

AD - Association of Bedminster Citizens

Sept. 5, 1973

v.

Bedminster

Depositions upon oral Examination of E.A. Haller, J. Lorillard,
Fredrick Field and Thomas Hauk (Transcript)

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ASSOCIATION OF BEDMINSTER CITIZENS, a
corporation of New Jersey,

Plaintiffs,

-vs-

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
BEDMINSTER, THE PLANNING BOARD OF THE
TOWNSHIP OF BEDMINSTER, and THE TOWNSHIP
OF BEDMINSTER, a Municipal corporation,

Defendants.

DEPOSITIONS UPON
ORAL EXAMINATION
OF
E.A. HALLER
S. LORILLARD
FREDERICK FIELD
THOMAS VAVREK

Recorded Bk.

TRANSCRIPT OF DEPOSITIONS, taken by and before
RICHARD C. GUINTA, Notary Public and Certified Shorthand
Reporter of the State of New Jersey, at the Bedminster
Municipal Building, Bedminster, New Jersey, on Wednesday,
September 5, 1973, commencing at 10:05 a.m.

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

STRONG, STRONG & GAVARNY, ESQUIRES
By: John VR. Strong, Esquire
Attorneys for Plaintiffs

MC CARTER & ENGLISH, ESQUIRES
By: Nicholas Conover English, Esquire
Attorneys for Township Committee and
Bedminster Township

EDWARD D. BOWLBY, ESQUIRE
Attorney for Defendant Planning Board
(Not appearing)

NOV 7 9 06 AM 1973
SUPERIOR COURT
LAW DIVISION

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I N D E X T O W I T N E S S E S

WITNESS DIRECT CROSS REDIRECT

ELLIOTT HALLER

By Mr. Strong 2
By Mr. English 50
By Mr. Strong 52

SCREVEN LORILLARD

By Mr. Strong 53

FREDERICK FIELD

By Mr. Strong 91

THOMAS VAVREK

By Mr. Strong 122

1 E L L I O T T A. H A L L E R, sworn.

2 DIRECT EXAMINATION BY MR. STRONG:

3 Q Mr. Haller, where do you reside?

4 A Lamington Road, Bedminster.

5 Q How long have you been a resident of Bedminster
6 Township?

7 A Ten years.

8 Q What is your occupation?

9 A President of the Haller Testing Laboratory.

10 Q They are located where?

11 A My headquarters are in New York City. We
12 have a facility in Plainfield.

13 Q Just briefly, the nature of that type of company,
14 what is it?

15 A Essentially, civil engineering, involving testing
16 and inspection of materials of construction.

17 In addition, I'm a partner in a consulting
18 firm that does foundation design and engineering,
19 foundation test borings, supervise construction and
20 materials used in construction.

21 Q Do you hold an office in Bedminster?

22 A Yes, I do.

23 Q What is that?

24 A I'm a member of the Planning Board.

25 Q How long have you been?

Haller - direct

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A Three years, approximately. I don't remember the date.

Q Do you now or have you previously held any other office in Bedminster?

A No. Not public office.

Q Were you a member of the Planning Board when an application was first made or presented by AT&T Long Lines?

A Yes, I was.

Q Do you recall when that was made?

A Not precisely, but I can probably confirm a date, if you have one.

Q I don't myself.

A Then I'd have to search my records, which I have. Would you like me to give you the specific date?

Q Yes, if you don't mind.

A It was in May 1972, to the best of my recollection.

Q Are the records you're referring to personal records or are they township --

A No, minutes of meetings, copies of --

Q These are copies of minutes given to each member of the Planning Board?

A Yes, and also from Jeffers and Dillon, pertaining to AT&T request, and I have a letter of May 19 which

1 they describe the property and what their intentions
2 and requests are.

3 Q That firm are the attorneys for AT&T Long
4 Lines Division?

5 A Yes.

6 Q Did the first contact by AT&T or its representatives
7 with the Planning Board come through a letter or a
8 personal visit at a meeting by one of their representatives?

9 A I don't really recall. I'm not really sure.

10 Q Now, prior to the May 1972 communication you
11 referred to, did you know that the company had opened
12 an office in Bedminster? I'll withdraw that and I
13 should prefer as the question, Mr. Haller, with this.

14 It has been stated in previous testimony that
15 an office was opened by AT&T representatives approximately
16 late fall 1971, and as near as you can recall, is
17 that correct, or were you not aware of it?

18 A I was aware that they had opened an office,
19 because they had sent notices and it had been fairly
20 well publicized and I visited their office prior to
21 the submission of any formal application.

22 Q They had displayed in their office as to their
23 plans and construction?

24 A They were, in effect, trying to test the sentiment
25 of the people in the area and gave the people an opportunity

1 to express whether they were for or against their plans,
2 and I went.

3 Q After the letter was received in May 1972, what
4 was the procedure or what steps were taken by the Planning
5 Board?

6 A There was a meeting in which the total concept
7 was submitted. My recollection is that there was a
8 meeting prior to their presentation.

9 Then there was a full-dress meeting of the
10 Planning Board, together with AT&T personnel and
11 experts who presented their plan in depth, insofar as
12 what they proposed, what the effects would be, environment,
13 traffic and everything else.

14 Q Was there an executive meeting before -- with
15 their representatives? By executive meeting, I mean
16 closed or private meeting.

17 A I think, my recollection is that there was a
18 meeting -- I'm trying to think. You know, this --

19 Q I realize this is going back.

20 A It's crossed with Alan Dean, and my recollection,
21 because there was an overlapping of things that were
22 happening in both instances, and I don't remember,
23 really, any specifics of an executive meeting with AT&T
24 personnel.

25 I don't recall specifically and I don't know if

1 I give you a date.

2 Q When was the first meeting with their representatives
3 at the May 27 letter, regular meeting?

4 A I wasn't present at any further meeting with
5 representatives. I disqualified myself from the
6 fairly early in its inception, because -- or at
7 I offered to disqualify myself.

8 I disclosed a possible conflict of interest
9 AT&T had no objections to my continuing on the
10 Planning Board, but Mr. Bowlby, our counsel, gave an
11 opinion that I should be disqualified from any further
12 activity in connection with AT&T.

13 So --

14 Q From that point on --

15 A From that point on, my knowledge of what
16 transpired with the Planning Board and AT&T was nil,
17 not factual.

18 Q Were you sitting in on meetings where the
19 application of AT&T was discussed, even though you
20 were not voting?

21 A Yes. Well, prior to disqualifying myself there
22 was a full meeting of the Planning Board in connection
23 with AT&T, executive session.

24 Q And after the disqualification, your disqualifying
25 yourself, did you attend meetings, even though you were

1 no longer going to participate as a voting member of
2 the board?

3 A Yes, I did. I was present during some meetings,
4 and other meetings I was requested not to be present,
5 but at the outset, I was present during certain meetings
6 where AT&T was discussed by the Planning Board.

7 Q And the request that you not attend, from whom
8 did that request or those requests come?

9 A Mr. English.

10 Q The mayor?

11 A Mr. English, or his representative.

12 MR. ENGLISH: Can we correct the
13 record? I think you're referring to a
14 meeting where my associate, Mr. Kennedy,
15 was present.

16 THE WITNESS: Your firm.

17 Your firm was the one who specifically
18 requested that I not be in the room during
19 the time that AT&T amendments, in particular,
20 were being discussed.

21 MR. ENGLISH: That was a meeting
22 of the Planning Board, I think, in early
23 April 1973. I will state on the record that
24 our firm are not and have not been counsel
25 to the Planning Board as a regular thing,

1 Mr. Bowlby is.

2 However, one of the matters presented
3 to the Planning Board in connection with
4 its consideration of the proposed new
5 Zoning Ordinance, and presented Mr. Bowlby
6 with a conflict of interest, and until
7 that matter was resolved, the Planning
8 Board asked McCarter & English to be
9 their legal advisers.

10 THE WITNESS: And prior to that,
11 Mr. Bowlby had requested that I not be
12 present during a meeting, because I
13 recall some of the discussion pertaining
14 to that.

15 Q Would that be in 1972, Mr. Haller, do you know,
16 when Mr. Bowlby requested that you not attend meetings?

17 A Yes, it would.

18 Q Do you remember the first occasion?

19 A It's hard --

20 Q As near as you can recall.

21 A I couldn't even pinpoint it.

22 Q The approximate number of times, do you recall that?

23 A I only recall the first instance, because that
24 was the instance of the greatest traumatic impact on me,
25 I got it off my chest, and from then on I was relatively
docile.

1 Q I will come back to that in a little while,
2 Mr. Haller.

3 First of all, leading up to that disqualification,
4 are you employed in any way by AT&T or the Long Lines
5 Division?

6 A Actually, at the present time, we're not employed
7 directly by AT&T, although we're paid by AT&T, there's
8 a construction management arrangement, I'm talking
9 about the Basking Ridge facilities.

10 Q There is a big AT&T facility in Basking Ridge.

11 A That's correct. And we're involved in that, in
12 the inception of that facility, soils, bituminous paving
13 materials, et cetera.

14 We have done work directly for Long Lines Division
15 of AT&T in various parts of the country.

16 Q This is in the past?

17 A We do work directly for New Jersey Bell Telephone
18 Company, New York Bell Telephone Company, New England
19 facilities, so I would say that we do have direct contact
20 with, or contracts, I should say, with AT&T, or their --

21 Q Subsidiaries?

22 A Subsidiary corporations.

23 Q Did you have an alternate on the Planning Board?

24 A Yes, I did.

25 Q Who was the alternate?

1 A Well, there were various alternates that could
2 take my place.

3 Bob Graff, Tom Vavrek, originally, when he was
4 an alternate and not a regular member of the Planning
5 Board, Mrs. King.

6 Q My interest is to know whether there's a
7 specific alternate for a particular Planning Board
8 member, and if so, who the particular person was who
9 was your alternate.

10 A There isn't a specific man for man alternate.
11 An alternate is one in various categories. My category
12 is member, Class 3, which would be from the public at
13 large. So an alternate from the public at large can
14 replace me at given meetings when I'm not present.

15 Q Do you know who did take your place as an alternate
16 when you didn't attend meetings?

17 A I think that it was Mr. Vavrek, but there were
18 times when it could have been Mrs. King, there were
19 other times when it was Mr. Graff.

20 At the inception it was Mr. Vavrek.

21 Q Going back a moment, do you know -- I believe
22 there are seven members of the Planning Board, is that
23 correct?

24 A Yes.

25 Q And aside from Mayor Winkler and yourself, can you

1 state from your knowledge and based on your knowledge,
2 not just guessing, what the employment is of the other
3 five persons?

4 A Mr. Gavin is employed by New Jersey Bell Telephone
5 Company, Mr. Fales is an attorney, Mr. Graff is with
6 Arthur D. Little --

7 Q Excuse me. Arthur D. Little, what type company
8 is that?

9 A Arthur D. Little originally were involved in
10 chemical research and development. Now they're involved
11 in management and so many allied fields that I am not
12 sure of all of the fields they're involved in.

13 It's a well known, respected --

14 Q They are based in New York?

15 A No, they're based in Cambridge, Massachusetts.

16 Q Do you know if they had any connection with or
17 did any work for AT&T or the Long Lines Division?

18 A I have no knowledge of that, of their activities.
19 They are so far-flung, it's possible, but I couldn't
20 speculate on it.

21 Q And the others?

22 A Mr. Vavrek is with, I guess he's with Banker's
23 Trust Company, Mrs. King is a housewife, I suppose.
24 Colonel Field, I don't know what he does or what he
25 ever did do.

1 Q All right.

2 A Mr. Lorillard is a farmer.

3 Q Yes.

4 A Well, yes, by his definition.

5 Q The time, the first time that you were asked
6 to disqualify yourself, this request came from the
7 attorney, I believe you stated, Mr. Bowlby --

8 A It was Mr. Bowlby, yes, it was.

9 Q And it was based on your vocation, your company
10 doing work for AT&T in Basking Ridge, I believe you
11 stated.

12 And this first request, you're relating it to
13 the letter received in May of 1972. Do you know how
14 long after that letter, approximately?

15 A That I was asked to disqualify myself?

16 Q Yes.

17 A No, but I know it was shortly before the election.

18 Q This is the primary or the November election?

19 A Primary election.

20 Q At the time that the request was made, you
21 stated your opinions and views.

22 A Yes.

23 Q What were the views? They were made public to
24 the Planning Board at the time?

25 A Yes. My views in relation to --

1 Q To this application.

2 A AT&T?

3 Q That's right.

4 A I felt that it was contrary to, at least my
5 conception of planning and zoning for a community such
6 as Bedminster. I was opposed to it.

7 Q Did you give reasons or elaborate on this thought?

8 A My reasons were that a facility such as AT&T would
9 increase our population beyond the ability of our country
10 to absorb it and still retain the present atmosphere and
11 pace, and desirability, if you will, of an area that
12 wanted to keep itself from being suburban.

13 Q The Bedminster area is now characterized as
14 rural, is it not?

15 A Right.

16 Q Did you have an opinion as to whether that
17 character would change if this application were accepted?

18 A Yes, I did.

19 Q And it would change to what?

20 A No question in my mind that the population
21 increase that would be incidental to the development
22 of any major development would change the character of
23 this area to one of suburban atmosphere, similar to
24 any suburban town within a close proximity to New York
25 City.

1 Q The area in question that AT&T was interested
2 in having rezoned -- withdraw that.

3 AT&T was interested in a change of zoning of a
4 certain area, is this correct?

5 A Yes.

6 MR. STRONG: There's no question,
7 is it, Mr. English, it was 111 acres that
8 they wanted to have rezoned to office
9 research?

10 MR. ENGLISH: I think that's the
11 area.

12 I can't verify it.

13 Q Just stating factual background, I don't think
14 there's any question.

15 A I think we all know about the area.

16 Q Prior to this application by them to rezone, it
17 had been zoned to what?

18 A It had been zoned for five acre residential.

19 Q And do you know when this particular area had
20 been zoned into that?

21 A No, I don't. Prior to --

22 Q It was, I believe, sometime in 1970? Or don't
23 you recall? I may be wrong.

24 A My understanding is that it has always been in
25 a residential zone.

1 Q In any meetings that you attended of the Planning
2 Board, did you state your opinion as to projected
3 population increase when you related the area would be
4 changed from rural to suburban?

5 A Many times.

6 Q Did you state to what extent the population would
7 increase?

8 A Yes, I did.

9 Q And what was that, if anything?

10 A I quoted figures that were based on projections
11 by our own planning consultant, which was substantially
12 the basis for my own opinion as to population increase,
13 because he was the expert in this field, and presumably
14 could determine far more accurately than I could determine

15 Q This expert's name is?

16 A Mr. Agle. And Mr. Agle at one point expressed
17 an opinion that AT&T, together with Alan Dean, together
18 with other areas that were presently under contract or
19 option for research and office development, would result
20 in an ultimate population of 90,000 people.

21 He expressed the opinion that the population
22 increase due to AT&T would be approximately 9,000, 10,000
23 people.

24 Q Just AT&T alone.

25 A Without any of the other facilities.

1 Q The present population of Bedminster is
2 approximately what?

3 A 2,200, 2,500.

4 Q Did anyone else either support the projection
5 of a population increase or dispute that projection
6 you just referred to?

7 A Not that I recall, either way.

8 Q I'm referring to members of the Planning Board.

9 A At the original meeting where Mr. Agle made his
10 presentation and Mr. Bowlby supported his position,
11 there was no denial by any members of the Planning
12 Board of Mr. Agle's statement.

13 Q Mr. Agle's qualifications -- withdraw that.
14 What is Mr. Agle, specifically?

15 A He's an architect and town planner, licensed
16 under the laws of the State of New Jersey to practice
17 as a town planner.

18 Q He's a planning consultant?

19 He's a planning consultant.

20 Was there any suggestion before any vote was
21 taken, if you know, that a referendum of the township
22 possibly be taken to this application?

23 A Not at that stage, not at that early stage.

24 Q Was there at some other stage?

25 A Yes.

1 Q Can you relate when that was?

2 A I don't, really -- you're talking about suggestions
3 made from within the Planning Board rather than from
4 outside.

5 Q Yes.

6 A Because I know that you and others have suggested
7 this.

8 Q The population generally has suggested it, yes.

9 A I made the suggestion of a referendum and received
10 the same answer that you and others did, that it isn't
11 legally binding.

12 Q At what stage in the discussions?

13 A I don't really recall, but it was pretty far down
14 the road.

15 Q Would this be, then, oh, sometime in the summertime?

16 A It could have been. I'm not positive.

17 Q Did the Planning Board take any vote on the
18 suggestion, or what was done with the suggestion that
19 you made?

20 A I don't think there was any vote ever taken
21 on any of my suggestions, per se, because I was
22 speaking ex-officio.

23 I was not a member of the Planning Board --

24 Q This is because of the disqualification.

25 A Yes. But I was still a member of the Planning

1 Board and felt that I had a right to express an opinion.

2 But, I couldn't present a motion.

3 Q I presume from the fact that you were asked
4 to disqualify yourself, that you were not on any special
5 committee of the Planning Board to study AT&T.

6 A No, I wasn't.

7 Q Now, was there anything stated in the Planning
8 Board meetings that you attended as to the effect on
9 property values?

10 A At one meeting, Mr. Agle expressed an opinion,
11 and Mr. Bowlby expressed an opinion as to the effects
12 of property value.

