascertain now exactly as of when that particular
6 document was prepared. Those are constantly
7 updated documents, but in any event we will try
8 to find out from DEP either when that document
9 was prepared or if we get a more updated one,
10 we will have that substituted. The Chester
11 flood insurance map I have with me. That is
12 part of a package of other documents which I
13 had with me last time and maybe can be marked
14 now as one set, documents which involve various
15 flood insurance maps and flood insurance reports
16 and the like prepared by the Department of
17 Housing and Urban Development. It's a Federal
18 department. I have that here marked as 108.

19 MR. SIROTA: What specifically is that
20 packet known as, 108? Does that include a
21 flood map with respect to every municipality
22 in this lawsuit? Perhaps you can read off the
23 names.

24 MR. BISGAIER: Okay. This is Chester,
25 Mendham and Boonton. These are all the townships.

1 Hanover. There is a document here on how these
2 maps are to be read. This is the January 19,
3 1979 two page document which is entitled NFIP
4 Status, Morris County.

5 MR. SIROTA: What is that? Is that the
6 Federal flood insurance program?

7 MR. BISGAIER: Right.

8 MR. SIROTA: Does that document relate
9 to when the maps have been adopted by the
10 Federal government?

11 MR. BISGAIER: I'm afraid I can't
12 answer that. I just don't know. These were
13 matters that our environmental attorney in
14 our office has knowledge of. As far as I can
15 tell it speaks for itself to those who can
16 understand these. It indicates the status of
17 the flood plan insurance, whether it's an
18 emergency program, not an emergency program
19 and the like for every municipality in the
20 County and it also indicates, I guess, the
21 type of program. It is a check mark system.
22 Anything in that regard that you don't under-
23 stand, if you make a specific request, Keith
24 Osdorf would be able to answer it.

25 MR. SIROTA: He's an attorney?

1 MR. BISGAIER: Yes. I have the flood
2 hazard maps of the following municipalities;
3 Town of Boonton, Chatham, Borough of Chatham,
4 Denville, Dover, Florham Park, Harding, Jefferson,
5 Mine Hill, Montville, Town of Morris, Township
6 of Morris, Borough of Morris Plains, Town of
7 Morristown, Mount Arlington, Mount Olive,
8 Netcong, Par-Troy, Passaic, Randolph, Riverdale,
9 Rockaway Borough, Rockaway Township, Roxbury,
10 Washington and Wharton.

11 MR. SIROTA: All the foregoing maps and
12 the booklet and the charts are marked?

13 MR. BISGAIER: Are marked 108.

14 MR. SIROTA: Thank you. 108 is the
15 Public Advocate's marking system?

16 MR. BISGAIER: Right, for our files so
17 some day these may be returned.

18 I have not yet compiled the New Jersey
19 Statutes you requested. I'll get that to you
20 as soon as I can. Kenneth Meiser, who is an
21 attorney in our office who has any mobile home
22 reports, has informed me originally everything,
23 if not everything that we have has been given
24 to Alfred Ferguson and that in the course of
25 Bernard Haeckel's deposition he will produce

1 anything else that he might have, but he thinks
2 Alfred has everything.

3 MR. SIROTA: Mr. Ferguson has everything.
4 How were the documents supplied to Mr. Ferguson?

5 MR. BISGAIER: I believe they were hand
6 delivered to him.

7 MR. SIROTA: Recently?

8 MR. BISGAIER: Yes, within the last week
9 or two.

10 MR. SIROTA: What documents are they, do
11 you know?

12 MR. BISGAIER: No, I don't know. Kenneth
13 Meiser is handling all the mobile home matters
14 for our office.

15 MR. SIROTA: For the record, I'm still,
16 of course, concerned to see them. Mr. Ferguson
17 represents one municipality and I represent
18 another, but I will attempt to see whether I
19 can supply my needs with a discussion with
20 Mr. Ferguson.

21 MR. BISGAIER: Okay. The Housing Work
22 Program Submission by the Morris County Planning
23 Board I believe is contained in those documents.
24 They may have been already named prior to your
25 coming to the deposition last week. When we

1 get a look at the final list from the Steno-
2 grapher, I'll make sure that that is listed.
3 We were not able to find it in our office, so
4 the assumption is it must be in these documents.
5 We will have to get a copy.

6 The first year's application to HUD from
7 the Morris County Block Grant Development Office
8 is not in our possession. We have not been
9 able to find it. If we can, I will supply that.

10 I have a packet of A-95 comments that
11 we were able to find. Some of them are from
12 our office. One or two are from other offices.
13 I'll clip those somehow. That packet has been
14 already referred to, or has been marked number
15 202.