13 Q And what was that opinion?

14 MR. ENGLISH: Excuse me. Was the
15 opinion the same? Because two people
16 gave opinions.

17 Q I'm sorry.

18 A They both were --

19 Q First of Mr. Agle.

20 A They both concurred that the day after an approval
21 was given to AT&T, and this opinion was expressed prior
22 to an affirmative action, that property values would
23 substantially increase.

24 Q Were any percentages of estimates made?

25 A Well --

1 Q Or just substantial.

2 A I think the statement, like, double the value
3 was thrown around, but I gathered that there would be
4 a substantial increase in property values if AT&T facility
5 was approved.

6 Q And what is your own opinion?

7 A My opinion right now is different than it was then.

8 At that point there was no question in my mind
9 that there would be a very substantial increase in
10 property values, because I felt that this area would
11 become suburbia, and I had come from an area that was
12 suburbia, and I saw land values, my own farm go from
13 \$2,500 an acre to \$20,000 an acre, so --

14 (Discussion off the record.)

15 (After discussion.)

16 A So I had been through this routine before,
17 where you opened the door, so to speak, and the area goes.

18 Having lived through two experiences where zoning
19 was not enforced, and moving in both instances, because
20 of what subsequently happened to the area, I probably
21 was more gun shy in this area than maybe others who
22 had lived in the area longer than I had, but who hadn't
23 experienced the same situation that I lived through.

24 Q Was this the opinion of both Mr. Agle and Mr. Bowlby?

25 A They both were of the opinion that property values

1 would substantially increase.

2 Q During the course of this application by AT&T
3 Long Lines to the Planning Board, and then, I believe,
4 to the Township Committee, were you aware that there
5 were signatures being obtained on petitions to
6 oppose AT&T?

7 A Yes, I was.

8 Q And were the members of the -- were the petitions,
9 rather, presented to the Planning Board?

10 A Yes.

11 Q What was the discussion about them, or the
12 reaction to those petitions?

13 A I heard no reaction whatever to the petitions.
14 The petitions were submitted and there was absolutely
15 no reaction from anyone of the Planning Board to the
16 petitions, either positively or negatively.

17 In my presence, at least.

18 Q And I believe you stated that although you were
19 disqualified from voting, that you attended -- did you
20 attend all but one meeting or did you attend --

21 A I attended a couple of meetings where the matter
22 was discussed, and initially I was advised that I could
23 sit at the meeting, but I couldn't enter into any
24 discussion or ask any questions, or in any way participate,
25 and then during subsequent meetings I was asked to leave

1 during the period when AT&T was under discussion.

2 Q Did you have an opinion as to the workability
3 of the Zoning Ordinance that existed prior to this
4 new one that's been adopted?

5 A Yes, I did.

6 Q And what was that opinion?

7 A I felt that we had an extremely good case to
8 support our Zoning Ordinance. It was under challenge
9 by Alan Dean, and our counsel felt we had an extremely
10 good case, when the question was brought up to our
11 Planning Board as to whether we should try and make
12 accommodation with Alan Dean or to fight their suit, and
13 we were unanimous in a decision to fight the Alan Dean
14 suit, because in the opinion of all of us on the Planning
15 Board, as well as our own counsel, we had a case, which
16 was subsequently confirmed by the attorneys that were
17 retained specifically to represent us in the Alan Dean
18 case, Mc Carter and English.

19 Q Incidentally, they're a very reputable firm.

20 A And my own opinion was very, very strong, to the
21 effect that any action on AT&T should be deferred until
22 the Alan Dean case had been resolved to a conclusion,
23 but that we would prejudice our position in the Alan
24 Dean case if the zoning were changed to accommodate AT&T,
25 because our position was strong in the enforcement of

1 our five acre zoning, because of the fact that we had
2 not attracted industry or any type of commercial
3 development, and therefore, would not be vulnerable to
4 the same court decision that affected Mahwah and Madison
5 Township, where industry was brought in and housing
6 was denied, but by denying industry or not allowing
7 industry, that we would have an extremely good case,
8 and in an extremely good position.

9 Q This was the opinion of the counsel and associate
10 counsel?

11 MR. ENGLISH: I object to this
12 witness stating the opinion of counsel.

13 He can state what he understood
14 it to be, but I think a distinction ought
15 to be observed.

16 MR. STRONG: Well, I believe he
17 did state that that was his opinion of the
18 attorney's opinion.

19 Q The application which you speak of, was to rezone
20 an area of 111 acres, and did this coincide, this application,
21 with a suit of Alan Dean Corporation?

22 A Yes, it did. The suit was underway when this
23 application was entered.

24 Q Do you know approximately when the Alan Dean suit
25 was brought? It's a matter of record, I'm sure, and

1 I don't know --

2 MR. ENGLISH: August 1971.

3 Q What was the opinion of the members of the
4 Planning Board to the suggestion that the AT&T
5 application be deferred, because it would put Bedminster
6 in a better position to defer the Alan Dean suit?

7 A Would you repeat that?

8 Q Yes.

9 What was the opinion of the Planning Board to
10 your suggestion the AT&T application be deferred,
11 pending the Alan Dean suit, because it would keep,
12 or would give Bedminster a better chance in defending
13 Alan Dean?

14 A There were some members on the Planning Board
15 who supported that opinion, and others who objected
16 to it.

17 Q Was there a vote taken on that? On your suggestion.

18 A There may not have been a vote taken on that
19 specific question, because it may not have gone to a
20 specific vote, but there was a vote taken on the question
21 of whether AT&T would be accepted.

22 Q Do you know what Planning Board members favored
23 the application of AT&T at this point that you're
24 speaking of and what members either would go along
25 with postponing it or were opposed to it?

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A Yes.

Q Can you state the names?

A Those who were in favor of it were Mr. Winkler,
Mr. Field, Mr. Vavrek.

Those who were opposed to it were Mr. Fales
and Mrs. King.

Q That is five members.

A Mr. Lorillard was in favor, Mr. Graff didn't
have a vote on the matter.

Mr. Smith was in favor.

Q So that those persons felt that they would rather
act upon the application of AT&T at this point, rather
than defer it until the disposition of the Alan Dean suit.

A Yes.

Q Did any of them give any expressions of reasons
or opinion as to why?

A No.

Q The application of AT&T Long Lines Division was
actually approved by the Planning Board?

A Yes, it was.

Q Was there a recommendation made to the Township
Committee?

A Yes.

Q And was that recommendation that the application
be granted?

1 MR. ENGLISH: Application for
2 rezoning?

3 Q I should ask you, what did they vote upon?

4 A They voted to rezone the area to research and
5 office.

6 Q When this application was being presented, was
7 there a projection given by any AT&T personnel or
8 representatives as to the number of employees that it
9 would have?

10 A Yes.

11 Q Do you remember what that projection was?

12 A About 2,500, my recollection, to 3,000.

13 Was there a projection on gradual increase in
14 employment?

15 A No.

16 Q When the Alan Dean suit was commenced, were you
17 a member of the Planning Board at the time?

18 A No, I wasn't.

19 Q And that was in the summer of 1971?

20 A Yes. I was an alternate member right at the
21 time the suit was initiated.

22 Q You were appointed a regular member sometime after
23 that.

24 A Yes.

25 Q And AT&T personnel -- Alan Dean personnel make an

1 application to the Planning Board, or appear on behalf
2 of the suit, or whatever?

3 A Appear in behalf of --

4 Q Of their suit. I'm trying to find out what
5 Alan Dean's representatives did with relation to
6 the Planning Board during the time you were a member
7 of the Planning Board.

8 MR. ENGLISH: You mean after he
9 became a full member?

10 Q No, actually when you were first as an alternate
11 and then as a member.

12 A They made various appearances to the town board,
13 or, I'm sorry, to the Planning Board, and subsequently --
14 for instance, in July of 1971, Alan Dean was represented
15 at the Planning Board, as well as other members-at-large
16 who commented on the Alan Dean proposal, adversely.

17 Q Do you remember who appeared on their behalf?

18 A Mr. Lanigan.

19 Q Is he an attorney?

20 A Yes.

21 Q Was there anyone else with him?

22 A No, no one that I recall.

23 Q Was this just prior to the suit being instituted?

24 A It was prior to the suit, and I'm not sure whether
25 it was just prior, but it was prior to the suit.

1 Q What was their application for, Mr. Haller?

2 A Their application was submitted in a letter
3 of May 24, 1971, for multi-family dwellings, and a
4 motel, cluster-type housing.

5 Q Was there action taken on this application
6 between May '71 and July when Mr. Lanigan appeared?

7 A No.

8 No action, because we were considering the application.
9 We were discussing it and considering the application,
10 but we hadn't actually held a formal hearing on it.

11 Q By the time Mr. Lanigan appeared before you in
12 July of 1971, had there been no vote or action taken on it?

13 A No.

14 Q Was there subsequently some action taken?

15 A No formal application -- or action that I recall.
16 We weren't given the chance, to consider it.

17 Q Are you stating the suit was filed?

18 A The suit was filed before we had ever deliberated
19 on the specifics of it.

20 We had had discussions, we had an appropriate
21 situation, we were individually studying it, but we
22 had not put it on the agenda for formal hearings, when
23 they started suit out of hand.

24 Q Was there some indication, if you know, given
25 to them that their application would not be favorably
received?

1 A Not that I was aware of. Not from the Planning
2 Board as a body. I'm certain that they felt the temper
3 of the community and the area in the meetings that they
4 came to.

5 Q You say they felt the temper of the community.
6 How do you judge that? Did they state some
7 reaction to that?

8 A No, because -- they didn't state any reaction
9 to it, but they realized that there were those who
10 came to hear their plan were in substantial opposition
11 to it.

12 Q Were those meetings of the Planning Board attended
13 by many members of the public on the Alan Dean application?

14 A Oh, yes.

15 Whatever meetings were held when the matter was
16 discussed were attended by the public at large.

17 Q And your judgment of the attitude of the
18 public at those meetings was what?

19 A They opposed the Alan Dean proposition.

20 Q When the application of AT&T was being presented,
21 and I believe that was in early '72, were there many
22 members of the public attending those meetings?

23 A No.

24 Q Not as many as attended the Alan Dean?

25 A No.

1 Q Did Alan Dean personnel attend any Planning Board
2 meetings after they filed their suit?

3 A They didn't attend any meetings where I was
4 present. I have no knowledge of any specifics. Mr. Gavin
5 is the one who is most informed about the Alan Dean
6 matter. He's more informed about the Alan Dean matter
7 than any other member of the Planning Board.

8 Q Do you know whether there had been any executive
9 meetings with Alan Dean personnel?

10 A I don't know of specific meetings.

11 Q As to the Alan Dean application, were you qualified
12 or were you asked to be disqualified?

13 A On the Alan Dean?

14 Q Yes.

15 A I wasn't a regular member of the Planning Board,
16 and most of the initial activity had begun prior to
17 my being appointed as an alternate.

18 (Discussion off the record.)

19 (After discussion.)

20 Q The Alan Dean suit was pending against the
21 township during the time AT&T's application to rezone
22 the 111 acres was made.

23 A Yes, it was.

24 Q Can you state what was the opinion of the members
25 of the Planning Board with regard to sustaining or not

1 sustaining the then existing Zoning Ordinance, in
2 view of those two proceedings?

3 A I think I gave you the run down of the opinion
4 of the various members. There were two other than
5 myself who were in favor of deferring it and others
6 who felt that it shouldn't make any difference, apparently,
7 because that's the way they voted.

8 Q you know whether there was pressure, and
9 specify whether there were deadlines given to the
10 township AT&T for action?

11 A I think that's a matter of public record, that
12 they state that unless their application could be
13 acted within a given time period, that they could
14 not do this site, the time necessitated an immediate
15 decision this was presented, and discussed, and
16 this in my opinion, the overriding reason why
17 it was deferred until after the Alan Dean case had
18 been.

19 Q as the attitude of the Planning Board
20 regarding this deadline of AT&T?

21 A It is that the AT&T presentation was the
22 best in the area and they considered that it would
23 be a valuable facility for the Township of Bedminster,
24 and a desirable tax rateable.

25 Q do they feel they had --

1 A And that they felt that this was a better use
2 for the property than any subsequent offer might be,
3 and that they should move with all posthaste to accept
4 it, because they lost a, quote, golden, unquote,
5 opportunity.

6 Q I believe as you indicated this was because the
7 township needed ratables?

8 A Yes, it was constantly expressed by Mr. Lorillard
9 that there had to be some tax relief for land holders,
10 and that the AT&T property should look like the best
11 way of reducing property taxes.

12 Q What brought about the effort by the Planning
13 Board to rezone the entire township?

14 A I think it was the opinion and feeling of the
15 board and of our planning consultant that if we accepted
16 the AT&T facility without any further modification or
17 change in our Master Plan, that we would never be able
18 to defend our five acres, and they felt that a totally
19 new concept in planning could preserve an open space
20 concept, and still be legally defensible.

21 Q They felt, then, if I understand your testimony,
22 that the AT&T application be acted on without delay,
23 because of the desire for ratables, but that if they
24 acted upon it before the Alan Dean suit was tried, it
25 could not well defend it, the Alan Dean action?

1 A I don't say that that was the opinion of all of
2 the members of the Planning Board, because I don't really
3 know what their opinion was, but that was my opinion,
4 and I'll state categorically that that was the opinion
5 of our counsel and planner.

6 Q And that's Mr. Agle you're referring to.

7 A Yes.

8 Q When was it first brought up at Planning Board
9 meetings any suggestion or application to rezone the
10 entire township?

11 A I don't remember the date exactly, again, but I
12 can probably --

13 Q Would any suggestion help, for instance, do
14 you remember the vote of the November election and the
15 issue being the AT&T application? Was there any
16 suggestion before the November election that the entire
17 township be rezoned?

18 A The date being specifically --

19 Q Well, I was trying to see if it was before or
20 at the November election.

21 A I don't remember. Incidentally, I want to
22 correct some of my previous testimony, because when
23 that was first brought up in connection with the
24 Alban matter, Mr. Martin was the chairman of the
25 Planning Board, and he was also very much in opposition

1 to the AT& T facility.

2 Q And he was, I believe, killed in an automobile
3 accident in August, was it, 1972?

4 A Yes. The only thing I can find here, November 20,
5 1972, the Ordinance on Environmental Impact Statement,
6 which we incorporated into our old Ordinance.

7 Q This is when the Environmental Impact Ordinance
8 first came up?

9 A Yes.

10 Q And was that related to the AT&T application
11 or the Alan Dean suit, if you know?

12 A I don't think so. I think that this was a
13 separate Ordinance that had been thought about and
14 considered.

15 Q Had that been under consideration for some
16 period of time, for instance --

17 A Well, I'm sure that it had been under consideration
18 by the Conservation Committee of Bedminster, but it
19 hadn't been under consideration by the Planning Board
20 until it was initiated and submitted by the Environmental--
21 or the Conservation Committee.

22 Q Was there a committee working on that particular
23 Ordinance?

24 A Yes.

25 Q Were you on the committee?

1 A No.

2 Q Relating to that Environmental Ordinance there,
3 the date you said it was first submitted was November 20.
4 Was it before or after that that the Planning Board
5 first began consideration of rezoning the entire
6 township?

7 A What was the first part of the question?

8 Q If it wasn't before or after that.

9 A It was after that.

10 Q It was after.

11 A Yes.

12 Q Was there a special committee appointed for
13 consideration of rezoning the entire township?

14 A Yes.

15 Q Do you remember who was on that committee?

16 A Yes, I do. It was Robert Graff and Tom Vavrek,
17 and they worked in cooperation with, or with the
18 cooperation of Mr. Agle and Mr. Bowlby. I don't think
19 anyone from your firm was involved in that, Mr. English.

20 MR. ENGLISH: That's correct.

21 Q So it was Mr. Graff and Mr. Vavrek with Mr. Agle
22 and Mr. Bowlby.

23 A Yes.

24 Q Do you know when that committee was appointed?

25 A I'd have to go through my minutes.

1 Q Well, it is a matter of record in the minutes.

2 A It's a matter of record in the minutes, and I
3 don't know the specific date.

4 Q We can find that at a later point. What brought
5 this about, as you recall the facts and circumstances?
6 I'll withdraw that question, Mr. Haller.

7 At whose suggestion was it that they consider
8 now rezoning the entire township?

9 A Whose --

10 Q Whose suggestion.

11 A Probably originated with Mr. Agle, as a recommendation.

12 Q And what is your recollection as to his reasons
13 he gave the first time it was brought up?

14 A My recollection of his reasons were that if AT&T
15 were going to be established, Long Lines headquarters
16 were going to be established in Bedminster, that we would
17 have to give serious thought to the best planning
18 that could be initiated to still maintain an open space
19 concept.

20 Q And, at this time, approximately November 1972,
21 it appeared that AT&T's application was going to go
22 through, for the rezoning of 111 acres.

23 A Yes.

24 Q When it was first brought up, what were the opinions
25 of the members of the Planning Board, if you recall?

Haller - direct

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A AT&T?

Q Of the proposal to rezone.

A Well, it was first brought up, and I don't think that many of us had a real opinion, because when it was first brought up it was brand-new to us, and we generally didn't express an opinion, felt that we would have to individually study it before we could really have an opinion.

Q Do you know what purpose the committee was formed for?

A The purpose?

Q Yes.

Were they requested to make a study of other ordinances or --

A The purpose of the committee was to study our preset Zoning Ordinance, and consider any, or recommend any changes that should be made in it.

Q Did they come back with a report at some subsequent time.

Yes, they came back with a proposed Zoning Ordinance

When did they present that proposal?

Some time in early 1973. Fairly early in '73, like, maybe February.

It was presented for a vote in February 1973, if I remember previous testimony.

- 1 A Is that the right date?
- 2 Q I think it was.
- 3 A I think that is the correct date.
- 4 Q And prior to that, had the proposed Zoning
- 5 Ordinance been discussed by the Planning Board members?
- 6 A It was discussed prior to any vote on it.
- 7 Q Between November 1972 and February 1973, which
- 8 is just last winter, how many times did the Planning
- 9 Board meet?
- 10 A Between February --
- 11 Q No, November 1972 and February 1973, and, of course,
- 12 I'm referring to the Thanksgiving holiday, Christmas
- 13 and New Year's.
- 14 How many times did the Planning Board meet in
- 15 that period?
- 16 A Either three or four, but I can tell you specifically.
- 17 Q If you have the days, I'd appreciate having those.
- 18 A Sure.
- 19 November 27, 1972 we met.
- 20 Q Regular meeting?
- 21 A Regular meeting. December 14, this was a meeting
- 22 to discuss the proposed Ordinance and also to conduct
- 23 some regular business.
- 24 Q This is the new Zoning Ordinance.
- 25 A Yes. December 18 was a meeting of the town board

Haller - direct

1 to discuss the proposed Zoning Ordinance.

2 Q Was this a joint meeting of the Planning Board
3 and the town?

4 A I just have it in my diary here, and without
5 going back to the minutes -- meeting of the town board.

6 Q Nothing had been presented to the Township
7 Committee at this point, had it, December 18, about
8 the new Zoning Ordinance?

9 A I'll have to go back to my minutes to confirm
10 that.

11 MR. ENGLISH: Off the record.

12 (Discussion off the record.)

13 (After discussion.)

14 A January 22 we had a meeting of the Planning Board.
15 We had a special meeting January 29.

16 Q The purpose of the special meeting was what?

17 It was a work session, special meeting. I
18 wouldn't be there, because I was president of the board
19 of Midland School and this special meeting was called
20 with only a couple of days notice, and I was already
21 committed to another meeting, so I don't believe I
22 was there January 29.

23 Do you know the purpose of the special meeting?
24 Was it to work on the new Ordinance?

25 A I think I have copies of the minutes. In fact,

1 Now, before November 27, 1972, is it your
2 recollection that there was no consideration for rezoning
3 of the township?

4 A No major consideration. Yes, we had talked ever
5 since I've been on the board of various areas that
6 should be considered for rezoning, to eliminate certain
7 spots and so forth.

8 Q These are specific points or matters.

9 A Yes.

10 Q As far as the entire rezoning, then, as far as
11 you recall, November was the first it was brought up.

12 A That's my recollection.

13 Q What, in your opinion, then, are the reasons why
14 the new Zoning Ordinance was approved by the Planning
15 Board?

16 A I have no idea. I have no idea.

17 Q I believe I understand you correctly, Mr. English,
18 but you correct me if I'm wrong, that the mayor in his
19 deposition said in his opinion it was because of two
20 things, the AT&T application and the Alan Dean suit.

21 Would that refresh your recollection, Mr. Haller?

22 A What?

23 Q That the mayor expressed in his testimony that
24 the reason for rezoning was the AT&T application and
25 the Alan Dean suit. Do you know if those were the reasons

1 for rezoning?

2 MR. ENGLISH: Well, I object
3 to the question, because I think it's
4 asking to characterize other testimony.

5 A Well, my answer still stands. I don't know.

6 Q I believe I asked you previously, your opinion
7 on the workability of this Ordinance.

8 Can you state --

9 MR. ENGLISH: The new or the old?

10 Q The old. Can you state, Mr. Haller, was there
11 any ground swell of public opinion, was there any
12 feeling among the residents of the township, that they
13 wanted to get rid of or scrap the existing Ordinance
14 and to rezone?

15 I heard nothing of any sort, of that nature.

16 And at your meetings, say for the year from
17 December 1971, right through to December 1972, were
18 there any residents of Bedminster Township attending
19 meetings asking for a rezoning of the township?

20 No. I have no recollection of that.

21 You did state the population projection from

22 that application was being considered.

23 That is your opinion as to the effect upon
24 population of the entire new Zoning Ordinance?

25 A In my opinion, it will permit a substantial

1 I think that maybe your office took the minutes, I'm
2 not sur'. I have it down as a work session.

3 other meeting on February 26.

4 Q s that the meeting when it was submitted to
5 a vote?

6 A ll have to check my minutes, but I know that
7 I requd the Planning Board to invite Mr. Roche to
8 that mg.

9 Q ld you explain the purpose of that and who
10 is Mr. e?

11 A Roche is, I guess he's executive director
12 of therset County Planning Board, and my opinion
13 was t should be present at that meeting, so that
14 we ee an official opinion of Somerset County.

15 e the plans of January 22. On the 22nd
16 therthing discussed in connection with AT&T.

17 Q you're looking up those, those are the
18 recs, rather, copies of minutes of the Planning
19 Boardler, that were distributed at each meeting
20 thatferring to?

21 A our pardon?

22 Q re the minutes of the Planning Board?

23 A cing for minutes.

24 Q : they are a matter of record in the
25 mine can pass that, because I think we can
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increase in population, over the old.

Q And what is your opinion as to the effect of the adoption of this new Zoning Ordinance upon the character of the township as distinguished between rural and urban?

A There's no question in my mind that it will change the character to urban, open space concept means different things to different people.

To me an open space concept is not one where houses are clustered around a small area in the middle so that innumerable dogs can be walked in that so-called open space. That's not open space to me.

It, that's the concept of open space in planning under the Ordinance.

Q In your opinion, does this open the way, then, for housing developments?

A No question about it, in my opinion.

Q What experience do you have, upon which to base an opinion, Mr. Haller?

A My experience as a member of a Zoning Board in Long Island which was limited to a given area, my experience as a member of a regional planning association for some twenty-five years, my interest in zoning, my opinion over zoning, and an opinion based on areas where, as a corporation, we've been involved and have seen what has happened at a confluence of two major highways,

1 where no real --

2 Q Would this be where there's no strict zoning?

3 A No strict exercise.

4 Q You mentioned your experience and background,
5 twenty-five years on a regional planning committee?

6 Where was this?

7 A No. I've been a member of the Regional Planning
8 Association, and have always maintained an interest
9 in zoning and planning. I've read the literature and
10 so forth.

11 I feel as a layman that my interest has been
12 a continuing one.

13 Q In your opinion, has this new Ordinance changed
14 the five acre zoning concept than existed in the prior
15 one?

16 A Yes. In effect, it's reduced it to three acre
17 oning.

18 When you stated -- Mr. Roche, the Somerset
19 ty Planning Board Chairman, I believe, attended a
20 ng of the Bedminster Planning Board in February 1973.

21 You state what was the nature of the discussion,

22 Mr. Roche's statements were, with relation to
23 Somerset County planning and projection for this township?

24 A My recollection of his statements at that meeting
25 aret particularly clear, but as nearly as I can recall,
and don't want to confuse statements he may have made

1 at times other than at that meeting, but his opinion
2 is that in the Master Plan of Somerset County, Bedminster
3 should preserve -- should be preserved as an open
4 space area.

5 Q Would open space be equivalent to rural?

6 A Substantially the way it is now, with farms and
7 relatively large land holdings that will remain intact,
8 as the natural attrition of land would permit, as open
9 as the economy of the individuals holding a parcel would
10 permit, but that any increase in density, as far as
11 housing is concerned, should accrue to those areas
12 that were already in relatively high density population.

13 Q Did he give any reason, such as the water, the
14 streams in Bedminster?

15 A I don't remember that he gave any reasons. I
16 may read in to my statement things that I think he gave,
17 and things that he did give, but I recall no factual
18 reasons, but vaguely recall a reference to stream
19 preservation and preserving the head waters of the
20 Raritan and so forth, but other than that, just the
21 paramount reason that I recall is that land should be
22 preserved in areas where it has been relatively unspoiled.

23 Q Had the Ordinance -- withdraw that.

24 I believe you stated this is the meeting of
25 February 26, at that time the Ordinance was voted upon

1 by the Planning Board.

2 Had Mr. Roche seen the Ordinance prior to this
3 meeting?

4 A I don't know, because I specifically asked the
5 town board, through Mr. Winkler, that they send him
6 a copy of the Ordinance, and invite him to the meeting.

7 So I can only presume that he had seen the
8 Ordinance.

9 Q Do you know if either the Planning Board or the
10 Committee of the Planning Board had met with Mr. Roche
11 prior to this meeting?

12 A To the best of my knowledge, they had not, and
13 this is the reason that I brought it up, because I
14 felt that this was a gap in our action, that we certainly
15 should have met, not only with Mr. Roche, but also
16 with neighboring areas that we might affect with our
17 proposed zoning.

18 Q Did Mr. Roche's appearance before the board
19 and his comments in any way alter anything?

20 A No. I don't think he made any particular strong
21 comments one way or the other at that meeting.

22 Q Was Mr. Roche consulted at any time after this,
23 or did he attend any meetings after this?

24 A The only time that I was aware that he had
25 been consulted was when I attended the public hearing

1 at the school, and was advised that Mr. Roche had been
2 consulted and Mr. Roche was present at that meeting,
3 but I wasn't aware that he had been consulted. He
4 hadn't been consulted with any knowledge, at least,
5 of one member of the Planning Board.

6 Q Based on your experience, which you have given
7 us before as a member of the Regional Plan Council and
8 other background, do you have an opinion as to whether
9 you believe the Ordinance was adopted in haste, or
10 without sufficient consideration for its effect upon
11 the township?

12 MR. ENGLISH: I object to the
13 question as calling for an expert conclusion,
14 where I don't think he's qualified to give it.

15 MR. STRONG: He's given his background,
16 his twenty-five years on the Regional Plan
17 Council.

18 THE WITNESS: That still may not
19 qualify me as an expert.

20 Q Well, that might be a matter of opinion for
21 the court to decide. I'd like to have his opinion for
22 whatever it's worth, subject to the court.

23 A In my opinion, we had nothing to gain by adopting
24 it as quickly as we had. My own opinion was to urge
25 the board to defer action. In fact, at one meeting, I

Haller - direct

1 suggested that we declare a moratorium on new construction
2 until a proposed Ordinance had been very thoroughly
3 considered and resolved.

4 I feel that there was haste in adopting the
5 Ordinance before all of the questions pertaining
6 to amendments had been resolved, that rather than adopt
7 the Ordinance and patch it up and add amendments to
8 amendments to amendments, ad infinitum, that any
9 objections or considered changes should be made prior
10 to the submission.

11 Q In your opinion, then, it was adopted in haste
12 for the reasons that you have given.

13 This is your opinion.

14 A Well, I don't think I've given any reasons why
15 it was adpted in haste.

16 Q No My question is --

17 I gave reasons why I felt it shouldn't be
18 adopted in haste.

19 That's what I meant.

20 I don't know why the reasons it was adopted in
21 haste, but I only know there were valid reasons why
22 we should have moved a little slower in adopting it.

23 Q Yes. My question simply was whether in your
24 opinion this was adopted hastily, this Ordinance.

25 A It was adopted too hastily to suit me, but I feel

1 that if other people in good faith felt that they
2 should move on the thing quickly, that I would respect
3 their reasons and they may not have thought that they
4 were acting in haste, but merely in a manner to accomplish
5 something immediately and to prevent what they evidently
6 sincerely believed would be adverse things happening.

7 Q Did the pendency of the Alan Dean suit have
8 any effect upon the adoption of this Ordinance at the
9 time that it was adopted?

10 A Well, I'm sure that the Alan Dean suit was
11 very much in the forefront of everybody's thinking.

12 Q Was this expressed at the Planning Board meetings?

13 A I don't recall that this was expressed as a
14 reason for the immediate adoption of the Ordinance.

15 Q Were there meetings held at any time between
16 November 27 and February 26, 1973, with either counsel
17 for the Alan Dean Corporation or representatives of
18 and the Planning Board?

19 A No official meetings as far as I knew, none
20 that I attended.

21 Q When you referred a while back to your expression
22 of opinion as to the adoption of the Ordinance and
23 whether it immediately amended, are you referring to the
24 approximately seventeen or nineteen amendments that
25 were immediately under consideration?

1 yes. A certain number of them were adopted
2 right, I understand.

3 (And they have been under consideration, these
4 sed amendments, since approximately March or April '73
5 the present time.

6 That's correct. The amendments were considered
7 prior to the time that the Ordinance was submitted
8 adopted. Consideration was given to these areas,
9 t apparently the board, the town board, who adopted
10 the Ordinance, felt that they should move on it.

11 It's a matter of record, then, in the minutes
12 of the Planning Board, the amendments were actually
13 under consideration for a lot longer period of time than
14 the actual Ordinance itself, if I understand you, from
15 March or April until August or September, rather.

16 A And the authors of the Ordinance were not in
17 favor of the adoption until, as I recall --

18 Q Well, there was a discussion about a referendum
19 to consider the AT&T application to rezone 111 acres.
20 Was there a discussion or a suggestion that a referendum
21 be held on the adoption of the entire new Ordinance?

22 A I recall no serious consideration whatsoever for
23 a referendum.

24 Q When you say no serious consideration, Mr. Haller,
25 was there any consideration, any suggestion about a

1 referendum, and if so, what was it?

2 A I don't think the town, the Planning Board would
3 necessarily initiate or propose a referendum. I think
4 that that would have to be initiated or go directly to
5 the town board, rather than the Planning Board, and
6 there was never any discussion in the Planning Board
7 as to a referendum that I have any recollection of.

8 Q What is your opinion as to holding a referendum
9 with regard to rezoning the entire township?

10 A Well, a referendum, under the township law that
11 we operate under would have no legal status. I feel
12 that the sentiments of the town were fairly well known.
13 A referendum might formally confirm what was generally
14 sensed, but the referendum wouldn't be binding and so
15 it would be an expense that would have no legal status.

16 And I'm against the proliferation of township
17 tax money, unless there's a real and valid reason for
18 such an expenditure.

19 Q From what you stated, it's your feeling that the
20 Planning Board would have adopted this regardless of
21 the expressed opinion of the public in a referendum.

22 A I can't say that, because I don't know, but they
23 could adopt it in spite of a referendum. Whether
24 they would, I can't say.

25 Q What is your opinion as to what the general sense

1 of the public was that you referred to a while ago?
2 That they were opposed to it or that they were for it?

3 A To the new --

4 Q Zoning Ordinance.

5 A I think that in the majority of cases of the
6 people I talked to, that they were opposed to it.

7 MR. STRONG: That's all I have.

8 I may have overlooked something
9 and as before I'd like the right to recall
10 him, if I need him. I certainly will
11 respect Mr. Haller's wishes, being a
12 businessman, and I will not recall him
13 unnecessarily. At this point I don't see
14 any need to.

15

16

17 CROSS-EXAMINATION BY MR. ENGLISH:-

18 Q Mr. Haller, do I understand that no individual
19 is designated as the alternate for any other particular
20 member of the Planning Board?

21 A I don't think there is one person that's earmarked
22 as my alternate.

23 Q Right. Certainly the members of the Township
24 Committee need another member of the Township Committee
25 as an alternate. The members of the public at large

1 need any other one of the alternates.

2 A Yes.

3 (Discussion off the record.)

4 (After discussion.)

5 Q There's no guarantee that Mrs. King or Mr. Graff
6 would necessarily replace you if you were disqualified.

7 A No.

8 Q When you referred to the proposal that Alan
9 Dean made for the development of its property in a
10 letter dated May 24, 1971, you made no specific mention
11 of the office building. Do you recall that?

12 A Yes, there was an office building, but I'm
13 not sure whether that was Bedminster or -- the office
14 building was in Bedminster, but the golf course, the
15 reason I made no mention of the golf course is because
16 that was in Bernards Township.

17 Q The office building as you recall it was in
18 Bedminster Township.

19 A The office building the the rest that I mentioned,
20 motel and cluster housing.

21 MR. ENGLISH: That's all.

22

23 RE-DIRECT EXAMINATION BY MR. STRONG:

24 Q I just have one question. Do you know what
25 the Somerset County Master Plan projected or projection

1 Q Were there members of the public in attendance
2 at meetings when Alan Dean personnel were there?

3 A Oh, yes.

4 Q And did they express opinions?

5 A I think we had quite a few come, several evenings
6 in this room.

7 Q What was the tenor of their feelings? Were they
8 opposed or for it?

9 A Alan Dean now?

10 Q Yes.

11 A I don't think they were happy with it.

12 Q And in essence, then, they were opposed to their
13 coming in.

14 A Well, some were and some weren't. That's the
15 only way I can answer it.

16 Q Which way was the majority at the time?

17 A I really don't know.

18 Q When AT&T's application to rezone a hundred and
19 eleven acres was under consideration, did members of
20 the public attend those meetings?

21 A Yes.

22 Q In large numbers?

23 A Well, if it was the open meetings they were
24 fairly large, yes.

25 Q Did they express their views?

1 A Yes, both sides.

2 Q Do you know whether the majority was for or
3 against it?

4 A You mean of those in attendance?

5 Q Yes.

6 A I'd say it was awash, fifty fifty.

7 Q Before the AT&T application was voted upon,
8 I believe you stated it was approved and recommended
9 to the Township Committee, were you aware that there
10 were petitions signed by residents opposing it that
11 were filed with the Planning Board?