16 Now, gubernatorial messages that you
17 mentioned last time which are referred to by
18 us which the attorney who reviewed them and
19 prepared that aspect of the complaint informs
20 me those are not in our office and never were.
21 She went to the State law library in Trenton
22 and read them there and we do not have a copy
23 of those documents.

24 The certificate of incorporation of the
25 Morris County Fair Housing Council and two

1 other documents prepared by them which may be
2 deemed relevant to this case by someone, so I
3 produced them, have been enumerated 203.

4 MR. SIROTA: May I see those documents,
5 please.

6 MR. BISGAIER: Sure. We have asked
7 for but have not yet received the certificate
8 of incorporation of the Morris County Branch
9 of the N.A.A.C.P. and we will forward that
10 upon receipt.

11 MR. SIROTA: With respect to 203, if I
12 can backtrack a little.

13 MR. BISGAIER: Sure.

14 MR. SIROTA: It appears to me that that
15 number includes the certificate of incorporation
16 of the Morris County Fair Housing Council, a
17 Morris County Fair Housing Council Summary of
18 Contacts made by type, March 24, 1978 through
19 March 27, 1979. The second document with the
20 same heading is the foregoing, though a differ-
21 ent document, and a document captioned Morris
22 County Fair Housing Council CD Housing Council.
23 With respect to the last document, Mr. Bisgaier,
24 this document provides percentages by munici-
25 pality of contacts made. Is this intended to

1 refer to the fact that the contacts presently
2 reside in the community or that the persons
3 contacted wish to reside in the relevant
4 communities?

5 MR. BISGAIER: My assumption, I'm sure
6 it's accurate that those are contacts from
7 people living in the communities referred to.

8 MR. SIROTA: I note there is another
9 document attached to 203 and that's the Morris
10 County Fair Housing Council sources of income
11 sheet.

12 MR. BISGAIER: 204 is a document produced
13 by the National Committee Against Discrimination
14 in Housing entitled Jobs and Housing.

15 MR. SIROTA: That's dated March, 1972?

16 MR. BISGAIER: Right. 205 is a document
17 entitled a Survey of Social and Economic
18 Conditions in Morris County as they Affect the
19 Negro, August through September, 1956, prepared
20 by the Morris County Community Chest and Council
21 and the Morris County Urban League.

22 MR. SIROTA: Paul Cooper was the
23 Executive Director at the time?

24 MR. BISGAIER: Yes. Document 109 is a
25 copy of a petition that was filed before the

1 United States Environmental Protection Agency
2 in the matter of the petition of the City of
3 East Orange, New Jersey and the Passaic River
4 Coalition. The petition itself is an eight
5 page document dated 12/19/78 with a nine page
6 addendum which is attached to it.

7 MR. SIROTA: What does that relate to,
8 109, generally?

9 MR. BISGAIER: Again, this is something
10 that Keith Osdorf will be able to tell you in
11 greater detail. In order for me to answer that,
12 I would have to read it.

13 MR. SIROTA: I wouldn't want to put you
14 through that.

15 MR. BISGAIER: Okay. 111 is entitled
16 Facilities Plan, Final Report for the Washington
17 Township MUA as the lead agency in the Townships
18 of Mount Olive and Roxbury prepared by Lan
19 Associates, Incorporated, Hawthorne, New Jersey,
20 dated August 1, 1978. There is no way to
21 ascertain how many pages.

22 MR. SIROTA: Approximately two inches?

23 MR. BISGAIER: Approximately two inches.

24 MR. SIROTA: That's 109 and you went to

25 111?

1 MR. BISGAIER: 110 I believe has already
2 been marked. 112 is the Pequannock Watershed
3 Conservation and Development Plan called
4 Municipal Impact. This is the only part of
5 the document we have here, which is for
6 Jefferson Township, which are pages 32 through
7 38. Either we do not have the rest of the
8 document -- we do not have the rest of the
9 document and I don't know where you can obtain
10 a copy of the rest of it if you want.

11 Document 113 contains a compilation of
12 correspondence to or from the New Jersey
13 Department of Environmental Protection and is
14 bound by a rubber band. It has approximately
15 79 pages and essentially relating to various
16 sewerage treatment plans or facilities in
17 townships located in Morris County.

18 MR. SIROTA: I note Mendham Borough is
19 mentioned and there is also an application for
20 a conceptual approval for waster water disposal
21 system for proposed attached single family
22 development on Old Chester Gladstone Road in
23 Chester Township.