12 A Yes, I was.

13 Q And that there was a total of approximately
14 seven hundred and some signatures on these petitions?

15 A Yes, I heard that figure, a figure between four
16 and seven hundred.

17 I don't know what the actual count was.

18 Q What, if any, effect did that have upon your
19 voting on this application? Did you take this into account?

20 A Well, I was thinking of the town itself, and
21 how the tax rate had been going up ten percent a year,
22 and I thought it was for the betterment of the town to
23 have a ratable in here, but the question of ten percent
24 a year increase, it can only last so long before a lot
25 of old timers who lived here will have to -- will just

1 leave, go somewhere. I don't know where. Because
2 they just haven't got the income to take that ten
3 percent increase forever.

4 Q Was this presented to the Planning Board by AT&T
5 as a valuable ratable for the township?

6 A I don't recall. Didn't take much to figure out
7 what the value of the building was going to be and
8 come up with a figure and say it looks pretty good
9 for the town.

10 Q Was there much discussion on this ratable as
11 far as municipal services?

12 A Yes, sir, there was discussion on that.

13 Q What was the expressed opinion, if any, of the
14 effect upon the municipal services?

15 A Well, municipal services, we were told that we
16 didn't have to worry about having any additional members
17 of the police department, they were going to have their
18 own fire, protective security of their own, so actually
19 it would mean no increase in that phase, from the township.

20 Q What about sewerage?

21 A Who?

22 Q Sewerage.

23 A Well, they have always said they were gonna do
24 something about sewerage, to help us out with it.

25 Q AT&T would help you out with the sewer system?

- 1 A Yes.
- 2 Q And specifically in what respect?
- 3 A so far as the construction of the plant.
- 4 Q well, whatever, whether it's with the construction
5 costs or putting in the plant.
- 6 A Yes.
- 7 Q Or the appropriation, whatever, what was it?
- 8 A No appropriation, because I don't think they're
9 allowed to do that, but what they could do is build
10 a plant, as I understand it, build a plant and turn it
11 over, give it to the town, then they turn around and
12 become a customer of that plant.
- 13 Q Did they propose to build the sewage system?
- 14 A Oh, they have to.
- 15 Q Well, that's not what I said. They said they
16 would build the system and turn it over?
- 17 A They would try to work Far Hills and Bedminster
18 in with their system, if possible.
- 19 Mr. Pike, from Trenton, has other ideas and I
20 don't know what they are, because he now left for
21 Oceanunty.
- 22 Q as this a sewerage system to take care of the
23 needs the AT&T building?
- 24 A T&T facility, plus Bedminster and Far Hills.
- 25 Q plus the two townships.

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A Yes.

Q Where was this sewerage system to be located?

A Well, that hadn't been decided yet, but there was a little thing called flood plain that everybody is getting hot and bothered about, and, I believe, we haven't done it yet, I don't know, but you can get an encroachment permit.

Q A what?

Encroachment permit, and if that would be the case, then it would be down there below the school. I am picked out a spot as being a very good spot.

Q Dillon? A Killam.

Q He's a planning expert? A Sewerage expert.

Q What was the projected cost of this sewerage disposal system that they proposed?

About -- in the last two, three months, I think -- I think we got that from Killam, but they range from 1 million 9 and 4 million 3, depending on what we can do.

Q What, if any, part of the cost of that was the company going to bear?

A I don't know. If you get in line in time, I believe there are state and federal funds to help you

Q I'm referring with relation to AT&T. Was the

1 township going to pay all or part of that cost or was
2 AT&T going to pay --

3 A Never got to that point.

4 Q AT&T had proposed to the township that they
5 would build it.

6 A They said they would, but there's nothing in
7 writing or anything like that.

8 Q Was this the reason, one of the reasons why you
9 approved the AT&T application?

10 A Could have been a help, because if they can build
11 a plant, turn it over to the town, it's gonna save the
12 taxpayers a very large increase in taxes.

13 Q From where did you get your figures or information
14 that this was going to be a ratable to reduce the
15 township taxes?

16 A Well, somewheres along the line, we hear the
17 building they were going to have was going to cost
18 around 40 million dollars. I believe those costs have
19 risen considerably since then.

20 Q These were the figures that were presented to
21 the Planning Board?

22 A Well, I don't know who. We were just -- we
23 happened to hear them somewhere along the line. We heard
24 40 million dollars for a long time.

25 Q But was this formally presented as --

1 for this township over the next several years, what
2 nature of land, such as urban or rural?

3 A My understanding is that they project no substantial
4 growth other than a relatively slow growth, where
5 properties may be subdivided in five acre or more
6 parcels, but no dramatic changes.

7 Q Does this new Zoning Ordinance change, then,
8 that concept of the Somerset County Master Plan?

9 A Oh, yes.

10 MR. STRONG: That's all, thank you.

11

12

13

14 S C R E V E N L O R I L L A R D, sworn.

15 DIRECT EXAMINATION BY MR. STRONG:

16 Q Where do you live?

17 A Larger Cross Road, Bedminster.

18 Q For how long have you been a resident of Bedminster?

19 A Since 1963.

20 Q What is your occupation?

21 A Retired.

22 Q Retired from what?

23 A Well, I used to farm, then I started to slow down.

24 Q Are you a member of any boards or corporations?

25 A No, sir.

1 Q I'm specifically interested in AT&T or any
2 subdivisions.

3 A No, sir.

4 Q Are you a substantial stockholder?

5 A Of what?

6 Q AT&T. A Yes.

7 Q Is it in the parent company or one of the
8 subsidiaries?

9 A Parent.

10 Q What is the extent of your stockholdings?

11 A What do you mean?

12 Q How many shares?

13 A A thousand shares of four dollar preferred,
14 convertible preferred.

15 Q Any shares of common stock?

16 A None.

17 Q Any official position in Bedminster Township?

18 A Yes, I'm a Township Committeeman.

19 Q How long have you been that?

20 A At the end of this year it will be six years.

21 Q Do you have any other official position?

22 A Yes, I'm an alternate on the Planning Board
23 and I'm a member of the Board of Health.

24 Q At any time, have you been a regular member of
25 the Planning Board or have you always been an alternate?

1 A No, I was an al -- I was a regular member for
2 three years, I think it was three, and then I became
3 an alternate.

4 Q What changed your status to an alternate? Was
5 it your election to the Township Committee?

6 A No. Mr. Gavin seemed to be more interested
7 in being a regular member than I was, so I said, "Fine."

8 Q When did your status change, the approximate
9 date?

10 A I'd say January 1, '72. I'm guessing.

11 Q At that point in time, January '72, there
12 had been a suit filed by Alan Dean against Bedminster
13 Township?

14 A I don't recall.

15 Q Well, I'm not asking you the actual time the
16 suit was filed, but just generally were you aware as
17 of that time the suit had been filed?

18 A Oh, yes.

19 Q Do you remember when an application was made by
20 AT&T to rezone 111 acres to R and O zone?

21 A Well, if I recall correctly, that piece of land
22 over there was in the R and O, then it was switched
23 out of that into residential, so I assume that it was
24 some time in '72 that it went back to R and O.

25 Q When was it changed, in the course of what you

1 just stated, from residential to R and O? I'm not
2 talking about now on the AT&T application, I'm talking
3 about before that.

4 A When it went from R and O to residential?

5 Q Residential to R and O.

6 A I don't know. I wasn't on any board then.

7 Q In other words, that's sometime back?

8 A Prior to '68.

9 Q When was it changed from R and O back to residential?

10 A I think that was in December of '71.

11 Q December 1971?

12 A I believe so.

13 Q And by what method? Was this an amendment to
14 the Zoning Ordinance?

15 A I assume it had to be. I really don't recall
16 how it was done.

17 Q Do you remember how large a tract of land was
18 involved in the rezoning?

19 I believe you said it was 111 acres.

20 111 acres is the area that AT&T was applying to

21 rezoned to R and O, but my question is, was the

22 ~~an~~ that was rezoned back to residential that same

23 ~~tr~~ or was it a larger tract?

24 A I think it was the same tract, if I recall.

25 Q Just that particular area?

1 A I think so.

2 Q Do you know any reason why it was rezoned to
3 residential at that time?

4 A Not really.

5 Q You don't know whether, in years back, sometime ago,
6 it had been in a residential zone?

7 A No, I don't.

8 Q How did AT&T's application first come to the
9 Planning Board?

10 A Repeat that, please.

11 Q Yes. My question is, how did AT&T's application
12 to rezone to R and O first come to the Planning Board?
13 Was it by letter, was it by appearance of representatives
14 or by what manner?

15 A The only answer to that is I don't recall.

16 Q Do you remember the approximate time when this
17 application was first made?

18 A No. The only thing I can recall is that AT&T had
19 bought the land, or had a bid in for it, I believe in
20 July of '71.

21 Q Would it be sometime after that?

22 A It has to be.

23 Q That their application was made. You don't recall
24 how long after that?

25 A No, I don't.

Lorillard - direct

1 Q At all times when I talk about your board or
 2 before the board, I'm referring today to the Planning
 3 Board, unless I refer specifically to the Township
 4 Committee, because I'm interested in the Planning Board
 5 members, and you as a member of the Planning Board.

6 Did the Planning Board meet with representatives
 7 of AT&T?

8 A Yes.

9 Q When did they meet?

10 A I don't recall the date, but it was here.

11 Q Would it be in the springtime of 1972?

12 A I wouldn't hazard a guess.

13 Q Was it a regular meeting or was it an executive
 14 meeting?

15 A I guess you'd call it an executive meeting.

16 Q Executive meeting is one that is not open to
 17 the public.

18 A It could have been open to the public if the
 19 public walked in.

20 Q Well, there are regular scheduled meetings of
 21 the Planning Board.

22 A Right.

23 Executive meeting is one that is not regularly
 24 scheduled.

25 A That's right. It was a non-scheduled meeting. I

1 mean, it was scheduled so far as we were concerned,
2 but it wasn't a regular date.

3 Q What was the purpose of that executive meeting
4 being called?

5 A Just, I suppose, to inform us if they were
6 interested in moving into Bedminster.

7 Q How many representatives did they have attend
8 the meeting?

9 A Well, I'm confused on this, but I remember
10 meeting three members of Western Electric, but I don't
11 remember how many there were of Long Lines.

12 Q Western Electric was some couple of years
13 before this.

14 A That's right.

15 Q Do you know the names of any personnel of AT&T
16 who appeared before your board?

17 A Couldn't remember one.

18 Q Is there a Mr. Pierce?

19 A I don't recall.

20 Q What took place at this meeting which was an
21 electric meeting?

22 A I really don't remember.

23 Q Was there a plan or presentation of what they
24 were proposing to do in Bedminster presented at that
25 meeting?

1 A At that meeting?

2 Q Yes.

3 A I believe not.

4 Q Was there one presented at any subsequent meeting?

5 A Oh, yes, down their office.

6 Q Do they have an office in Bedminster?

7 A Yes.

8 Q That's --

9 A Rented.

10 Q Excuse me?

11 A A rented office.

12 Q And that's located what --

13 A At the bottom of this hill, right across the
14 street from the Shell Station.

15 Q Do you remember when they opened that office?

16 A They been here for about two years, but I don't
17 know the exact date.

18 Q It was in late 1971?

19 A Yes. Well, I don't want to say, because I'm
20 not sure when we met here, whether they already had
21 an office down there at the time.

22 You see, I wasn't paying any attention, it
23 was just another meeting, and I never thought about
24 any material on this.

25 Q The first presentation of the proposed plans

1 for what they intended to do here was shown you at
2 their office, the office you described.

3 A Well, they had the layout, and they had all the
4 maps and topographical plans and so forth.

5 Q Was there a committee appointed by the Planning
6 Board chairman to consider their application?

7 A I don't recall.

8 Q You were not on any particular committee appointed,
9 then, to study it.

10 A I don't think there ever was a committee appointed
11 for that.

12 Q Did they subsequently take a vote on this application?

13 A Who?

14 Q The Planning Board, on AT&T's application.

15 A Yes.

16 Q And was there a recommendation made to the
17 Membership Committee?

18 A Yes.

19 Q What was the recommendation?

20 A That AT&T be accepted.

21 Q How --

22 A It was five to two.

23 Q Do you remember the Planning Board consultant
24 giving a opinion as to the effect of that application
25 upon the population of Bedminster?

1 A Yes.

2 Q Who was the Planning Board consultant?

3 A Mr. Charles Agle.

4 Q What was his opinion as to the effect upon the
5 population?

6 A It would balloon the population of Bedminster.

7 Q Did he state the figures?

8 A Yes, but I can't remember how he arrived at 90,000.

9 Q He did state a figure of 90,000?

10 A Yeah, I believe he did. Somewhat multiplying
11 two and three and so much and so much and the first
12 thing you know you arrived at 90,000.

13 Q Is this in the minutes, his method of arriving
14 at this figure?

15 A I don't know.

16 Q Now, that particular meeting was held approximately
17 what month, if you know?

18 A I wouldn't even guess.

19 Q Was there an opinion given before the adoption
20 of the commendation to have them come in, an opinion
21 given to the effect on the character of Bedminster,
22 whether would change from rural to urban?

23 A Yes, I would say there would be a change.

24 Q Who gave that opinion?

25 A I think Mr. Agle did.

1 Q When you say he said it would be a change,
2 did he state it would change it to urban?

3 A I beg your pardon?

4 Q I'm sorry.

5 What did he say the change would be?

6 A There would be a lot of people moving in, changing
7 the whole character of the countryside.

8 Q What is your first recollection of meeting with
9 any personnel of Alan Dean Corporation?

10 A We met them here with the group from Alan Dean or

11 ~~Johns?~~

12 Q You mean Johns Manville?

13 A Yes.

14 Q And --

15 A And Mr. Lanigan had a bunch of, oh, maps and
16 whatnot of what they were going to do. At that time
17 it was called Woodley Woods or Wardley Woods, the
18 Alan Dean property, and they described it and that was --
19 they went away and I guess they came back subsequently
20 once or twice, I don't know.

21 Q Was -- what was their specific application?

22 A They wanted to put up several units, quite a
23 few units, in that 467 acres they own in Bedminster,
24 and that was it.

25 Q Build a motel?

1 A y were going to build a motel, you're right,
2 thank. They were going to build a motel and a
3 600,0square foot office building in Pluckemin.

4 Q id restaurant?

5 A think the motel probably had a restaurant.

6 Q id that ever come to a vote, or, is it my
7 undernding suit was brought by Alan Dean before
8 this, voted upon?

9 A I think that's fair to say.

10 Q As far as you know, was there a vote taken on
11 Alan:an application?

12 A I don't think there was ever a vote taken on the
13 Alan:ean application.

14 Q Do you know whether there was any reason for that?
15 Withdraw that.

16 What in your opinion was the reason the suit
17 was started?

18 A Why there was no vote?

19 Q Yes.

20 A I haven't a clue as to why there was no vote,
21 except, really, nothing was ever consummated. They
22 themselves were the ones that knocked out the hotel
23 and office building. They cancelled that out.

24 Q That came at some later stage, after the suit.

25 A Yes.

- 1 A No.
- 2 Q As the projected cost.
- 3 A No, no.
- 4 Q What is the area of land you own in Bedminster
5 Township?
- 6 A Eighty-one acres.
- 7 Q And your wife?
- 8 A Same thing. Same piece.
- 9 Q You both own the same land.
- 10 A Yes.
- 11 Q Had there been a request by any of the township
12 residents to bring in a ratable such as this? To
13 reduce taxes.
- 14 A No, I don't think so.
- 15 Q The opinion that you expressed that it would
16 be a ratable and reduce taxes, is this your own or
17 an opinion expressed by -- you tap your chest, meaning
18 yourself.
- 19 A Yes.
- 20 Q He can't take down a tap of the chest.
- 21 A Oh, he can't? I'm sorry.
- 22 Q In the vote that was taken on the AT&T application,
23 you were among the majority in favor, is that right?
- 24 A Right.
- 25 Q At some later time -- withdraw that.

1 When, if you recall, did the Planning Board take
2 up rezoning the entire township?

3 A I guess the latter part of '72. I can't give
4 you a date.

5 Q And who proposed it?

6 A I can't answer that.

7 Q Was there a reason given for proposing the
8 rezoning?

9 A Oh, I'm sure there was, because there had been
10 several Superior Court judges who have been handing
11 out different opinions about acreage lots, so to
12 speak, and they seems to be all negative as far as the
13 Superior Court was concerned, so we figured -- we
14 felt, I believe, that the handwriting was on the wall,
15 we're going to have to get away from acreage.

16 Q Was this the expressed opinion of the Planning
17 Board's attorney?

18 A No. I would say Mr. Agle's suggestion.

19 Q This was the planning consultant, Mr. Agle.

20 A Yes.

21 Q And when did he express that, do you remember?
22 in what way.

23 Q Was there a committee appointed to take up the
24 proposal to propose rezoning?

25 A Oh. Mr. Vavrek, Mr. Graff, and I don't know

1 whether Mr. Fales was in on that or not.