24 MR. BISGAIER: That I believe includes
25 all of the documents which we have produced.

1 If the Court Reporter should find some in
2 going through this that we have not, we will
3 go back on the record.

4 MR. SIROTA: By this you are referring
5 to several boxes that you brought with you
6 today?

7 MR. BISGAIER: Right. Now, there were
8 at various times, I indicated that we couldn't
9 find documents or the like throughout this
10 deposition, I guess this is. Once I receive
11 the deposition we will go through it again and
12 make another attempt to ascertain if we have
13 in our possession any other documents that
14 either were not named or I could not find and
15 I'll inform you of that as soon as that's done,
16 which should be relatively soon after we receive
17 the transcript.

18 MR. SIROTA: That would be in the form
19 of a letter to me advising as to whether, in
20 fact, the production has been complete?

21 MR. BISGAIER: Right.

22 MR. SIROTA: And presumably if it's not
23 complete, what documents are lacking, when and
24 how, you will supply them?

25 MR. BISGAIER: Right. Off the record.

1 (There is a discussion off the record.)

2 MR. BISGAIER: What we are going to do
3 is mark as the first exhibit when this is
4 officially marked by the Stenographer, the
5 actual Notice to Produce Documents and then
6 references will be made to that by the numerical
7 paragraph listing.

8 MR. SIROTA: In our former attempt to
9 produce documents we reached request number 9.
10 By including the Notice to Produce, rather
11 than read the rest commencing with 10, I'll
12 simply refer to 10 and ask Mr. Bisgaier what
13 he has produced with respect to that specific
14 number.

15 (Request to Produce is received and
16 marked P-1 for Identification.)

17 MR. SIROTA: All my questions relate
18 to P-1. The numbers relate to the numbers in
19 P-1.

20 With respect to number 10, what documents
21 have you produced?

22 MR. BISGAIER: Okay. I don't recall if
23 we got into this in the last day or not, so let
24 me just respond to that to some extent by
25 saying I don't know specifically which of

1 these documents, at the time we were evaluating
2 the preparation of the complaint, were relied
3 upon at any given time for the specific allega-
4 tions contained in the complaint. The way the
5 attorneys went about preparing the complaint
6 was to initially gather most of the information
7 that is contained in the answer to this ques-
8 tion for the production of documents. They
9 were read by various attorneys. The environ-
10 mental documents were read by environmental
11 attorneys and the like, and from that certain
12 knowledge was gleaned and a certain position
13 was taken regarding the various municipalities
14 that were sued. The complaint then was prepared
15 without specific regard to the documents referred
16 to in the sense that it was not prepared as a
17 brief might be prepared with legal citations
18 and the major documents that were relied upon
19 were then referred to in, I believe two or three
20 paragraphs of the complaint. I'm not sure, but
21 I believe it's 17, 19 and 20. In any event,
22 it would be easy to glean that from the face
23 of the complaint.

24 As to documents, as to how these docu-
25 ments will eventually be used by the plaintiffs,

1 again I cannot say that for a certainty. The
2 various plaintiffs experts may or may not be
3 relying on these documents and that can be
4 ascertained or has already been ascertained I
5 believe in the course of discovery. We have,
6 as attorneys, have not made a decision at this
7 time as to which, if any, of these documents
8 that we would attempt to have introduced into
9 evidence at the time of the trial. I think I
10 mentioned the last time as soon as those
11 determinations are made, we will inform the
12 defendants of all exhibits that we intend to
13 have introduced, as we expect the defendants to
14 inform us as to all exhibits they intend to
15 introduce. Other than to say these are docu-
16 ments that we have in our files which were
17 gathered by us in preparation for the complaint,
18 most of which were gathered for the preparation
19 of the complaint, some postdate the complaint
20 and which were relied upon for the development
21 of the general and specific knowledge in the
22 office regarding Morris County and the specific
23 municipalities, it would be actually impossible
24 to be able to say for any specific allegation
25 which particular document was relied upon simply

1 because that's not how the complaint was
2 prepared. It would be possible I suppose to
3 go through all the documents and glean from
4 them which relate to specific allegations
5 which could be said to contain facts which
6 support specific allegations. The plaintiffs
7 have not done that. Their attorneys have not
8 done that and that statement would essentially
9 hold for all of the remaining items in P-1 and
10 if I have not said so before, it would probably
11 hold for some of the prior items that we have
12 already discussed.

13 MR. SIROTA: Are there any documents
14 other than the ones you have produced today
15 which relate to the alleged misuse of the
16 delegated municipal authority by the municipi-
17 palities in their upper class, predominantly
18 white community?

19 MR. BISGAIER: The only other documents,
20 and those which have been produced here which
21 we have in our files or had in our files, since
22 some of them have now been updated by Answers
23 to Interrogatories, were the zoning ordinances
24 which were then in existence or then in effect
25 for all of the townships, at least in the sense

1 that they were the documents which were sent
2 to the Public Advocate's Office at our request
3 of the relevant municipal clerks. Other than
4 those documents, the only other things that
5 were reviewed, to the best of my recollection
6 at this time prior to filing the complaint,
7 were several other documents over at the
8 Department of Environmental Protection which
9 were read by an attorney in our office who, and
10 I believe those included some of the preliminary
11 work that was being done on the 201 and 208
12 planning and analysis that's being done by DEP
13 for Morris County.