2 Q You were not on the committee?

3 A No.

4 Q At the time the proposal was made to rezone the
5 township, what was the status of the Alan Dean suit?

6 A Everything was just standing still.

7 Q In other words, it was pending.

8 A It was pending.

9 Q Did the pendency of that suit have any effect
10 on the proposal to rezone the township?

11 A I don't think so.

12 Q Were you in favor of rezoning the township?

13 A When I saw all these Superior Court judges
14 handing out decisions, definitely, we had to make a
15 change.

16 Q You felt definitely you had to change the Zoning
17 Ordinance.

18 A Yes.

19 Q Were you aware of any opinion expressed by the
20 township Planning Board's attorney as to the soundness
21 of the Ordinance, whether or not it could be successfully
22 defended in court?

23 A The new Zoning Ordinance?

24 Q No, the old Zoning Ordinance, the prior Ordinance.

25 A Yes, I believe the township attorney thought

1 at thme that there was a fifty-fifty chance.

2 Q township attorney, the Planning Board attorney
3 was Mwlby?

4 A t's correct.

5 Q .l, did he express it any more clearly than
6 a fifty chance?

7 A , because I don't think they had a clue either.

8 Q il Mr. Bowlby's expressed opinion have any
9 effectpn your opinion?

10 A Noe.

11 C It was then your conclusion that the Superior
12 art decisions wuld adversely affect the prior Ordinance,
13 or that the prior Ordinance may not be defendable.

14 Yes.

15 Are you an attorney, sir?

16 No, sir.

17 What familiarity did you have with those opinions?

18 Well, the ac that Harding Township, with the

19 e acre zoning was knocked down, the fact that

20 e Leahy also old Bridgewater to do something about

21 the you have the case in Mount Laurel, one or

22 cas in Madison, showed that the higher courts

23 re dinitely trying to make a change here.

24 the proposed new Zoning Ordinance I believe was

25 adopted or voted upon favorably by the Planning Board

1 in Fe Was it February 26, 1973, if you recall?

2 A be. As to the exact date, I could not
3 tell

4 Q t was in the month of February?

5 A

6 Q ur opinion, was the action in considering
7 and ting upon an entire new Ordinance done in
8 hast,th too much speed?

9 A ouldn't say so, because if I recall correctly,
10 Judge gave us ninety days to get a new Ordinance.

11 Q i Judge Leahy was considering the suit of
12 Alan against the township?

13 A es.

14 Q then did he give the township ninety days to
15 adop new Ordinance?

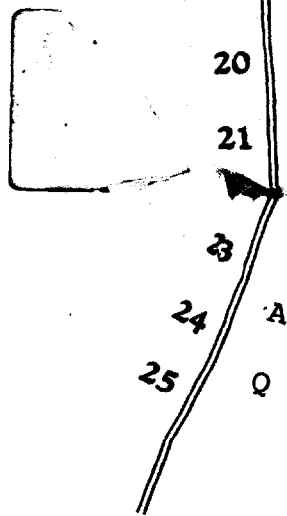
16 I think we were supposed to go to court in
17 e nd of January, and the ninety days ended up in
18 en, I remember that, but as to what date, I don't
19 k

20 So you go back ninety days. I think it was the
21 t rt of January that he gave us ninety days.

22 re you talking about some particular meeting,
23 onance, pretrial or whatever in the Alan Dean suit?

24 A : don't understand the question.

25 Q :ll try to reframe it.



1 How did Judge Leahy happen to give this opinion?

2 A I really don't know how they came about it. You'll
3 have ask Mr. Bowlby that.

4 Q see. And your recollection is that the ninety
5 days eired in March?

6 A I think it was in March. I may be wrong, by thirty
7 days. It may have been the end of February, but it's
8 rightn there.

9 Q Your recollection of that was that the word
10 given y Judge Bowy --

11 A No, Judge Lahy.

12 Q I'm sorry. By Judge Leahy, was that the
13 township had to adpt a new Ordinance?

14 Had to do smething about it. In looking back,
15 think he was ver kind in telling us something which
16 didn't realizentil more recently, that we better
17 out of the acage phase in zoning.

18 He didn't press this in terms --

19 Not to me.

20 Was there ay requests or urging by the citizens
21 dinstster Township to adopt a new Ordinance?

22 I don't kw how to answer that.

23 Well, morv specifically, did any of them express
24 i, to you?

25 That we should change?

1 Q Yes.

2 A I don't recall that. They could have.

3 Q What was your opinion as to the workability of
4 the prior Ordinance before this new one was adopted?

5 A You mean the old Ordinance now?

6 Q Yes.

7 A Well, I think that we have more protection
8 in the new Ordinance than we had in the old Ordinance,
9 from people coming in, trying to develop it, et cetera.

10 I also believe that this new Ordinance has been
11 in effect in Princeton, New Jersey, since 1955 or 6,
12 and I asked Mr. Agle one day when he was proposing
13 this new Ordinance, I said, "Has this thing ever been
14 tried in court and stood up?" He said, "Yes, it had."

15 So that also helped me go to the new Ordinance.
16 You know, something brand-new that Bedminster was the
17 first, this was not the case.

18 Q His opinion was that this type of Ordinance had
19 been tested?

20 A That's what he said.

21 Q And are you referring to any particular suit?

22 A No.

23 Q Or any particular location?

24 A No. I'm just quoting what he said to me when
25 I asked the question.

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Q You stated that this Ordinance in your opinion would give greater protection, but is it your opinion or not that under this new Ordinance our population will expand considerably?

A I don't think it will.

Q You don't think it will.

A No.

Q And in that respect --

A It will expand some, but I don't think it will expand the way some people are thinking in this

Q Did you state the opinion of Mr. Agle as to what effect it would have on the population of the township?

A Please repeat that.

Q I'll withdraw that and say, did Mr. Agle express his opinion as to what effect this would have upon the population of the township?

A I don't recall he did.

Q What, in your opinion, will be the effect of this Ordinance upon housing development? I'm thinking of rezoning like Alan Dean.

Yes, that's about the only stumbling block we got, and I don't think Alan Dean, personally, as you may or may not know, there are 467 acres in that plot. I believe there's two hundred of them which they can not build on to start with, so you're down to 267, and

1 it is my opinion that when they get through with the
2 ecology and environmental tests, I doubt if they're
3 going to build on 167, but this is my opinion.

4 Q Are you in favor of adopting the new Ordinance
5 because you felt that the Ordinance requiring environmental
6 impact report, which was adopted separately and is now
7 a part of this, was a protection against housing
8 developments coming in here?

9 A I'll put it this way. It will slow them down.

10 Q It is your opinion, is it not, that AT&T will
11 be able to come into Bedminster under the new Ordinance
12 provided they give an environmental impact statement
13 that's satisfactory?

14 A Repeat that again.

15 (Whereupon, pending question
16 read by the reporter.)

17 A Yeah, I would think so.

18 Q Do you consider the Alan Dean Corporation,
19 proposed housing development, as a suitable ratable
20 development?

21 Yes, as far as I can make out, I don't think
22 the development is suitable ratable for anybody.

23 Q Are you -- all other things aside, are you
24 opposed to a housing developer coming into Bedminster?

25 A No. We're gonna have to have it. I'm sure the

1 Superior Court and the Supreme Court is going to do
2 something about that, making everybody have a little
3 every

4 Q What was the reason, if you know, why the township
5 Planning Board -- withdraw that.

6 What is the reason, in your opinion, the township
7 officials changed from adopting an Ordinance amending
8 the Zoning Ordinance, rezoning 111 acres to R and O,
9 to now take up rezoning the entire township? What's
10 your opinion as to why they made this change,
11 shift?

12 A I suppose we're all of the opinion we want
13 the best thing for the township and the taxpayers
14 the town.

15 Q In your opinion, will this new Ordinance change
16 the character of the township from rural to urban?

17 A No, I don't think it will.

18 Q Can you state what you base that opinion on?

19 A Well, I don't think -- yeah, I'll give you an

20 There are five factories in Bridgewater, around
21 employees, and the total population of Bridgewater
22 as it stands is 33,000.

23 Now, if Mr. Agle's projection way back when of
24 3,500 people, or any number of people coming into
25

1 the township, is going to be 90, there's about a hundred
2 fifty thousand people that are not in Bridgewater yet,
3 [REDACTED] one reason why I don't believe Bedminster
4 [REDACTED] to go booming away with a lot of housing and
5 a lot of people.

6 MR. STRONG: Read the last two
7 questions and answers.

8 (Whereupon, last two questions and
9 answers read back by the reporter.)

10 Q In other words, you feel that with the number
11 of industries in Bridgewater, that the population might
12 have been substantially larger, comparative to the
13 opinion for the increased population in Bedminster.

14 A Right.

15 Q Were there any other reasons for your opinion?

16 A No, I don't think so.

17 Q When the new Ordinance that we now have was
18 under consideration by the board, did you consult with
19 Mr. Roche, the Somerset County Planning Board Consultant?

20 [REDACTED], I'll put it this way. I believe Mr. Agle
21 [REDACTED] had consulted with Mr. Roche, but none
22 of the members of the board had gone down and seen Mr. Roche.

23 Q Well, Mr. Roche appeared at one of the meetings
24 of the Planning Board.

25 A Yes. I can't remember when.

1 Q This would be approximately February of 1973.

2 A Don't remember. I remember him being there.

3 [REDACTED] was there just the one occasion?

4 A I believe so.

5 Q What was Mr. Roche's opinion of this Ordinance
6 with relation to the County Master Plan?

7 A I don't believe he was adverse to it. I don't
8 recall his exact wording.

9 Q Perhaps I can refresh your recollection and
10 help somewhat.

11 Did he discuss what the Somerset County
12 Plan projected for Bedminster over the next several
13 years?

14 A Yeah, leaving it about the way it is.

15 Q In other words, leaving it rural, large open space.

16 A Yes.

17 Q Did he express an opinion as to what this new
18 Ordinance would do with relation to that?

19 A I don't remember. What -- I don't remember.

20 [REDACTED] don't recall whether or not Mr. Roche stated
21 [REDACTED] Ordinance would change the projected character
22 [REDACTED] from rural to any other character?

23 A Now, as you say it, I do recall that he said that.

24 Q It would change it to an urban character.

25 A I don't know about the urban, but it would change

1 it some. Can't help but change it some, because of
2 Alan Dean alone.

3 Q Did he express an opinion in favor of or against
4 the new ordinance?

5 A I don't remember what he said.

6 Q Did he make any suggestions for changing the
7 proposed new Ordinance?

8 A Not to my knowledge.

9 Q As a result of that meeting, consulting with
10 Mr. Roche, if the Planning Board members or committee
11 did consult with him previous to that, were any changes
12 made in the proposed new Ordinance afterward?

13 A I don't think there were any.

14 Q There was a public meeting held in March 1973 when
15 the new Ordinance was presented to the members of the
16 public. You attended that meeting.

17 A Yes, I was there.

18 Q The meeting was crowded, I believe, was it not?

19 A Was which?

20 [REDACTED] ded. People were standing along the walls,

21 [REDACTED] Yes.

22 Q Seats were taken. A Yes.

23 Q What was the expressed opinion of the people
24 regarding this proposed Ordinance at that meeting?
25

1 A I think we had some people for it and some people
2 agin it.

3 [REDACTED] the majority opposed to it or not, at that
4 [REDACTED]

5 A I'd say about half, fifty-fifty.

6 Q Did that have any effect, then, upon your vote
7 on the Zoning Ordinance, that you felt they were equally
8 divided?

9 A No.

10 Q Did you feel that this Ordinance, from the time
11 it was first taken up, until the time of the vote
12 the Planning Board in February 1973, that it was
13 presented in haste, approved in haste or not?

14 A No, I don't. Never had.

15 Q Before this new Zoning Ordinance was finally
16 adopted in April 1973 -- it was in April, was it not?

17 A I believe it was.

18 Q Were there already some amendments to this Ordinance
19 under consideration by the Planning Board?

20 [REDACTED] believe so, but most of those amendments had
21 [REDACTED] phraseology.

22 [REDACTED] had something to do also on a redrawing
23 of lines in the Burnt Mills area, did they not?

24 A Yes, there was some potential change down there
25 from zone 3 to a zone 8 or vice versa.

1 Q Plus there was some other actual area changes
2 proposed in the zoning.

3 A Well, there was that mistake made in drawing
4 the map, that map up on the wall, in the northern
5 part of the township.

6 Q Was there some reason why the Planning Board
7 recommended the adoption of the Zoning Ordinance before
8 approving the amendments that were adopted at a later
9 date?

10 A Why it wasn't adopted?

11 Q No. Was there some reason why they adopted
12 this at one stage and then while they knew there
13 going to be amendments made to it later?

14 A I don't believe so, no.

15 Q Do you have any opinion as to why they adopted
16 it when they did?

17 A No.

18 Q There were approximately, at least seventeen
19 perhaps nineteen or twenty amendments proposed for

20 the Ordinance before its adoption, were there not?

21 A I didn't count them.

22 Well, isn't it so that these seventeen to twenty
23 amendments were already under consideration before the
24 Ordinance was adopted in April 1973?

25 A I believe that's correct.

1 Q My question is, why did the Planning Board
2 feel it had to adopt the Ordinance when they did,
3 [REDACTED] waiting and incorporating the amendments
4 into the Ordinance before adoption?

5 A If I recall correctly, the reason it was done
6 that way is because it actually didn't make any
7 difference whether you adopted with all the amendments
8 or adopted it and had the amendments. The old one was
9 adopted seven or eight or nine times.

10 Q That would be after the adoption of the Ordinance
11 that there were amendments suggested.

12 A Yes.

13 Q But these amendments had been suggested, because
14 it was formally adopted.

15 A They had been considered.

16 Q Why couldn't they be considered before the
17 Ordinance had been adopted and then be incorporated
18 into it?

19 A Beats me.

20 [REDACTED] the Alan Dean suit, the pendency of the
21 [REDACTED] suit have any bearing upon this?

22 A Yes, because they withdrew their suit, and under
23 the new Ordinance they started it up again, re-sued.

24 Q Do you know anything about the reason why they
25 re-sued?

1 A Except maybe they wanted certain types of
2 housing and we hadn't gotten around that far yet and
they were to prove their case in court.

3 Q Do you know whether or not the new Zoning Ordinance
4 as adopted was an accommodation in disposing of the
5 Alan Dean suit against the township?
6

7 A I don't know if it was disposed of.

8 Q The Alan Dean suit was terminated before the
9 adoption.

10 A It was terminated, but it was restarted
11 the word is.

12 Q At the time it was terminated --

13 A Frankly, we thought when they terminated
14 suit, we thought they were going to go away.

15 Q That's right, that's what I mean.

16 Was this Ordinance adopted to accommodate them
17 or satisfy them?

18 A No.

19 Q The aims of the Alan Dean suit.

20 the new Ordinance adopted as an accommodation
21 for the request of AT&T to rezone?
22

23 A None whatsoever.

24 Q Excuse me? A None.

25 Q Is it your testimony, then, that neither the

1 Alan Dean suit nor the AT&T application, had any effect
2 upon the adoption of the new Zoning Ordinance?

3 A I don't think it did.

4 Q What is your opinion as to the effect of the new
5 Ordinance on Bedminster Township, a, as to property
6 values, b, as to population increase, c, as to whether
7 it will change from rural or urban?

8 A Population -- pardon me. The property values
9 are certainly going up. Population, so far as the
10 population is concerned, I doubt that it doubled,
11 even if Alan Dean's unit goes through. And the
12 question was?

13 Q As to the character.

14 A The character?

15 Q Yeah.

16 A I don't think it's going to change very much,
17 I really don't.

18 Q You don't think it's going to change from
19 rural to urban?

20 A Well, what do you mean by urban?

21 Q You mean balloon from 2,600 people to 15,000,
22 I don't believe that. I don't think you're ever gonna
23 see seven or eight thousand people in this township,
24 unless the public wants it, or the courts want it.

25 Q Mr. Agle is your planning consultant.

1 A That's correct.

2 Q How long has he been such for the township?

3 A I, over six years that I know about. I
4 don't know how many years prior.

5 Q Did any other -- were there any other consultants
6 that the Planning Board consulted regarding this proposed
7 new Ordinance?

8 A Not that I know of.

9 Q Mr. Agle was the only one.

10 A Yes.

11 Q And it was Mr. Agle's recommendation that
12 type of Ordinance had worked in Princeton.

13 A And I believe he also --

14 Q And felt it would work here?

15 A And I also think he said Summit, New Jersey. I
16 believe he had something to do with that.

17 Q From whom did you get that information?

18 A Mr. Agle.

19 Q As to the increase in land values, was there an
20 presented to the Planning Board as to what effect
21 the Ordinance would have on land values?

22 I think somebody said that the land values would
23 go down -- no, no, go way up. I forgot which way it
24 was now.

25 There was a lot of laughing about that one, I

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remember that.

I forget which way it was stated, whether the
line would go soaring or go way down. There
was a lot of laughter in the room at that particular
point.

Q Do you know who gave the opinion?

A I don't recall who it was.

Q Was it the expert, Mr. Agle?

A It could have been -- yes, it was.

Q It was Mr. Agle.

A Yeah, it was Mr. Agle.

Q And was this given early in the consideration
like November of '72, or later on, January, February
1973?

A If I recall, I think he made the same statement
a couple of times, but I don't know the date.

Q Can you recall which way it was, whether it was
substantially upward or substantially downward?

A No, I don't.

MR. STRONG: That's all.

MR. ENGLISH: No questions.

(Whereupon, depositions adjourned
for lunch at 1:10 p.m.)

(After lunch recess at 2:15 p.m.)

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R I C K F I E L D , sworn.