14 MR. SIROTA: What is 201 and 208?

15 MR. BISGAIER: Those are Federal programs
16 which are in effect resulting in major water
17 sewerage facilities analysis in the State of
18 New Jersey for various reasons in the State.
19 The Morris County planning is being done by
20 the Department of Environmental Protection.
21 Some other counties, the county is doing the
22 planning or relevant local authority is doing
23 the planning, but for Morris County, DEP is
24 doing it. That document, the publication of
25 the document I believe is supposed to be eminent.

1 Other than that, review was made of documents
2 in the possession of the Morris County Planning
3 Board by myself on two different occasions
4 which mostly included various master plans and
5 zoning ordinances on file with the County and I
6 believe it was 1976 or 1977 aerials of the
7 County which were reviewed by an attorney in
8 the office, but I cannot tell you specifically
9 whether it was all of the aerials for the entire
10 County or just certain specific locations in
11 the County. In any event, those are the aerials
12 which are in the possession of the Morris County
13 Planning Board and which are at their office.
14 We do not have them. I think that would be the
15 totality of what was done prior to the filing
16 of the complaint.

17 MR. SIROTA: Was that your answer to
18 number 11?

19 MR. BISGAIER: Yes.

20 MR. SIROTA: With respect to number 12,
21 what specific documents --

22 MR. BISGAIER: I would have the same
23 answer to number 12.

24 To give you an example, number 12 talks
25 about plaintiffs allegations that Morris County
is a ring County of the New York Metropolitan

1 area. My own recollection is that virtually
2 all of the documents which we produced from
3 the Tri-State Regional Planning Commission,
4 the Regional Plan Association, many of the
5 documents produced from the Morris County
6 Planning Board such as the future land use
7 element adnauseam refer to the metropolitan
8 region including Morris County as part of that
9 region radiating out of New York City and refers
10 to the specific rings around the region. Most
11 if not all of the master plans that we have
12 reviewed likewise at one point or another refer
13 to that region and to the growth pattern out
14 of the region into Morris County as the major
15 stimulating factor, if not the only stimulating
16 factor for development which is taking place
17 in the County in the last decade or two, but
18 as to which specifically we used to formulate
19 that conclusion, I would be unable -- first of
20 all, I don't recollect.

21 MR. SIROTA: I'm not only asking what
22 documents you actually used to formulate that
23 conclusion, but which documents relate to this
24 claim in fact.

25 MR. BISGAIER: Well, in fact I have not

1 reviewed them for the most part since filing
2 the complaint in order to catalog them as you
3 listed the request for production of documents.
4 I would only do that if I was intending to
5 introduce them into evidence or use them for
6 evidenciary purposes at the time of trial and
7 I'm not at the point of making that kind of
8 determination.

9 MR. SIROTA: Just to reiterate, at the
10 last day which we produced documents, you
11 advised that you were the agent for all three
12 plaintiffs?

13 MR. BISGAIER: Yes.

14 MR. SIROTA: Even though you are also
15 the attorney, you are the agent for producing
16 these documents?

17 MR. BISGAIER: Yes, that's right.

18 MR. SIROTA: With respect to 13?

19 MR. BISGAIER: I would have the same
20 answer.

21 MR. SIROTA: With respect to 14?

22 MR. BISGAIER: Same answer.

23 MR. SIROTA: And again with respect to
24 each of these numbers, when you say you have
25 the same answer, I assume that means there are

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no documents other than the ones you have mentioned which relate to this?

MR. BISGAIER: Yes.

MR. SIROTA: Mentioned or brought today?

MR. BISGAIER: Right.

MR. SIROTA: With respect to 15?

MR. BISGAIER: I would have the same answer.

MR. SIROTA: With respect to 16?

MR. BISGAIER: Same answer. There, quite frankly we would have been relying on the land use plans and ordinances.

MR. SIROTA: With respect to 17?

MR. BISGAIER: At the time of filing the complaint that allegation would have been limited to the ordinances, assessment of whether industrial, commercial properties were permitted uses or special exceptions.

MR. SIROTA: Well, this request doesn't relate to just the time of the filing of the complaint, but as of the present, would you amend that with notice?

MR. BISGAIER: No, not at this time I would not amend that. I'm giving you my best knowledge at this time of what we are relying

1 upon. We have not thoroughly reviewed what
2 we have received in Answers to Interrogatories.
3 Some information may come from that which would
4 support or detract from this allegation, but
5 that assessment hasn't been done by us yet.

6 MR. SIROTA: Do you understand that
7 the Request to Produce is a continuing demand
8 and if other documents come into your posses-
9 sion that fall within the ambit of the Request
10 to Produce that you are obligated or you will
11 advise us.

12 MR. BISGAIER: I will, regardless of
13 whether I'm obligated to.

14 MR. SIROTA: With respect to 18?

15 MR. BISGAIER: Same answer.

16 MR. SIROTA: With respect to 19?

17 MR. BISGAIER: Same answer.

18 MR. SIROTA: Your office has done no
19 surveys other than those produced with respect
20 to Housing Opportunities for Low and Moderate
21 Income Persons?

22 MR. BISGAIER: That's correct.

23 MR. SIROTA: With respect to 20?

24 MR. BISGAIER: The same answer.

25 MR. SIROTA: With respect to 21?

1 MR. BISGAIER: Same answer.

2 MR. SIROTA: With respect to 22?

3 MR. BISGAIER: Same answer.

4 MR. SIROTA: Any particular documents
5 that suggest that defendants have knowledge
6 that they are patently unconstitutional and
7 illegal?

8 MR. BISGAIER: The knowledge referred
9 to there, as of this time does not refer to any
10 specific statements being made by public
11 officials, but would relate to the existence
12 of public documents which have contained this
13 information which has either been produced or
14 referred to.

15 MR. SIROTA: With respect to 23?

16 MR. BISGAIER: Well, again, I have not
17 produced the Mount Laurel decision or the
18 Madison Township decision. What this does refer
19 to would be the law as we glean it in the State
20 of New Jersey from those decisions and the Land
21 Use Law and the like.

22 MR. SIROTA: With respect to 24?

23 MR. BISGAIER: Well, that quite frankly
24 relates to the Mount Laurel decision. The date
25 1975 relates to that opinion.

1 MR. SIROTA: Thank you, Mr. Bisgaier.

2 (Northeast New Jersey Water Quality
3 Management Plan is received and marked P-2
4 for Identification.

5 Bureau of Geology effective June 1, 1978,
6 is received and marked P-3 for Identification.

7 Master Sewerage Plan (hard bound cover)
8 is received and marked P-4 for Identification.

9 Sewerage Status Report is received and
10 marked P-5 for Identification.

11 Technical Design Report Requirements
12 dated July 7, 1972, is received and marked P-6
13 for Identification.

14 Project Report Requirements dated July
15 7, 1972, is received and marked P-7 for Identi-
16 fication.

17 17 pages of Monthly Reports of DEP,
18 September '78 through February '79, is received
19 and marked P-8 for Identification.

20 Guidelines for the Design of Land
21 Disposal Facilities is received and marked P-9
22 for Identification.

23 Construction Approval for Sewerage Plant
24 in Rockaway Township is received and marked
25 P-10 for Identification.

1 Report on Operation and Maintenance of
2 Waste Water Treatment Plant dated July 5, 1978,
3 is received and marked P-11 for Identification.

4 Summary Report, New Jersey State Airport
5 System Plan dated 1975, is received and marked
6 P-12 for Identification.

7 New Jersey State Rail Plan dated
8 December 9, 1975, is received and marked P-13A
9 for Identification.

10 New Jersey State Rail Plan dated August
11 1, 1976, is received and marked P-13B for
12 Identification.

13 New Jersey State Rail Plan dated
14 February 15, 1978, is received and marked P-13C
15 for Identification.

16 New Jersey State Rail Plan dated
17 October 15, 1978, is received and marked P-13D
18 for Identification.

19 Per Capita Money Income for New Jersey
20 dated May 17, 1978, is received and marked
21 P-14 for Identification.

22 Annual Summary of Residential Construction
23 for 1970 is received and marked P-15A for
24 Identification.

25 Annual Summary of Residential Construc-

1 tion for 1971 is received and marked P-15B
2 for Identification.

3 Annual Summary of Residential Construc-
4 tion for 1972 is received and marked P-15C for
5 Identification.

6 Annual Summary of Residential Construc-
7 tion for 1973 is received and marked P-15D for
8 Identification.

9 Annual Summary of Residential Construc-
10 tion for 1974 is received and marked P-15E for
11 Identification.

12 Annual Summary of Residential Construc-
13 tion for 1975 is received and marked P-15F for
14 Identification.

15 Annual Summary of Residential Construc-
16 tion for 1976 is received and marked P-15G for
17 Identification.

18 Annual Summary of Residential Construc-
19 tion for 1977 is received and marked P-15H for
20 Identification.

21 Computer Printout of Home Mortgage
22 Disclosure dated June 27, 1978, is received
23 and marked P-16 for Identification.