DIRECT EXAMINATION BY MR. STRONG:

5 Q Where do you reside, sir?

6 A Bedminster, New Jersey.

7 Q Is there a mailing address?

8 A Well, my mailing address is Box 262 Far Hills.

9 Q Is there a particular street or location?

10 A No. The street is Field Road in Bedminster.

11 Q How long have you resided in Bedminster?

12 A Since 1911, before that Far Hills.

13 Q What is the size of your -- how much acreage

14 do you own in Bedminster Township?

15 A I would say about seven and three quarter acres.

16 Q Do you hold any official position in Bedminster?

17 A Only as a member of the Planning Board.

18 Q How long have you been a member?

19 A Since it was formed, I think that was 1946 or '47,

back from the war.

Have been a member steadily since then?

22

23 Q This is as a regular and not as an alternate member.

24 A No, as a regular member.

25 Q Do you own stock in AT&T or any subsidiaries?

1 A No, I do not.

2 Q Have you been a stockholder in there in the
last five to ten years?

3 A I've never owned stock.

5 Q What was your occupation -- I assume you're
6 retired now.

7 A I'm retired. As a matter of fact, I had three
8 careers, if you want to hear about them.

9 Q All right.

10 A I started to work for Clark Thread Company
11 Newark, New Jersey, 1921, and my time off for World War II
12 I had thirty-eight years of active and inactive
13 in the United States Army.

14 I also owned and operated an insurance agency
15 in town here for thirty-three years.

16 Q You don't operate the insurance agency now.

17 A No, I sold that.

18 Q Do you remember when the application was made
19 by AT&T to the Planning Board for rezoning of 111 acres?

20 I can't give you the date.

21 Would it be in the springtime of 1972?

22 A I can't say. My first recollection was,
23 I think, in November of '71, when they had an office.

24 Q That's located here on the main street?

25 A Yes, it was then. I don't know if it is now or not.

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Q When did you first have any contact with AT&T personnel, whether at the office or here at meetings?

A Well, we as members of the Planning Board, and the Township Committee and the Planning Board of Far Hills, and I don't know if we had our environmental committee formed at that time or not, were invited down there to see their mock-up, of what they had to say.

I can't tell you the date, but that's my first recollection of it.

Q Was this in the latter part of '71 or was it after that?

A I would assume it would be probably '72. I had a mock-up there.

Q Was this the proposed construction that they were going to build in Bedminster?

A Roughly, I believe so.

Q Do you know how many employees they project for this? I presume you're talking about their national headquarters.

mean the Long Lines?

A I think they started out with around 2,800, and then they said that over a period of maybe two or three years it might go up to 3,000, 3,200.

Q Did the figure ever reach 3,700 that they projected?

1 A I don't recall ever hearing that.

2 Q What type of a meeting was this when they
3 [REDACTED] projected plans that you speak of as the
4 [REDACTED] the proposed construction?

5 A Well, at that meeting, they had their own
6 specialists, in different fields, ecology and sewage
7 and water and so on and so forth, so each one held forth
8 and explained what they had in mind for AT&T if they
9 went ahead and built it. A briefing, sort of.

10 Q There were experts in these various fields
11 and each one expounded in his area?

12 A Yes.

13 Q How many different areas were there that were
14 covered, three, four, five?

15 A I would say probably six.

16 Q Did the Planning Board have its expert there, your
17 own expert?

18 A I don't recall if Charlie Agle was there or not.

19 Q What was the result of the meeting?

20 [REDACTED], it was just a briefing to familiarize the
21 [REDACTED] the different committees with what AT&T had

22 [REDACTED]

23 Q When that meeting was held, had AT&T made an
24 application yet?

25 A I don't recall.

1 Q Was there some proceeding taken after that
2 meeting, like an application or a letter which has
[REDACTED] of, to the Planning Board by AT&T?

3 [REDACTED], there was a public meeting in the Bedminster
4 School, I don't recall when that was, but I think probably
5 you were there at the public meeting where AT&T representatives
6 spoke at that time.
7

8 Q Was this in 1972?

9 A Yes, I think probably it would be, because this
10 is '73.

11 Q Well, I don't recall attending the public
12 of AT&T in '72, but the meeting that you attended
13 when they had a mock-up there that you spoke of
14 that a public meeting or was this just with the officials?

15 A I think it was just for the officials of Bedminster
16 Township, and the Planning Board of Far Hills.

17 Q Subsequent to that, was there a public meeting
18 when any representatives of AT&T attended and presented
19 their plans? This is the Planning Board.

20 [REDACTED] recall that they attended a meeting of the
21 [REDACTED] board, but I can't tell you when, and I don't
22 [REDACTED] exactly what was discussed.

23 Q Were you on any committee to consider the
24 application of AT&T for a rezoning of its acreage?

25 A No. The only committee that I was temporarily on

1 was the new one set up for the environmental impact.

2 Q For the what?
[REDACTED] environmental impact.

3 [REDACTED] it was the Ordinance adopted in December of
4
5 '72?

6 A Yes, but I'm not on it now.

7 Q At the time the Planning Board was considering
8 the proposed new Ordinance, did Mr. Agie or anyone
9 else express an opinion as to the effect upon the
10 population of Bedminster? If the rezoning of [REDACTED]
11 was adopted.

12 A I wouldn't say that he did or he didn't. [REDACTED]
13 think it was in the minds of probably all of the members
14 of what the impact might be.

15 Q And what was -- can you recall whether it would
16 reflect an increase or a decrease in population?

17 A We assumed it would be an increase in population.

18 Q Can you state whether it would be a substanti-
19 increase?

20 [REDACTED] are you just talking about AT&T
21 [REDACTED] at Alan Dean?

22 Q I'm talking about AT&T.

23 A I think it was explained that a certain
24 a very high percentage of the employees would
25 outside of the Township of Bedminster, and the

the original copy is retained

1 that might come from within the town would be some
2 clerical help or secretarial or something like that.

3 [REDACTED] question was, was there a projection if this
4 [REDACTED] if granted, would have upon the population,
5 and if so, what projection was made?

6 A In regards to affecting Bedminster?

7 Q That's right.

8 A I can't quote you exact figures, but I thought
9 probably it might be in the neighborhood of three or
10 four hundred.

11 Q Of what?

12 A Three or four hundred.

13 Q Well, wasn't there a projected population
14 increase stated at one of the meetings, that it
15 would increase to 90,000?

16 A Oh, Lord.

17 Q Excuse me?

18 A No, I don't recall anything like that.

19 Q Did Mr. Agle give an estimate as to the population

20 [REDACTED] think he might have given an estimate of an
21 increase to 18,000 by the year 2,000. 18,000 sticks
22 in my mind.

23
24 Q Was it your opinion that this approval of AT&T
25 would or would not increase the population to any appreciable

1 extent?

2 A Well, I think it would increase it a bit.

3 Q What area? Five, six, ten thousand or what?

4 A No, no, heaven's no.

5 People couldn't afford to buy the land to live
6 here. There's a percentage of unemployment that surrounds
7 Bedminster Township, Plainfield, Morristown, and a
8 good many of the employees come from those areas.

9 Q Well, did you have in mind a projected increase,
10 and if so, to what extent did you think this approval
11 would affect the population?

12 A To live here?

13 Q If AT&T came in here, on the rezoning and if they
14 built their national headquarters, what effect, in
15 your opinion, would it have had on the population?

16 A That live in Bedminster?

17 Q Yes. Would it increase the population?

18 A Yes, I think probably it would.

19 Q To what figure?

20 [REDACTED] be two or three hundred, like Research Cottrel.

21 [REDACTED] this enter into your decision on on the
22 [REDACTED]?

23 A I think you have to take those things into
24 consideration.

25 Q Were you one of the majority voting for approval

1 of the AT& T application?

2 A Yes, I was.

3 Q [REDACTED] there a projection made upon the value this
4 [REDACTED] approval would have -- let me withdraw that and rephrase
5 it.

6 Was there a projection made as to what AT&T's
7 approval would do to the value of real estate in
8 Bedminster?

9 A There was, but I can't tell you offhand, because
10 you're talking about their taxable rate, what [REDACTED]
11 that would have upon our tax rate as a whole.

12 Q I'm talking about whether the approval [REDACTED]
13 would increase land values in Bedminster. I'm [REDACTED]
14 talking about the tax rate.

15 A I don't see why they should.

16 Q Was it your opinion that this approval and the
17 building of this headquarters by AT&T would not
18 particularly affect property values in Bedminster?

19 A I don't see why it should.

20 [REDACTED] that enter into your decision to vote in
21 [REDACTED] knowing AT&T built?

22 A [REDACTED]
23 Q The fact that it did not affect land values
24 did not enter into your decision.

25 A No, because knowing the price of land in Bedminster,

1 Q And what opinion was arrived at regarding
2 the petitions?

3 A I believe that we had another meeting open to
4 the public to further explain the amendments. I don't
5 know if that was held here or in the school.

6 Q We're talking about an amendment to the Zoning
7 Ordinance. I'm not referring to the amendments to
8 the new Ordinance in 1973, I'm talking about the amendment

9 MR. ENGLISH: You are not talking
10 about the new Zoning Ordinance.

11 Q No, I'm talking about the amendment for AT&T
12 when the petitions were signed and filed with the
13 Planning Board.

14 Did you take into account the fact that there
15 were approximately 700 signatures on those petitions?

16 A Yes, I realized there was.

17 Q From your knowledge, if you were aware of it,
18 do you know that that is a figure in excess -- a figure
19 of half the number of voters in Bedminster?

20 A Well, it would be, yes.

21 Q Did that enter into your decision on your vote
22 upon the proposed amendment?

23 A No, it did not enter in my decision, because I
24 felt and found out later that some people weren't
25 fully aware of the circumstances and it was a matter that

1 they signed, because they wanted it to be brought out
2 on the discussion floor.

3 When you say they were not fully aware of the
4 circumstances, what circumstances are these, Mr. Field?

5 A Well, I can't enumerate them, but there are
6 several people that were on the fence, so we felt they
7 wanted to hear more about the situation and were willing
8 to sign the petition.

9 Q Did you have an opinion as to what effect approval
10 of AT&T's application would have upon the tax rate in
11 Bedminster?

12 A I felt it would lower the tax rate.

13 Q Are you talking on a short range project
14 a longer range projection?

15 A Both.

16 Q Both. Did you consider whether the adoption of
17 this amendment would require increased municipal services?

18 A Yes, we discussed that.

19 Q And what was the opinion as to what it would do?

20 , as I recall from discussion with the AT&T

21 tives, they wouldn't require any services.

22 other words, they would have their own fire
23 department, their own security department, and their
24 own water supply and electric, and I don't think that
25 they planned to make any demands on the town at all, unless

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something could be worked out in the sewerage system.

Q Did you in substance, then, agree with AT&T's statement that there would be no increase in municipal services required?

A Yes, I agreed. As a matter of fact, I'm sure it included traffic, too.

Q Was there a discussion about sewage disposal with AT&T?

A There was, but I'm not familiar with that, because that was, I believe, turned over to our Board of Health.

Q Well, as a part of their request for approval, and in line with their stating that they would require no new municipal services, did they state that they would construct sewage disposal facilities?

A I can't answer that, because that was a matter for the Board of Health, and also whether or not they could tie in with Bridgewater trunkline or have their own separate system or tie their system in with Bedminster, with Bedminster and Far Hills.

possibilities, but that was in the hands of the Board of Health.

Q Is it your recollection, then, that AT&T made no representation to the Planning Board about sewage disposal?

1 A That I can't answer, I don't know.

2 Q But you do not recollect any such representation
being made.

3 A No, I do not.

5 Q I'm referring not only to the construction of
6 sewage facilities, but I'm referring to contributing
7 to a certain amount of the cost. Did they suggest anything
8 of that nature?

9 A Not to my belief, because I don't think they got
10 that far along.

11 Q Well, when you say they didn't get that
12 along, the application to amend the Zoning Ordinance
13 was approved by the Planning Board, was it not?

14 A Yes.

15 Q And after its approval by the Planning Board,
16 then there is no further reason for AT&T to make any
17 presentation to the Planning Board.

18 A Well, my recollection is that the matter wasn't
19 definitely settled between the township and AT& T.

20 [REDACTED] not talking about the Township Committee,
21 [REDACTED] about now the Planning Board's phase in this
22 [REDACTED] getting this amendment passed.

23 Once you voted on it, recommended it to the Township
24 Committee that it be approved, there was nothing further
25 AT&T officials would have to present to the Planning Board.

1 A Yes, I think there were.

2 I think, as a matter of fact, they had to come
3 back and tell us if they have definite approval from
4 the Federal Transportation Department -- State Transportation
5 Department, I think that wasn't settled at the time,
6 and that was a matter of working out a sewage plant.

7 Q A sewage plant?

8 A Yes.

9 Then I think the environmental impact was discussed.

10 Q That came later, in December of '72?

11 A Yes, I think so.

12 Q This we're talking about now, isn't it around
13 April, May, June?

14 A Could be.

15 Q When you state they had to get some approval as
16 to sewage disposal, which I presume related to the flood
17 plain, is that right?

18 A Yes, I think that was taken into consideration.

19 Q What then was discussed by them to the Planning
20 what commitments did they make regarding the
21 construction of sewage facilities or what did they
22 contributing to the cost?

23 A Well, I don't recall. I think you'd have to discuss
24 that with the Board of Health. I don't know how far
25 along they went with that.

1 Q Well, I'm just taking your answer --

2 A It's a little out of my field.

3 [REDACTED] speaking of field, I'm just taking your answers,
4 [REDACTED] they did come back with regard to the approval
5 of the state and federal authorities, regarding the
6 road and construction of sewage facilities there, but
7 your statement now is that that was then to the Board
8 of Health and not to the Planning Board.

9 A If it was presented to the Planning Board, it
10 probably was referred by the Planning Board to the
11 of Health. That's why we have a Board of Health [REDACTED]

12 Q So your vote to approve the application of [REDACTED]
13 take into account consideration of the sewage disposal
14 system needed as the result of this new headquarters
15 to be built here.

16 A I don't follow you on that question.

17 (Whereupon, pending question read
18 back by the reporter.)

19 A And the traffic situation too. We needed more
20 [REDACTED] information.

21 [REDACTED] stated that you voted to approve.
22 tentative approval. Tentative approval,
23 if those two matters weren't cleared up --

24 Q Then was your vote to approve subject to their
25 building adequate sewage disposal facilities?

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A Yes, I believe so, and traffic, too, to see whether or not they could get permission from the higher authority.

Q at this point you don't recall -- withdraw that.

A You state there was no discussion, though, as to who was to build these huge facilities or who was to pay for them?

A Well, AT&T was to pay for the road construction.

Q And the sewage facilities?

A That I can't tell you, because if -- they were going to work out something with Bridgewater or Bedminster, I don't know.

Q At any time, did anyone from AT&T, any representative, ever discuss at any Planning Board meeting the subject of sewage disposal facilities, whether it be built by one or another facility or agency or whether it had been paid by one or another body or company?

A I think they said they would be willing to work out something with Bedminster Township.

Q what that was and how far they go, I don't

Q when you say work out something, what do you mean?

A Some sort of plan.

Q Is that all that you recall about it?

A Yes.

1 Q What was your first contact, and when I say you
2 I mean your sitting with the Planning Board, with
3 [REDACTED] of Alan Dean Corporation?

4 [REDACTED], I think my first contact was when I was
5 invited down there to see their display--

6 Q Alan Dean.

7 A Oh, I'm sorry. What was your question again?
8 When was my first contact with Alan Dean?

9 Q That's right.

10 A I can't give you the date, but the first I
11 heard about it was when Mr. Lanigan appeared before
12 the Township Committee.

13 Q He was their attorney?

14 A He was their attorney.

15 MR. ENGLISH: Before the Township
16 Committee?

17 A Planning Board, I'm sorry.

18 Q This was approximately a year before the action
19 on the AT&T application.

20 [REDACTED] as before AT&T.

21 [REDACTED] it's my understanding that then a suit
22 [REDACTED] ted before Alan Dean before a vote was taken.

23 A Yes, I believe so.

24 Q Did anyone from Alan Dean or from any other
25 source that you learned, institute suit before you

1 took a vote?

2 A I think they just felt as though they could
3 come in and ask for an application and they'd be granted,
4 and they certainly didn't present facts to us like AT&T,
5 and I know there was a couple of things we wanted, one
6 was a traffic study, and there was something else, I
7 don't know which one it was now, but they instituted
8 suit before they gave us all the information.

9 Q Was this, in your opinion, because the public
10 attending the meetings were strongly opposed to
11 Dean's application?

12 A I don't think so, Mr. Strong. I think that
13 they just felt that they could come in here and
14 and request and be granted their request.

15 Q Were the people attending the meetings when
16 Alan Dean was under discussion indicate opposition to
17 their application?

18 A I presume there was some, yes, but I can't tell
19 you how many. But the meeting was held in this room,
20 I don't recall how many.

21 [REDACTED] it well attended?
22 [REDACTED] well, I presume so.

23 Q Do you believe the majority was against it or
24 for it?

25 A I don't think there was any display of sentiment
on the floor.

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Q When the Planning Board had under consideration the AT&T application, and I'm talking about the Planning Board, were there many people in attendance?

A When the Planning Board had the AT&T application.

Q That's right. This would be early in '72.

A I think we had a couple of meetings. One was in the school and I think one was here.

And, of course, at the school meeting, I think there were probably around 350, 400 people there.

Q That was in 1973, March of 1973, the school meeting that you're referring to.