24 New Jersey Interim Population Projections
25 1980-2000 dated June, 1978, is received and

1 marked P-17 for Identification.

2 Population Estimates for New Jersey
3 dated July 1, 1976, is received and marked
4 P-18 for Identification.

5 Income in New Jersey Report dated
6 August 1, 1973, is received and marked P-19A
7 for Identification.

8 Municipality Supplement to Income Report
9 dated December 5, 1973, is received and marked
10 P-19B for Identification.

11 County Data Summary dated 1977 is
12 received and marked P-19C for Identification.

13 Personal Income for New Jersey Counties
14 dated February 1978, is received and marked
15 P-19D for Identification.

16 Per Capita Money Income for New Jersey -
17 February, 1978, is received and marked P-19E
18 for Identification.

19 Housing Allocation Report for New Jersey
20 - May, 1978, is received and marked P-20 for
21 Identification.

22 Housing Allocation Plan for New Jersey -
23 Preliminary Draft - 11/76, is received and
24 marked P-21 for Identification.

25 Draft Report - New Jersey's Present

1 Housing Needs, is received and marked P-22 for
2 Identification.

3 Draft Report - New Jersey's Present
4 Housing Needs, is received and marked P-23 for
5 Identification.

6 Draft Report, New Jersey's Fair Share
7 Housing Allocation is received and marked P-24
8 for Identification.

9 Draft Report, Housing Allocation Regions
10 is received and marked P-25 for Identification.

11 Analysis of Low and Moderate Income
12 Housing Need in New Jersey is received and
13 marked P-26 for Identification.

14 The Housing Crisis in New Jersey - 1970
15 is received and marked P-27 for Identification.

16 State of New Jersey Housing Element -
17 June 30, 1977, is received and marked P-28 for
18 Identification.

19 State Housing Programs and Policies -
20 New Jersey's Housing Element - 1977, is
21 received and marked P-29 for Identification.

22 New Jersey Directory of Subsidized
23 Rental Housing - January, 1978, is received
24 and marked P-30 for Identification.

25 New Jersey Population Report - July, 1972,

1 is received and marked P-31 for Identification.

2 Land Use Regulation, The Residential
3 Land Supply - April, 1972, is received and
4 marked P-32 for Identification.

5 New Jersey Municipal Profiles, January,
6 1972, is received and marked P-33 for Identi-
7 fication.

8 New Jersey County and Municipal Worksheets,
9 January, 1976, is received and marked P-34 for
10 Identification.

11 Housing Needs and Opportunities in New
12 Jersey Cities, dated December 26, 1978, is
13 received and marked P-35 for Identification.

14 Initial Housing Element - September 1969,
15 is received and amrked P-36 for Identification.

16 Morris County Master Plan - Future Land
17 Use Element is received and marked P-37 for
18 Identification.

19 Morris County Supplemental Report on
20 Sanitary Sewerage is received and marked P-38
21 for Identification.

22 Morris County Supplemental Report on
23 Sanitary Sewerage is received and marked P-38A
24 for Identification.

25 Morris County Master Plan on Sanitary

1 Sewerage is received and marked P-39 for
2 Identification.

3 Morris County Transportation Study
4 Interim Report - May, 1970, is received and
5 marked P-40 for Identification.

6 Transportation Annual Report - 1976, is
7 received and marked P-41 for Identification.

8 Morris County Government- Its Structures
9 and Services, is received and marked P-42 for
10 Identification.

11 Highlights of Morris County Government-
12 1978, is received and marked P-43 for Identi-
13 fication.

14 Impacts of a Jet Airport in Morris County
15 is received and marked P-44 for Identification.

16 Morris County Master Plan - Water Supply
17 Element, is received and marked P-45 for
18 Identification.

19 Transportation Plan - Morris County, is
20 received and marked P-46 for Identification.

21 HE Morris County Master Plan - Historic
22 Presentation Element, is received and marked
23 P-47 for Identification.

24 Morris County Master Plan - Open Space
25 Element is received and marked P-48 for

1 Identification.

2 Population and Housing - 1970 Census
3 is received and marked P-49 for Identification.

4 The Future of Morris County - July, 1978,
5 is received and marked P-50 for Identification.

6 The Second Regional Plan - November,
7 1968, is received and marked P-51 for Identi-
8 fication.

9 State of the Region - 1977, is received
10 and marked P-52 for Identification.

11 Housing Segregation with maps - June,
12 1978, is received and marked P-53 for Identi-
13 fication.

14 Regional Perspectives - The Regional
15 Economy, September, 1978, is received and
16 marked P-54 for Identification.

17 People and Jobs, A Forecast of Population,
18 is received and marked P-55 for Identification.

19 Port Authority of New York and New Jersey
20 Annual Report - 1977, is received and marked
21 P-56 for Identification.

22 Regional Perspectives, The Regional
23 Economy, February, 1978, is received and marked
24 P-57 for Identification.

25 Summary of Municipal Needs - October 16,

1 1978, is received and marked P-58 for
2 Identification.