A But the one that was here had far less. It can only seat forty or fifty people here.

Q But the school meeting, the 300 or more you refer to was the meeting of March 5, 1973, which was to consider the entire new Zoning Ordinance, isn't that right?

A Could be, yes.

Q There was no public meeting at the school to consider AT&T's application for a rezoning,

MR. ENGLISH: You mean a separate meeting devoted just to that one issue?

Q Yes.

A I don't recall. I think everything came through

1 regular channels here.

2 Q After the Alan Dean suit was instituted and then

3 [REDACTED] Planning Board approved AT&T's application

4 [REDACTED] all acres, these two matters coincided and

5 there was no final action taken by the Township Committee

6 on the Planning Board's recommendation, is that right?

7 A Well, the recommendation went from the Planning

8 Board to the Township Committee, I think, and I don't

9 know if it was held up there or not. I can't tell you.

10 Q Was there a suggestion made at the Planning Board

11 meetings that the Planning Board defer action on

12 application until the Alan Dean suit was determined

13 A I don't recall any.

14 Q Well, was there an opinion expressed by any

15 one of the members in attendance, or Mr. Agle, that the

16 defense of the Alan Dean suit would be in a better

17 position if the AT&T application was deferred until

18 after the suit was disposed of?

19 A I couldn't answer that, because that would be

20 [REDACTED] howlby, I suppose.

21 [REDACTED] were both matters pending, on the one hand

22 [REDACTED] pending in the courts against Bedminster

23 and on the other hand the AT&T application was pending

24 before the Township Committee, coincidentally,

25 In other words, both at the same time, is that right?

1 A Well, of course, the Alan Dean application or
2 situation was quite different than the AT&T.

3 [REDACTED] realize that.

4 [REDACTED] I don't think you can compare one to the
5 other, because the Alan Dean, they wanted to do certain
6 things far more than AT&T. Putting up a motel and --

7 Q My question is, they were both pending at the
8 same time, no final decision on either one?

9 A Could have been.

10 Q Wasn't there a suggestion made that AT&T
11 application should be deferred, delayed, until
12 Alan Dean suit was disposed of?

13 A I don't recall that.

14 Q You don't recall. A No, sir.

15 Q Do you know approximately when it was that the
16 Planning Board took up the consideration of rezoning
17 of the entire township?

18 A The rezoning?

19 Q Of the entire township.

20 [REDACTED] went through that in 1965, I believe. That
21 [REDACTED] the Master Plan was set up.

22 Q In 1965, was the Master Plan adopted for Bedminster?

23 A I think it was. I think it was 1965.

24 Q Was the new Zoning Ordinance adopted at that time?

25 A Well, you're talking about new Zoning Ordinance.

1 You mean these amendments?

2 Q No. I'm just asking you if there was an entire
Ordinance adopted in '65. You said a Master

5 A Yes, Master Plan, I think, was adopted in 1965.

6 Q Correct. But there was not a new Zoning Ordinance
7 adopted.

8 A No, I believe not.

9 Q At whose suggestion was it that the township
10 Planning Board now take up rezoning the entire
11 adopting an entire new Zoning Ordinance?

12 A I don't think that matter has been discussed
13 to rezone the township again.

14 I mean, I think these new amendments that are
15 being proposed --

16 Q I'm talking about a year ago, and I'm talking
17 about the Zoning Ordinance which we now have which
18 was adopted in April '73. Whose suggestion was it that
19 the township adopt a new Zoning Ordinance, which led
adoption in April of '73?

21 , I probably don't follow you, because the
22 I recall are the new amendments that have
23 been proposed to be added to the Zoning Ordinance.

24 Q You're talking about the seventeen to twenty new
25 amendments.

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that Zoning Ordinance?

A Are you talking about AT&T coming in there?

Q I'm talking about the Zoning Ordinance, the former Ordinance, the former Ordinance had five

acre zoning.

A Yes.

Q In your opinion, was there any reason to scrap that Ordinance and to replace it with a new Ordinance?

A There was discussion, because the Governor even came out and made certain statements about setting aside certain areas and certain districts to provide for middle-class or lower-class people, and that came down through channels, and I think some municipalities were sued, which you probably are familiar with, and I think the Governor went so far as to say some of these municipalities that have the high acre zoning better do something about it or the state will step in and dictate to them.

Q Are you aware, though, the Governor's annual 1973, and I'm not certain, but perhaps 1972, the environmental protection of our open land areas?

A Yes. I think that -- I don't recall the instance, but I think he got pretty well interested and involved in the environmental end of it, because they wanted to

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A Yes.

Q But those seventeen to twenty new amendments are amendments to a Zoning Ordinance, right?

A Yes, it would be.

Q Isn't that the Zoning Ordinance that was adopted in April of 1973?

A I don't recall.

Q All right. Do you remember in November 1973 --

MR. ENGLISH: '72.

Q '72, excuse me. November '72 anybody suggesting that there be a new Zoning Ordinance in Bedminster?

A No, I think not.

Q Do you recall whether any of the citizenry or residents of Bedminster, do you recall whether any of them wanted any new Zoning Ordinance?

A I think some of them wanted it left alone, as it was.

Q What is your opinion as to the workability of the five acre Zoning Ordinance which we previously had?

A I think it's a very good idea.

Q In your opinion, was that Ordinance satisfactory to the residents of Bedminster, from all that you heard?

A I think by and large, yes.

Q In your opinion, was there any reason to change that Zoning Ordinance? Or, rather, to repeal it or scrap

1 do something down around Perth Amboy, put in more
2 refineries and so on and so forth, and I think through
3 [REDACTED] that was blocked.

4 Q [REDACTED] message you were aware of before the adoption
5 of any Ordinance in April of 1973.

6 A Well, it must have been a year ago or so that
7 he took action on that. I don't recall the exact details.

8 Q In the Alan Dean suit against Bedminster Township,
9 you recall that Alan Dean was even deferring to set aside
10 the five acre zoning concept.

11 A Yeah, they wanted to break it.

12 Q Yes. In your opinion, was that Ordinance
13 defendable?

14 A You mean on the part of the Planning Board.

15 Q Yes.

16 A Well --

17 Q You as a member of the Planning Board, was it
18 your opinion that it was defendable?

19 A I would think so, because, after all, we had
20 [REDACTED] nce for many, many years, and nobody tried
21 [REDACTED], and there were other areas set aside in

22 [REDACTED]s, a few one acre lots, two acre lots and
23 so on and so forth, and so we thought that the five acres
24 could be defended, yes.

25 Q Was that the opinion of your planning consultant,

1 Mr. Agle, and also fo the township attorney, the
2 Planning Board attorney?

3 [REDACTED] would think so, I would think so, because it
4 [REDACTED] sentiment of the members of the Planning Board.

5 Q You spoke of the adoption of the various amendments
6 to the Zoning Ordinance, seventeen to twenty of them,
7 the way I was characterizing them, because I'm not
8 certain of exactly how many there were.

9 Why were those amendments necessary?

10 A I think to correct certain, maybe misunderstandings
11 or maybe loopholes, or so on and so forth. As an
12 illustration, the size of a sign, to spell it out
13 well, I've got -- I have the seventeen suggestions
14 because it was to correct things that had been overlooked
15 in the past.

16 Q At any of the Planning Board meetings between
17 November of '72 and February of '73, did your Planning
18 Board consult with any county planning experts? I'm
19 referring perhaps to Mr. Roche. Do you know Mr. Roche?

20 [REDACTED] I do.

21 [REDACTED] he attend any meetings?

22 [REDACTED] I think he attended one meeting that I recall
23 and then I think a chap by the name of Mr. Larson, I think
24 he attended a meeting, talked about the watershed and so
25 on and so forth, and the county planning and regional
planning.

1 Q Was it their opinion that a new Zoning Ordinance
2 would detrimentally affect the watershed area here in

3 [REDACTED]
4 [REDACTED] think they expressed the thought that this
5 should be a low density area.

6 Q This should be what?

7 A Should be a low density area, because of the
8 watershed.

9 Q Do you know whether the county Master Plan
10 projects Bedminster for a rural area, for several
11 years to come?

12 A I believe so. You say several years, I
13 know. But I think probably it embodies that right now.

14 Q Did Mr. Roche express an opinion as to the effect
15 of this proposed Ordinance?

16 A Well, not as I recall, only that the greater
17 density you have, why, the less watershed you're going
18 to have and the more run-off you're going to have,
19 and greater demand for water, and I think he was very
[REDACTED]ned about that, the same as Larson.

[REDACTED] is your knowledge as to the watershed here
22 in Bedminster? In what areas is the water in Bedminster
23 used? Is it Central Jersey, Somerville area or any
24 other areas?

25 A I think it feeds into the Raritan.

1 Q Yes, but is the water drawn from this area, this
2 watershed, and does this area supply the water for other
3 areas of our state?

4 A Yes, I believe so.

5 Q And do you know what areas?

6 A I know this is tied in with Elizabethtown
7 Water Company.

8 Q Do you have any knowledge as to why the township
9 officials, and I'm talking about Planning Board members
10 and the Township Committee members, changed their course,
11 so to speak, and took up adoption of the new Zoning
12 Ordinance in Bedminster rather than an amendment to the
13 Zoning Ordinance for AT&T to come in here?

14 A No, I don't think I follow you on that
15 question.

(Whereupon, pending question read
16 back by the reporter.)

17 MR. ENGLISH: I object to the
18 question, because it implies a change
19 of course by the township officials,
20 and there's been no evidence to suggest
21 that any such characterization can correctly
22 be applied.

23 MR. STRONG: Well, I don't agree
24 with your objection, Mr. English, but,
25

1 however, I will rephrase the question.

2 Q Mr. Field, the application of AT&T to rezone 111
3 acres of R and O zone, was it ever finally adopted by
4 the Township Committee?

5 A I believe it was. Now, to go back, that area
6 was one time zoned for R and O, or R and D. When
7 the zoning was reviewed.

8 And then it was decided to change it back to
9 five acres.

10 Q That was done when, in 1970, approximately?

11 A I don't recall the date. But I know that
12 we had two or three areas in Bedminster Township that
13 were set aside specifically for R and D and R and O,
14 because they were more or less isolated and I think
15 the thinking was that -- well, take where AT&T is
16 right now.

17 Supposing -- Supposing -- you talk about 111 acres.
18 Supposing twenty houses went up there. You'd have to bus
19 those children to Far Hills.

 that enter into your consideration?

 , I thought of that. We haven't actually
22 discussed that, but, I mean, that was my personal thinking.

23 Q With regard to the reason why you voted for it?

24 A Well, originally we voted for R and O; and we
25 thought that would be a good location for some high type

1 business, non-manufacturing, research, office and so on.

2 Q When was that?

3 A [REDACTED] was when the Master Plan was set up in '65.

4 [REDACTED] there was another area that was set up south
5 of Pluckemin between 78 and Chambers Brook.

6 Q It was, though, rezoned back to residential after --

7 A Yes.

8 Q Did you vote in favor of rezoning it back to residential

9 A I don't think I did, I don't think I did, because

10 as I pointed out the school problem that could
11 going into another municipality, the roads and [REDACTED]

12 Q Do you know any reason why the Planning
13 considered adopting a new Zoning Ordinance?

14 A No, I don't know of any reason why there should
15 be a total revision of the Zoning Ordinance. There
16 are some very strong points there.

17 Q Was the Zoning Ordinance revised?

18 A You say ~~was~~ it?

19 Q Was the Zoning Ordinance revised?

20 [REDACTED], we had the Master Plan in '65, that would
21 [REDACTED] old Ordinance.

22 Q [REDACTED] question is, was there a new Zoning Ordinance
23 adopted in Bedminster after that?

24 A I don't recall of any.

25 Q Not in recent years?

1 A Well, the only thing I recall, like these
2 amendments.



seventeen to twenty amendments.

5 MR. STRONG: No further questions.

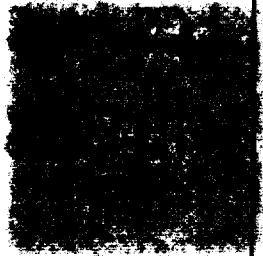
6 MR. ENGLISH: I have no questions.

7 MR. STRONG: One last question.

8 BY MR. STRONG:

9 Q How old are you, Mr. Field?

10 A Seventy.



11 MR. STRONG: That's all.

12

13

14

15 T H O M A S V A V R E K, sworn.

16 DIRECT EXAMINATION BY MR. STRONG:

17 Q Where do you live?

18 A Old Dutch Road.

19 Q How long have you been a resident of Bedminster?
will be six years this December.



are you employed?

22 A Banker's Trust Company, New York City.

23 Q You are a daily commuter?

24 A That's correct.

25 Q What is your capacity?

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A I'm assistant vice-president, Government Securities Department.

Q Are your duties limited to Government Securities

A Government Securities and money market insurance. I don't get involved with the lending area or the trust investment area, just involved with the bank's own trading position.

Q Banker's Trust, this particular department of it, handle financing of American Tel and Tel?

A No, we are not allowed to under the law.

Q As a matter of curiosity, how does the law apply to it?

A The Glass-Steegle Act of 1933 separated commercial banking from investment banking. Prior to that, commercial banks could underwrite corporate debt, underwrite common stock.

In 1933 when this law was passed, the commercial banks were limited to financing, treasury obligations and obligations of states and municipalities only.

Q In any capacity, whether Banker's Trust or any other, where, do you handle any financing for AT&T or any subsidiaries?

A None. Not to my knowledge.

Q Are you a stockholder of American Tel and Tel or

1 any subsidiary?

2 A I am not directly, no.

[REDACTED] you indirectly?

[REDACTED] My wife is a stockholder.

5 Q To what extent?

6 A Not very large.

7 Q Under a hundred shares?

8 A Yes.

9 Q Do you hold an official position in Bedminster?

10 A Can you define official? I hold an appoint

11 position in Bedminster. Is that what you mean?

12 Q Yes.

13 A Yes, I'm a member of the Planning Board.

14 Q For how long have you been a member?

15 A Good question. I think it's about three years.

16 Q Are you a regular member as distinguished from an
17 alternate?

18 A Yes.

19 Q Were you an alternate before you were a regular?

[REDACTED] I was an alternate for about two years, I'd

22 [REDACTED] became a regular approximately when?

23 A When did Sam Martin die? I think I replaced --

24 Q August of '72.

25 A Then shortly thereafter. I'm filling out the

1 did you have any other consultants?

2 A Now you're talking about when the AT&T Long
[REDACTED] proposal was first brought before us.

3 [REDACTED]'s right.

5 A At that time, to the best of my knowledge, no.

6 Q What was the projection, first of all, to population
7 increase?

8 A Under what zoning?

9 Q AT&T's application to rezone, which was in the
10 spring or summer of 1972.

11 A I'm sure the exact figures on that are on
12 the minutes of our meeting, but on the top of my head
13 I couldn't tell you.

14 Q You remember a projection was given?

15 A Not absolutely. I recall conversations concerning
16 population and what effect certain changes in the township
17 would cause in population, but specifics I don't recall.

18 Q Is it your recollection that it was substantial
19 increase projected?

20 [REDACTED] this again is --

21 [REDACTED]'s application.

22 [REDACTED] proposal.

23 Q Not talking about the new Zoning Ordinance.

24 A Just the impact of AT&T.

25 Q Yes.

1 duration of Sam's term.

2 Q As an alternate, were you an alternate to a
3 specific member of the Planning Board or just an alternate
4 generally? How did this work?

5 A I was an alternate Class 4, and [REDACTED]
6 sure how it worked. I think I was an [REDACTED]
7 two regular members of the board. I [REDACTED]
8 another alternate Class 4, which again had two other
9 regular members of the board.

10 Q When AT&T was applying for approval, applying
11 to the Planning Board for its application to rezone
12 111 acres to R and O zone, was there a projection
13 given at any meeting as to a, the effect upon population,
14 the effect upon property values, c, effect upon
15 the character of the township?

16 Yes, I believe there was. I don't recall directly
17 what the conversation was, but we had Mr. Agle's advice
18 and Mr. Bowlby's advice.

19 Q Mr. Agle is the township consultant, the planning
20 consultant?

21 A He's the planning consultant, that's correct.

22 Q And Mr. Bowlby is --

23 A The township counsel. Or Planning Board counsel,
24 I guess. [REDACTED]

25 Q Before going to the answers specifically on those,

1 A Not massively, no, the way I recall it.

2 Q You say not massively. Can you remember any
3 figure? A five, ten thousand or whatever?

4 A The township under its old Ordinance, I think we
5 were looking forward to something like, over a period
6 of time, under the old Ordinance, don't recall me to this,
7 but I think the figure of twelve, thousand was
8 mentioned, long-term, and we didn't -- well, I don't
9 think the figure that was mentioned at that point was
10 much higher than that.

11 Q The present population is approximately 2,500,
12 is it?

13 A I believe so.

Was there a projection given as to the effect
upon property values?

I don't believe so.

17 Was there a projection given as to whether there
18 would be a change in character of Bedminster from rural
19 to any other character?

20 A I don't know if it was a projection. I'm sure
21 there was conversation. But as far as, you know, it's
22 very difficult to put a number on character. Character
23 is an esthetic term.

24 Q Well, I'm using the term character, but I mean,
25 would it change from rural to urban as a result of this

1 application? Was that mentioned?