3 Application for Federal Assistance -
4 4th Year, is received and marked P-59 for
5 Identification.

6 Amendatory Application for Program Year
7 3 - 1977-1978, is received and marked P-60
8 for Identification.

9 Summary - 1977 Community Development
10 Activities, is received and marked P-61 for
11 Identification.

12 Background on the Morris County Community
13 Development Program dated January 29, 1976, is
14 received and marked P-62 for Identification.

15 Application for Federal Assistance - 2nd
16 Year Program, is received and marked P-63 for
17 Identification.

18 Amendatory Application for Program Year
19 3, Revised 11-'77, is received and marked P-64
20 for Identification.

21 Application for Federal Assistance -
22 3rd Year - Revised 6-'77, is received and
23 marked P-65 for Identification.

24 Preapplication Housing for the Elderly -
25 June 9, 1977, is received and marked P-66 for

1 Identification.

2 Summary - Housing and Transportation
3 Survey - 10/6/70 is received and marked P-67
4 for Identification.

5 County of Morris Community Profile, is
6 received and marked P-68 for Identification.

7 Living in Morris County (Series of
8 Profiles) is received and marked P-69 for
9 Identification.

10 Vacant Parcels Report by Mr. Lynch, is
11 received and marked P-70 for Identification.

12 Public Transportation Guide to Morris
13 County, is received and marked P-71 for
14 Identification.

15 Morris County Fair Housing Council By-
16 Laws dated October 25, 1977, is received and
17 marked P-72 for Identification.

18 Executive Director's Report to the Board
19 for January, 1979, is received and marked
20 P-72A for Identification.

21 Executive Director's Report to the Board
22 for February, 1979, is received and marked
23 P-72B for Identification.

24 Executive Director's Report to the Board
25 for March, 1979, is received and marked P-72C

1 for Identification.

2 Executive Director's Report to the Board
3 for January, 1978, is received and marked
4 P-72D for Identification.

5 Executive Director's Report to the Board
6 for February, 1978, is received and marked
7 P-72E for Identification.

8 Executive Director's Report to the Board
9 for March, 1978, is received and marked P-72F
10 for Identification.

11 Executive Director's Report to the Board
12 for April, 1978, is received and marked P-72G
13 for Identification.

14 Executive Director's Report to the Board
15 for May, 1978, is received and marked P-72H
16 for Identification.

17 Executive Director's Report to the Board
18 for June, 1978, is received and marked P-72I
19 for Identification.

20 Executive Director's Report to the Board
21 for July, 1978, is received and marked P-72J
22 for Identification.

23 Executive Director's Report to the Board
24 for August, 1978, is received and marked P-72K
25 for Identification.

1 Executive Director's Report to the Board
2 for October, 1978, is received and marked P-72L
3 for Identification

4 Executive Director's Report to the Board
5 for November, 1978, is received and marked
6 P-72M for Identification.

7 Executive Director's Report to the Board
8 for December, 1978, is received and marked
9 P-72N for Identification.

10 Fair Housing Action - Coalition for
11 an Equitable Region, is received and marked
12 P-720 for Identification.

13 Executive Director's Report to the Board
14 for August, 1977, is received and marked
15 P-73 for Identification.

16 Executive Director's Report to the Board
17 for October 28, 1977, is received and marked
18 P-73A for Identification.

19 Executive Director's Report to the Board
20 for November, 1977, is received and marked
21 P-73B for Identification.

22 Executive Director's Report to the Board
23 for December 28, 1977, is received and marked
24 P-73C for Identification.

25 Housing Aide's Reports, January, 1978,

1 March, 1978, April, 1978, May, 1978, June,
2 1978, September, 1978, October, 1978, November,
3 1978 and December, 1978 are received and marked
4 P-74 for Identification.

5 Housing Aide's Reports, September, 1977,
6 October, 1977, November, 1977, December, 1977
7 are received and marked P-75 for Identification.

8 Housing Aide's Report for March, 1979,
9 is received and marked P-76 for Identification.

10 Housing Counselor's Report for September,
11 1977, October, 1977, November, 1977 and December,
12 1977 are received and marked P-77 for Identifi-
13 cation.

14 Housing Counselor's Report for January,
15 1978, March, 1978, April, 1978, May, 1978,
16 June, 1978, July, 1978, August, 1978, September,
17 1978, November, 1978 and December 1978 are
18 received and marked P-78 for Identification.

19 Housing Counselor's Report for January,
20 1979, February, 1979 and March, 1979 are
21 received and marked P-79 for Identification.

22 Monthly Statistical Reports - 15 pages,
23 is received and marked P-80 for Identification.

24 Services Performed Records - 10 pages
25 and Monthly Statistical Report - 2 pages are

1 received and marked P-81 for Identification.

2 1978 Progress Report is received and
3 marked P-82 for Identification.

4 Executive Board Minutes of Morris County
5 Fair Housing Council 13 Agendas is received and
6 marked P-83 for Identification.

7 Morris County Fair Housing Council
8 Service - 6 pages is received and marked P-84
9 for Identification.

10 Annual Report of Morris County Fair
11 Housing Council - October 1, 1976 - September
12 30, 1977 is received and marked P-85 for
13 Identification.

14 Annual Report of Morris County Fair
15 Housing Council 1975 - '76 is received and
16 marked P-86 for Identification.

17 Annual Report of Morris County Fair
18 Housing Council 1973 - '74 is received and
19 marked P-87 for Identification.

20 Morris County N.A.A.C.P. Report -
21 November 19, 1978 is received and marked P-88
22 for Identification.

23 Upper Raritan Watershed Association -
24 October 13, 1978, is received and marked P-89
25 for Identification.

1 Pequanock Watershed Conservation and
2 Development Plan is received and marked P-90
3 for Identification.

4 Facilities Plan - Final Report - August,
5 '78, is received and marked P-91 for Identi-
6 fication.

7 Petition is received and marked P-92
8 for Identification.

9 Survey of Social and Economic Conditions
10 in Morris County as they Affect the Negro -
11 1956 is received and marked P-93 for Identi-
12 fication.

13 Final Summary Report on the Housing
14 Component - 1972 is received and marked P-94
15 for Identification.

16 Certificate of Incorporation of the Morris
17 County Fair Housing Council is received and
18 marked P-95 for Identification.

19 Coalition for a Equitable Region - 2/7/
20 77, is received and marked P-96 for Identi-
21 fication.

22 Flood Hazard Maps and NFIP Status Reports
23 are received and marked P-97 for Identification.

24 Outdoor Recreation in a Crowded Region
25 - 9/69 is received and marked P-98 for

1 Identification.

2 Managing the Natural Environment - 3/70
3 is received and marked P-99 for Identification.

4 Maintaining Mobility - 9/76 is received
5 and marked P-100 for Identification.

6 Annual Report 1976-77 is received and
7 marked P-101 for Identification.

8 Metromonitor Report, July, 1978, is
9 received and marked P-102 for Identification.

10 Residential Building Trends - 10/75 is
11 received and marked P-103 for Identification.

12 The Public Looks at Regional Issues -
13 5/76 is received and marked P-104 for Identifi-
14 cation.

15 County Travel Patterns - 9/76 is
16 received and marked P-105 for Identification.

17 Interim Technical Report 1203 - 10/77,
18 is received and marked P-106 for Identification.

19 Interim Technical Report 1210 - 2/78,
20 is received and marked P-107 for Identification.

21 Quarterly Report - April 21, 1978, is
22 received and marked P-108 for Identification.

23 Regional Development Guide -1977-2000,
24 is received and marked P-109 for Identification.

25 People, Dwellings & Neighborhoods -

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March, 1978, is received and marked P-110 for Identification.

Morris County N.A.A.C.P. Report - October 15, 1976, is received and marked P-111 for Identification.

N.A.A.C.P. Record - '75, '76 and '77 is received and marked P-112 for Identification.

Constitution of the National Association for the Advancement of Colored People - 1976, is received and marked P-113 for Identification.

Executive Order #46 is received and marked P-114 for Identification.

Morris County Urban League Voice, 1963, is received and marked P-115 for Identification.

Foreign Trade Zone Presentation by Wakeland Industrial Park is received and marked P-116 for Identification.

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PENGAD CO., BAYONNE, N.J. 07002 - FORM 2046

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MORRIS COUNTY
DOCKET NO. L-6001-78 P.W.

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MORRIS COUNTY FAIR HOUSING COUNCIL, :
et als, :

Plaintiffs, :

-vs-

: CERTIFICATE

BOONTON TOWNSHIP, et als, :

Defendants. :

I, VICTOR SELVAGGI, JR., a Notary Public and
Certified Shorthand Reporter of the State of New
Jersey, certify that the foregoing is a true and
accurate transcript of my stenographic notes taken
of the above captioned matter on Wednesday, May 9,
1979 and on Monday, April 23, 1979.

Victor Selvaggi, Jr.

Certified Shorthand Reporter

Dated: 5/11/79

PENGAD CO., BAYONNE, N.J. 07602 FORM 3046