2 A I think possibility of such a thing happening
3 was mentioned, but --

4 Q Was there an opinion that it would change from
5 rural?

6 A Well, it's changing every day.

7 Q Well, I know that. I realize
8 saying that this would, I hope I'm using the right term,
9 precipitate it or hasten it to a different character
10 from rural.

11 A Well, again, I don't remember exactly, but I
12 don't think the feeling was that it would accelerate it
13 dramatically.

14 Q Did you vote in favor of AT&T's application for
15 rezoning?

16 A I beg your pardon?

17 Q To R and O.

18 A Did --

19 Q Did you vote in favor of their application?

20 A I voted in favor of the land under consideration
21 being made R and O, because that's how it had been on
22 our Master Plan.

23 Q The Master Plan you refer to is --

24 A This was the old Master Plan.

25 Q 1965?

1 A '65, '64, somewhere in there. And in my own mind,
2 I felt that this should be R and O. There's not much
3 else you can do with the land down there.

4 Q Was there any reason why you felt it should be
5 R and O?

6 A Well, mainly just the nature of [REDACTED]
7 location of the land. It just seemed [REDACTED] should
8 do nothing else with it there, based on my knowledge of
9 what sits in that part of town.

10 Q Well, was your opinion that it should be changed
11 to R and O precipitated by AT&T's application or had you
12 intended to do it anyway?

13 A AT&T had nothing to do with it.

14 Q Are you stating, then, that you felt that this
15 should be rezoned to R and O strictly on your own opinion,
16 and that it was not brought about by the application of
17 AT&T?

18 A That's right.

19 Q The application of AT&T had no effect whatever
20 upon your vote to make it R and O.

21 A No. In my own mind, it had been on the Master
22 Plan as R and O and it was taken off the Master Plan,
23 and I always thought it should have been on, [REDACTED]
24 to be on the plan.

25 Q Were you on the Planning Board in 1965 when the

1 Master Plan was adopted?

2 A No, I wasn't.

3 Q It was rezoned to residential at some point after
4 1965?

5 A It wasn't rezoned. The Master
6 You're confusing the Master Plan with [REDACTED] nce.
7 The Master Plan was the plan o [REDACTED]
8 happen down the road direction.

9 Q Was there a change in the Master Plan for this
10 area, this 111 acres we're talking about.

11 A I think the area you're talking about was included
12 in the change.

13 Q Was included in the change.

14 A Yes.

15 Q When was the change made?

16 A I don't really remember.

17 Q Was it made to residential?

18 A I think it was.

19 Q Now, we're talking about the Master Plan. What
20 about the Zoning Ordinance of Bedminster itself? The AT&T
21 application was to rezone to R and O, and that would
22 be from residential, is that correct?

23 A Yes, that's right.

24 Q When had it been zoned residential? We're talking
25 about the 111 acres or so.

1 A To my knowledge, it always had been zoned
2 residential.

3 Q When the Planning Board -- or rather the Master
4 Plan was adopted in approximately '65, were you on the
5 Planning Board?

6 A You asked me that question and [REDACTED]

7 Q Did you attend a meeting at the [REDACTED] office
8 on Main Street, Bedminster, and be shown their mock-up
9 of the building they were going to erect?

10 A Yes.

11 Q Do you remember when that was?

12 A I know I was there, but I can't give you the
13 dates.

14 Q They opened their offices approximately November 1971.
15 Would that be about right?

16 A Yes.

17 Q What was your first contact with AT&T's representatives?

18 A My first contact, as I recall, was, it was on
19 the agenda of the Planning Board.

20 Q Or was it attending the meeting first, at AT&T's
21 offices?

22 A I'm not absolutely sure, but it seemed to me that
23 it came up at a regular point in the meeting.

24 Q Who were the gentlemen representing AT&T?

25 A Mr. Huff is the only one I remember.

Q Mr. Pierce?

1 A I might have shook his hand or something.

2 Q Do you remember when it was that they appeared
3 at the Planning Board meeting?

4 A Not the exact date.

5 Q Was it sometime in the spring of 1972
6 remember?

7 A I honestly do not know.

8 Q What was your opinion of the previous Zoning
9 Ordinance in Bedminster? I'm talking about what's
10 commonly known as the five acre Zoning Ordinance, as
11 to its workability, it'd defendability?

12 A Well, I'm not a lawyer, and I'm not a builder.

13 Q But, you're a Planning Board member.

A Well, I'm a Planning Board member, true.

You know, it was a concept that I think is
beginning to be outlived by realities, you know, the
17 modern age.

18 Q Did you have an opinion as to whether it could be
19 defended or had you heard an opinion given as to whether
20 it could be defended in a court action of Alan Dean?
21 Defended successfully.

22 A I'd say no to both sections of the question. I
23 don't know whether it could be defended and we wasn't,
24 you know, given an opinion as to whether it could

25 Q Well, did the Planning Board attorney give an

1 opinion to the Planning Board members as to whether he
2 felt the Ordinance could be successfully defended in
3 the suit of Alan Dean?

4 A I believe, yes, our counsel thought, you know,
5 phrased with the proper hedge clauses [REDACTED] chance.

6 Q Could be successfully defended [REDACTED]

7 A I believe so, yes.

8 Q Did you dispute his opinion or did you question
9 it and did you have a different opinion?

10 A I didn't dispute his opinion and not being a
11 lawyer, I, you know --

12 Q But, did you express a moment ago, your opinion
13 that you did not think it could be defended?

14 A I didn't say that. I said I didn't know, my
15 own personal point of view, I thought it was a little
16 outdated.

17 Q In considering the application, first of all of
18 AT&T to rezone, did the Planning Board have before it the
19 petitions opposing it, signed by some 700 citizens?

20 A Was that petition presented to either the
21 Chairman of the Planning Board or to the secretary?

22 Q Yes.

23 A Then it was in front of us, yes, [REDACTED]

24 Q Did you take into account the [REDACTED]
25 signatures opposing it?

1 A I'm sure we did.

2 Q What was done with regard to the petitions? Did
3 you feel that this should be adopted in view of the
4 attitude expressed in the petitions?

5 A I really don't recall. I'm sure [REDACTED]
6 weight to the attitude displayed in the [REDACTED]

7 Q Well, was it your opinion that [REDACTED] is
8 total figure represented a total greater than one half
9 of the registered voters in Bedminster?

10 A Yes.

11 Q And you still voted for the application.

12 A Well, you're not supposed to, from what I'm
13 told, you're not supposed to plan by referendum.

14 Q And that was going to be my next question.

15 Was there a suggestion to be a referendum held
16 on this application?

17 A Not to my knowledge.

18 Q When did the Planning Board first commence
19 consideration of the new Zoning Ordinance in Bedminster?

20 A I think it was around -- I'm not really sure.
21 Mid-November '72.

22 Q '72. A I think it was '72.

23 Q What instigated it?

24 A Well, a lot of things, I suppose [REDACTED]

25 Q Can you name some?

1 A Well, I don't know what the new real catalyst
2 was, but it just seemed to be the time to start looking
3 at something like this.

4 We've had our professional advisers bringing it
5 up as food for thought, and I think it [REDACTED] been
6 from there.

7 Q Well, in your opinion, it's an [REDACTED]
8 to prepare an entirely new Zoning Ordinance for an
9 entire community, is it not?

10 A True, true.

11 Q And what, in your opinion, was the motivating
12 cause of considering the new Ordinance?

13 A Well, I really don't know. This started at
14 the chairman's level or some other --

15 Q You know, then whether it was the chairman or the
16 planning expert or who first brought it up?

17 A No, I think it was probably, you know, a consensus,
18 several conversations.

19 Q Was there pressure from residents of Bedminster for
20 a Zoning Ordinance, new Zoning Ordinance?

21 A Not to my knowledge.

22 Q And as far as you can recall, there was nobody in
23 the township, and I'm talking about the average layman,
24 requesting that the Ordinance be scrapped, former
25 Ordinance be eliminated and this new Zoning Ordinance be
adopted.

1 A No.

2 Q From what area or direction did the concept
3 of this new Ordinance come? Did it come from the
4 planner? Did it come from any other source?

5 A Well, there was a sub-committee
6 the planner and legal counsel. Got to
7 many, many hours deciding what our committee
8 with the help of the planner and the legal man.

9 Put the whole thing together over some time.

10 Q Were you a member of this committee?

11 A Yes.

12 Q Was the committee appointed by the Planning Board
13 chairman?

14 A Yes.

15 Q When was it appointed?

16 A I can't give you the exact date, but I'd say,
17 again, mid-November '72.

18 Q I believe Mr. Graff was a member with you.

19 A That's correct.

20 Q And Mr. Agle and Mr. Bowlby?

21 A Yes.

22 Q Where did you hold meetings?

23 A At my house, Mr. Graff's house, ~~back at my house,~~
24 Mr. Graff's house.

25 Q These were evening meetings.

1 A Evening meetings or Saturday afternoon, Sunday
2 afternoon.

3 Q Did you have consultants or planners attend your
4 meetings, or was Mr. Agle the planner?

5 A We had Mr. Agle there, and we
6 there, I'd say most every time.

7 Q Did you have any other experts
8 your meetings?

9 A We had the chap from the Upper Raritan Watershed.

10 Q Peter Larson? A That's right.

11 Q This Ordinance as presented, was it modeled on
12 any particular Ordinance?

13 A Well, as anything like this, I'm sure, you know,
lot of it was modeled on something that preceded it,
lot of it we tried to design to our local situation.

Well, do you know of your own knowledge whether
17 it was modeled after any Ordinance in any particular
18 location in New Jersey or elsewhere?

19 A Well, as I said before, a minute ago, it was
20 partially based upon, I think, the ratio concept, I
21 believe, don't hold me to this, is what has been used
22 in New York City for many years.

23 Also been used in smaller towns in New Jersey, the
24 names of which, I'm sorry, escape me.

25 Q Who wrote the Ordinance? Was it written generally

1 by Mr. Bowlby?

2 A The legal terminology was written by Mr. Bowlby.

3 Q The Ordinance was taken up at the meeting of
4 February 1973, at which time it was voted upon, is that
5 right?

6 A What date in February?

7 Q Well, I don't mean to suggest
8 believe it was a meeting of February 26, 1973, does
9 that sound correct?

10 A I can't tell you, because I was in San Juan,
11 Puerto Rico. I left the 25th and I didn't get back
12 until the 10th of March.

13 Q Were you present when the vote was taken, then,
on the Ordinance?

A Yes, I was.

Q If the vote was taken February 26, --

17 A Well, maybe -- let me see. I know I was away
18 the last two or three days of February and the early
19 part of March.

20 Q Well, do you recall, did you or did you not vote
21 on the Planning Board in favor of this Ordinance or
22 against it?

23 A I'm almost sure I voted for it.

24 Q Did you attend a meeting of the Board
25 a vote?

1 A Could you check the file? Six months is a long
2 time ago.

3 Q Well, you didn't vote by proxy or some other way.

4 A No, I know I didn't do that.

5 (Discussion off t

6 (After discussion

7 Q Did the pendency of the Alan D
8 pendency of the AT&T application still before the
9 Township Committee bring about consideration of a
10 new Zoning Ordinance for Bedminster? Do you know if
11 they were the motivating causes?

12 A No, I don't.

13 Q In your opinion, did you feel those two matters,
14 or did they in your opinion cause you to feel that the
15 township should be rezoned in its entirety?

16 A No.

17 Q Did the fact that the Alan Dean suit was pending
18 and that the AT&T application was still before the
19 Township Committee for final decision have any bearing
20 on your willingness to adopt a new Zoning Ordinance?

21 A No.

22 Q You don't think so?

23 A No.

24 Q Was there any request by citizens
25 walk of life in Bedminster to have the new Ordinance

1 in Bedminster?

2 A Not that I saw.

3 Q Was the reason, then, I believe you stated a
4 while ago, that you felt the five acre concept was
5 losing favor, or what was it?

6 A Well, being a little out of date
7 the new concept was a little more real

8 Q I'm referring now to the new Zoning Ordinance,
9 which was adopted in April 1973. What, in your opinion,
10 effect will that have on population growth in Bedminster?

11 A Compared to what?

12 Q Well, in your opinion, will it decelerate or
13 accelerate population growth in Bedminster, over what
the normal would be? And I don't know what the normal
would be. I'm asking, generally, your opinion.

14 Do you think it would bring about a population
15 increase?

16 A I don't think it will.

17 Q Did you receive a report from Mr. Douglas Mc Elroy
18 of Bernardsville, at any time, in the last year as to
19 population growth in Bedminster?

20 A We received a lot of things during the last year.
21 I suppose if it were sent through normal channels I
22 received it and read it.

23 Q And do you remember a projection for population
24
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A Yes.

Q Was a suggestion made at the Planning Board meetings that the approval was too hasty, that there should be a delay of further consideration?

A I don't recall.

Q Do you know whether Mr. Elliot member of the Planning Board, requested that more time be taken before adoption of the Ordinance?

A I know Mr. Haller's feelings on the thing, but in answer to your question, I don't know.

Q Do you know whether before the vote was taken at your Planning Board meeting when the proposed new Ordinance was approved, that there were already at least seventeen amendments under consideration, amendments to this Ordinance?

The figure may not be correct. Seventeen or nineteen or twenty.

A I thought something like that came up afterwards, after we got a public response from the initial --

Q There was a public meeting on the Ordinance March 5, 1973, is that right?

A Correct.

Q That was held in the Bedminster School.

A Yes.

Q Had the Planning Board voted in favor of adopting

1 this Ordinance before the March fifth meeting?

2 A You said before that it was the 26th of February,
or was I asking me?

3 Q I'm really asking you, because I can't be sure.

5 A Well, I thought you had the minutes from our
6 meetings.

7 Q Well, I can tell you this. I use that date,
8 because that date was given in prior testimony today.

9 A Okay.

10 Q Do you want the question read?

11 A Yes.

12 (Whereupon, pending questions
13 back by the reporter.)

14 A I believe they had.

15 Q When were these proposed amendments, seventeen
16 or twenty or whatever, first proposed for this Ordinance?

17 A The way I recalled it is, the amendments came
18 from comments from members of the public in attendance
19 at this meeting in early March, and also to the Planning
arrived subsequent to the meeting.

adoption of the Ordinance did not take place
22 until April 1973, is that correct?

23 A I don't know. That was the Township Committee.

24 Q Did the Planning Board members feel that the
25 Ordinance, the new Ordinance must be adopted without

1 incorporating the seventeen amendments into it?

2 A I don't recall. I think it was the Township
3 Committee, but that's just recollection.

4 Q It is a fact, is it not, that the new Ordinance
5 was not -- strike that.

6 It is a fact, isn't it, that the seventeen to
7 twenty amendments to the Ordinance were proposed quite
8 sometime prior to the final adoption of the Ordinance.

9 MR. ENGLISH: Proposed by whom?

10 MR. STRONG: Well, I'll come to that.

11 THE WITNESS: Would you repeat
12 that, please?

13 Q Who proposed the seventeen to twenty or
14 amendments to the new Zoning Ordinance?

15 A Well, as I said, they came about through the
16 Planning Board, in response to statements made by people
17 that attended that meeting, and also by people who had
18 sent letters to the Planning Board.

19 Q Did the Planning Board have these under consideration
20 before the adoption, final adoption of the
21 Ordinance in April 1973?

22 A Yes, they did.

23 Q What, if any, reason was there why the new Zoning
24 Ordinance was not amended before adoption to include the
25 amendments, rather than to have amendments tacked on
afterwards?

1 A There was some legal problem, I believe.

2 Q Do you know what the legal problem was?

3 [REDACTED] I don't.

4 Q [REDACTED], did it have anything to do with publication
5 or anything of this sort?

6 A Well, again --

7 Q Was it your opinion that the Ordinance should be
8 adopted before -- adopted without the amendments
9 incorporated into it?

10 A That was -- you know, that decision was [REDACTED]
11 the Township Committee.

12 Q Is it your opinion that this new Zoning [REDACTED]
13 was adopted as an accommodation for Alan Dean to [REDACTED]
14 its suit or for AT&T to permit it to come into Bedminster?

15 A No.

16 Q Was your vote to approve this new Ordinance in
17 any way based upon consideration of the Alan Dean suit
18 that was pending and that AT&T's application was pending
19 before the committee?

[REDACTED]

MR. STRONG: That's all I have.

MR. ENGLISH: I have no questions.

(Whereupon, depositions adjourned

at 4:10 p.m.)

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25

1 SUPERIOR COURT OF NEW JERSEY
2 LAW DIVISION - SOMERSET COUNTY
3 DOCKET NO. L-277000-72

4 ASSOCIATION OF BEDMINSTER CITIZENS, a)
5 corporation of New Jersey,



6 Plaintiffs, 

7 -vs-

8 TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
9 BEDMINSTER, THE PLANNING BOARD OF THE
10 TOWNSHIP OF BEDMINSTER, and THE TOWNSHIP
11 OF BEDMINSTER, a Municipal corporation,

12 Defendants.)

13 I, RICHARD C. GUINTA, the officer before whom
14 the foregoing depositions were taken, do hereby certify
15 that the witnesses whose testimony appears in the foregoing
16 depositions were duly sworn by me, and that said depositions,
17 are a true record of the testimony given by said witnesses;
18 that I am neither attorney nor counsel for nor related
19 to or employed by any of the parties to the action in
20 which the depositions were taken; and further that I
21 am not financially interested in the action.

22 
23 _____
24 RICHARD C. GUINTA
25 Notary Public and  and
Reporter of the State of New Jersey